



**Emerald Lake Village District**  
**Hillsboro, New Hampshire, 03244**  
**Official Meeting Minutes**

**2008 ELVD Annual Meeting – Friday, April 25, 2008**

To the inhabitants of Emerald Lake Village District, in the town of Hillsboro, in the County of Hillsborough and the State of New Hampshire, who are qualified to vote on District affairs, here follows the 2008 Annual Meeting Minutes.

Voting polls were located at 27 School Street, Hillsboro, NH. Polls opened at 5pm by Moderator William Clement and closed at 7pm. Ballots were counted at 27 School Street. Once counting was completed, voter checklist reconciled, the ballots were sealed, signed and dated by Moderator William Clement and District Clerk Patricia Stefanelli.

Annual Meeting took place at Hillsboro-Deering Elementary School 4 Hillcat Drive, Hillsboro, NH  
Moderator William Clement called the meeting to order at 7:40pm.  
Pledge of Allegiance recited at the request of Karen Booth.  
Meeting rules were read by Moderator William Clement

**Article 1.** To choose one Commissioner for three years, one Commissioner for one year, one Moderator for one year, one Clerk for one year and one Treasurer/Secretary for one year. (To Be Voted On By The Official Ballot)

Election results were read by Moderator William Clement

Commissioner for 3 year term  
Denise DeForest (49) Keith Huber (3) Todd Sirrell (1)

Commissioner for 1 year term  
Troy Cornock (43) Keith Huber (9) Sharon Lindstrom (1)

Treasurer/Secretary for 1 year term  
Susan Hutchinson (46) Keith Huber (2) Sharon Lindstrom (1)

Clerk for 1 year term  
Patricia Stefanelli (50) Keith Huber (1) Sharon Lindstrom (1)

Moderator for 1 year term  
Donald Dwarska (48) Margaret Heatley (1) Otis Muddle (1) William Clement (1) Keith Huber (1) Dick Cullen (1)

**Article 16.** To see if the voters of the Emerald Lake Village District will vote to terminate the existence of the Emerald Lake Village District in accordance with RSA 52:21. (2/3 vote required for passage) **Submitted by petition. (Article 16 DID NOT PASS but instead was amended and will be placed on the Warrant for 2009)**

Keith Huber motioned Article #16 be read first as opposed to the end of the meeting. William Clement asked why. Mr. Huber stated it was his right. Robert Burton seconded the motion. All residents in favor. Patricia Stefanelli asked that those in attendance allow Bud Fitch, Deputy Attorney from the New Hampshire Attorney General's office to speak about the dissolving of the District before deciding to dissolve or not. Request was granted. It was pointed out that Bud Fitch is not a community member. Bud Fitch let the residents know he is not the ELVD's legal counsel. A letter from the ELVD legal counsel pertaining to this matter is available to the residents. He started by reading the statute.

Mr. Fitch stated it would take a 2/3 vote of present legal voters to decide whether or not the dissolution passes or not. He also stated if dissolved all property personal or real would all be subject to taxes, loans and any unpaid bonds would still have to be paid as if we were not dissolved. Property taxes would go up as the state of New Hampshire would now be setting the tax rate and assessments. Any office equipment we may have would have to be sold off to pay our debts. Mr. Fitch posed the question: "Do you want to walk away from the District as it is or do you want to give your local government a year to devise a plan?" If we walk away now without securing water and roads "system" we would all have to devise a plan to maintain our own roads and water. We would have to think of ourselves as neighbors who devise a plan to maintain safe roads for emergency vehicles and our own personal vehicles. At the end of the day the Court system or the State would step in at some point because we can't go without a safe water system but again, they would be setting the tax rates and assessments.

Sue Hutchinson explained that at the Hillsboro Town Meeting it was voted down to take over the Emerald Lake District. Where does this leave us? Bud Fitch stated that legally the town of Hillsboro does not have to take us on if we dissolve. He stated that one option would be to sell our water system to a public utility company as other Village Districts in our same position have done. He doesn't encourage this as it wouldn't be cost effective to us. A special meeting with the Commissioners would take place to discuss the cost of this. There are not many public utility companies out there and our water system is in dire straits.

Virginia Burton pointed out that we are already paying extra taxes for roads and water so what difference would it make if we dissolved or not. Bud Fitch explained that in part the difference is we are now a self government and have a say on how and when the money is spent. If the State or Court takes over it would be a Judge or the State making all the decisions on our road and water systems. Virginia Burton also said that the town always promises to help us out but they never do, it's all talk. Bud Fitch stated it was up to us to judge how the town is cooperating with us. Resident Charles Chapman posed the question that we pay Hillsboro taxes as well as extra District taxes and the town doesn't assist us so shouldn't we get a tax break? Bud Fitch stated it is constitutional for us to pay full tax to the town of Hillsboro. Many residents of Village Districts have asked the same questions.

Cheryl Vera asked how come the town can't contract with Skip Edwards to maintain our roads. Again, Bud Fitch said we have to consider ourselves a separate town. The voters of Hillsboro decide at annual meetings whether these articles to "take us on" pass or not. Mr. Fitch also explained that we as a District vote at these annual meetings as to how much money we allot for water and roads, etc.

Jack O'Neil asked if our water system is an asset would it be auctioned off to the highest bidder. Mr. Fitch said he would have to consult someone else to decide if at this point our water system is an asset or a negative.

Jennifer Sheehan asked at what point do you decide the dissolving vote. Is the decision to dissolve or not dissolve decided on tonight at this meeting or at a special meeting in the future. Bud Fitch said at this meeting we could motion to amend this article as long as no money was spent. He also stated it would be a good idea for a plan to be devised as to how we plan on improving the roads and water systems. He said the 2009 annual meeting would be a good time. It would give the residents and Commissioners a chance to do the necessary research. Resident Tina Petrigni asked if Bud Fitch could read the letter from our legal counsel. Bud Fitch read the letter by Justin Richardson the Emerald Lake Village Districts lawyer.

Resident Tom Harvey suggested we amend this article for further discussion at a special meeting in the future. Robert Burton seconded. All in favor. Motion to amend passed.

Resident Dianne Smith asked the board if they would "drag their feet" on the issue. Mr. Fitch suggested the Commissioners would carry out plans for a special meeting. Charles Chapman suggested a meeting in 90 days. Gail Mahoney asked when we could have a date for the meeting. Commissioner Denise DeForest suggested 1 year would be the time needed to assess the situation. William Clement who has lived in the District for 28 years stated 3 months is out of the question to solve the problems of the District.

Nan McCarthy suggested it's not a good idea to just "grab at something now" to solve the problems. She discussed the Master Plan project and suggested that we wait and see what that brings. Tom Harvey asked for a progress report for the residents. William Clement said if people go to the monthly meetings they can get their updates there. Keith Huber asked why we were still discussing this issue as a motion to amend it was already voted on. William Clement said he would like to move on.

**Article 2.** To see if the Village District will vote to raise and appropriate the sum of **Two Hundred Thirty Thousand Dollars (\$230,000)** to design, engineer, and construct a replacement bridge at the outflow of Gould Pond for Emerald Drive, and to reconstruct and improve the dam at the same location to safely allow the level of the pond to be controlled; and to borrow in the name of the municipality by issuance of serial notes or bonds, in accordance with the provisions of the Municipal Finance Act (RSA Chapter 33), a sum not to exceed \$192,100 for the purpose of defraying the costs of the foregoing, and to authorize the municipal officials to issue and negotiate such bonds or notes and to determine the rate of interest thereon, and authorize the receipt and expenditure of federal grants in the amount of \$37,900.  
**(Article 2 PASSED)**

This article was a ballot vote. Bud Fitch explained when an article includes a substantial amount of money a ballot vote is required. The law requires the vote to be open for 1 hour.

Sharon Lindstrom asked who the other bidders were on this project besides Lexington Excavation. Commissioner Bob Hutchinson said Miche Corporation came in with a bid of \$425,000.00. Kathy McFarland wanted to clarify the statement that we can get the bridge fixed for \$38,420.00. William Clement and Bob Hutchinson both answered yes. The voting results were read 1 hour later. 42-Yes. 14-No.

**Article 3.** To see if the Village District will vote to raise and appropriate the sum of **Eighty Thousand Dollars (\$80,000)** to construct a water system control building to house controls, communications, flow meters and for pump testing and other work necessary for approval of Patten Hill well # 11, as required by the New Hampshire Departmental Department of Environmental Services, by authorizing the issuance of not more than \$80,000 of bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA Chapter 33) and to authorize the Commissioners and Treasurer to issue and negotiate such bonds or notes and to determine the rate of interest thereon.”  
**(Article 3 PASSED)**

Commissioner Bob Hutchinson asked that Bob Mann from the Department of Environmental services speak on behalf of this issue. Request granted. Mr. Mann discussed the fact that this well was brought in as an emergency well. He explained that this well is not permanently situated and strongly suggested it be done. Resident Barry McFarland asked if this proposal would house all the wells or just this one. Commissioner Bob Hutchinson said it would house all wells. We have 5 wells. Treasurer Sue Hutchinson said some of this money is for the pump test. It is required by the State. If we don't do the pump test the state will close it down. We need this well. We need water especially this summer. Cheryl Vera wanted to know why we need this pump test. She said Paul Sylvia stated it had been done.

William Clement said part of her question could not be answered by this board as we cannot speak for pat boards. Commissioner Bob Hutchinson did explain that the water from this well has 175,000 gallons in a holding tank right now but the water can't be used until the pump test is done. Barry McFarland asked why pump tests costs \$36,000.00. Commissioner Bob Hutchinson requested Paul Sirois from Tata and Howard, (the water treatment engineers) to speak. Request granted. Paul Sirois gave a breakdown of the cost of the pump test. \$16,000.00 for engineering. \$55,000.00 for construction costs. \$10,000.00 for actual pump test work.

Cheryl Vera asked if residents who are electricians and plumbers, could they volunteer their services? William Clement said yes they could. Tricia Stefanelli asked if we did take volunteers are we liable or do we have liability insurance if someone gets hurt. Commissioner Denise DeForest responded that is the reason we would not take volunteers because we are liable for these people.

Voting for this Article took place immediately following the voting for Article# 2. Results were read 1 hour later. Voting results for this Article were as follows. 41-Yes. 6-No.

Jennifer Sheehan asked that article #16 be moved back to the table. Her request reads as follows; I move that we Amend Article 16 to read; The Board of Commissioners shall include in the warrant at the 2009 Annual Meeting articles funding a plan to upgrade the roads and water system to the town of Hillsboro Standards. She explained the Article is asking the Board to give us a plan in writing of how long and how much will it cost to improve the roads and water system. She specified it does not mean they have 1 year to solve the problems but one year to let the residents know their plan. Treasurer Sue Hutchinson the answer to the water question is in Article #7. If it passes you will have your answer.

Barry McFarland explained if you want to have a study of the roads you will need to come up with money and you can't appropriate money for this study unless is voted on at an Annual Meeting. William Clement this was like "beating a dead horse" we have been going through this for years. He said about 8 years ago a price for the study of the roads came in at \$3,000,000. He explained at least 5ft. of personal property would be taken to bring the roads up to state standards. All water lines would have to be replaced as well.

Jennifer Sheehan asked if she could do her Warrant Article if money had to be spent. Bud Fitch said she could not as any Article which entails money has to be voted on at an annual meeting. Jennifer Sheehan then stated her article was not asking for money to be spent, just give us a proposed plan. A resident asked William Clement to read Jennifer Sheehan's article. Article was read by William Clement. A vote was taken and the Article was amended. It will appear on the 2009 Warrant Article report as rewritten.

**Article 4.** To hear the reports of the Village District Officers, Auditors, Agents, Committees or other officers heretofore chosen or appointed; or to take any other action in relation thereto. **Majority vote required.**  
**(Article 4 PASSED)**

Commissioner Bob Hutchinson let people know we have had no audits as the books from 2006 to the present are being reconciled at this time. We have no committees right now.

**Article 5.** To see if the Village District will vote to raise and appropriate the sum of **One Hundred and Fifty Four Thousand, Seven Hundred and Eighty Dollars (\$154,780)** for the operating expenses of the district including General Government, Streets, Bridges and Recreation, Debt Service, Operating Transfers Out and all other current expenses of the district. **Majority vote required. Recommended by the Board of Commissioners.**  
**(Article 5 PASSED)**

Keith Huber requested a breakdown of the expenses. Treasurer Sue Hutchinson gave the breakdown.

**Article 6.** To see if the Village District will vote to raise and appropriate the sum of **Two Hundred and sixty-seven Thousand, Seven Hundred and Two Dollars (\$267,702)** for the purpose of operating the Water Department during 2008; said funds to be offset by the income to the Water Department of an equal amount. **Majority vote required. Recommended by the Board of Commissioners.**  
**(Article 6 PASSED)**

Resident Jack O'Neil asked if this amount was to be collected through tax dollars. Commissioner Bob Hutchinson stated it was not. The Department of Revenue has approved the Article as written. Treasurer Sue Hutchinson wanted to let people know we now have two different accounts now. We have a water fund and a general fund. Keith Huber was concerned about a \$91,000,00 difference in the budget. Treasurer Sue Hutchinson explained the difference is because of the \$80,000,00 being appropriated for the water systems control building.

A discussion about whether or not our water bills would be going up in 2009 took place. The water meters were discussed. Depending on how much water you use will determine the cost. Bob Hutchinson explained as of now each household in the District pays \$1.36 a day. Commissioner Denise DeForest discussed the drinking water. The people in the town of Hillsboro are paying an estimated \$500.00 per year and \$200.00 for sewer and they can't drink their water. Debi Flanders stated as a business owner in Henniker she only pays \$170.00 every six months for water. Commissioner Denise DeForest explained every town is different.

Treasurer Sue Hutchinson explained the reason our water is so expensive is because part of the water bill money is going to finding water sources which costs money. We are trying to find a community well. Our water treatment plant will be paid off this November. She also mentioned we will go after every grant available to us to try and curb the cost of the water.

**Article 7.** To see if the Village District will vote to raise and appropriate the sum of **Thirty Three Thousand Dollars (\$33,000)** for engineering and other technical support to develop a Water Supply Master Plan as required by the New Hampshire Department of Environmental Services. This will be a non-lapsing appropriation for a period of two years per RSA 32:7, VI and will not lapse until the project is complete or by December 31, 2009, whichever is sooner. **Majority vote required. Recommended by the Board of Commissioners.**  
**(Article 7 PASSED)**

No discussion followed.

**Article 8.** To see if the Village District will vote to raise and appropriate the sum of Five Thousand Dollars (\$5,000) to be placed in the Water Meter Capital Reserve Fund, previously established; said funds to be offset by the income to the Water Department of an equal amount. **Majority vote required. Recommended by the Board of Commissioners.**  
**(Article 8 PASSED)**

No discussion followed.

**Article 9.** To see if the Village District will vote to authorize the Commissioners to hire a part time District Administrator to oversee the day to day financial management, assist with grant applications, represent the District with various State agencies as appropriate and other related duties; and to raise and appropriate the sum of **Twelve Thousand Dollars (\$12,000)** for said purpose. **Majority vote required. Recommended by the Board of Commissioners.**  
**(Article 9 PASSED)**

Kathy McFarland asked if this would be an employee or a contracted person. Bob Hutchinson stated this person would be contracted. A resident asked why we need to pay to hire someone if the town of Hillsboro has offered to help us. Treasurer Sue Hutchinson explained this is not true. Commissioner Denise DeForest explained the town was helping us but is no longer doing so.

When the town had an Administrator we were receiving help. Now that the town no longer has an Administrator we are not receiving help from the town. The Administrator is working with us now on a strictly volunteer basis. She explained it was not the Selectmen that were helping us. A resident requested Selectmen Robert Buker should speak to the people. He explained that through the Master Plan the town of Hillsboro is helping the residents of the District. Commissioner Troy Cornock responded by saying the town has no choice but to include us in the Master Plan.

Treasurer Sue Hutchinson stated she was told by town officials that Town Clerk Iris Campbell could not help us. So, therefore, we not only pay Iris Campbell with our tax dollars we also have to pay her an hourly wage to work with Sue and Jim Coffey .Sue Hutchinson asked Selectman Buker if the town would charge us if we needed them to go to local government for us and help us with Warrant Articles. Treasurer Sue Hutchinson also told Selectman Buker that she was told that when Jim Coffey was employed by the town of Hillsboro he was forbidden to work with us, and so was Iris Campbell. He asked her several times who told her this. She did not give that information.

Jim Coffey stated that he received a phone call between March 14<sup>th</sup> and the meeting we had with the Attorney General's office and DRA. The call was from the town's attorney threatening him not to work with the Emerald Lake Village District. Keith Huber said he thought the Commissioners were supposed to oversee the everyday duties of the District.

Commissioner Bob Hutchinson said it was recommended by DRA that we hire someone to do the MS30 sheets for us as they have never been on time. Bob said need to run this District as a local government. Nan McCarthy asked if this Article were to pass would applications be taken for the position or do you already have someone in mind. Commissioner Bob Hutchinson stated applications would be accepted. Jim Coffey has been working with us in this position on a strictly volunteer basis currently.

Laura Morris suggested we give the town the opportunity to work with us as they are standing here tonight saying they will. Kathy McFarland asked if the town would actually do the Warrant Articles and MS30's for us or would they just be telling us what needs to be done. Commissioner Denise DeForest stated they would tell us what needs to be done. We really need someone to help us with this. Kathy McFarland explained this is a field where school is required to learn how to write Warrant Articles. Commissioner Troy Cornock said we are not spending \$12,000.00. This is just an appropriation for that amount.

**Article 10.** To see if the Village District will vote to adopt RSA 31:95-b which allows the Board of Commissioners, indefinitely until specific rescission of such authority, to apply for, accept and expend, without further action by the village district meeting, unanticipated money from the state, federal or other governmental unit or private source which becomes available during the fiscal year. **Majority vote required. Recommended by the Board of Commissioners.**  
**(Article 10 PASSED)**

Resident Jack O'Neil said this was already in place as it was voted on 20 years ago. Treasurer Sue Hutchinson stated it's just worded differently.

**Article 11.** To see if the Village District will vote to adopt RSA 33:7, which allows the district, indefinitely until specific rescission of such authority, to incur debt in anticipation of taxes and other revenue of the financial year in which the debt incurred in order to pay current maintenance and operating expenses without further action by the district. **Majority vote required. Recommended by the Board of Commissioners.**  
**(Article 11 PASSED)**

No discussion followed.

**Article 12.** To see if the Village District will vote to adopt RSA 31:19 which allows the district, indefinitely until specific rescission of such authority, to take and hold in trust gifts, legacies, and such devices made to them without further action by the district. Majority vote required. **Recommended by the Board of Commissioners.**

**(Article 12 PASSED)**

No discussion followed.

**Article 13.** To see if the Village District will authorize the Board of Commissioners, pursuant to RSA 41:11-a to negotiate on behalf of the District long-term leases or other agreements for the placement of communications or other equipment on the District's water tower and other real or personal property in order to generate revenue for the District. **Majority vote required. Recommended by the Board of Commissioners.**

**(Article 13 PASSED)**

**Article 14.** To see if the Village District will vote to discontinue the following Capital Reserve Funds, with accumulated interest to date of withdrawal, to be transferred to the Village District's general fund.

ELVD Water Storage Est. 1992 2007 Balance \$19,307.76

ELVD Bridge Recon Est. 1992 2007 Balance \$ 2,512.69

ELVD Main Water Line Est. 1992 2007 Balance \$ 2,143.14

ELVD Pumping Est. 1992 2007 Balance \$ 1,392.24

ELVD New Well Est. 1992 2007 Balance \$ 787.76

ELVD Veh/Equip Est. 2007 Balance \$6,267.25

**Majority vote required. Recommended by the Board of Commissioners.**

**(Article 14 PASSED)**

All monies will be placed into the ELVD General Fund.

**Article 15.** Are you in favor of changing the term of the elected town (district) treasurer from one year to 3 years, beginning with the term of the town (district) treasurer to be elected at next year's regular town meeting.

**(Article 15 PASSED)**

Resident Dana Ryan expressed concern given what has happened in the few years. She said peace of mind wise and accountability wise she would like to vote for a Treasurer on a yearly basis. Treasurer Sue Hutchinson explained the software program is very complicated. So, for someone to come in off the street it would be very difficult for them. She said it takes 6 months to learn the system and then 6 months later your term is up maybe. Nan McCarthy questioned why the article is written town and district. Justin Richardson, the Districts lawyer wrote the article. Jim Coffey explained the text was taken out of the statute.

### **General Discussion**

Mr. Gerry Pothier wanted to thank everyone who came to the meeting. He said he has never seen so many people at one meeting. Tina Petrigni thanked all the people from the town and state offices for coming to the meeting.

Meeting adjourned at 10:50pm

Respectfully Submitted  
Patricia Stefanelli  
District Clerk

Approved By: (Signatures on original)

\_\_\_\_\_  
Bob Hutchinson

\_\_\_\_\_  
Troy Cornock

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Denise DeForest