



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

2009 ELVD Annual Meeting – Friday, March 20, 2009

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 2009 Annual Meeting Minutes.

Voting polls were located at the Hillsboro-Deering Elementary School, Hillcat Drive Hillsboro, NH, 03244. Moderator Don Dwarska called the voting polls officially open at 5p.m. Don Dwarska called the voting polls officially closed at 7p.m.

Don Dwarska opened the meeting at 7:30p.m. He led the pledge of allegiance and a moment of silence for military personnel. Guest speakers Jim Coffey, ELVD administrator, Justin Richardson, ELVD attorney and Jenna Rzasa from Tata and Howard were introduced. Don Dwarska asked the people in attendance to grant permission for these people to speak at the meeting, permission was granted.

Article 1. To choose one Commissioner for three years, one Moderator for one year, one clerk for one year and one treasurer for one year. **(To Be Voted On By Official Ballot).**
Moderator Don Dwarska motioned for Article #1 to be accepted as read. Treasurer Sue Hutchinson seconded the motion.

3 year Commissioner- Troy Cornock (29) Karen Booth (1)
1 year Treasurer- Sue Hutchinson (28) Ran unopposed.
1 year Clerk- Patricia Stefanelli (31) Ran unopposed.
1 year Moderator- All Write In Votes; Karen Booth (3), Robert Burton (3), David Stefanelli (1), Lisa Lenart (1), Deborah Gilbert (1), Deborah Marshall-Gilbert (1) , Grace Schnerr (2), Ben Molinari (1), Don Dwarska (2), Richard Adams (1), Doug Ireland (1).
Due to a tie vote between Karen Booth and Robert Burton a coin toss determined Robert Burton Moderator for 1 Year. Mr. Burton accepted the nomination.

Article 2. 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**
Commissioner Robert Hutchinson motioned for Article #2 to be accepted as read.
Commissioner Troy Cornock seconded the motion.

Article #2 Passed. No Discussion.

Article 3. To see if the District will vote to appropriate the sum of **Two Hundred and Eight Thousand Dollars (\$208,000)** for the purchase of property from the Emerald Lake Property Owners Association (ELPOA), also now known as the Gould Pond Family Association, three tracts of land on Gould Pond Road identified on the town of Hillsborough's tax maps as Map 14, Lots 622, 619, 620, and to renovate, or replace, the existing structure for use as District offices, meeting house and community center; and to authorize the use for this purpose of **One Hundred and Ninety-one Thousand Dollars (\$191,000)** of the balance remaining from the Hummingbird Bridge Bond authorized by the 2008 District Annual Meeting, and not issued due to completion of the bridge project, as authorized by RSA 33:3-a Part II and RSA 33:3-b; and to raise **Seventeen Thousand Dollars (\$17,000)**, to be taken from the 2008 undesignated fund balance. This article is not shown on the State budget form MS-36. **A two-thirds majority vote is required. Recommended by the Board of Commissioners.**

Moderator Don Dwarska motioned for Article #3 to be accepted as read.
Commissioner Troy Cornock seconded the motion.

Claire McCarthy stated she thought spending \$208,000.00 on that "slump" seemed like a lot of money to her.

Richard Booth asked why we are calling the Hummingbird bridge project finished if it's only a temporary repair. The culvert and the Dam have not been replaced. He asked what was going to happen.

Jim Coffey answered his questions. He said the Hummingbird bridge article from last year could not be executed the way it was written based on the 80% state bridge aid we were expecting. The State Department of Transportation (DOT), thinks we have private roads therefore will not give us state bridge aid. If we did qualify for state bridge aid it would take us four of five years to get it. Money received from FEMA was for bridge repair. Money left over will go into the district's General Fund. The state of New Hampshire DRA says we have authorization to borrow \$191,000.00. They suggested we use that authorization for the purchase of the building. He said he knows it sounds a little convoluted. At the same time we are in the process of applying for federal aid to replace the bridge. The engineers who helped us with the repair are preparing that for us. That's how there is a loop between the bridge and the ELPOA building. The \$208,000.00 total purchase includes stripping the building, installing new electrical, plumbing and a heating system. Being a municipality we have to meet all state and commercial building codes. The district is now in Federal Hazard Mitigation meetings with FEMA. The ice storm this past winter opened up a window of opportunity with FEMA to maybe get funds for the dam.

Richard Booth asked Mr. Coffey what percentage of possibility is there for getting these funds. Mr. Coffey answered about 70 or 80%.

Karen Booth asked if Mr. Coffey needs someone to go to these meetings with him to let them know just how much people in the district have lost. Mr. Coffey said he is working with the bridge engineers but yes, if it comes to that he would welcome people to come. Karen Booth expressed that a STOP sign is needed at the entrance to the bridge.

Commissioner Bob Hutchinson has signs on order from the New Hampshire State Correctional Facility. She said people fly through there going 30 to 35mph. Booth also expressed concern as she has lost about \$10,000.00 due to the past floods and expressed concern for the other residents as well. She said she is all for a building to have meetings and so forth but she felt that the money earmarked for the bridge should be spent on the bridge and not a building at this time. Jim Coffey responded the money earmarked for the bridge, (191,000.00) was never intended to go totally towards the bridge. We were going to borrow the money for the bridge and the state was going to pay us back. Now that we find the state isn't going to give us the money. We won't need all of the \$191,000.00 if bids come in under that total. He said in other words you can't make a direct link between the two. The residents of the district could look at some construction plans for the building and do some walkabouts, etc. Karen Booth said she feels our #1 priority should be the bridge, culvert and the protection of people's property. She then said she gives Bob Hutchinson 300% credit for all the good work he's done. Jim Coffey then said Commissioner Bob Hutchinson has been given the go ahead to control the flow of Farrar Marsh.

Ben Molinari said he feels that this should have been 3 separate articles. He said people were not properly notified of this article. He then said there were not enough people in attendance to vote on this. This is where he felt the board was wrong. He said the issue with the beach on the ELPOA property has gone to court in the past and the judge ruled the beach did not belong to ELPOA. He didn't understand why the people selling the property were not giving us the beach when they don't legally own it.

Jim Coffey responded by saying the lot the beach sits on is not included in the 3 lots for sale. It's not part of the sale anyway. Ben told Jim he might be right but he still felt there were not enough people to vote on this. He repeated these should have been separate articles. Jim Coffey said they couldn't be separate because you have to show the total cost. Commissioner Troy Cornock asked Ben what are the 3 articles he's talking about. Ben replied that two of them are very important but the last total of \$17,000.00 was not. Troy responded by saying this is one article. Troy then asked Ben if he thought Article #4 was properly presented. No response. Ben said there were no articles in the paper and that this Article can be challenged.

Commissioner Bob Hutchinson said that at the monthly district meetings only about 7 or 8 people show up. How does that represent the district he asked? Bob said he sees Ben's point but that it's the choice of the people whether they show up or not. Bob said we need to protect our water source. The treatment center and one of our wells is at that site. He's concerned about this if someone else purchases the property. Ben said he understands that. Treasurer Sue Hutchinson said she felt the building would be a good investment. She said it would most likely bring more residents to meetings; we could rent it out for functions and also use it as a shelter if we had another ice storm. People could come to the building to keep warm instead of having to go into town. She also said the several residents of the district asked the board to look into the ELPOA building if it ever came up for sale, so that's what they did. She then thanked all in attendance for caring enough to show up for the meeting. Laurie Morris said we should use the \$191,000.00 to fix the bridge before we start buying property.

Nan McCarthy had 3 questions. Before she asked them she said the amount of people at tonight's meeting is the same percentage the town of Hillsboro had for their annual meeting so she felt we didn't have to worry about that. The first question was about a title issue; Justin Richardson of Upton and Hatfield Law Firm said the owners of ELPOA are actually the rightful owners of the property. Audrey Lawson from his firm took care of the search. A surveyor was scheduled Saturday morning to check the boundaries of the property. If there were any "issue" once the district acquires the title any and all unrecorded agreements get wiped out by the districts acquisition.

The second question was about the monthly expenses; will they exceed the \$400.00 we're paying now for an office? Jim Coffey said the expenses wouldn't cost much more. He also said the office we are renting now is not wheelchair accessible and if we purchase the building it would be and meet all codes as well.

The third question had to do with insurance; what kind of insurance coverage would we need? Jim Coffey said the Commissioners would set rules. We are covered by local government building trust. There would be not increase in insurance premiums. Bob Durant said he felt the building would be a valuable asset to the district. He also asked if there is a time frame for the bridge and dam to be done. Jim Coffey said he hoped the bridge would be done next year. Ideally we are hoping for a bottomless box culvert. He said the dam is a whole separate issue. He also wanted to reiterate the \$191,000.00 in the article is only an authorization to borrow. We don't actually have that money.

Ballot Vote. Polls open for 1 hour.

Article #3 Did Not Pass. 28 Votes 18 Yes 10 No 2/3 Vote needed. This Article lost by 1 vote.

Article 4. To see if the Village District will vote to raise and appropriate the sum of **One Hundred and seventy-four Thousand, Three Hundred and ninety-six Dollars (\$174,396)** 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.**

Moderator Don Dwarska motioned for Article #4 to be accepted as read.

Commissioner Bob Hutchinson seconded the motion.

Article #4 Passed. No Discussion.

Article 5. To see if the Village District will vote to raise and appropriate the sum of **Two Hundred and sixteen Thousand, Four Hundred and forty-two Dollars (\$216,442)** for the purpose of operating the Water Department during 2009; 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.**

Moderator Don Dwarska motioned for Article #5 to be accepted as read.

Treasurer Sue Hutchinson seconded the motion.

Article #5 Passed. No Discussion

Article 6. To see if the Village District will vote to raise and appropriate the sum of **Eight Thousand Five Hundred Dollars (\$8,500)** for the purchase of three emergency generators, and for the necessary electrical changes to accommodate the generators; 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.**

Moderator Don Dwarska motioned for Article #6 to be accepted as read.

Commissioner Troy Cornock seconded the motion.

Article #6 Passed. No Discussion.

Article 7. To see if the Village District will vote to raise and appropriate the sum of **Ten Thousand Dollars (\$10,000)** 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.**

Moderator Don Dwarska motioned for Article #7 to be accepted as read.

Commissioner Denise DeForest accepted the motion.

Tricia Stefanelli asked the board to elaborate on this article. Jenna Rzasa from Tata & Howard gave an overview. Jenna said well #11 the Patten Hill well went through permitting through DES to comply with the water conservation rules. Certain things need to be done in the district. A mandatory meter and leak detection survey has to be done. A seven year commitment has been made. This is a long and involved process. The reasons for meters are to meter usage. You will pay only for what you use. Nan McCarthy asked if this meant we could wash our cars and water our gardens. Jim Coffey added a quick note that although no one asked, none of these water articles will affect the water rates. Tricia Stefanelli said just because we have meters does not mean we have more water. Jim Coffey said by the time the meters are installed the water issues should be resolved. He also said having meters would discourage people from having leaking faucets and running toilets. Jenna Rzasa agreed that by the time the meters are installed our water shortage issues should be resolved. She said we can track where lost water is, what we're pumping and how much we're using.

Justin Richardson said the outdoor water ban is set by the Commissioners. He said the RSA-30 allows them to change the rules. Once the meters are implemented the Commissioners will have to set the water usage rate. At that point, the ban can be lifted by a vote of the Commissioners. Sue Hutchinson said she thought DES but the water ban on the district. Bob Hutchinson said yes DES did put the ban on. All the building put a strain on the water source. Commissioner Denise DeForest asked when the ban started. It started on May 7, 2007. Rick Netto asked the board if they knew what the price per gallon would be. Bob Hutchinson will work with DES on this. The town of Hillsboro charges their residents a base fee and then per gallon as you go over that base. We will have to raise a certain amount of money each year to maintain and run the system properly.

Article #7 Passed.

Article 8. To see if the Village District will vote to raise and appropriate the sum of **Thirty-five Thousand Dollars (\$35,000)** for the purpose of conducting a water distribution system leak survey and repair, and to improve the output capacity of existing wells; 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.

Commissioner Robert Hutchinson motioned for Article #8 to be accepted as read.

Commissioner Troy Cornock seconded the motion.

Melanie Netto asked the board to elaborate on this article. Commissioner Bob Hutchinson said we have plenty of leaks and we need to fix the infrastructure. 600,000 gallons of water have been lost since the ice storm. There's no sense in putting in another well until these problems are solved. On the corner of Emerald Drive and Boulder Pass there is a 110ft. line with 17 fixes on that one alone. It's been in the ground since the 1960's. It was put in any way possible. Bob said he appreciates all the people who call when they suspect or see water leaks. The pumps have been shutting down after 10 hours as opposed to running 24 hours a day seven days a week. He said the residents are doing great conserving water and thanked everyone. We are working with WSO and Tata and Howard to acquire a large water source.

Article # 8 Passed.

Article 9. To see if the municipality will vote to authorize the Board of Commissioners to accept gifts of personal property, other than cash, for any public purposes. This authorization, in accordance with RSA 31:95-e, shall remain in effect until rescinded by a vote of the municipal meeting. **(Majority vote required).**

Commissioner Denise DeForest motioned for Article #9 to be accepted as read.

Commissioner Robert Hutchinson seconded the motion.

Rick Netto asked the board to elaborate on this article. Jim Coffey said it would allow the commissioners to apply for grants. Also, if someone wanted to donate land to the district the residents would hold a hearing. We do not have to accept.

Article #9 Passed.

General Discussion

Laurie Morris suggested next year the Commissioners take out a large ad in the local papers. She said a 2x2 inch ad just isn't going to cut it. She suggested a full page ad with some of these articles would be well worth the money to have more people show up.

Rick Netto asked if the seasonal residents could have letters sent to them asking them to shut their water off when they leave for the season. Bob Hutchinson said these residents are not required to shut off their water. All water shut off services in the district is free of charge to the residents. Joe D'Amore of WSO (water systems operators) is trying to come up with a solution to this problem. Recently 41 gallons were lost at a residence on Turtle Bridge crossing and 200,000 gallons on Sunrise Place. Treasurer Sue Hutchinson said the good news is the district saved \$300.00 on electricity last month because the water pumps have been shutting down after 10 hours.

At 9:10pm the polls closed for the voting on Article #3. Votes were then counted and results were read by Moderator Don Dwarska.

Article #3 Did Not Pass. 28 Votes were counted. 18 YES / 10 NO 2/3 Vote required.
This article lost by 1 vote.

Commissioner Robert Hutchinson motioned to adjourn the Emerald Lake Village District Annual Meeting 2009. Commissioner Troy Cornock and Denise DeForest seconded the motion.

Moderator Don Dwarska adjourned the Emerald Lake Village District Meeting at 9:35pm, Friday March 20, 2009.

Signatures below attest that these minutes have been reviewed and accepted as the official minutes of the Emerald Lake Village District 2009 Annual Meeting.

Respectfully Submitted
Patricia Stefanelli
District Clerk

Approved By: (Signatures on original)

_____ Date
Bob Hutchinson

_____ Date
Troy Cornock

_____ Date
Denise DeForest