Meeting Minutes
Monthly Meeting of the Board of Commissioners
Emerald Lake Village District
October 2, 2014

Present: Denise DeForest, Commissioner (in person)
         Martha Caron, Commissioner (in person)
         John Dahood, Commissioner (in person)
         Scott Osgood as District Administrator

Prior to commencement of the meeting, it is noted that the Commissioners and
Administrator engaged in telephone consultation with legal counsel Upton & Hatfield by
telephone starting at 6:45 pm regarding the Treasurer issues.

The regular District Meeting with the Board of Commissioners was duly convened at ap.
7:04 pm at the Town Offices as noticed, with all Commissioners present.

By Motion made, seconded and unanimously passed, the Minutes for the following
meetings were approved: (1) September 4, 2014 Regular District Meeting as final, (2)
September 15 Commissioners’ Workshop as final, and (3) September 18, 2014 Water
Source Workshop as final.

All Minutes were regularly posted on the website.

1. REQUEST TO APPEAR: CHRIS LOVELL, Postmaster, Hillsborough

   Mr. Lovell made a further presentation as to the situation with the Gould Pond Road
mailbox cluster which is damaged beyond repair. It was affirmed that the Post Office has
supplied replacement boxes which it will rekey. The District has agreed to expand and
reconfigure its existing mail facility on Emerald Road to accommodate the additional boxes in
the rear of the building. When this is completed with the new boxes installed, each affected
resident will be notified by the US Post Office. In response to a question, the parcel boxes will
remain.
The further issue of renumbering the boxes was also discussed. The Post Office needs to re-number to facilitate mail distribution by its carrier from the interior. However, the keys for the parcel boxes also have to be re-tagged so that they are readable, to meet resident concerns.

2. **FINANCIALS**

Handouts of the current and year to date statements of income and expenses, plus a report of current unpaid bills was distributed. It was reported that the District is arranging for a line of credit through People’s United Bank where it has its accounts, to draw on as needed to cover operating expenses until late February as the total tax revenue for this year has been paid out and is insufficient to meet ongoing expenses, due in part to the Dawn Street unexpected repairs and excessive legal bills over the Treasurer issues.

It was reported again that according to a log maintained by the Board, the Treasurer is failing to sign and return checks or comply with other Commissioner requests in a timely manner. The District has been mailing all items to Ms Hutchinson at her sole mailing address, a Hillsborough PO Box, by priority mail with tracking and enclosure of a self-addressed and pre-stamped return envelope, but even these efforts have not obtained the necessary cooperation. Checks and requests presented September 16 and September 22 were not returned until September 30, 2014.

The Treasurer was present and proffered excuses that she does not check her mail regularly and that she only has one car, although her route to work takes her within one block of the post office.

The Treasurer was requested to, and did execute two Commissioner pay orders for payment of $55 to Hillsborough Mini-Storage and for payment of an invoice tendered by Zach Plummer for maintenance of the Meetinghouse wellsite, during the meeting.

The Treasurer was provided with a package consisting of September 2014 bank statements for all three district accounts, September 2013 reconciliation reports for all three accounts, and a Register of Transactions for September 2014 from Quickbooks.

**Motion:** It was moved and unanimously passed that issues with Treasurer compliance are formally referred to legal counsel for any and all appropriate legal action at this point. The Commissioners expressed their view that they will no longer tolerate or spend time on repeated noncompliance and wish to direct their attention to other matters of importance to the District.

In addition, and related thereto, it was disclosed by the Commissioners that the Treasurer has served the District with an RSA 91a Right to Know demand for copies of all bills over the past two months, as well as the Register of Transactions which she did receive, and would be receiving regularly as a matter of course. The Treasurer was provided with a letter in Response to this request setting up two alternative appointment times for her to come in during business hours.
to review the specified invoices. It was noted that a difference of opinion continues with the
Treasurer, in that the Treasurer still believes that she is entitled to approve invoices for payment,
while the District supported by its auditors, believes that the Commissioners through their
Administrator approve all invoices for payment and designate payment thereof in a
Commissioner Pay Order accompanying printed checks which the Treasurer is obligated to sign.
The Treasurer has no power to approve or disapprove invoices as a condition of signing checks.

3. PLANNING ISSUES

Three Planning Issues were raised and discussed with resident participation.

(1) ELVD as a Separate Zoning District:

It has been proposed that ELVD seek passage of a warrant article through the Town to
have itself established as a separate zoning district within the Town. It was explained that this
has been done before in the case of Upper and Lower Village Districts within the Town of
Hillsborough; that no serious opposition was expected and indeed probably support from the
Town Planning Board; and that such a designation would allow ELVD to tailor existing
ordinances and regulations to its unique needs. It was observed that ELVD is especially suited for
such a designation because it was created prior to regulation and developed as a summer
residence subdivision with substandard lots; and therefore, it has unique characteristics from
other residential areas within the Town of Hillsborough.

It was explained that the process involves asking the Town Planning Board to recommend
a Warrant Article to establish ELVD as a separate zoning district, to be placed on the Annual
Meeting agenda for the Town with Selectmen approval. Voters in the Town in general will be
entitled to vote on this proposal, but we should educate and lobby so that such a proposal gains
passage and is not misrepresented prior to the election.

It was further explained that this proposal involves a secondary step which is to identify
those amendments to the existing code which should be tailored for ELVD. If at all possible, this
should also be presented at the same time as a second Warrant Article, since any amendment to
zoning ordinance requires town voter approval. ELVD recognition as a separate zoning district
does not achieve anything without substantive changes to regulations affecting it. This second
step will be the subject of input from the residents although initially, a working resident advisory
board will probably be formed to review the ordinances and make recommendations. It was
suggested that perhaps the November Workshop Meeting on November 20 be set aside for a full
discussion of what particular changes we want for the ELVD.

Motion: Accordingly, it was moved and unanimously passed by the Commissioners that
a letter be presented to the Town Planning Board, requesting designation of ELVD as a separate
zoning district with support and endorsement from the Commissioners on behalf of the ELVD.
(2) Master Plan Amendment: ELVD Element and Survey

The residents were reminded that the Town is in the process through the Planning Board, of amending the Master Plan which includes a chapter for the Emerald Lake Village District. Zane Merva had volunteered at the September 15 Comr Workshop to review the 2010 Chapter to see if changes were warranted; and although has not been able to do so yet, will make that review. In addition, the Town is distributing a Resident Survey in connection with the Master Plan revision process. It was emphasized that it is very important that all ELVD residents fill out that survey as it will impact the Master Plan objectives for the Town over the foreseeable future; and ELVD represents at least one-fifth of the Town population. The more we voice our positions, the more impact we can have on these decisions.

(3) Pending Proposed Town Ordinances

It was reported that the Town will be considering several planning ordinances for this year’s Annual Meeting vote which may impact District residents. Although final wording is not available as the scheduled Town Planning Board Meeting of October 1 was canceled, the Town is looking at ordinances for (1) camper regulation, (2) regulation of in-law apartments, and (3) home businesses and occupations. It was discussed that Camper regulation was probably most significant to the ELVD as the District suffers a disproportionate incidence of campers being occupied without compliance with health and safety requirements due to its original summer camp reputation, even though permanent residents are now predominant.

The proposed camper regulation would generally permit a camper or RV to be occupied up to 90 days by a nonpaying relative or guest of a homeowner on the homeowner’s property, so long as adequate health facilities were available, which is more generous than surrounding towns allow. Other that these, there will be no certificate of occupancy issued and campers and RVs cannot be considered habitable dwellings. ELVD residents are encouraged to lend support to this ordinance when it is presented. Commissioner Deforest also explained how persons will attempt to use a camper to falsely claim residency for purposes of avoiding taxation, especially in acquisition and registration of motor vehicles within the State of New Hampshire.

(4) Census and Monitoring of Distressed Properties

Resident Zane Merva has undertaken to develop a census of distressed properties within the district, which can then be identified by owner of record, owner contact information, and status of tax obligations. The District is concerned that too many properties are being willfully neglected, affecting its neighborhoods and market value for other residents. Many of these properties may have been in fact abandoned or are part of a bank’s foreclosure inventory. Many of these properties should be the subject of code enforcement, and health and safety measures, by the Town. Unfortunately, while the Town appears to have a very well qualified code enforcement officer, that officer is only part-time and on call. We need to supplement these efforts by policing our own District for properties which should be reported.
It was discussed that the District could be sending a letter to such absentee owners, inquiring as to their intent with the property and trying to work out an accommodation of the violations, even before involving the Town.

Especially as winter approaches, it was also discussed that some of these owners do not shut off their water or do it incorrectly (ie it must be done from the street connection not just at the house), which causes frozen burst pipes and leaks the District must deal with; and that we continue to need an enforcement mechanism to incentivize owners to take the proper steps. Bob Hutchinson reported that in the Meetinghouse facility should be a list of former water turnoffs. If a property is unoccupied during the winter, the water should be turned off. Mr Hutchinson graciously agreed to assist the District in its efforts this fall to identify and take action on such properties before it is too late.

At this point, inquiries were made about the status of 24 Autumn Road, a lot on which Mr Joe Manning (Razor Wire Properties LLC) proposed to install a used mobilehome. Administrator Osgood reported on his meeting with the code enforcement officer and with Mr Manning and his wife. The property is currently under a town issued cease and desist order, although it appears that Mr Manning continues to do work. However, no certificate of occupancy will be issued without full compliance.

Everyone recognized that identifying and monitoring distressed properties will be another rather burdensome project to assume but that it is important to longterm planning to do so.

Thanks to Resident Zane Merva who has begun this project by identifying properties during his morning walks as a first step. Residents are encourage to identify such properties in their neighborhoods and report them to the District as well.

4. Water System Report

It was reported that the Meetinghouse wellsite cleanup has been completed, which along with fencing it, allows us to report full compliance on the November 2012 DES Sanitary Violations citations.

The results of the Water Source Workshop on September 18 were also discussed in that it appears that the District, although not experiencing growth and enhanced need, is going to have issues meeting current needs, as the some of the wells are starting to produce less. The well system is just compliant, but if one well goes down, it will not be so. It was reported that the cost of drilling a new well is pragmatically prohibitive as the District may not even have the amount of land now required on which to situate a new well and DES permitting since we are now a large water well community, is extremely expensive. Drilling existing wells deeper is much preferable but it is not always guaranteed to increase production. Other alternatives had been discussed such as using and treating lake water, and using the old disconnected water storage tanks to store more water (not feasible).
Therefore, it was stated that the District will be proposing a new reserve fund by Warrant Article this year, to begin a savings account for increasing water supply with an initial goal of funding $50,000 over the next few years. It was agreed that it is better to be prepared for such an exigency rather than to have another water ban or similar problem.

Commissioner Dahood reported on proposals to clean up the Patten Hill site and circulated a volunteer signup sheet for a date in November. The objective is to tear down the existing collapsing structure and consign it to a rollup dumpster, and then to inventory property stored at various locations on the hill, use the dumpster to throw out nonusable materials, and then inventory and store usable equipment in one place. With volunteer manhours, this will minimize the cost to disposal. Therefore, by spring, the Patten Hill area should be ready for work.

Finally, it was reported that the application for the DES Source Protection Grant to fence in more wellheads, provide signage, and a new gate to the Patten Hill area had been completed by Resident Bill Clohessy to be submitted this week. Thanks to Bill for making this happen. The District is confident that with the work that has been accomplished, the proposal for grant funding should receive favorable consideration and enable us to complete security requirements for the wellheads next year. We will still have to pay our own funds to secure other well area equipment which is not in the immediate wellhead area, eg the generators and any control boxes. We also want to invest this year in finishing off some electrical work, including grounding the remaining generators still not grounded and installing pole lights where needed, so that WSO and anyone else needing to deal with the wellsite equipment can do so in dark short daylight hours.

Resident Bill Clohessy suggested that the District consider possible sale of the water system with a possible buyer being Pentachuck.

There being no further business before the Board, the Meeting was duly adjourned by unanimous vote at approximately 8:20 pm.

NEXT MEETING: No workshop meeting is being planned for the third Thursday of October. Therefore, the next meeting will be the next regular monthly meeting on Thursday, November 6, 2014.

Submitted for the Board by:

Martha Caron, Commissioner