

WATERVILLE ESTATES VILLAGE DISTRICT / WATERVILLE ESTATES ASSOCIATION
COLLABORATION COMMITTEE

December 13, 2019 MEETING MINUTES

Attendees: Art Marks (WEVD), Judy Kinney (Admin), Corey Smith (Admin), Harry Bertino (member/voter), Matt Smith (member/voter), Chris Fagas (WEA BOD), Mike Hering (WEA BOD), Mark O'Hara (WEA BOD), Madhavi (Madhu) Challagulla (WEA BOD)

Guests: Jim Murphy

Called to order: Mr. Fagas at 2:25 PM

Define the scope of the project:

Mission: Mr. M. Smith proposed that our mission is to "Codify the interplay between the public and private side of the estates." Mr. Bertino proposed the following. Mr. C Smith proposed the following "Waterville Estates Association, representing, and elected by, all dues payers / association members, and Waterville Estates Village District, representing all taxpayers but elected by WEVD registered voting residents, are independently sovereign entities with constituents, with interests that are sometimes in common and sometimes different from one another. Each group has the right to self govern (generally through elected officials) and fund its respective entity as its voters see fit. Due to the nature of certain shared assets and interests, as well as the nature of differing interests of each group, contractual agreements need to be in place that aim to optimize the liberties of each group but minimize each group while respecting the interests of the other."

WEA Non-Profit Status: 501c7? Registered with State, but not NH DOJ and not Fed. Can we be a state non-profit without being a Federal non-profit? Mr. C. Smith is investigating whether we can be a non-profit in New Hampshire without applying for federal status.

Friends of Campton Mountain Non-Profit Status: 501c3? Registered with no one. Can we be a state non-profit without being a Federal non-profit? Violations of federal law have severe consequences, even when inadvertent. New Hampshire law is that to fund raise a Board of Directors requires minimum five people to be a New Hampshire recognized non-profit. New Hampshire requires any entity that engages in fundraising to obtain a New Hampshire business ID and to be registered with the New Hampshire Department of Justice, Charitable Trusts Division.

Roles and Responsibilities: The WEA BOD represents all dues payers, the WEVD represents all taxpayers, and are elected by registered voters.

Similar Communities: Mr. M. Smith found Eidelweiss Village, Madison, NH. Mr. Murphy said Eastman, NH had a similar community. These communities may have already addressed some of our issues.

WEA: Mr. M. Smith presented these items that HOA members should expect.

Homeowners deserve a response to an inquiry, unless of course the inquiry is ludicrous or threatening, or the demand(s) are intended to harass.

Homeowners should expect that HOA financial and other records will be kept in a routine manner for reasonably easy access.

Homeowners should expect disclosure procedures which ensure easy access to most documents within a reasonable time and without unreasonable restrictions.

Homeowners should get a timely notice and a fair opportunity to be heard if the HOA intends to take disciplinary action against them.

Homeowners deserve consistent treatment in enforcement of rules and regulations.

Homeowners deserve a reasonable opportunity to vote in important elections or to appoint another to vote on their behalf.

Homeowners deserve to be informed of their voting eligibility if they do not qualify to vote per the governing documents before a vote is held.

Conform the Regs: Mr. M. Smith suggested we shouldn't have regs we can't or won't enforce. We shouldn't have regs that are trumped by local, federal, and state law.

Move the recreation part of taxes into dues: Mr. Marks suggested that we move the recreation items from our taxes from the village district to the dues that Waterville Estates Association collects. Because of the changes in the SALT deductions the benefits of having costs borne by the village district have been diluted.

Create a list of pros and cons - what works well, what doesn't work well:

Infrastructure Planning: Mr. M. Smith suggested that currently there is a disconnect between infrastructure planning at the WEA BOD and the WEVD commissioner level.

No Long-Term Planning Document: Mr. M. Smith suggested that we need a long term planning document identifying our long term goals. There was discussion that the spreadsheets created by the long term planning committee serve this purpose.

Financial Reporting: Mr. M. Smith suggested that all four sets of books should be used in financial reporting. Only using one set of books to evaluate something that uses funds from other sets of books creates an inaccurate financial picture.

CIF: Mr. M. Smith suggested that if CIF items always ends up with village district then the village district should be involved in the planning process. Mr. M. Smith asked if CIF purchases made by the WEA BOD and gifted to the WEVD are reflected in depreciation schedules.

Short Term Planning: Ms. Challagulla suggested we need better planning tools and a longer time horizon, to execute projects.

Identify and document the existing processes:

Agreements, Lease Agreement, Rec's, and Bylaws: TBD.

Relevant RSA's WEVD: Chapter 32, Municipal Budget Law
Chapter 52, Village Districts
Title VI, Public Officers and Employees, Chapter 91-A, Access to Governmental Records and Meetings

Relevant RSA's WEA: Chapter 31, Power and Duties of Towns
Chapter 292, Voluntary Corporations and Associations
Chapter 356-B, Condominium Act
Chapter 479-A, Unit Ownership of Real Property

Federal Rules for WEA: Americans with Disabilities Act of 1990 (ADA)
Fair Housing Act (FHA)
The Servicemembers Civil Relief Act (SCRA)
Freedom to Display the American Flag Act
Fair Debt Collection Practices Act (FDCPA)
Over-the-Air Reception Devices Rule (OTARD)
The United States Bankruptcy Code

Resources: New Hampshire Municipal Association.

Identify the extent of and limitations of collaboration given the convoluted relationship of an HOA and village district:

TBD: TBD.

Set next meeting: Friday, February 7th, 2019, 3:00 PM

Adjournment: Mr. Fagas adjourned at 5:17 PM.