

## WATERVILLE ESTATES VILLAGE DISTRICT

### ANNUAL MEETING

April 24, 2021

Attendees: John Herlihy, Maureen Patti, Gerry Panuczak, Matt Smith (Moderator), Ellen Witt, Nicholas Midolo (Village Counsel), Corey Smith (General Manager), Judy Kinney (Assistant General Manager), Andrea Canfield, David Paridis, Mark Canfield (Deputy Moderator), Denise Bujalski

Guests: See Voters List and Sign in Sheets

Handouts: 2021 Waterville Estates Village District 2020 Annual Report, Meeting Minutes from 2020 Annual Meeting, List of 2020 Warrant Articles

Called to order: The Moderator called the meeting to order at 9:14 AM. He summarized the procedure for voting, by holding up Resident cards and that the Deputy Moderator will be assisting with counting votes. He also advised that Andrea Canfield will be managing the portable microphone, to be used for Points of Order and Petitioners and/or Authors of Warrant Articles should use the standing microphone in front of the Moderator's podium.

Pledge of Allegiance.

Meeting Rules: The Moderator read aloud; the Moderators' Rules of Procedure.

The Moderator stated that Warrant Article 7 may need to be postponed to allow for the statutory process of Warrant Article 2 as the ballot box for must be kept open for an hour.

**Warrant Article 1- To Choose Two Commissioners, Treasurer, and Clerk:** The Moderator read Article 1 aloud. *"To choose one commissioner for a three-year term, one for a one-year term, treasurer for a three-year term, and clerk for the ensuing year."* The Moderator indicated, as was Village tradition, to elect Officers in reverse order, starting with the Clerk and ending with the Three-Year Commissioner Term.

**Clerk:** The Moderator asked any candidates to declare themselves. Ryan Timms declared himself for the position. The Moderator called for discussion. There was none. The Moderator called for a vote. **The Moderator declared Ryan Timms elected Village Clerk by a clear majority.**

**Treasurer:** The Moderator asked any candidates to declare themselves. Rob Diefenbach declared himself for the position. The Moderator called for discussion. Mr. Canfield stated that he has worked with Mr. Diefenbach and that his work has invaluable to the process and we are in a much better position. Mr. Panuczak also attested to the invaluable work Mr. Diefenbach is doing. The Moderator called for a vote. **The Moderator declared Rob Diefenbach elected Village Treasurer by a clear majority.**

**One year term for Commissioner:** The Moderator asked any candidates to declare themselves. Gerry Panuczak and Terri Tole declared. Point of Order (POO) Mr. Tole asking why there was a change with regard to a candidate running for a term different that one they are currently serving. The Moderator answered that there is no statutory limit on a position a person can run for, it is their right to

run for the position of their choosing and Mr. Panuczak has chosen to run for the one-year Commissioner term. Ned McElroy requested a secret ballot and presented to Moderator the requisite three signatures: Ned McElroy, Rebecca McElroy, Joan Smith. The Moderator invited statements from the candidates. Mr. Panuczak said that he was appointed in October of 2020 and that since he has been working on Planning Committee, Budget Advisory Committee, and Snowmaking Committee and asked for support. Terri Tole talked about the past problems of the two organizations working together and that she hoped to act as a bridge for the two groups and to work on the RMA. She said she wants to get on with work we need to do to keep community moving. The Moderator called for discussion. There was none. The Moderator called for a vote. POO Mr. McElroy said that it was discussed that correct spelling of names was not a requirement for ballot consideration and that this had been discussed with Village counsel. The Moderator confirmed that was correct. Voting and counting proceeded.

**Three-year term for Commissioner:** The Moderator said to move things along, we would proceed to the business of three-year term for Commissioner. He asked for candidates to stand and declare themselves. Maureen Patti was the only candidate to declare and she was invited to speak. Ms. Patti stated that she was appointed in November of 2020 and that it has been a privilege to serve this community and to continue to see through the changes that are necessary to the effective running of Waterville Estates Village District. She said that a consultant had been brought in to assist the staff with smooth operations and administration, and she is working to avoid litigation and conflicts with state of New Hampshire agencies. She said her goal is to work with WEA and for all citizens. POO Mr. Tole asked how someone can run without resigning. The Moderator consulted with Village counsel. The Moderator answered that officers are sworn in after the adjournment of this meeting, so there is no overlap. An officer's term ends at the adjournment of this meeting. The newly elected officers term begins when the officer is sworn in. The Moderator called for a vote. **The Moderator declared Maureen Patti elected by a clear majority.**

**Warrant Article 2- Outdoor Courts – Option One:** The Moderator read Article 2 aloud. *“To see if Waterville Estates Village District will vote to raise and appropriate the sum of Two Hundred Thousand Dollars and No Cents (\$200,000.00) (via 5-year financing) for the purpose of renovation of both batteries of outdoor racket courts and the outdoor basketball court. The renovated courts will consist of: 1) Upper Court Battery: new asphalt base pad, new net posts, new fencing and multipurpose court surface to include 1 tennis, 2 pickleball, 1 full basketball, 1 badminton; 2) Lower Court Battery: a new asphalt base pad or membrane, new net posts, new or repaired fencing and new court surface to include 2 regulation tennis courts. The existing Basketball Court will be rebuilt to provide a half court with a new asphalt base pad, new hoop system, new walkway with wood fencing and improved drainage. This article is non-lapsing until 12/31/2025. This article is a special warrant article per RSA 32:7 VI.”* The Moderator stated that, per statute, this vote would be by secret ballot and the ballot box would be held open for a minimum of one hour. He indicated the lockable ballot box would be used for Warrant Article 2. The Moderator stated that, per statute, this Article could not be reconsidered at this session of the legislative body, but if reconsidered it must be in a noticed meeting at least seven days after the adjournment of this meeting.

**Warrant Article 1- Commissioner for One Year Term: 44 votes for Gerry Panuczak, 41 votes for Terri Tole. The Moderator declared Gerry Panuczak was elected by majority vote.**

**Warrant Article 2- Outdoor Courts – Option One (continued):** A Motion to consider Article 2 was made by Maureen Patti, seconded by Anthony Patti. Richard Mayo was recognized as having a Motion to Amend. Commissioners were asked to speak to the Warrant for five minutes. Ms. Patti invited Mr. Mayo, a member of the Courts Committee, to present. He stated that he has been a member of the

committee since 2017 and that in order to gauge the interest for court improvements in the community, a survey was administered and resulted in 68% of the community would partake more if the courts were in better shape. Many hours have been spent in evaluating the condition of the courts and they were not maintained as they should have been. The purpose of the warrant is to have multi-use courts as well and to a keep the one-half basketball court which is good for children to play on so parents can keep an eye on them while at the pool. **Richard Mayo made a motion to amend the Warrant Article changing the year after which the Article would lapse from 2025 to 2022.** Maureen Patti seconded. Ms. Patti explained the reasoning for the change is that it is a five year note but the money needs to be spent and we are looking to do it by the end of 2022. She went on to say that it needs to be done while the bids are still good. The Moderator opened the floor for discussion. Mr. McElroy asked what the costs of the note would be. Mr. Diefenbach answered \$4,500-5,000 in interest, \$40,000 plus interest for five years and that it would cost \$225-226,000. Mr. McElroy asked for total costs and said that there had been a number of \$300,000 mentioned. Mr. Mayo said that the full cost of the Warrant was \$200,000, that \$45,000 had been allocated in the 2019 budget and a commitment of \$65K had been dedicated to the courts by the Waterville Estates Association. Mr. McElroy asked if the \$200,000 to be borrowed would affect future borrowing. Mr. Diefenbach answered that it would be outstanding debt. The Moderator added that it will reduce our borrowing power that is currently just below \$1 million. Mr. McElroy continued saying that there are so many repairs that are vital and asked if it would be prudent to move this to another time. He said the people offering the Warrant should approach the Association and leave our borrowing at the one million mark. Mr. Spinney said we should do this and that this community is about recreation, there is a safety liability on these courts and that people have made a huge commitment and its why this community is here. He said people use it, it has lived its life, and now we need to repair it. Ms. Tole stated making the community attractive to renters is important as a way to raise taxes. She said we need to attract renters so we don't have to raise taxes and she did not think people understood how important that is. She believes this is a prudent use of money. She said the Association could take money from CIF but that is intended to be used for snowmaking which is more important than the courts right now. She said that maybe CIF could be used to reduce the note, if that was legal, but she could not be sure. Mr. Slattery said that we know it is \$200K this year and we don't know what costs we are kicking down the road if we wait and that it would be a small tax implication. Mr. Bertino said that because of drainage issues, frost heaves are the problem for the upper courts and that we should make the courts as good as they can be. He said he comes here every day and doesn't see the demand that there used to be. The Moderator asked for any other comments regarding the amended Article. Mr. McElroy said that he agrees with all said, that there is a liability. He said there is an option that will not affect taxes, to have the Association finance the work. He said the entire population should be asked if they want it. The Moderator asked for a vote by card to accept amendment put forward by Mr. Mayo. **The Moderator declared amendment passed by clear majority.**

**Warrant Article 1-POO Ryan Timms made a motion to close Warrant Article 1 for reconsideration. Ned McElroy seconded. The Moderator called for a vote. The Moderator the motion to restriction reconsideration passed by clear majority.**

**Warrant Article 2- Outdoor Courts – Option One (continued):** Moderator reread the amended Warrant Article aloud and called for a vote and the ballot box was opened at 10:33 AM. ***“To see if Waterville Estates Village District will vote to raise and appropriate the sum of Two Hundred Thousand Dollars and No Cents (\$200,000.00) (via 5-year financing) for the purpose of renovation of both batteries of outdoor racket courts and the outdoor basketball court. The renovated courts will consist of: 1) Upper Court Battery: new asphalt base pad, new net posts, new fencing and multipurpose court surface to include 1 tennis, 2 pickleball, 1 full basketball, 1 badminton; 2) Lower***

***Court Battery: a new asphalt base pad or membrane, new net posts, new or repaired fencing and new court surface to include 2 regulation tennis courts. The existing Basketball Court will be rebuilt to provide a half court with a new asphalt base pad, new hoop system, new walkway with wood fencing and improved drainage. This article is non-lapsing until 12/31/2022. This article is a special warrant article per RSA 32:7 VI.***” He indicated that the ballot box would be closed at 11:34 AM.

Voting proceeded. POO Mr. Canfield raised the point that the statute calls for each voter to place one vote into the box. It had been evident that ballots were aggregated and put into the box and thus, this is not a clear and clean vote. The Moderator agreed that the vote was defective and there must be a revote and this could be done again with a different color ballot with someone checking at the ballot box. POO Mr. Bertino said that at least 7 people left to go to the rest rooms. The Moderator stated that because the ballot box is open for an hour, they would have time to return and cast a ballot. POO Mr. Mayo asked that the first vote be tallied because some people may have left after the first vote. The Moderator acknowledged that one vote by one person was not part of his instruction to the body, it was not spelled out, and that the first vote was defective. The Moderator added that if citizens have left the meeting, they can return as long as they check back at desk. All are free to contact people about the impending revote to invite them back if they have left the meeting for good. The statute states that this can be reconsidered after 7 days, so if there is concern that voters left, a citizen can make a motion to reconsider the Warrant Article. POO Ms. Young said that if I leave a ballot box open, how do you know who has or has not voted. She further stated people can come and go; how do you track it. The Moderator consulted with Village counsel. The Moderator returned saying that these are all good points and counsel has noted that we must make sure there is no voter fraud. He went on to say that Mr. Paradis will stand at box and you will sign your name and he will verify with Supervisors of the Check List. POO Ms. Tole stated that she was concerned that a glut at the ballot box was a problem given Covid restrictions. She asked if we can provide another method to collect votes at the ballot box. The Moderator consulted with Village counsel. The Moderator explained new process for voting. He directed the legislative body to que up around the perimeter of the tent, at the barrels (tent weights) for social distancing, lining up for the Supervisors of the Check Lists. Voters would show their Resident cards to the Supervisors and they would be given a ballot and checked off the lists. Keeping their card and their ballot clearly visible in hand, they would go directly to the ballot box and cast their vote. The Moderator stated that this was a secret ballot and the ballot box was opened at 11:00AM. Clerk’s note: Per the video recording the ballot box was open at 10:51AM. POO Mr. Bertino asked if we were asking people to reveal their vote. The moderator responded that they did not have to show their vote, but did need to display the ballot and their voter card.

The Moderator called a recess at 11:04AM for 15 minutes. He asked that people check back in with the Supervisors of the Checklist when they return and that we would reconvene at 11:20AM

The Moderator called the meeting back to order at 11:20 AM. The Moderator announced that the ballot box for Warrant Article 2 would be closed a little after noon.

**Warrant Article 3 – General Municipal Operations:** The Moderator read Article 3 aloud. *“To see if the Village District will vote to raise and appropriate the sum of One Million Four Hundred Twenty-Eight Thousand One Hundred Nineteen Dollars and No Cents (\$1,428,119.00) for general municipal operations. Ten Thousand Two Hundred Forty-Four Dollars and No Cents (\$10,244.00) from the unreserved fund balance. This article does not include appropriation contained in special or individual articles addressed separately.”* Maureen Patti made a motion to consider, John Herlihy seconded. Mr. Herlihy stated that every item on this budget has been scrupulously reviewed and that all Commissioners have analyzed and reviewed it. POO The Moderator stated people needed to be recognized to speak. The Moderator opened it to the floor for comment. There were no comments or

discussion. The Moderator called for a vote. **The Moderator declared the Warrant passed by a clear majority.**

**Warrant Article 4- Interdepartmental Water Department.** The Moderator read Article 4 aloud. *“To see if the Village District will raise and appropriate the sum of Three Hundred Forty Thousand Eight Hundred Eight Dollars and No Cents (\$340,808.00) for the interdepartmental water department operations, with and offset of One Hundred Seven Thousand Three Hundred Fifty-One Dollars and No Cents (\$107,351.00) from water fees and other charges, Two Hundred Thirteen Thousand Four Hundred Fifty-Seven Dollars and No Cents (\$213,457.00) to come from the unreserve fund balance. This article does not include appropriation contained in special or individual articles addressed separately.”* Maureen Patti made a motion to consider, seconded by John Herlihy. Mr. Herlihy explained that this concerned a strategic water plan for the community. He referenced a matching grant of \$20,000, that WEVD was awarded from the State of New Hampshire. He said this was just at the cusp of a reliable and dependable water system, it is a start to a sustainable water system. Mr. Zulli said that the warrant reads \$230,000 and that \$213,000 is in parenthesis. He made a motion to change the written amount to \$213,457, it was seconded by Ned McElroy. The Moderator asked for discussion from the floor. There was no discussion so the Moderator called for a vote on the amendment. **The Moderator declared the motion to amend passed by a clear majority.** Mr. Bertino asked what are the fees and how are they collected. He also asked what is the impact on each home. Mr. Herlihy answered \$200. Mr. McElroy stated the correct amount is actually \$202 and that looking forward we are looking for a different process. The Moderator asked the legislative body to stay on the matter at hand, we cannot speak to the future here. Mr. Herlihy then added that the water fee is \$213 and that \$200,000 is collected. Mr. Bertino asked where the other money is coming from. The Moderator answered from the Unreserved Fund Balance to get to the \$340,808, citing the math. The Moderator read the warrant article as amended. *“To see if the Village District will raise and appropriate the sum of Three Hundred Forty Thousand Eight Hundred Eight Dollars and No Cents (\$340,808.00) for the interdepartmental water department operations, with and offset of One Hundred Seven Thousand Three Hundred Fifty-One Dollars and No Cents (\$107,351.00) from water fees and other charges, Two Hundred Thirteen Thousand Four Hundred Fifty-Seven Dollars and No Cents (\$213,457.00) to come from the unreserve fund balance. This article does not include appropriation contained in special or individual articles addressed separately.”* Mr. Slattery said the sum of the numbers did not add up to \$340,808. The Moderator asked the Commissioners for a response. Mr. Oldmixon pointed out that the difference was the \$20,000 match grant. The Moderator called for a vote. **The Moderator declared the Warrant passed by a clear majority.**

**Warrant Article 5- Roads Deferred Maintenance and Improvements:** The Moderator read Article 5 aloud. *“To see if the Village District will vote to raise and appropriate Twenty-five Thousand Dollars and No Cents (\$25,000.00) for the purpose of roads infrastructure deferred maintenance and improvements. This article is non-lapsing until 12-31-2025. This article is a special warrant article per RSA 32:3 VI (d) and RSA 32:7 VI.”* The Moderator stated that this was not a Capital Reserve Fund and that unspent money would revert to the Unreserved Fund Balance at the end of the non-lapsing period. He stated that this money was committed to the stated purpose and could not be transferred. Maureen Patti made a motion to consider which was seconded by John Herlihy. The Moderator asked a Commissioner to comment. Mr. Herlihy stated that this was to maintain and repair the roads and that it was not comprehensive. He said more evaluation needs to be done to qualify for more matching grants and programs. The Moderator opened the floor to discussion. Mr. Tole said that segregating \$25,000 for a purpose that cannot be touched for anything else was a bad idea. He gave an analogy to home improvement budgeting. He said if I have money for a roof and something else goes wrong, then I have the option to use those funds and we should be able to shift the money if necessary. The

Moderator called for a vote. **Vote 44 yea, 14 nay. The Moderator declared the Warrant passed by majority vote.** POO Ned McElroy made a motion to restrict reconsideration. John Herlihy seconded. The Moderator called a vote. **Vote 32 Yea, 21 Nays. The Moderator declared the restriction passed by majority vote.**

**Warrant Article 6-District Facilities Improvements and Maintenance:** The Moderator read Article 6 aloud. *“To see if the Village District will vote to raise and appropriate and Twenty-five Thousand Dollars and No Cents (\$25,000) for the purpose of District facilities improvements and maintenance. This article is non-lapsing until 12-31-2025. This article is a special warrant article per RSA 32:3 VI (d) and RSA 32:7 VI.”* The Moderator stated that this was not a Capital Reserve Fund and that unspent money would revert to the Unreserved Fund Balance at the end of the non-lapsing period. He stated that this money was committed to the stated purpose and could not be transferred. Maureen Patti made motion to consider, it was seconded by John Herlihy. Mr. Herlihy spoke to what the money could be used for like roofing or siding. The Moderator called for discussion. There was none. The Moderator called for a vote. **The Moderator declared the Warrant passed by a clear majority.**

**Warrant Article 7:** The Moderator stated that consideration of Article 7 would be tabled until after Article 17 since the ballot box for Warrant Article 2 was still open. He stated that if Warrant Article 2, passes, Article 7 would likely be defeated.

**Warrant Article 8 – Ski Lift Tower Safety Catwalk:** The Moderator read Article 8 aloud. *“To see if the Village District will vote to raise and appropriate Seventy-Two Thousand Dollars and No Cents (\$72,000.00) for the purpose of installing safety equipment (CATWALKS) on Ski Lift Towers, said sum to come from the unreserved fund balance. This article is non-lapsing until 12-31-2025. This article is a special warrant article per RSA 32:3 VI (d) and RSA 32:7 VI.”* Maureen Patti made motion to consider, it was seconded by Anthony Patti. Mr. Panuczak spoke to the importance of this for safety issues for staff and that implications with regard to replacing the tower have been considered. Mr. Tole asked if the catwalks being considered were transferable to new towers that might be needed in the future. Ms. Patti answered yes, they are transferable. Mr. Tole asked if alternatives have been looked at. He went on to say that other ski areas have other solutions and that \$72,000 is very expensive. He said alternatives that cost less should be looked at. Mr. McElroy asked if the Village operates under OSHA standards. The Moderator stated that OSHA does not apply to municipalities. Mr. McElroy asked are we doing it safely now if we were under OSHA. Mr. Herlihy stated that we do have a Safety Committee and was not sure if enough time had been spent. Mr. C. Smith said that it is not a mandate, but that it is recommended by the state. Mr. Panuczak said that the situation is that we have one person on that job that goes out, sometimes at night, alone. Mr. Murphy said that he has skied many other areas as well as here. He asked if in our 50 years, have we had an incident or injury or any exposure that has to be covered by insurance. Mr. Herlihy said this is to prevent any injuries, safety is the issue here. Mr. Murphy asked if there was any compelling reason for injuries and or do they have these towers at other ski areas. Mr. Bertino petitioned for a secret ballot with a total of four signatures exceeding the requisite three signatures: Harry Bertino, Al Zulli, Jim Murphy, Arnold Goodman. Mr. Bertino asked for the number of units on the water system. Ms. Kinney answered 548. Stephanie Kiernan asked how many people do we have compared to Waterville Valley. She asked if we can keep costs down with other support, not towers alone. Ms. Tole said that cat walks do not solve the problem of being alone on the towers. Mr. Spinney asked if we vote no, then that \$72,000 goes back into the Unreserved Fund Balance. The Moderator answered if the Article passes it comes out if not it stays in. Mr. Diefenbach stated that the Unreserved Fund balance was estimated at \$1,300,000 and we are still working with the auditor. Mr. Bujalski said that we need to be proactive, many of these comments make sense to look into other safety resources that are more economical vehicles and less expensive

than the catwalk. The Moderator said that proper notice had not been given to amend in this fashion. Ms. Patti stated that for purpose of installing safety equipment, does that mean that other equipment could be used per the warrant and that catwalk is in parenthesis. The Moderator stated that in its current format, it is descriptive. **Maureen Patti made a motion to strike the word catwalk.** Terri Bennett seconded. Ms. Patti asked if we can utilize other equipment and whatever is not used, the remainder of money stays in the Unreserved Fund Balance. Mr. Timms said that funds for this has been appropriated in years past, is this figure the cost of not doing anything about in the past. The Moderator answered that it was an off books line item and is simply a result of taking a harder look at the matter. He said it was part of the recreational improvements line item in the official Village budget. Mr. Canfield stated that the Budget Advisory Committee determined that there was enough money to address the concern. He said Mr. Pelchat works at night alone. He said we listened and decided it was in order to improve his efficiency and safety. He said we asked what do you do with a situation that has not changed year after year. He said how do we ensure that the job gets done, which is why we recommend this Article. The Moderator stated that we have a secret ballot and that there is a motion to Amend, to remove the word catwalk. He reread the amended Article aloud and called for a vote. *“To see if the Village District will vote to raise and appropriate Seventy-Two Thousand Dollars and No Cents (\$72,000.00) for the purpose of installing safety equipment on Ski Lift Towers, said sum to come from the unreserved fund balance. This article is non-lapsing until 12-31-2025. This article is a special warrant article per RSA 32:3 VI (d) and RSA 32:7 VI.”* **The Moderator declared the motion to amend passed by a clear majority.** Vote on Warrant Article was called by secret ballot.

**Warrant Article 2- Outdoor Courts – Option One (continued):** The Moderator called the five-minute warning for ballot box to be closed at 12:05 PM. Box to close at 12:10 PM.

**Warrant Article 9- Air Circulation, Campton Mountain Ski Lounge, Adding Fresh Air (Not Required by Code):** The Moderator read Article 9 aloud. *“To see if the Village District will vote to raise and appropriate Forty-Five Thousand Dollars and No Cents (\$45,000.00) for the purpose of modifying the air handling system to provide fresh air, said sum to come from the unreserved fund balance. This article is non-lapsing until 12-31-2025. This article is a special warrant article per RSA 32:3 VI (d) and RSA 32:7 VI.”* The Moderator stated that this was not a Capital Reserve Fund and that unspent money would revert to the Unreserved Fund Balance at the end of the non-lapsing period. He stated that this money was committed to the stated purpose and could not be transferred. Maureen Patti made motion to consider, it was seconded by Ned McElroy. Ms. Patti clarified that this was not required by code. She said we have inoperable windows. The Moderator clarified that our engineer, DuBois and King, had gone back and forth on whether code had been triggered by the addition at the Ski Lodge. He said it seemed to depend on whether the occupancy changed. The Campton Fire Chief is the one who would make that determination and when contacted, recalled the addition and stated that the occupancy did not change. The Moderator called for discussion. Mr. Bujalski asked if we were doing this because of Covid noting that the pandemic would pass or was it a code issue. He also asked if there were any grants available. The Moderator indicated that fresh air was a normal requirement of commercial buildings. Mr. Diefenbach stated that the new round of PPP from the Federal Government included Village Districts as eligible and we would be applying for funds. Mr. Oldmixon indicated he had 20 years’ experience in the building industry and was a certified energy contractor. He talked about the make-up and exhaust air for the Kitchen Hood and noted that the system only provides 80% make-up because it is designed for commercial buildings which have fresh air and would get the other 20% from the HVAC system. He measured the pressure in the Ski Lodge during Kitchen Hood operation and found it was negatively pressurized and air was flowing down the fireplace chimney. He stated that it was hard to establish a draft when lighting a fire. He stated that with no fresh air, during peak occupancy times there was a high risk of buildup of bio-contaminants. Mr. Bertino discussed the

amount of capital that has gone into the Ski Lodge since 2011 totals \$350,000 and now want to spend \$45k. He said since 1994 we've been told pay the restaurant business and other amenities would pay their own way and it was probably time to, raise prices versus putting the burden on the community when most of the community doesn't even use the ski area. Mr. Melanson asked why the Kitchen Hood system was not designed correctly in the first place. The Moderator indicated we did not retain a mechanical engineer and relied on an equipment supplier to select the equipment. He said it was likely that they assumed the required additional 20% of fresh air was available via the HVAC system. He also pointed out providing the make-up air in that fashion ensure air flow into the Kitchen which mitigates odor migration. The Moderator called for a vote. **Vote 46 yea, 10 nay. The Moderator declared the Warrant passed by majority vote.**

**Warrant Article 2- Outdoor Courts – Option One (continued):** The Moderator called the ballot box to be closed at 12:22 PM.

**Warrant Article 8 – Ski Lift Tower Safety Catwalk (continued):** The Moderator announced the vote tally with 37 yea, 22 nay. The Moderator declared the Warrant passed by majority vote.

**Warrant Article 10- Water Intrusion Repair:** The Moderator read Article 10 aloud. *“To see if the Village District will vote to raise and appropriate Thirty-Five Thousand Dollars and No Cents (\$35,000.00) for the purpose of repairing damage from water intrusion into areas including the main electrical panel room underneath the hot tub inside the Community Center and creating ADA access to a hot tub/spa inside the Community Center pool area, said sum to come from the unreserved fund balance. This article is non-lapsing until 12-31-2025. This article is a special warrant article per RSA 32:3 VI (d) and RSA 32:7 VI.”* The Moderator stated that this was not a Capital Reserve Fund and that unspent money would revert to the Unreserved Fund Balance at the end of the non-lapsing period. He stated that this money was committed to the stated purpose and could not be transferred. Maureen Patti made motion to consider, it was seconded by Ned McElroy. Mr. Panuczak spoke about the water damage from the hot tub to the electrical room. The Moderator called for discussion. Ms. Young asked if there was a reason this wasn't covered by insurance. Mr. C. Smith stated that we have just started looking into the matter and that the hot tub should have never been there. The Moderator called for a vote. **The Moderator declared the Warrant passed by a clear majority.**

**Warrant Article 11- Air Circulation, Community Center (Code Required):** The Moderator read Article 11 aloud. *“To see if the Village District will vote to raise and appropriate Thirty Thousand Dollars and No Cents (\$30,000.00) for the purpose of replacing the Make Up Air Systems required to maintain code-required fresh air supply in the Community Center as originally designed, said sum to come from the unreserved fund balance. This article is non-lapsing until 12-31-2025. This article is a special warrant article per RSA 32:3 VI (d) and RSA 32:7 VI.”* The Moderator stated that this was not a Capital Reserve Fund and that unspent money would revert to the Unreserved Fund Balance at the end of the non-lapsing period. He stated that this money was committed to the stated purpose and could not be transferred. Maureen Patti made motion to consider, it was seconded by Sean Slattery. Mr. Panuczak spoke about the existing fresh air systems and the fact that they were inoperable. The Moderator called for discussion. There was none. The Moderator called for a vote. **The Moderator declared the Warrant passed by a clear majority.**

**Warrant Article 12- Road Sand/Salt Storage Structure:** The Moderator read Article 12 aloud. *“To see if the Village District will vote to raise and appropriate Twenty Thousand Dollars and No Cents (\$20,000.00) for the purpose of constructing a storage structure at the Service Yard to house sand/salt to reduce leaching, to improve operations, and minimize equipment damage. This article is non-lapsing*

*until 12-31-2025. This article is a special warrant article per RSA 32:3 VI (d) and RSA 32:7 VI.”* The Moderator stated that this was not a Capital Reserve Fund and that unspent money would revert to the Unreserved Fund Balance at the end of the non-lapsing period. He stated that this money was committed to the stated purpose and could not be transferred. Maureen Patti made motion to consider, it was seconded by Gerry Panuczak. Mr. Panuczak indicated that Village employee Steve Baert brought this up in a Budget Advisory Committee meeting, stating that leaving the road sand exposed to the elements made it difficult to work with.

**Warrant Article 2- Outdoor Courts – Option One (continued): The Moderator announced the vote tally with 53 yea, 15 nay. The Moderator declared the Warrant passed by majority vote and meeting the 3/5 statutory majority requirement.**

**Warrant Article 12- Road Sand/Salt Storage Structure (continued):** Mr. Tole suggested using one of the existing structures as he was unclear as to whether this was a temporary or permanent solution. He also suggested covering the sand pile with a “big tarp”. Mr. Canfield suggested that if those were options, Mr. Baert would have suggested them and the solution proposed is a structure of concrete blocks with a metal frame fabric covered top. He indicated we ought to listen to our staff and said he supported the Warrant Article. Ms. Kiernan expressed that \$20k was a big number for something that wasn’t permanent. She said she would prefer a permanent solution. Mr. Oldmixon pointed out that the concrete block with metal frame and fabric cover was a permanent solution. The Moderator called for a vote. **The Moderator declared the Warrant passed by a clear majority.**

**Warrant Article 13- To Elect the Trustees of the Trust Fund for the Town of Campton:** The Moderator read Article 13 aloud. *“To see if the Village District will vote pursuant to RSA 31:31, to elect the Trustees of Trust Funds for the Town of Campton to hold in custody and administer gifts, trust, and other charitable contributions received by the Village District consistent with the purpose for which they were received.”* The Moderator stated that because Waterville Estates Village District spanned two towns, the Village was required, by statute, to select which town’s trustees they would use. Maureen Patti made motion to consider, it was seconded by Yvonne Moore. Ms. Patti indicated this was a necessary step for Warrant Articles that would follow. She also stated it was necessary to clean up Village practices with respect to accepting gifts. The Moderator called for discussion. There was none. The Moderator called for a vote. **The Moderator declared the Warrant passed by a clear majority.**

**Warrant Article 14- To Adopt Provisions of RSA 31:19:** The Moderator read Article 14 aloud. *“To see if the Village District will vote to adopt the provision of RSA 31:19 providing that any Village District at an annual meeting may adopt an article authorizing indefinitely, until specific rescission of such authority, the commissioners to accept, without any further action of the Village District, trusts, gifts, legacies, and devises made to Waterville Estates Village District for the establishment of parks and any public recreation purposes of the Village District.”* The Moderator pointed out that this did not obviate the provisions of RSA 31:95-b or 31:95-e which were previously passed by the village. He continued that monetary gifts of \$10,000 or more and personal property gifts of \$5,000 or more, require public hearings. John Herlihy made motion to consider, it was seconded by Ned McElroy. Ms. Patti indicated this expanded the Village’s ability to accept a wider variety of gifts while remaining compliant with New Hampshire statutes. The Moderator clarified that while we already have the capacity to accept unanticipated grants or gifts and personal property, this would widen the definition of what the Village could receive. The Moderator called for discussion. There was none. The Moderator reread the proposed Warrant. The Moderator called for a vote. **The Moderator declared the Warrant passed by a clear majority.**

**Warrant Article 15- To Establish a Park and Public Purposes Expendable Trust Fund:** The Moderator read Article 15 aloud. *“To see if the Village District will vote to establish a Park and Public Recreation Purposes Expendable Trust Fund per RSA 31:19-a, for the purpose of funding recreational activity within the Village District with One Hundred Dollars and no cents (\$100.00) to come from Waterville Estates Association; further, to name the Commissioners as agents to expend from said fund.”* Gerry Panuczak made motion to consider, it was seconded by John Herlihy. Ms. Patti indicated this was being created in the event that it was needed. She said this had come up regarding Friends of Campton Mountain and that, if the Attorney General’s Office required it, FOCM funds could be placed here. She said we had agreed to set up this fund in our discussions with the AG’s Office. The Moderator called for discussion. Ms. Young asked if there was a distinction being made, between the Village and the Association, by using the word Public. The Moderator clarified that the Association is a Voluntary Corporation established under RSA 292 and the Village was a Municipality established under RSA 52 and that the Village own’s the recreation properties. Ms. Young continued to question the word public stating we are a private community not open to the public. The Moderator clarified that the facilities were public and the Association was involved via the Recreation Management Agreement and controlled access to the facilities. Ms. Young continued that it was not open to the public. Ms. Patti clarified that it was open to the Village community, not people from say Concord, and that Public was a distinction made in statutes so we had to use that language. Mr. Hering stated that the Association had not agreed to contribute the \$100 and expressed he wanted it amended to say the funds would come from the Village. Ms. Patti said this issue came up very late in the process which was why the Association hadn’t been notified. **Ms. Patti made a motion to amend the language to read “to come from the recreation Revolving Fund”.** Mr. Hering stated that fund was “thin” and he didn’t think it was a good idea. The Moderator stated that we had a motion to amend and read the proposed amendment. *“To see if the Village District will vote to establish a Park and Public Recreation Purposes Expendable Trust Fund per RSA 31:19-a, for the purpose of funding recreational activity within the Village District with One Hundred Dollars and no cents (\$100.00) to come from Recreation Revolving Fund; further, to name the Commissioners as agents to expend from said fund.”* Denise Bujalski seconded the motion. Ms. Tole asked if the intent of gifts to this fund had to be honored. The Moderator said that is stipulated by law. Mr. Bertino asked if we were moving money from one fund to another. The Moderator stated yes. Mr. Bertino discussed the revenues represented in the Recreation Revolving Fund and questioned this funds relationship to the Rec Funds fees and charges. The Moderator called for the vote on the amendment. **The Moderator declared the amendment passed by a clear majority.** The Moderator called for a vote on the amended Warrant Article. **The Moderator declared the Warrant passed by a clear majority.** POO Mr. Slattery asking for a full vote count. The moderator called for anyone wishing to vote nay to raise their card. **The Moderator announced the vote tally with 31 yea, 13 nay. The Moderator declared the Warrant passed by majority vote.** Mr. Bertino questioned the legality of the fund as the money was coming from a fund with a specific purpose. The Moderator consulted with Village counsel and stated that the two purposes were the same and therefor there was no incompatibility. Mr. Bertino asked if this type of transfer would be an ongoing thing. The Moderator stated the Warrant created a one-time transfer. More discussion of this type took place.

The Moderator called a recess at 1:06PM for 15 minutes. He asked that people check back in with the Supervisors of the Checklist when they return.

The Moderator called the meeting back to order at 1:22 PM.

**Warrant Article 16- INCLUDING VOTE TALLY on Budget Items and Warrant Articles:** The Moderator read Article 16 aloud. *“To see if Waterville Estates Village District will vote, pursuant to RSA 32:5, V-a and RSA 40:13. V-a, to require that all votes on recommendations on budget items or warrant articles by the Board of Commissioners and the Budget Advisory Committee SHALL be recorded votes and the numerical tally of such votes shall be printed in the warrant next to the affected warrant article.”* John Herlihy made motion to consider, it was seconded by Yvonne Moore. Mr. Panuczak indicated the Warrant was self-explanatory. The Moderator called for discussion. Mr. Slattery asked if this covered all Village votes. The Moderator clarified that it only covered the votes of the Commissioners for final budget and Warrant Articles and the Budget Advisory Committee for final budget. The Moderator called for a vote. **The Moderator declared the Warrant passed by a clear majority.**

**Warrant Article 17- INCLUDING TAX IMPACT:** The Moderator read Article 17 aloud. *“To see if Waterville Estates Village District will vote, pursuant to RSA 32:5, V-b, to require that the annual budget and all special warrant articles having a tax impact, as determined by the Board of Commissioners, SHALL contain a notation stating the estimated tax impact of the article.”* Gerry Panuczak made motion to consider, it was seconded by John Herlihy. Mr. Herlihy said that with all the capital items brought forward I would be good for the voters to understand the tax impact of individual projects. The Moderator called for discussion. Mr. Spinney asked whether the tax impact would include a calculation for using the unreserved fund balance. The Moderator clarified that it only covered the amount to be raised to cover the appropriation, not any amounts from the surplus as they are not part of the tax rate. The Moderator called for a vote. **The Moderator declared the Warrant passed by a clear majority.**

**Warrant Article 7- Outdoor Courts – Option Two.:** The Moderator stated that the Warrant was obviated by the passage of Warrant Article 2, but that we still needed to read it, get a motion and a second, and vote to defeat it. He read Article 7 aloud. *“To see if Waterville Estates Village District will vote to raise and appropriate the sum of Seventy-Five Thousand Dollars and No Cents (\$75,000.00) for the purpose of a renovation of one battery of outdoor racket courts and the outdoor basketball court. The renovated courts will consist of Upper Court Battery: new asphalt base pad, new net posts, new fencing and multipurpose court surface to include one tennis, two pickleball, one badminton. The existing Basketball Court will be rebuilt to provide a half court with a new asphalt base pad, new hoop system, new walkway with wood fencing and improved drainage. This article is non-lapsing until 12/31/2022. This article is a special warrant article per RSA 32:7 VI.”* Rick LeBlanc made motion to consider, it was seconded by Anthony Patti. The Moderator called for a vote. **The Moderator declared the Warrant defeated by a clear majority.**

**Warrant Article 18- DISBAND THE BUDGET ADVISORY COMMITTEE:** The Moderator read Article 18 aloud. *“To see if the Village District will vote to disband the Budget Committee, advisory or otherwise.”* The Moderator stated that the Warrant would only be viewed as advisory. He said there is no statutory authority for the legislative body to compel the Commissioners to disband an advisory committee. He said District Commissioners have authority to establish an advisory budget committee. RSA 32:24. RSA 32:5 (budget preparation responsibility of “governing body” if not official budget committee.”). Sean Tole made motion to consider, it was seconded by Rick LeBlanc. Mr. Tole recommended that people vote no for the Warrant. Mr. Bertino asked if we could amend the Warrant to elect an official budget committee. The Moderator stated the amendment would entail introduction of a new matter which would not have been properly noticed. Mr. Hering discussed a motion to amend the Warrant Article to add a requirement to have an Association member on the committee. He stated that he had been getting emails and then he was removed from the mail list. The Moderator clarified that

when the Budget Advisory Committee was created last year, the result was that the Moderator appointed members and Mr. Hering had not been appointed to the Committee. He said that the effect of the amendment would still be advisory only. **Mike Hering made a motion to amend the Warrant to require an Association member be included on the Committee.** The Moderator read the Warrant as proposed. The motion to amend was seconded by Stephanie Kiernan. The Moderator called for discussion. POO Ms. Patti asked if the amendment changed the subject of the Warrant. The Moderator consulted with Village Counsel. The Moderator indicated that the motion left the Warrant advisory only and so noticed or not, no state agency would enforce the Warrant making notice irrelevant. Ms. Kiernan expressed support for the amendment. The Moderator called for a vote on the motion to amend and read the amended motion. *“To see if the Village District will include one Association member on the Budget Advisory Committee.”* **The Moderator declared the amendment failed by a vote of 22 nay and 19 yea.** **Harry Bertino made a motion to amend the warrant to require one member from every Homeowners Association and Condo Association on the Budget Advisory Committee.** Al Zulli seconded the motion to amend. Discussion took place. POO Ms. Kiernan asked if this wasn't that same motion to amend that failed. The Moderator asked what rule or procedure was in question. Ms. Kiernan could not cite a rule or procedure. The Moderator called for a vote on the motion to amend and read the amended motion. **The Moderator declared the amendment failed by a clear lack of visible support.** The Moderator stated we are back to considering the original Warrant and asked if there was any more discussion. There was none. The Moderator called a vote and re-read the Warrant Article as originally submitted. **The Moderator declared the Warrant failed by a clear lack of visible support.**

**Warrant Article 19- TO CHANGE THE LANGUAGE IN WARRANTY DEED FOR CAMPTON MOUNTAIN, CAMPTON MOUNTAIN LODGE:** The Moderator read Article 19 aloud. *“To see if the Village District will vote to add the following language to the warranty deed recorded with the Grafton County Registry of Deeds in Book 3707, Pages 0260 – 0265, known collectively to be Campton Mountain, Campton Mountain Lodge, and all recreational infrastructure such as ski lifts, lighting and other accessories installed on the premises. **“Waterville Estates Association, and/ or its successor(s), retains the full and absolute authority to unilaterally reclaim its right, title, and ownership of the herein described premises without cause and at any time it so chooses.”**”* The Moderator stated that the Warrant would only be viewed as advisory. He said it has no legal effect and is unenforceable. He said the proposal contemplates an illegal process. He said the District and WEA already entered an agreement regarding transfer of the property to the District and the deed has been recorded. He said the legislative body cannot unilaterally alter the terms of a real estate transaction. Sean Tole made motion to consider, it was seconded by Erin Tole. Mr. Tole said the article supports the notion that the Association was the genesis of everything the community has today, listing the various assets. Discussion took place. Mr. Tole claimed the properties were gifted to the Village and there was no exchange of money. Mr. Bertino stated that the Village assumed Association debt in the amount of \$1.6 million and paid back taxes in the amount of \$200,000 so there was a payment. **Ned McElroy made a motion to call the vote, seconded by Jack Letvinchuk.** Mr. Patti was recognized to speak by the Moderator as he was in line before the motion. He spoke about legal points and wondered if it were even possible to amend a deed written 25 years ago and asked for the opinion of Village counsel. The Moderator reiterated the inability of the legislative body to take unilateral action here, but said any two parties to a deed can change the deed. The Moderator called for a vote to limit debate and call the question citing a 2/3 majority requirement. **The Moderator declared the motion to call the question passed by a vote of 33 yea and 13 nay.** POO Mr. Tole pointed out that he had requested to make a motion before the motion to call the question and asserted his right to make his motion. The Moderator agreed. Mr. Tole made a motion to change the language of the Warrant to *“To see if the Village District will vote to request agreement with Waterville Estates Association to file a new deed which will replace*

*the existing warranty deed recorded with the Grafton County Registry of Deeds in Book 3707, Pages 0260 – 0265, known collectively to be Campton Mountain, Campton Mountain Lodge, and all recreational infrastructure such as ski lifts, lighting and other accessories installed on the premises. The new deed will not differ in any manner with the exception of the inclusion of the following language. “Waterville Estates Association, and/ or its successor(s), retains the full and absolute authority to unilaterally reclaim its right, title, and ownership of the herein described premises without cause and at any time it so chooses.”*” Mr. Letvinchuk seconded the motion to amend. The Moderator reiterated that the Warrant would still be advisory only and called for a vote on the amendment. **The Moderator declared the amendment failed by a vote of 26 nay and 24 yea.** The Moderator stated we were back to considering the Warrant as originally submitted, reread the Warrant, and called for a vote. **Vote 21 yea, 28 nay. The Moderator declared the Warrant failed by majority vote.**

The Moderator turned over the gavel to the Deputy Moderator, Mark Canfield, so the Moderator could take a bio-break.

POO Ned McElroy made a motion to restrict reconsideration of all previous warrant articles, seconded by Stan Bujalski. POO Mr. Tole stated that the rules of order stipulate that a vote to restrict reconsideration can only occur after the vote on the Warrant. The Deputy Moderator sustained the POO. Ned McElroy made a motion to restrict reconsideration of all previous warrant article, seconded by Stan Bujalski. The Deputy Moderator called for a vote on the motion. **Vote 22 yea, 17 nay. The Deputy Moderator declared the motion to restrict reconsideration passed by majority vote.** POO Mr. Bertino stated that while the rules of order had the stipulation that a vote to restrict reconsideration can only occur after the vote on the warrant, state statute allows the vote to restrict reconsideration at any time. The Deputy Moderator stated that the legislative body can change the rules at any time. **Harry Bertino made a motion to allow all previous warrants to be restricted regarding reconsideration, seconded by Ned McElroy.** The Deputy Moderator called for a vote on the motion to change the rules of order. **Vote 28 yea, 19 nay. The Deputy Moderator declared the motion to change the rules passed by majority vote.** The Deputy Moderator turned the gavel back over to The Moderator. POO Ned McElroy made a motion to restrict reconsideration of all previous warrant articles, seconded by Stan Bujalski. The Moderator call for a vote. **The Moderator declared the motion to restrict reconsideration passed by majority vote.**

#### **Warrant Article 20- ACCEPT ALL WATERVILLE ESTATES ASSOCIATION CIF**

**CONTRIBUTIONS:** The Moderator read Article 20 aloud. *“To see if the Village District will vote to accept all Waterville Estates Capital Investment Fund (CIF) contributions, real assets. and/ or labor to any and all improvements, additions, and modifications of any Waterville Estates Village District property as the Waterville Estates Association sees fit. Any and all improvements, additions, and modifications will be the property of WEA until such time as the residents of Waterville Estates Village District vote to accept ownership of the improvements. Any incremental cost to insure said improvements, additions, and modifications will be paid by the Waterville Estates Association on a pro-rata basis until such time as the assets are accepted by the Village District.”* The Moderator stated that the Warrant would only be viewed as advisory. He said the proposal is contrary to authority granted to governing body under statutes. He said the governing body has the authority to manage all real property owned by the District and regulate its use. RSA 41:11-a, I and RSA 35-B:1. See also RSA 52:3, II (Districts have same powers as Town). He also pointed out that it did not obviate the requirements of RSA 31:95-b and 31:95-e as previously described. The Moderator called for a motion to bring the Warrant to the floor for consideration. No motion was made. **The Moderator declared the Warrant failed by lack of support.**

**Warrant Article 21- TO CHANGE THE LANGUAGE IN WARRANTY DEED FOR THE COMMUNITY CENTER BUILDING, SWIMMING POOL, TENNIS COURTS, POND AND ADJOINING LAND:** The Moderator read Article 21 aloud. *“To see if the Village District will vote to add the following language to the warranty deed recorded with the Grafton County Registry of Deeds in Book 1751, Pages 0476, 0477, and 0487, known collectively to be the Community Center Building, Swimming Pool, Tennis Courts, Pond and adjoining land. **“Waterville Estates Association, and/ or its successor(s), retains the full and absolute authority to unilaterally reclaim its right, title, and ownership of the herein described premises without cause and at any time it so chooses.”**”* The Moderator stated that the Warrant would only be viewed as advisory. He said it has no legal effect and is unenforceable. He said the proposal contemplates an illegal process. He said the District and WEA already entered an agreement regarding transfer of the property to the District and the deed has been recorded. He said the legislative body cannot unilaterally alter the terms of a real estate transaction. Sean Tole made motion to consider, it was seconded by Rick LeBlanc. Mr. Tole stated his reasoning for this Warrant was the same as Warrant 19. He said that the request is the Commissioners work with the Association so it isn't a unilateral action and the legislative body should consider that. The Moderator reiterated that the Warrant is advisory only and the legislative body cannot compel the Commissioners to act. Discussion took place. **Mr. Tole made a motion to change the language of the Warrant to** *“To see if the Village District will vote to a request agreement with Waterville Estates Association to file a new deed which will replace the existing warranty deed recorded with the Grafton County Registry of Deeds in Book 1751, Pages 0476, 0477, and 0487, known collectively to be the Community Center Building, Swimming Pool, Tennis Courts, Pond and adjoining land. The new deed will not differ in any manner with the exception of the inclusion of the following language. **“Waterville Estates Association, and/ or its successor(s), retains the full and absolute authority to unilaterally reclaim its right, title, and ownership of the herein described premises without cause and at any time it so chooses.”**”* The motion was seconded by Mike Hering. The Moderator called for discussion. Ms. Young asked, since the Association can't tax members, if they executed their right to reclaim, how would it get funded. The Moderator stated that funding was not contemplated in the Warrant Article. Mr. Canfield observed that there wasn't much sense in voting on advisory Warrant Articles since there is no enforcement mechanism. The Moderator called for a vote on the motion to amend. **The Moderator declared the amendment failed by a vote of 24 nay and 15 yea.** The Moderator stated we were back to considering the Warrant as originally submitted, reread the Warrant, and called for a vote. **Vote 17 yea, 27 nay. The Moderator declared the Warrant failed by majority vote.** **Ned McElroy made a motion to restrict reconsideration of this warrant article, seconded by Holly Timms.** The Moderator called for a vote on the motion. **The Moderator declared the motion to restrict reconsideration passed by a clear majority.**

**Warrant Article 22- TO MANDATE ALL DISTRICT COMMITTEES HAVE EQUAL REPRESENTATION of Residents and Non-Resident Homeowners:** The Moderator read Article 22 aloud. *“To see if the Village District will vote to mandate that all Village District committees be composed of equal representations (+/-1) of both village district residents and nonresident village district homeowners.”* The Moderator stated that the Warrant would only be viewed as advisory. He said the proposal is contrary to authority granted to governing body under statutes. He said Commissioners have authority to manage prudential affairs of District, including need and process of advisory committees. RSA 41:8. He said the Commissioners are authorized to included non-residents on any advisory committee if they desire to, but cannot be forced to. The Moderator called for a motion to bring the Warrant to the floor for consideration. No motion was made. **The Moderator declared the Warrant failed by lack of support.**

**Warrant Article 23- FOR THE VILLAGE DISTRICT TO ACCEPT DONATIONS FOR THE BENEFIT OF THE FRIENDS OF CAMPTON MOUNTAIN:** The Moderator read Article 23 aloud. *“To see if the Village District will vote to accept any money, real asset, or labor donated to the Village District for the benefit of the Friends of Campton Mountain. This determination will prevail until such time as it is rescinded by a vote of the Village District voters.”* The Moderator stated that the Warrant would only be viewed as advisory. He said the District has already passed Warrants providing for this activity, specifically, the Village has previously passed the provisions of RSA 31:95-b and 31:95-e until rescinded. This article does not rescind the previously approved Warrant Articles, nor does it obviate their requirements. The Moderator called for a motion to bring the Warrant to the floor for consideration. No motion was made. **The Moderator declared the Warrant failed by lack of support.**

**Warrant Article 24- TO MANDATE ALL VILLAGE DISTRICT MEETINGS BE CONDUCTED AT PARTICULAR TIMES, INCLUDING A VIRTUAL PLATFORM, RECORDED, AND RECORDINGS POSTED WITHIN 24 HOURS:** The Moderator read Article 24 aloud. *“To see if the Village District will vote to mandate that all village district commissioner and/ or committee meetings be 1. Conducted after the hour of 5 pm Monday through Friday or between the hours of 8 am and 12 pm on Saturday, 2. Available via Zoom or another, comparable audio/ video platform, 3. Recorded electronically for audio and video, and 4. Recordings are to be conspicuously posted on the Waterville Estates website no later than 24 hours after each meeting.”* The Moderator stated that the Warrant would only be viewed as advisory as there is no legal way to enforce it. He said the proposal is contrary to authority granted to governing body under statutes. He said Commissioners have authority to manage prudential affairs of District, including scheduling meetings. RSA 41:8. Moreover, RSA 91-A (right-to-know law) requires specific notice and public meeting requirements. He said under state law, meeting minutes are required to be available for inspection 5 days after the meeting, not 24 hours. He said the legislative body cannot alter state law via annual meeting. RSA 91-A:2, II. Sean Tole made motion to consider, it was seconded by Mike Hering. Mr. Tole described the benefits of conducting meetings via zoom. **Mr. Tole made a motion to change the language of the Warrant to** *“To see if the Village District will vote to mandate that all village district commissioner and/ or committee meetings be available via Zoom or another, comparable audio/ video platform, Recorded electronically for audio and video, and saved to be made available to the public.”* The motion was seconded by Rick LeBlanc. The Moderator read the amended Warrant Article and called for discussion. Mr. Canfield stated that while he did not feel a Warrant was necessary, he supports conducting meetings as described. Ms. Patti clarified that ONLY the official meeting minutes can be viewed as the record of what transpired at a meeting. Mr. Timms observed that the Warrant was coming from an individual who has not practiced what he preached. Shouting erupted from the floor. The Moderator issues a warning to the responsible parties and reiterated that if one has a point of order, they are to stand and calmly but loudly say point of order. POO Ms. Tole cited the rules of order stating Mr. Timms should not be talking about individuals. The Moderator agreed and advised Mr. Timms to speak only for himself. Mr. Timms stated that there was a public meeting of the WEA Board that was recorded, but no recording or meeting minutes are available and he does not support this Warrant Article. More discussion took place. **Ms. Timms made a motion to call the question, seconded by Mr. Timms.** Mr. Bertino was recognized to speak by The Moderator as he was already in line. Mr. Bertino observed that any attendee has a right to record the meeting and that the Commissioners have been very accommodative when he has chosen to do so. The Moderator called for a vote to call the question. **The Moderator declared the motion to call the question passed by a clear majority.** The Moderator called for a vote on the motion to amend. **The Moderator declared the motion to amend failed by a vote of 24 nay and 21 yea.** The Moderator re-read the original

Warrant Article and called for a vote. **Vote 15 yea, 25 nay. The Moderator declared the Warrant failed by majority vote.**

**Warrant Article 25- TO ALLOW USE OF VILLAGE DISTRICT LAND AND/OR WATERWAYS TO FACILITATE THE INSTALLATION OF SNOWMAKING EQUIPMENT:**

The Moderator read Article 25 aloud. *“To see if the Village District will vote to allow the use of any Village District lands and/or waterways to facilitate the installation of snowmaking equipment at Campton Mountain or elsewhere as deemed appropriate by Waterville Estates Association.”* The Moderator called for a motion to bring the Warrant to the floor for consideration. No motion was made. **The Moderator declared the Warrant failed by lack of support.**

**Warrant Article 26- CREATE A COMMITTEE TO LOBBY LEGISLATORS TO PERMIT VOTING BY ALL HOMEOWNERS IN THE VILLAGE DISTRICT:**

The Moderator read Article 26 aloud. *“To see if the Village District will vote to establish a committee whose purpose is to lobby the NH State Legislature to change election laws in NH in order to permit voting on village district budgets and elections of village district officials by all homeowners in village districts within NH. The committee’s composition is to be 5 members, 3 of whom must be non-resident homeowners in Waterville Estates Village District. The committee members are to be elected by Village District residents.”* The Moderator stated that the Warrant would only be viewed as advisory as there is no legal way to enforce it. He said the voting laws and domicile requirements are established via New Hampshire law and the Constitution. RSA 654:1 and RSA 659:12. He said the legislative body cannot change these requirements by annual meeting vote. He indicated that if the Article were to pass, we’d be advised to send the vote result to general court and await action. He said non-resident homeowners cannot be elected to any position, only Village citizens can be elected. Sean Tole made motion to consider, it was seconded by Mike Hering. Mr. Tole stated that 90% of owners are taxed without representation and that should be corrected. Mr. Patti said we’ve all heard the expression one man one vote and this is not therapy, it’s government. Mr. Bertino said it is not taxation without representation, any person can properly domicile in the Village. He said all the amenities would function much better financially with more full-time residents. Mr. Hering reiterated that it was not a proposal to allow voting town wide, only in the Village District. He claimed 15 states, including Connecticut, allow non-residents to vote. More discussion took place. **POO Mr. Timms made a motion to call the question, seconded by Ms. Timms.** Mr. Bertino and Mr. Bujalski elected to waive their right to speak even though they were in line. The Moderator called for a vote. **Vote 13 yea, 22 nay. The Moderator declared the Warrant failed by majority vote. Joan Smith made a motion to adjourn the meeting, seconded by Maureen Patti. POO Holly Timms made a motion to restrict reconsideration of all previous Warrant Articles, seconded by Harry Bertino.** The Moderator called for a vote on the motion to restrict. **The Moderator declared the motion to restrict reconsideration passed by a clear majority.** The Moderator called for a vote on the motion to adjourn. **The Moderator declared the motion to adjourn passed by a clear majority.**

The meeting adjourned at 3:09 PM.