

Waterville Estates Village District

August 21, 2021

Commission Meeting

Attendees: Maureen Patti, Gerry Panuczak, Ned McElroy, Becky McElroy, Richard Mayo, Loren Bennett, Jeff Popham

Attendees via Zoom: John Scruton, Jaime Oldmixon, Brian Sylvia, Kim Pacheco, Bruce Marks, John Herlihy, additional unidentifiable parties.

Call to Order: Ms. Patti called the WEVD Commission Meeting to order at 9:05 AM.

Roll Call of Commissioners: Ms. Patti and Mr. Panuczak present at the Summit Lounge (Mr. Herlihy joined later, via Zoom).

Approval of Agenda: Two modifications to the Agenda –

- i. Not included in handout are two items –
 - a. A document labeled “Additional Motion for 082121 Commission Meeting”
 - b. An updated IGM report
- ii. correct date of draft minutes being reviewed to July 23, 2021

Approval of Past Meeting Minutes: Ms. Patti motioned to amend the draft minutes of July 23, 2021 by substituting “reviewed” for ‘validated’ on Page 6, in General Calendar Item K, line 4. Mr. Panuczak seconded the motion and the motion passed by roll call vote. Ms. Patti motioned to adopted minutes as amended, Mr. Panuczak seconded and the motion passed by roll call vote.

Treasurer’s Report: Mr. Panuczak announced the Campton Town Administrator, a Trustee of the Trust Fund for the Town of Campton, AGM J. Kinney, IGM J. Scruton, and the NH Trust Fund representative will be meeting next week, via Zoom, to set up the Park & Recreation Trust Fund.

Committee Reports

Outdoor Courts: Outdoor Courts Committee submitted a one-page report (in handout, attached) and supplies & equipment needed to refresh the outdoor volleyball court are being gathered. Ms. Patti moved to authorize the cleanup of the existing volleyball court and refreshing of the court including the installation of a new Net Pole system by Outdoor Courts Committee volunteers and other volunteers at time(s) of their convenience. Mr. Panuczak seconded and the motion passed with unanimous roll call vote.

Snowmaking: Snowmaking Committee heard from Scott Barthold, who answered questions about the 10X12 structure that will house the pump and the building and construction of the 900 feet of pipe (on municipal property, along the Lazy 8), how the valves will be kept warm in the winter, how the hydrants would work. Mr. Panuczak has located a welder (Shawn Burns Welding) who is interested in bidding on the project. He has done work for Waterville Valley. The Snowmaking Committee will coordinate with Water System infrastructure repairs and Water Master Plan before a new structure is constructed to house snowmaking pump. District will be working closely with Association to get the new structure and pipes installed regarding ownership of fixtures installed on District property. Plan is

for separate meter for electric used to run snow gun, pump, etc. and meter for water used for snowmaking.

Water Master Plan & Roads: Mr. Herlihy indicated the Committee continues to communicate with Nick Sceggell, from Dubois & King, regarding Master Plan. NH DES has an upcoming seminar about requirements for someone to train to become a licensed water operator. Mr. Herlihy expressed concern that the District does not have succession planning in this arena. Mr. Herlihy feels the District needs a plan identifying which roads, in terms of priority, need to be paved and hopes we can work with the towns re: roads.

Planning Board: Mr. Panuczak indicated the Planning Board is scheduling a September meeting. As the board needs to meet monthly, there may be one scheduled for next week.

Interim General Manager's Report:

- a) Significant budget shortfall in boilers, legal, and consulting. Suggestion is to delay the \$65k in paving. R&D agrees to delay until 2022. Suggestion is to budget \$65k and another \$60k to stay on schedule. **Ms. Patti moves to end the contract with R&D paving, to not proceed with any paving work with R&D in 2021, and plan to budget with R&D to do the paving work in 2022. Mr. Panuczak seconded the motion.** Mr. Panuczak asked if WEA provided any (CIF) monies for the boilers, would that change anything in relation to paving. Answer: no and problem is timing for when District would be on the R&D 2021 schedule. Ms. Patti noted that bringing WEVD into compliance with municipal law has been costly. Costly in terms of time – consulting (Mr. Scruton), Commissioner, and legal. This municipality has done a wonderful job in remaining solvent and running itself despite the absence of written procedures and despite not following certain legal requirements. But the cat is out of the bag and it is a new day. We have to make this change. Unfortunately, this change is extraordinarily expensive. Far more expensive than anticipated. Ms. Patti did not anticipate how many areas needed intervention and involvement of our consultant and legal. **The motion passed by unanimous roll call vote.**
- b) Matt Smith has resigned as energy czar. We are looking for a company that can help us deal with the (HVAC) issues in the Summit Lounge air conditioning & air exchange, the Fitness Room heat, A/C, and air exchange, and the locker rooms air exchange especially humidity.
- c) Game Room carpeting quotes: 1. Remove and reinstall the carpet tiles for \$2,250; and 2. More complete project to grind, mitigate, and re-glue the carpet tiles for \$6,075. IGM plans to move 3 of the games into the lobby area outside the Game Room. Ms. Patti to consult with WEA Board to see if any contribution to cost of permanent correction of failed adhesive. Mr. Mayo asks if Game Room will be usable while trying to solve this problem. IGM will proceed with having staff attempt to adhere or glue down carpet tiles to eliminate any trip hazard OR lift up all the tiles and adhesive, thereby making the Game Room useable. Mr. McElroy asked what caused the water damage in the Game Room. Ms. Patti reported it was a frozen pipe and she heard it was due to a failed battery-operated thermostat. Why the pipe froze is not definitively known.
- d) Ski Lodge carpet and carpeting outside the locker rooms are going to be professionally cleaned.
- e) Dubois & King reported they have developed an engineering solution in the event of failure of the transfer tank at the Ski Bowl Pump House. The cost for this engineering plan is \$18,906. This does not include the cost of construction. There is no money in the budget for this

engineering or construction. Dubois & King is still trying to figure out if they can bypass the tank and still have adequate treatment. Ms. Patti asked if the transfer tank failed, would we likely get approval from DRA to spend unreserved funds in excess of our 2021 budget to fix the problem (emergency expenditure)? From his experience, Mr. Scruton believes that if the situation is from poor maintenance AND it could've been budgeted for, DRA is not likely to help and won't allow going over the budget. If DRA sees the tank failure as a catastrophic failure, and the District wasn't aware there was going to be a failure – like when a flood occurred -- then likely to get permission. Mr. Scruton will speak to DRA about this issue. Mr. Scruton noted the construction costs will depend on whether the District can plumb around the tank or must replace it.

- f) Computer servers and racks cannot be moved to a space across from the Board Room per the architect. That leaves two possible locations – the coat room closet outside the Summit Lounge or erecting a wall in the Board Room to create a small closet. Mr. Scruton suggests Ms. Patti approach WEA Board to seek their input as to which of the two options they prefer. Ms. Patti agrees to do so after hearing from our IT consultant.
- g) Lowest bidder for Office carpet replacement is Brock's Carpets. The work will be done in September and staff will work from the Summit Lounge for continuity of operations. IT consultant will be on site to assist with temporary move of computers, etc. Date to be determined.
- h) Architect from Sam D'Elia has reviewed the plans for the entire Community Center. They have expressed great concern there is corrosion of the rebar imbedded in the concrete floor underneath where the indoor hot tub was located. They feel the area where the spa was originally located cannot be re-used for another hot tub. They think it is like what happened in South Beach, Florida (Condo collapse). They think the only way you can get an ADA approved hot tub in the same spot would be to tear out the windows and roof and build the floor out to the exterior wall of the lower level. They will quote a price to design. This is going to take a Warrant Article to get the money for such a large construction project.
- i) OshKosh trucks are out for sale.
- j) A company is interested in quoting on the basketball court. While we do not have funds, IGM understands WEA has committed \$65k in CIF to both the tennis courts and basketball projects.
- k) Work will be done on the Pump Station at Doe Run – removing a fallen tree, painting, exterior repair.
- l) Pest control company believes the flowers are attracting pollinating insects including wasps. Others question if it is spilled food that attracts. Treatment with pesticide seems to be working.
- m) Water intrusion into the boiler room is believed to be from small outdoor hot tub near family pool. Plan is to remove the tub after Labor Day and determine if the plumbing is causing water to enter boiler room. The replacement (new) hot tub needs to be ADA accessible and would be part of budget process for 2022. There are other areas which can be made ADA Accessible easily while new spa is going in – some of the shaded seating area. Making the concrete level from the building to the seating area.
- n) Dirt movers came to prepare for landing to remove pine tree on ski slope (08/17/21)
- o) Boiler system install is nearly completed. Final invoice in for about \$50k has been received.
- p) Have looked at another company to run the water system as licensed water operator (replacing Lakes Region). Need to speak with Steve Baert before recommending.

- q) Having heard mention of the Hodgman Hill well, IGM has not found anything at the registry of deeds. Ms. Pacheco, Secretary of the Hodgman Hill Village Condos, addressed the Commission and pledged to provide a copy to WEVD Management and Commissioners.

Ms. Patti asked Mr. Scruton if, in this August 21, 2021 Interim General Manager Report, he intended to refer to the hot tub in line 1 of item 8 instead of the pool. Mr. Scruton said that is what he intended to communicate. Ms. Patti asked if she could amend his report to replace “pool” with “indoor hot tub.” Mr. Scruton agreed. **Ms. Patti moved to make the amended “August 21, 2021 Report Interim General Manager John Scruton” an attachment to the official minutes of this meeting. Mr. Panuczak seconded the motion. By roll call vote, approval of this motion was unanimous.**

Mr. McElroy asked if the Boiler system replacement included a repair of the temperature control system. Mr. Oldmixon was invited to answer the question. Per Mr. Oldmixon: No, it doesn’t involve any repair work to thermostats or control valves anywhere in the building. None of the remote temperature sensors are being replaced as part of this. The new boiler system includes an update of the control system of the boilers only. New glycol fill system has been installed and glycol has been added to prevent freezing. Mr. Scruton noted that the valves in the Community Center were manually locked on open, making the building too warm.

Consent Calendar: Ms. Patti moved to adopt the manifests that are included in the handout. Mr. Panuczak seconded and the motion passed with unanimous roll call vote.

General Calendar Items (not previously addressed/acted on during IGM Report):

- A. **Fresh Air at Ski Lodge:** Adding fresh air at the ski lodge will be looked at by Mr. Scruton. The problem is the hood vents for the kitchen. The amount of air they exhaust and the amount of replacement air is not synced.
- B. **Proposed Procedures for Unanticipated Revenues and Policy for Using for Intended / Stated Purpose:** This procedure is to help with the interaction between the WEA Board of Directors and the District. If WEA is going to use CIF funds for improvements to assets that relate to running recreation or for adding new items for recreation, there are procedures we must follow. Ms Patti described the procedures generally. Ms. Patti moved to adopt the *Revised Proposed WEVD Procedures Regarding Acceptance & Expenditure of Unanticipated Revenues Including Grants, Money, Donations of Capital Assets, and Policy Regarding Using for Intended / Stated Purpose* (see attached). Mr. Panuczak seconded and the motion passed with unanimous roll call vote.
- C. **Proposed amended WEVD Commission Meeting Agenda:** Tabled to 9/1/2021.
- D. **Proposed Update to WEVD Meeting Policy:** Ms. Patti described the proposed update and what changed and why. Ms. Patti moved for the adoption of an updated policy now re-named WEVD Commissioner Meeting Procedures (see attached). Mr. Panuczak seconded. Motion carried unanimously in a roll call vote.
- E. **Proposed Updated Non-Public Session Checklist:** The handout includes in the shaded the small changes being sought. Ms. Patti moved for the adoption of the Non-Public Session Checklist dated August 21, 2021. Mr. Panuczak seconded and the motion carried by unanimous roll call vote.
- F. **Approval of Vermont Recreational proposal for rebuilding of the tennis court batteries:** Mr. Mayo helped describe the particulars of the multi-use court and provided the timeline for the site work (due to Covid labor shortages). Work will begin in 2022. It takes 6 months of

curing time once the court surface is prepared (before painting lines, etc.), causing the completion to be pushed into 2023. Ms. Patti described that the District has \$200,000 from the note approved by the voters at the April 24, 2021 Annual Meeting and just under \$46,000 from the 2019 non-lapsing Warrant Article which provided \$186,000 for Recreational Elements. The District has \$246,000 available and may have to take \$5,000 from the 2022 operating budget OR the \$5,000 will come from the \$65,000 of CIF monies that WEA is contributing to both the new tennis courts and the new basketball half-court. Mr. Herlihy asked the property owner who abuts the tennis court. Ms. Patti stated the abutter will be addressing the Commission later in this meeting. Mr. Marks, who is on the Outdoor Courts Committee, spoke to his support of the Vermont Recreational proposal and mentioned his concerns about any trees being removed during the construction of the new tennis courts. Ms. Patti moved to approve acceptance of the proposal with Vermont Recreational for \$250,100 which is the base bid plus alternates 2 (drainage around upper battery) and alternate 3 (finish coat and line-paint basketball court) subject to three notes added before signature:

- a. It is understood the price is subject to adjustment based on the price of fluctuation for the price of asphalt;
- b. all required updated documents and bonds must be in place and approved before work begins;
- c. A satisfactory contract is mutually agreed upon for conditions.

Further the motion is to allow Chairperson Patti to sign on behalf of the Waterville Estates Village District. Seconded by Mr. Panuczak. The motion passed by unanimous roll call vote. Ms. Patti moved to make Additional Motion for August 21, 2021 Commission Meeting an attachment to become part of the official meeting minutes for 8/21/2021. Mr. Panuczak seconded the motion. Unanimously approved in a roll call vote.

G. Interim GM suggests the District hire a surveyor to determine the District property line(s) at the Community Center tennis court as efforts to locate pins or other markers have not been successful. The exact property boundary may not need to be known until 2022 when Vermont Recreational gets ready to begin site work. While it may need to be included in the 2022 Budget, Interim GM agrees to get prices for surveying the area near the tennis courts as well as the entire Community Center Complex and Campton Mountain.

H. **Citizen addresses Commission re: Removal of Trees for New Tennis Courts:** Ms. Patti provided an introduction that Mr. Marks has raised concerns about the possible removal of trees as part of the construction of the replacement tennis courts in Outdoor Courts Committee meetings. The Outdoor Courts Committee has responded that until a vendor is selected, and the vendor proposes removal of trees, there cannot be a meaningful conversation with the abutters to the tennis courts. Mr. Mayo added that the OCC will be conducting public meeting(s) walking through the area with the vendor so that interested members of the public can see what trees (if any) are being recommended for removal.

Mr. Marks addressed the Commission stating that he walked the area with OCC Chair Dave Ketcham who expressed concern about pinecones & needles damaging the courts. Mr. Ketcham did not express concern about tree roots to Mr. Marks. There is only a small area where the needles fall on the court per Mr. Marks. The cutting down of pine trees is unnecessary because there are other options. Mr. Marks will commit to sweeping the courts to make sure the needles and cones don't damage it and to do other things. Mr. Marks asked the Commission to commit to not cutting down any trees to prevent pinecones or needles falling on the court. Mr. Marks argued the Commission has the contract of the chosen vendor and this is the right time to commit to only cutting down trees if the roots are causing destruction.

Mr. Scruton commented that another issue which was not mentioned is the danger of the pine trees falling and causing destruction. The danger of the pine trees falling due to winds, etc. needs to be investigated. There is the risk of these trees falling and damaging the court. Mr. Marks responded that it is much more likely that the tree would fall and damage our house and, in his judgment, to remove a tree because of a potential risk that it might fall is not consistent with what the community stands for – maintain trees and aesthetics. Mr. Scruton pointed out that Mr. Marks’ comments raise the issue of the municipality’s liability for these trees. Before anything is decided, per Mr. Scruton, we need the survey done. If the survey shows they are the Marks’ trees and they want to take the risk of them falling, that is one issue. But if the survey shows they are the District’s trees, the community must weigh the liability of where they may fall. Mr. Marks expressed concern removal of trees might reduce the value of his property. He wants, in good faith, without having to do a survey or litigation, to come together as a community on this issue. Mr. Herlihy moves to hire a surveyor to survey the area where the new tennis courts will be going. Mr. Panuczak suggests that the motion is premature because we do not have a dollar amount to authorize an expenditure for the survey. Mr. Herlihy agrees.

- I. Ms. Patti asks the WMP&R Committee and Interim GM to work together to, as soon as practicable, advise the Commission which meter to install so we can, as a priority, get proper readings of water usage at the Community Center and Campton Mountain. Mr. Herlihy expressed support for getting meters installed on the expected biggest user of our water. Mr. Panuczak supported this request.
- J. **Upgrading the security system / cameras:** Tabled to 090121
- K. The District is seeking additional volunteers to serve on advisory committees and the Planning Board. A constant contact announcement will go out
- L. **Additional funds for Municipal Resources Inc.:** District has used up the \$17,500 previously authorized. Mr. Scruton is on site two days a week, working a total of 20 to 25 hours a week. If GM leave is going to continue, the District needs to approve another \$12,500 to cover Mr. Scruton’s continued services as Interim GM through September. Mr. Panuczak moves to add \$12,500 to the MRI (Municipal Resources Inc.) limit for funding for fiscal 2021. Ms. Patti seconded and the motion passed by unanimous roll call vote.
- M. The 8/16/2021 Commission Meeting Agenda identified the physical location as the Ski Lodge when the meeting was conducted in the Community Center. Ms. Patti moves that the 8/16/2021 official agenda be amended to strike the reference to the Ski Lodge and insert “Community Center, 562 Winterbrook Rd., Campton, NH 03328”. Mr. Panuczak seconded the motion and passed by unanimous roll call vote.

Public Comment – Mr. Bennett observed that there seems to have been a history of a lack of preventative maintenance in this organization. Mr. Bennett reported hearing the Chair say there was a failure of a thermostat caused by a dead battery. Mr. Bennett said: the replacement of a battery is significantly less expensive than repairing the floor etc. A dead battery is 100% predictable. Has there been a program set up to regularly check those things that we know have a short life span? Trying to improve our situation from the past of not being on top of preventative maintenance. Is there a program or a plan where we record when preventative maintenance is performed? Ms. Patti stated that she was told the frozen pipe resulted from a thermostat not working because the battery was dead. She does not know if there is a definitive answer to the question of what caused the pipe to freeze. Mr. Scruton announced that staff is on a schedule to change the batteries in all the thermostats on every daylight savings change. Mr. Panuczak added there was a discussion about making all of our thermostats hard wired, especially in light of the fact that the Community Center and Ski Lodge have backup generators.

Mr. McElroy: We have many hundreds of thousands of dollars we are not funding or addressing, and it appears to me we should be thinking about addressing these issues before spending. Mr. Scruton mentioned a reserve study done on 11/7/2019 on long-range spending and what needed to be done and what needed to be set aside each year for projects on water and highways. It becomes a budgeting issue.

Ms. Patti sought consensus from her colleagues to post on the website the Reserve Study and the sno.matic report on the Website. Mr. Scruton raised the issue of limited capacity of the existing website. Interim GM recommended setting aside \$10,000 in the 2022 budget for a new website.

Motion to Enter Non-Public Session: Ms. Patti motioned to enter non-public session at 11:41 AM, pursuant to RSA 91 A:3, II(a) and 91-A:3, II (c). Mr. Panuczak seconded and the motion passed unanimously by roll call vote.

Convening of Non-Public Session: Mr. Herlihy made a motion to convene non public session at 11:50 AM, it was seconded by Mr. Panuczak and passed unanimously by roll call vote. Other persons present during non-public session: J. Scruton

Return to Public Session: Ms. Patti made a motion to exit non- public session, Mr. Panuczak seconded and the motion passed unanimously by roll call vote at 12:19 PM.

Public Session Reconvened at 12:21 PM. A motion to seal non-public session minutes, due to the fact that it will adversely affect the reputation of any person other than this commission, was made by Mr. Panuczak, seconded by Ms. Patti, and passed unanimously by roll call vote.

Adjournment: Mr. Panuczak motioned to adjourn the meeting, Ms. Patti seconded, and the Motion passed unanimously by roll call vote at 12:23 PM.