**PLVD Monthly Meeting**

**February 09, 2022 @ 6:15pm Via Zoom & Clubhouse**

**Present: Commissioner Robinson (COMMISSIONER ROBINSON), Commissioner Goodwin (COMMISSIONER GOODWIN), Commissioner Marks (COMMISSIONER MARKS),**

**Via Zoom: Treasurer Doherty (TREASURER DOHERTY), and Clerk Heather Doherty (CD)**

**Attendees: John DiAngelis, Mary Lou DiAngelis, Donna Kenney, Peter Kenney, Joann Strittmatter, Phil Strittmatter, Jamie Dow, Mark Grotheer, Debbie Grotheer, Erin Paquette**

**Via Zoom:**

**Christie Estep, Robert Porter, Carol Bogrett, Christie Holland, Claudette Levesque**

**Commissioner Robinson opened the meeting at 6:19 pm.**

*\*Audio does not pick up all conversation in the building, this will be the best transcription possible\**

COMMISSIONER ROBINSON: The Budget Meeting will be held first, then the monthly meeting, followed by a nonpublic session.

* Reading of Draft Warrant Articles

**Article 1 – (see attached Draft Articles)**

COMMISSIONER ROBINSON: Asked participants: Is there anyone here that wants to be listed on the ballot?

Debbie Grotheer put her name in for commissioner for the ballot. Jamie Dow requested her name down for treasurer. COMMISSIONER ROBINSON stated there is still an open position for commissioner, a clerk position and moderator position open.

Question: Debbie Grotheer: Are the current treasurer and current clerk running for the positions?

COMMISSIONER ROBINSON: The clerk is not running, and I believe the treasurer is running.

Confirmed by TREASURER DOHERTY, he is running.

Clarification of the different terms for the commission positions. COMMISSIONER MARKS was appointed to take a position which the former commissioner had left mid-year. Her position has a 2-year term left.

**Article 2 – (see attached Draft Articles)**

COMMISSIONER ROBINSON: Explained in advance of questions the changes in stipends.

The Treasurer stipend is raised from $5,000 to $6,000 and Commissioner stipends are being raised from $1,000 to $3,000. “The reason why we did that is to try to attract more people. This is obviously a hard job. And we were hoping to attract more people to want to serve on the board and keep the community going. It is similar to the Select Board and what they make. And the difference between the Select Board and us is that the Select Board has full time staff, and we don't so we are doing all of the work here.” The electricity, gas and water use for clubhouse were not on last year’s budget since we did not have the building.

Questions:

Mark Grotheer asked about why the legal fees were estimated low.

COMMISSIONER ROBINSON explained about the legal emergency fund of approximately $4,000.

Donna Kenney asked for clarification on the totals and underestimating the expenses. Also, she requested a status of the unpaid property taxes on the clubhouse, stating that the taxes due in December were in not paid.

COMMISSIONER ROBINSON stated she has been in contact with Dana at the Webster Town Office regarding the tax bill. As the district is tax exempt, the bill is owed by the former HOA. COMMISSIONER ROBINSON is working with the select board for an abatement of the bill and was assured by the town of Webster that we do not owe the balance. Dana at the town office will be assisting PLVD in the matter.

Unknown participant (unable to make out name in recording) then asked why this was not taken care of with the checkbook and funds from the management when it was turned over. It was discussed that when the building was turned over, any remaining funds were to come with it to maintain the building.

COMMISSIONER ROBINSON: The commission was given $2,000 but not the checkbook and no financials from the former HOA. We had requested the books be turned over, but that has not happened. The $2,000 that was given to PLVD was spent immediately when the heating system broke, also there was a gas leak that was an emergency.

Jamie Down requested that the commissioners consider setting $10,000 aside for a full CPA audit due to the last audit having issues. There were questions of going over budget on items, not entering the budget into QuickBooks and concern with other accounting issues. While it is accepted by PLVD to have the audit done every three years because of the cost, when you have and adverse audit, it is probably a good idea to have the audit done the next year.

COMMISSIONER ROBINSON asked TREASURER DOHERTY if QuickBooks is being used for 2021. TREASURER DOHERTY responded in the negative.

During discussion, it was brought up by Jamie Dow that the commission is currently violating NH law by not keeping the records in the proper format. More discussion was had regarding the lack of a budget verse actual.

**Article 3 (see drafted articles attached)**

COMMISSIONER ROBINSON asked for questions.

Debbie Grotheer asked for the current balance due.

TREASURER DOHERTY answered as of today: $169,730.01

Article 4 (see drafted articles attached)

COMMISSIONER ROBINSON: this is down $23,000 from last year as we keep making improvements to the operating system. COMMISSIONER ROBINSON then questioned a bill for the alarm system not being added to the budget. It was discussed that Lisa will address the cancellation of the service and has already made a call to the company.

Questions:

Debbie Grotheer asked for an increase in the budget for electricity with the last years budget being higher and costs in electricity rising.

After discussion among the commissioners (unable to hear much of the conversation) COMMISSIONER ROBINSON announced that the total electric for 2021 was much lower than budgeted and even with the new well, the current budget will be sufficient to cover the costs.

Donna Kenney asked if there was a surplus, can the overage be rebated to the residents?

Erin Paquette asked why if the water district is using the tax money for the water system why the surplus is staying only in the water system accounts. Also, discussed concerns that the tax money was paying 50% of the expenses of the water system even those who are not on the water system.

COMMISSIONER ROBINSON stated that this was one of the struggles the commissioners faced each year. They hoped that finding a project that was beneficial to the entire district and not only the water system users would help bring down the taxes by bringing down the need for funds from taxation.

Discussion began about the new well which will help to bring down the cost of maintaining the water system. Location of proposed new well was discussed down the hill from Franklin Pierce the lot is owned by PLVD and would be the best and least expensive option. Questions about possible arsenic and manganese in the new well location but Wright and Pierce have stated there was a low probability of those being in that location.

**Article 5 (see attached draft articles)**

Article was read by COMMISSIONER ROBINSON and there were no questions.

**Article 6 (see attached draft articles)**

COMMISSIONER ROBINSON the amount requested is to replace the funds used this past year and keep the fund available at $10,000. More research is needed and unfortunately with all the water system issues this has been put on the back burner. COMMISSIONER MARKS did attend a recent webinar to research options for the weed issues in the lake. She has reached out to get more information on some of the solutions that were suggested. Bringing in an excavator may be the most efficient option and discussion on the process was had.

MJ had a written question if the addition of the weeds if it is affecting the property values. There was discussion but could not be answered by the board, it did not seem to be making a difference in the current market.

Erin Paquette questioned why the district seemed to be paying for all the maintenance of the lake, yet it is a public boat launch that anyone can use. She asked why the state did not maintain the lake.

The commission discussed and stated that the correspondence with the state and DES were to the effect that they were fine with allowing the lake to naturally be maintained and allow for the weeds to take over. More discussion about the failed attempt at raking due to the rocks and excessive weeds.

Participant asked about finding out the actual cost of deweeding before the budget for this year. It was decided that there would not be anything done in the upcoming budget year as permitting is going to be the issue. Unknown participant requested that we raise the amount of the deweeding fund request from $2,500 to $10,000.

**Article 7 (see attached draft articles)**

COMMISSIONER ROBINSON discussed the list of grants available to assist in the funding of the playground. Most grants are matching grants so we will need to have funds approved in advance for the match before we can receive the grants.

Phil Kenney asked if the commission would consider tabling the playground equipment this budget year with the unknown expenses that may occur on the planned new well.

Conversation and clarity was asked if the grant application can begin without the money being first allocated by the budget. Jamie Dow confirmed a recent RSA was passed allowing the application in advance.

Debbie Grotheer asked if we can consider specifying that disabled access would be made to the playground equipment to allow access to all ability individuals.

COMMISSIONER ROBINSON stated that she saw no reason this could not happen and is open for assistance in choosing the equipment once the time comes.

Erin Paquette stated she is not for tabling the playground as she is not a water user and would like to see the non-water system users to receive a benefit from the additional taxation.

Donna Kenney went back to Article 6 to request that we consider adding the same language on grants to Article 6 as is in this article.

**Article 8 (see attached draft articles)**

COMMISSIONER ROBINSON this has been done over the past few years to build up the fund to pay for the survey of the property. Currently there is $10,000 in the fund and a survey must be done before we can consider cutting the lot.

**Article 9 (see attached draft article)**

Discussion on the rot in the wall and flooring of the two bathrooms, plus possible mold. The floor needs to be removed and it is asbestos, the electrical is not up to code, the decks both need to be repaired, the walkway has dropped.

Questions

Debbie Grotheer asked what the normal year rentals were for the property.

COMMISSIONER ROBINSON stated that it was a minimal charge which did not pay for the full amount of running the building. After discussion with prior board members, it was unknown that amount collected but the HOA fees raised about $18,000.

Donna Kenney asked how far the $30,000 request will help in the repairs of the building.

Discussion was had that ServePro gave a quote of about $10,000 to abate the mold and remove the asbestos, plus remove any effected drywall or boards. It was questioned on the type of mold but was assured that this is not an issue of mold, it is rot of the wood, walls and tile. COMMISSIONER ROBINSON invited the participants to see the rot issues themselves.

**Article 10 (see attached draft articles)**

COMMISSIONER ROBINSON: This was put in because of what happened this summer, we could not get anyone to volunteer here, and John and I did decide to rescind our resignations and stay on. Because neither one of us wanted to see it dissolve. A lot of work has been done here; we would like to see it kind of keep going. I don't know if it's not inevitable, which is hard when we're trying to build playgrounds and stuff like that, because all that stuff will end up getting sold if we do dissolve, which is another reason why we went up on the stipends to see if we can just attract people to just stay on. So it's not a vote to dissolve. It's just that if we don't have at least two commissioners, then we must dissolve. Doing the vote allows us not to go to court and spend a ton of money. That's why that's on it. Which is why John and I came back on because we didn't want to spend the amount of money the attorney told us it was going to be to go through the court to dissolve. If we did it in a vote like this, then the attorney would be able to take care of it a little easier, is what we were told.

COMMISSIONER ROBINSON asked TREASURER DOHERTY if he wanted to say anything since this was his article added.

TREASURER DOHERTY: No, I think it's pretty straightforward. Again, I don't think any of us really want to see the district dissolve, I think there's a lot of good things that you know, we can see coming, a plan in place to get the district the water system, playground, everything up and running. But unfortunately, as it stands, right, there's only one Commissioner that serving and then one that's running. So, if one of the two of you, happen to step down at any point, we can't pay bills, we can't run, we can't pay Aquamen, we can't cut checks. And so, just as you mentioned, Lisa, this is a situation where the lawyer, told us that they would have to go and petition to the Supreme Court. And the first thing that they would need to do is say, well, did they agree to dissolve? That is step one. If they didn't, then the attorney would need to go through the whole process. And that costs money and, things of that nature. So really just a precaution in the event that we can't hold to two or more commit commissioners.

Questions:

Donna Kenney commented that this article did not say commissioners recommend and asked if they are going to recommend.

COMMISSIONER ROBINSON stated she did not feel that the board all agreed to the article. Jamie stated that only monetary special articles have commissioners’ recommendations. Discussion was had on the nature of the vote if it would be by card or a hand vote.

Jamie Dow reaffirmed that to dissolve the district, it is by a 2/3 vote. But also questioned the validity of the language in the article. It is not in the statutory language and not sure even if it passed, it may not be able to apply. With the current language, COMMISSIONER ROBINSON is concerned that the language would not be able to be reviewed prior to the Friday deadline from the state on wording.

Claudette also stated that she would like to see this as a ballot vote.

Question by unknown participant asked if there would be any Zoom available at the town meeting. It was answered that, no, there will not be any zoom or questions allowed outside of those who are not in person of the meeting.

Clarification was asked about the article 10 if the district would immediately dissolve if there were only one current commissioner. There was discussion and many ideas were thrown out on the process. There was not a full consensus on this point. It was asked if there could be further clarification prior to the article being voted on. It was suggested that more information needs to be found out to be able to answer since the commissioners are not all understanding.

Donna Kenney asked if there was a possibility of having alternatives. Jamie stated that there was not allowed to have alternatives. Discussion needs to be done and policy needs to be updated to the expectations of the commissioners.

COMMISSIONER ROBINSON asked TREASURER DOHERTY to follow up with NHMA to get better language and confirm that there is a 2/3 vote needed. TREASURER DOHERTY stated that the wording is as the DRA approved and nothing was stated about a two thirds majority. He stated he will reach out to the NHMA to see if he can get that done in time and stated this was merely being proactive in the community. COMMISSIONER ROBINSON suggested that they speak externally and that she was not comfortable with the current wording and that if they did not get clarification on the wording that as one of the commissioners, would recommend taking it out of the articles. COMMISSIONER GOODWIN stated that Phil Strittmatter had brought to his attention that the wording as is states the opposite of its intention.

TREASURER DOHERTY informed the board he needed to leave the meeting shortly.

**Article 11 (see attached draft articles)**

COMMISSIONER ROBINSON: Discussed the need of the new well and ongoing issues of wells 5 & 6. She discussed how the new well would be able to save the district money in the long run and that there are grants available for 40% of the cost of the well. DES is requiring that the district have this article on the warrant to be able to qualify for the 40% forgiveness.

DES has come out with new regulations for arsenic and manganese. And there's a possibility that we will have to add more filtration to the next level if we do not get another well and shut down all five and six. I have a meeting on Friday for grants for part of funding.

Discussion on the cost of the well-being understated and possibility of additional costs. Suggestion of using current surplus for the well was made and discussion followed. It was suggested that there is a question if there is a surplus due to questions on the profit and loss plus a lack of actual verse budgets. A heated discussion began within the commission with regards to the current accounting practices and lack of understanding of uncategorized expenses. TREASURER DOHERTY offered to sit down with the commission and review the items in question. TREASURER DOHERTY stated there was a $40,000 surplus from 2021 that could be used. COMMISSIONER ROBINSON again stated that without a budget verse actual profit and loss, there is no way for us to know if there is any surplus. Jamie Dow stated that with the fund balance as of 12/31/2020 was $30,890 and an overpayment from the Town of Webster of $25,000 that needed to be returned, it was not likely that there was $40,000 available for the project. Also, the article is not written to appropriate any funds so it will need to be revised to show an appropriation of the funds.

***COMMISSIONER ROBINSON: Record reflects that the treasurer has left the meeting at 8:33pm.***

Jamie went on to help clarify what the actual unassigned fund balance is made up of. As described, as an example, as of 12/31/2020 the listing on the unassigned fund was $30,980 and of that, the accounts receivable of that portion is $20,587. The funds are not actual money in the bank. The current assets are combined of cash in bank and accounts receivables, so this money is not easily liquidated for use.

After much discussion, COMMISSIONER ROBINSON stated that the commission should consider revising the language to have these appropriated funds instead of unassigned fund balances.

Erin Paquette questioned having the town assess further taxes on non-water users. She questioned why there is a 100% tax on water only items instead of a 70/30 split.

COMMISSIONER GOODWIN explained that it is only the operating expenses that are split.

Erin Paquette discussed her empathy for the water users on the system but felt like the district is unfairly taxing those who are not on the system. She does not feel she gets anything for the additional $1,000 that PLVD adds to her property tax bill. She is frustrated that each year she hears that the taxes will go down, but something happens, and the taxes are increased.

Discussion continued the need for the new well due to the fines that the district can be subjected to if we do not take care of the arsenic and manganese levels. With the DES dropping the acceptable level to half of what last years amounts were allowed, the current system on wells 5 & 6 are not expected to be able to stay under the new lower limits. We went over very slightly, and COMMISSIONER ROBINSON walked to each home on those wells to inform them of the overage.

Article 12 (see attached draft articles)

No discussion

RECORDING ENDED HERE\*

***At approximately 9:00pm, the Budget meeting was closed, and the Monthly meeting began.***

**Commissioners Present: Commissioner Robinson (COMMISSIONER ROBINSON), Commissioner Goodwin (COMMISSIONER GOODWIN), Commissioner Marks (COMMISSIONER MARKS)**

**Absent: Treasurer Doherty and Clerk Doherty**

COMMISSIONER ROBINSON opened the meeting with the resignation of Clerk Doherty. Discussion was had to reach out and request a formal resignation instead of a text. Commissioners discussed that there would need to be a temporary clerk in place for the annual meeting and asked for a volunteer from the participants. Debbie Grotheer stated that she would volunteer until after the vote for new positions. The commission would get back to her regarding the process and when the swearing in would be.

Donna Kenney asked the board if they had discussed and decided on her letter regarding the rebate for the change in billing mid quarter and over charge of $76.33. Request is below:

The request was discussed. Peter Kenney and Donna Kenney explained that the vote to change the billing happened in October 2021 but the billing for September was comprised at the new rate. Since the vote happened after the September usage, they did not feel it was legal to back charge for usage. Donna requested a rebate for the amount of difference between what would have been owed in the former billing process for September2021.

The commission discussed this and looked at other times that district had adjusted the billing.

**COMMISSIONER ROBINSON voted to not allow the rebate, COMMISSIONER GOODWIN and COMMISSIONER MARKS voted yes. The billing for the September usage will be refigured to the old billing rate and any water user which is due a rebate will receive that on the next billing cycle.**



***Treasurer’s report was voted on, it was not accepted as written and the commissioners will ask Treasurer Doherty for further explanation.***

**Commission voted unanimously to evoke RSA 91-A:3. III to go into non-public session at approximately 9:40pm.**

Submitted by,

Debbie Grotheer, Interim Clerk