

**VILLAGE DISTRICT OF EIDELWEISS
COMMISSIONERS MEETING**

October 5, 2009

The Board of Commissioners met on Monday, October 5th, 2009 in the District Office. Present were Commissioners: Ralph Lutjen, Gloria Aspinall and Mike Smith. Also attending were Peter Craugh, Andrea Petit, Larry Fitzpatrick, David Maudlsey, Art Tucker (Bldng Cmte) and Steve Pannone (Highway Dept). The meeting was taped by videographer Tim Hughes.

At 9:00 am the meeting was called to order by Chairman Ralph Lutjen.

1. Agenda

Gloria Aspinall makes a motion to accept the agenda as presented, Mike Smith seconds the motion and the motion passed.

2. Public Hearing, Insurance money

Ralph Lutjen opens the Public Hearing with the information that the insurance company has released an additional \$35,611.25. The purpose of this hearing is to allow the originally held back money from the insurance company to be applied to the salt shed and equipment garage site excavation and construction. The soil has been deemed unsuitable to build on and additional excavation and removal of debris beyond what was anticipated is needed. There will be no impact on taxes as a result of this allocation. **Ralph makes a motion to apply the \$35,611.25 to site excavation and construction.** Discussion ensued. Peter Craugh questions the overspending of a warrant article, Ralph explains that all change orders for the buildings will remain within the original allocation. Andrea Petit is given a general summary of the events thus far. **Motion moved, Gloria Aspinall seconds the motion and the motion passed unanimously. The insurance money will be applied to the site work and construction.**

Additional information is expected on the options for excavation this afternoon. Full site excavation will require removal of 20' plus in the back section, and approximately 5' in the front section. Steve explains that there may be some room around the site for the unsuitable materials. Mike Smith states that all stumps should be separated out.

Public hearing closed at 9:06am.

3. Accounts Payable

8 items for a total of \$67,684.02. Item of note is payment request #2 from Glen Builders. Mike Smith questions the percentage of site work, as it is listed as 63% complete on form. Check will be signed, but not released to Glen at this time. Ralph will discuss completed percentages with Glen Builders and Art Tucker (Bldng Cmte).

4. Minutes

The minutes of the 9/28/09 meeting were reviewed. **Mike Smith makes a motion to approve the minutes as presented, Gloria Aspinall seconds the motion and the motion passed.**

5. Highway Department

Steve Pannone delivers the quarterly maintenance report. A new purchase order for a valve assembly in the amount of \$341.32 is turned in to the Commissioners and approved. The new torch cart is in. 50lbs of welding rods have been purchased, some of which are needed now and some for stock. The Duramax repairs were covered by insurance, deductible of \$1,000 paid by VDOE. The backhoe needed a new rim and tire. The oil pan failed on the 550, with a cost of \$150 for towing plus repairs. The truck needs brake pads also. The windshield was replaced on the pick up. The new chain has been installed on the sander. The incorrect chain received earlier this summer will be returned. Tire prices have been looked into. Mountain Tire has best prices.

Ralph Lutjen asks for a summary of current status. Steve states that the Duramax is good, sander may need a new spring. 550 good, sander good. Backhoe and Duramax are both scheduled for oil and filter changes. All September inspections completed. Ralph questions the suspension stabilizer for the Duramax. Steve explains that he has discussed this and it can be done in house for a substantial savings in labor charges. He will order the kit. Steve continues by informing the Commissioners that the plows are in good shape and ready.

A driveway inspection for operation was completed at 4 Granval. Steve reports that the road is well protected by the culvert and berm at the end of the driveway.

Steve summarizes last weeks activity. The sanders were prepared for winter, welding was needed and has been done. The Duramax electrical issue (strobes came on when brake pedal hit) has been corrected. Grading will be done this week on Eidelweiss Drive, Middle Shore and Little Shore.

Ralph informs Steve that the EPOA will be holding a dinner at the Lodge on October 17, so the heat should remain on for now. Building will be closed up for winter after that date.

Mike Smith questions the crack sealing. Steve explains that they started today. Mike also asks Steve to look at and correct a large hole at the bottom of Oak Ridge.

6. Appearances

Larry Fitzpatrick has come to the meeting to request waiver of the fine for non-compliance with the driveway ordinance. Mr. Fitzpatrick paved without a permit earlier this year. He states that he got a good price as Perm-A-Drive's equipment was already within the VDOE and that he was unaware of the need for a permit. He also stated that he had discussed his plans with Madison and was not informed a permit would be

needed. He had sent an appeal when the fine was first received, and he is now appealing in person. He states that his neighbors fine was waived and he would like the same consideration. He also stated that he believes there is ambiguity within the driveway ordinance.

Ralph Lutjen explains to Mr. Fitzpatrick that his neighbor used a different contractor and that a definite misunderstanding took place in that situation. Ralph also states that the ordinance is very clear, there is no ambiguity. The ordinance exists to protect the roads within the Village now and for the future. He informs Mr. Fitzpatrick that Bob Babine of Madison has been contacted and stated that he has no recollection of a driveway discussion with Mr. Fitzpatrick. Mr. Babine also stated that all driveway issues are referred to the District. Ralph continues by stating that a permit and payment for the permit have been received from Mr. Fitzpatrick and the fine is the only outstanding issue. He states to Mr. Fitzpatrick that the ordinance allows a daily fine and that he is only being charged for one day. Overall, the ordinances must be adhered to.

Gloria Aspinall informs Mr. Fitzpatrick that the Village District has a letter on file in which Perm-A-Drive was previously notified that permits were required within the VDOE.

Mr. Fitzpatrick states that he feels as a taxpayer, he is in the middle. He states that his property improvements are a benefit. He then questions the following of ordinances and enforcement of other fines or penalties. Ralph Lutjen explains that in all situations steps are taken to enforce all ordinances. Gloria Aspinall concurs that all ordinances are enforced and the Board has acted on situations where they should.

Mike Smith addresses Mr. Fitzpatrick and informs him that Madison has stated they did not give out inaccurate information. If they had, it may be different. Mike continues by stating that Mr. Fitzpatrick's issue is actually with Perm-A-Drive, not the Commissioners. He suggests Mr. Fitzpatrick contact Perm-A-Drive for resolution.

Mr. Fitzpatrick states that the fine will be a financial burden for his family. He is a school teacher in MA, this is his only home, not a second home. He states there was not intent to deceive. Gloria Aspinall suggests he discuss this Perm-A-Drive further. Mike Smith offers a copy of the letter to Perm-A-Drive advising permits are needed within the district if that will assist him in talking to them. Ralph Lutjen addresses this financial issue by stating that the fine could compound daily, however, it is not at this time. Peter Craugh informs Mr. Fitzpatrick that this is not a second home issue, this issue is addressed with full time residents as often as part time residents.

David Maudsley, president of the NH Association of Village Districts, has joined the meeting the extend an invitation to join the NHAVD for lunch and meeting to be held at 12:30 today at the Lodge. Nancy and Gloria will be attending.

Upon reconvening Thursday October 8th, Art Tucker of the Building Committee joins the meeting to discuss the options provided by Glen Builders for the salt shed site. Art explains that the building has already been moved 10' forward of the original plan to avoid the unsuitable soils, but it is not enough. The building cannot move any further forward due to proximity of the road. The unsuitable soil requires 22' of excavation on

the westerly side and 11' of excavation on the northeastern side. The available options for excavation are: Remove unsuitable soils at \$32,910 (some exclusions for removing larger materials included in price); H beams placed 44' down at \$50,577; cement caissons placed 44' down at \$54,677.

Art explains that he has negotiated with Glen Builders to excavate all unsuitable materials for a flat rate of \$32,000. Art has also discussed with Glen Builders that the most recent change order which was allowed for the engineering of the unsuitable soils is covered within the base contract and will therefore be denied. This allocation, however, may be allowed for the additional soil certifications and compaction tests that will be needed for the additional excavation. Art suggest sending a counter proposal to Glen Builders for the flat rate of \$32,000 with no exclusions. Ralph Lutjen agrees that should Glen Builders agree to the alternate proposal, this will be the best way in which to proceed. An alternate proposal will be sent to Glen Builders.

Art continues with further discussion on the recent payment request. The request shows the site work at 60% complete, Art feels only 25% should be allowed at this point. The change order for the \$3,850 for engineering should be disallowed at this time and will be considered should Glen Builders sign the VDOE proposal. This will reduce the current payment to approximately \$50,000 from the \$65,000 requested.

Ralph Lutjen summarizes this week's attempts at obtaining the best price for this excavation. Two other contractors were contacted for quick estimates. One contractor stated he would not have the availability to work the site in a timely manner, the other stated a 'worst case scenario for everything involved in the site' with an estimate of \$53,800. This number is not workable within the budget allowable and cannot be pursued.

Ralph Lutjen and Gloria Aspinall thank Art Tucker for his continued efforts on this project.

7. Commissioners Reports

Ralph Lutjen begins his report by proposing that this meeting be continued until Thursday, October 8th, at 9am for review of the options for excavation at the salt shed site. He will be out of town, but could join the meeting by phone. Mike Smith states that he will also be out of town on Thursday. An email will be sent with the options once they are received so that Mike will have the information. Ralph continues by stating that he had hoped the extra money allocated for the project could have been used to reduce cost, but as stated earlier during the public hearing, the money is needed due to the additional excavation of the unsuitable soil at the site.

Ralph continues his report with the information that Josh Everett is replacing the bulletin board in it's entirety. He will be supporting the mailbox roof. The bus stop will be moved a few feet over for allow for the proper stabilization of the mailbox roof.

Gloria Aspinall reports that she attended the Madison Board of Selectmen meeting this past Tuesday. Madison is currently reviewing the number and location of all street

lights. PSNH representative will produce a report for Eidelweiss.

Gloria states she received a question in regards to the Tirey proposal authorized for the water tanks. Mike Smith explains that Tirey is the structural engineer who will be designing the cast in place tank. Tirey will deliver the drawings to Paul Fluet, who will submit them to the State for review.

Gloria reminds the Board that employee reviews are due for both members of the Highway Department. These will take place after the Commissioners meeting on October 19th.

Mike Smith reports that the connection on Brenner Drive should be completed on Wednesday. Scott Hayes will advise when complete.

Mike continues with questions on the water ordinance. He thinks there should be an availability charge for houses that have all the connections in place, but are not yet turned on. Ralph Lutjen agrees, adding that residents whose water has been turned off for non-payment should also be charged. A full review of the RSA's and the water ordinance would be needed. **Mike Smith makes a motion to submit the request to Attorney Laura Spector for wording guidance, Gloria Aspinall seconds the motion and the motion passed unanimously.** Ralph Lutjen adds a request to include an additional charge when a resident's water is turned back on. Peter Craugh suggests that if water is off due to non-payment for an extended time a new hook up charge be assessed. This will also be sent to Laura Spector for review.

8. Signature Items

Driveway permit for operation for 4 Granval Way is signed.

A Bill of Sale for the International sold to Joe Calitri is signed.

A letter offering the tennis court lot to the northern abutter is signed.

A letter with booster pump information is sent to the homeowner of 4 Adelboden.

9. Correspondence

A complaint of new static on a phone line is received. This will be sent to Ron Frizzell, tower site manager, for review.

Footage calculations for Oak Ridge Road have been received. Mike Smith will ask Scott Hayes to estimate cost for replacement of water pipes.

Madison TV has sent a reminder to all customers to please inform them of any changes to a scheduled meeting.

10. Administration

Quarterly water usage reports are reviewed.

Payroll is reviewed and signed.

Sheriff's lease for the cabana is reviewed. The wording changes requested by the County are approved by the Commissioners. A meeting for signing of the lease with the Sheriff will be set up.

At 10:45 Mike Smith makes a motion to recess the meeting until 9am Thursday, Gloria Aspinall seconds the motion and the motion passed unanimously.

At 9:00am Thursday 10/8 the Board reconvened. **At 9:15 Gloria Aspinall makes a motion to adjourn the meeting. Ralph Lutjen seconds the motion and the motion passed unanimously.**

Respectfully submitted,

Nancy E. Cole
Administrator