

**Village District of Eidelweiss
Madison, NH 03849
Minutes of the Annual Meeting
February 26, 2011**

The Annual Meeting was held in the Madison School on Saturday, February 26, 2011. The polls for voting opened at 8AM and remained open until 10AM. Carol Hally, Emily Sheppard, and Cheryl Brooks were the Checklist Supervisors.

At 10AM the Moderator declares the polls closed. The Moderator led the group in the Pledge of Allegiance to the Flag.

The meeting was called to order by VDOE Moderator E. Peter Craugh at 10:01AM. Mr. Craugh explained the procedure of the meeting - warrants, breakouts, etc. Mr. Craugh introduced the VDOE officers and legal counsel. The VDOE Commissioners present were Mark Graffam and Gloria Aspinall, Administrator Nancy Cole, Attorney Daniel Crean and Clerk Deborah Riendeau. Commissioner Mike Smith was not present.

Point of Order by Jay Buckley – Motion made to allow non registered voters, tax payers to speak during the meeting; second by Patrice Lutjen. Motion carries unanimously.

Moderator continues discussing the rules of the meeting and states there will be two experts speaking today.

ARTICLE 1

To choose all necessary officers for the coming year; One Commissioner (three year term), One Commissioner (two year term), Moderator (one year term), Treasurer (one year term), and Clerk (one year term).

By ballot the following people were elected:

Mark Graffam	Commissioner (three-year term)
Ralph Lutjen	Commissioner (two-year term)
E. Peter Craugh	Moderator (one-year term)
Dinah Reiss	Treasurer (one-year term)
Deborah Riendeau	Clerk (one-year term)

Results were announced during the meeting.

ARTICLE 2 - PETITIONED BY J LYONS, ET AL

To see if the District will raise and appropriate the sum of \$1,250,000 for the purpose of improving the water system. Such sum to be raised through the issuance of bonds or notes under and in compliance with the Municipal Finance Act RSA 33:1 et seq. as amended, to authorize the Commissioners to apply for, obtain, and accept Federal, State, or other aid, if any, which may be available for said project and to comply with all laws applicable to said project: to authorize the Commissioners to take any other action or to pass any other vote relative hereto, and to raise and appropriate the sum of \$98,250 for the first year's payment. Funds for this appropriation shall be raised by general taxation. (2/3 Majority Ballot Vote required)

Art Tucker moves to allow Rick Skarinka of DES to speak; seconded by Linda Tucker. Motion carries unanimously. Art Tucker moves to bring Article 2 to the Floor; seconded by Jay Buckley. Art Tucker speaks about the Article – loan amount, terms, rate, payment terms, etc.

Moderator breaks to read the Election results.

Discussion regarding Article 2 resumes. Rick Skarinka is next asked to speak to the Article and answer questions from the floor. Discussion ensues regarding loan requirements, terms, rates, etc. The question is asked if there is a written plan in place for the water system. Mark Graffam states there is currently no plan and says there was engineering done in 2010, but the Commissioners chose not to go forward without a firm plan in place that states priorities and timelines. Discussions continue on plans, accountability, follow thru, etc. Attorney Crean speaks of debt limits under NH state law relating to this and any other article. Rick Skarinka states the moneys borrowed in this loan can be used only for the Water System.

An amendment is made by Jay Buckley to change Article 2, Line 6 to read: “to authorize the Commissioners to take any other action or to pass any other vote relative hereto, and to raise and appropriate the sum of \$84,019 for the first year's payment. Funds for this appropriation shall be raised by general taxation.” (2/3 Majority Ballot Vote required); seconded by Ralph Lutjen. Amendment passes.

Silent vote is now taken. There were 20 Yes votes and 16 No votes. **ARTICLE 2 FAILS TO MEET 2/3 MAJORITY VOTE REQUIREMENT.**

ARTICLE 3

To see if the District will vote to raise and appropriate the sum of \$395,710.25 for the general operation of the District. Funds for this appropriation shall be raised by general taxation.

Executive	12,197.50
Administration	47,876.25
Legal Expense	20,000.00
Employee Benefits	46,019.00
General Government Buildings	26,402.50
Insurance	12,985.00
Regional Association	703.00
Other General Government	750.00
Highways & Streets	200,065.00
Street Lighting	2,300.00
Parks & Recreation	5,000.00
TAN Interest	600.00
Bond, Oak Ridge Rd	12,231.00
Bond, Jungfrau Forced Main	8,581.00
TOTAL	395,710.25

Mark Graffam moves to raise Total to \$395,711; seconded by Jay Buckley. Motion passes. Discussion ensues on each individual line item to be spent. Miscellaneous questions from the Floor on certain line items – explanations given by Commissioners and Administrator. Moderator calls for a vote.

ARTICLE 3 PASSES UNANIMOUSLY.

Moderator states he may have not given entire election results for 2-year commissioner term. Results are re-read. C.P. Smith requests information on how to go about challenging the election results. Explanation is made that a recount would have to take place and proper procedure is discussed. Mr. Smith asks how absentee ballots were handled - date requested, date mailed, etc. The Administrator answered all questions and at this time the decision made that there will be no recount due to the fact that the absentee ballots were mailed out on time and as requested. If absentee ballots were not received in a timely manner, this is no fault of the District.

ARTICLE 4

To see if the District will vote to raise and appropriate the sum of \$115,000.00 to be placed in the previously established Capital Reserve Funds under the provisions of RSA 35:1:

Highway Equipment Capital Reserve Fund	\$35,000
Road Construction Capital Reserve Fund	\$30,000
Water System Capital Reserve Fund	\$50,000

Funds for this appropriation shall be raised by general taxation.

Recommended by the Board of Commissioners.

Article 4 is moved to the floor by Mark Graffam; seconded by Gloria Aspinall.

Art Tucker moves to bring Article 21 to the Floor prior to Article 4. The Moderator states he should have called "Point of Order." Linda Tucker seconds. Vote taken and is passed to move article forward. Article 21 is considered before Article 4.

ARTICLE 21 - PETITIONED BY AM VERROCHI, ET AL

Shall we adopt the provisions of RSA 31:95-c to restrict \$45,000 of revenues from the assessment of an annual fee from each owner of a vacant lot located on a Class V, or Class VI road with a water line in front of it, to expenditures for the purpose of maintenance and improvement of the water system and/or for debt payment related to the maintenance and improvement of the water system? Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the Water System Improvement Fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of revenue. (Majority Ballot Vote required) Lots under 2 acres shall be assessed \$100 and lots 2 acres or larger shall be assessed an additional \$100 per acre or part thereof. Exemptions shall be allowed for well-owners, deed restrictions such as conservation lots or green space, and contiguous lots combined with the principle house lot. Waivers or reduction of fees may be granted if the property owner can demonstrate that the lot cannot reasonably be connected to the water system.

Art Tucker moves article to floor; seconded by Jay Buckley. Art Tucker makes a written motion to change wording of Line 1 from "to restrict \$45,000 of revenues from the assessment of an annual fee from each owner of a vacant lot located on a Class V, or Class VI road with a water line in front of it" to "to restrict 100% of revenues from the assessment of an annual fee from each owner of a vacant lot located on a Class V, or Class VI road with a water line in close proximity." Motion seconded by Jay Buckley. Discussion ensues on exactly what is defined as close proximity. Mark Graffam explains what is required in order to see if proper pressure and flow is available in front of certain lots and what the current system is in place. Discussion ensues on impact fees. Attorney Crean speaks of the current NH Laws regarding fees, benefits and betterment assessments as well as possible litigation concerns.

Silent vote taken. There were 10 Yes Votes and 25 No Votes.

ARTICLE 21 FAILS

ARTICLE 4

To see if the District will vote to raise and appropriate the sum of \$115,000.00 to be placed in the previously established Capital Reserve Funds under the provisions of RSA 35:1:

Highway Equipment Capital Reserve Fund	\$35,000
Road Construction Capital Reserve Fund	\$30,000
Water System Capital Reserve Fund	\$50,000

Funds for this appropriation shall be raised by general taxation.
Recommended by the Board of Commissioners

Mark Graffam moves, seconded by Gloria Aspinall.

Discussion ensues.

Amendment requested by Linda Tucker to Remove Line Item "Water System Capital Reserve Fund for \$50,000"; seconded by Art Tucker. More general discussion on Article 4. Question asked on where monies in the Water System Capital Reserve Fund have been spent over the years. Vote taken and Amendment is Defeated.

Amendment requested in writing by Dorothy Wondolowski to introduce accountability in control of funds; seconded by Jay Buckley. Statement written as "Such revenues and expenditures shall be limited to be spent only on the line item identified (i.e. Highway, Equipment Capital Reserve Fund, etc. separate from the General Fund)." Attorney Crean states this is already in NH State Law. Amendment is Defeated.

Attorney Crean speaks of what can be spent from the Capital Reserve Fund and who has the authority to spend from that Fund, i.e. elected officials (Commissioners).

Amendment requested in writing by Ralph Lutjen to read: "Water System Capital Reserve Fund deposit to be raised by water fees." Seconded by T.C. Lutjen. Amendment brought to vote and fails. Article 4 is back to as originally written and Moderator calls for a vote.

ARTICLE 4 PASSES AS WRITTEN

ARTICLE 5

To see if the District will vote to raise and appropriate \$10,000.00 for the engineering, design, and permitting of a replacement culvert on Big Loop Rd. Funds for this appropriation shall be raised by general taxation.

Mark Graffam moves the article to floor; seconded by Gloria Aspinall.

Discussion ensues.

ARTICLE 5 PASSES

ARTICLE 6

To see if the District will vote to raise and appropriate \$12,000.00 for repair of the backhoe armature, including line boring. Funds for this appropriation shall be raised by general taxation.

Mark Graffam moves the article to floor; seconded by Gloria Aspinall.

Commissioners state they are lowering \$12,000.00 amount for backhoe repair to \$10,217.00. Discussion ensues on cost of repair and the minimal fees that need to be incurred to keep this machine running. Cost of renting equipment as well as cost of a new machine is discussed. Wendell Dicey (Highway Department) is introduced and speaks to the Article.

ARTICLE 6 PASSES UNANIMOUSLY

ARTICLE 7

To see if the District will vote to raise and appropriate \$43,300.00 for the 2011 Road Improvement Project. Funds for this appropriation shall be raised by general taxation.

Mark Graffam moves the article to the floor; seconded by Gloria Aspinall.

Commissioners state they are lowering the \$43,300 amount for 2011 road improvement project to \$30,423.

Discussion ensues on road conditions and plans for repair. Wendell Dicey has put together a list of proposed road projects for 2011. Labor costs for part time employees are also discussed.

ARTICLE 7 PASSES UNANIMOUSLY

ARTICLE 8

To see if the District will vote to raise and appropriate \$84,655.00 for the replacement of the salt shed 'Cover-All' building, including necessary soil and foundation work. Funds for this appropriation shall be raised by general taxation.

Mark Graffam moves the article to floor; seconded by Gloria Aspinall.

Mark Graffam states Article 8 is withdrawn from 2011 Warrant.

Discussion ensues on what took place in conversations with contractor Glen Builders, Engineering firm, H.E. Bergeron and attorneys and why this Article is being withdrawn.

ARTICLE 8 IS DEFEATED UNANIMOUSLY

ARTICLE 9

To see if the District will vote to raise and appropriate the sum of \$150,236.75 for the general operation of the water system of the District. This amount is to be raised by water fees. No amount is to be raised from general taxation.

Executive	2,152.50
Administration	8,448.75
Employee Benefits	8,121.00
General Government Buildings	3,247.50
Legal Expense	1,000.00
Property Liability Insurance	2,115.00
Water Services Electricity	26,740.00
Heat (propane)	5,000.00
Testing	4,500.00
Repairs	51,000.00
ICS Maintenance	1,600.00
Treatment	3,500.00
Engineering Consulting	5,000.00
Water Monitoring	7,000.00
Bond, Oak Ridge Rd	12,231.00
Bond, Jungfrau Forced Main	8,581.00
Total Operating Budget	150,236.75

Gloria Aspinall moves the article to floor; seconded by Nancy Cole.
No discussion. Vote taken.

ARTICLE 9 PASSES

ARTICLE 10

To see if the District will vote to raise and appropriate the sum of \$50,000.00 for the purpose of making and repairing connections to the District water system, extending or repairing water lines and making general improvements to the water system. These funds will be offset by water connection fees.

Nancy Cole moves the article to the floor; seconded by Mark Graffam.
Discussion ensues.

ARTICLE 10 PASSES

ARTICLE 11

To see if the District will vote to take the following actions with respect to parking at District beaches:

(A) to authorize the Board of Commissioners to establish a system of regulations, including fees, to address parking at District Beaches pursuant to RSA 35:1. Said regulations shall be adopted after notice and public hearing and shall provide for District property owners to receive one permit for each separate property at no charge with an additional permit for each such property available at a fee of \$1.00. The Commissioners may establish such other provisions as they deem appropriate, after notice and hearing, for additional permits and/or for permits for other persons. All revenues generated by such fees shall be deposited into the General Fund.

(B) To raise and appropriate the sum of \$500 for the purpose of defraying costs of establishing and implementing the parking regulations described in paragraph (A).

David Rowe moves the article to the floor; seconded by Gloria Aspinall.

Discussion ensues on enforcement and regulations, signage, follow thru, etc.

ARTICLE 11 FAILS

ARTICLE 12

To see if the District will vote to recommend the Board of Commissioners pursue the establishment of Water Assessments in accordance with the provisions of RSA 38:27 so that persons who are served by the Eidelweiss Water System or whose lands receive special benefit from the Eidelweiss Water System may be assessed a just share of the expense of constructing, acquiring, and operating the system or paying any capital debt or interest incurred for the system. RSA 38:27 authorizes the Commissioners to establish such a system of assessments, so this article is advisory in nature. For the initial assessments, the Commissioners presently intend that an annual assessment of \$100 will be imposed on each privately owned vacant property (which is not presently served by the water system but where existing water lines pass by or are in close proximity to said property), said assessment to be collected in such manner as the Commissioners determine.

Linda Tucker moves the article to the floor; seconded by Art Tucker.

Discussion ensues.

ARTICLE 12 FAILS

ARTICLE 13

To see if the District will vote to authorize the Board of Commissioners to enter into a long term lease agreement with R Frizzel & Son, LLC for the purpose of replacement and expansion of the current Sheriff's Tower located at the so called "cabana" building. This venture will authorize R Frizzel & Son, LLC to sell carrier antennae on the new tower with an agreed upon revenue sharing with the District.

Gloria Aspinall moves the article to the floor; seconded by Nancy Cole. Gloria Aspinall makes a motion to let Mr. Frizzel speak. Vote is taken and motion passes.

Guest Greg Frizzel (WMWV Magic Radio owner) speaks to the Article. Discussion ensues on rebuild of tower (10' taller and 20" wider) and lease to cell phone companies. Mr. Frizzel states the passing of this Article will allow R. Frizzel and Company permission to work with Commissioners.

Amendment requested in writing by Stan Wondolowski, seconded by Dorothy Wondolowski to change wording in Line 1 from "enter into a long term lease agreement" to "enter into a 5-year renewable lease agreement." After vote, amendment fails.

Attorney Crean and Mr. Frizzel agree that most carriers would seek a 10-year lease. Mr. Frizzel states cost for this expansion will be nothing for the District; his company incurs all charges. He also has a handout showing profits to VDOE with 1 or more carriers entering into a lease. He discusses the "norm" for most carriers, lease and renewal terms.

Amendment requested in writing by Ron Sandstrom, seconded by Jay Buckley to change wording in Line 1 from "enter into a long term lease agreement" to "enter into a 10-year renewable lease." After discussion, Ron Sandstrom withdraws his amendment, seconded by Jay Buckley. Vote is called.

ARTICLE 13 PASSES AS ORIGINALLY WRITTEN

ARTICLE 14

To see if the District will vote to raise and appropriate \$32,000.00 for repairs, paint, insulation, roofing, and heat replacement for water system pump houses. Funds for this appropriation shall be raised by general taxation.

Mark Graffam moves the article to the floor and requests it be voted down; seconded by Roland Petit. Vote taken.

ARTICLE 14 FAILS

ARTICLE 15

To see if the District will vote to raise and appropriate \$7,500.00 for the purpose of clearing the edges of roads within the District. The clearing will include trimming of brush and growth as well as removal of some trees. Funds for this appropriation shall be raised by general taxation.

Mark Graffam moves the article to the floor; seconded by Gloria Aspinall.

Discussion ensues. Question is asked regarding how many trees and limbs are involved and as well as which roads. Wendell Dicey gives his opinion on what is needed. Vote taken.

ARTICLE 15 PASSES

ARTICLE 16

To see if the District will vote to raise and appropriate \$5,000.00 for the purpose of painting street lines within the District. Funds for this appropriation shall be raised by general taxation.

Gloria Aspinall moves the article to the floor; seconded by Mark Graffam.

Discussion ensues on Highway Department performing the task and what it would cost. Jay Buckley asks a question about the current equipment in place to paint lines. Amendment requested in writing by Jay Buckley, seconded by Olivia Craugh to change wording of Line 1 from “appropriate \$5,000” to “appropriate \$2,500.” Vote is taken and amendment passes.

ARTICLE 16 PASSES AS AMENDED

ARTICLE 17

To see if the District will vote to raise and appropriate \$7,000.00 for the purpose of repairing and painting the DPW/Office Building. Funds for this appropriation shall be raised by general taxation.

Gloria Aspinall moves the article to the floor; seconded by Mark Graffam.

Gloria states that three estimates have been received - \$3,900, \$4,900 and \$5,900. Discussion ensues. Vote is taken.

ARTICLE 17 FAILS

ARTICLE 18

To see if the District will vote to raise and appropriate \$23,500.00 for the engineering and design of water line replacement on lower Oak Ridge Rd and lower St. Moritz Dr. Funds for this appropriation shall be raised by general taxation.

Ralph Lutjen moves the article to the floor; seconded by Mark Graffam.

Discussion ensues and Ralph states he is not in favor of this Article. Further discussion from the Floor stating concerns on exactly where the pipe is, how far down it is, etc.

Vote is taken.

ARTICLE 18 FAILS

ARTICLE 19

To see if the District will vote to raise and appropriate \$26,120.00 for the engineering and design for the reconstruction of lower Oak Ridge Rd, including the intersections of lower St. Moritz Dr and Eidelweiss Dr. Funds for this appropriation shall be raised by general taxation.

C.P. Smith moves the article to the floor; seconded by Jay Buckley.

Discussion ensues and vote is taken.

ARTICLE 19 FAILS

ARTICLE 20 - PETITIONED BY E. FOLEY, ET AL

To change the classification of the portion of Grachen Rd known as Grachen Rd Extension from Class VI to Class V.

Ed Foley moves the article to the floor; seconded by Jay Buckley. Mr. Foley discusses when the road was built, dedicated lines, etc. He states he spent his own funds for having the road leveled, culverts installed, etc. to make it a Class V road. Mr. Foley states he is taxed as a Class V road. Discussion ensues on what the difference is between a Class V and Class VI road. Questions arise on what the requirements of the District will be if the road class is changed. Wendell Dicey speaks of current culvert and drainage problems. Road specifications detail that an inspection will be required to change the class of the road. The fee for this is incurred by the homeowner requesting the change.

Attorney Crean cites RSA231:22A that was written by him and discusses "Betterment Assessment" or "Special Assessments." He speaks of the fees involved and those parties responsible for those fees.

Mr. Foley speaks of problems he is incurring with the current road conditions. Vote is taken.

ARTICLE 20 FAILS

ARTICLE 21 - PETITIONED BY AM VERROCHI, ET AL *(brought before Article 4 – See page 4)*

ARTICLE 22

To act upon any other business that may legally come before said meeting.

Question is raised by Stan Wondolowski as to why the District purchased the plow truck that has been parked on the side of the green shed. Gloria Aspinall explains this is a back-up truck that was purchased for \$10,000 with very low mileage (43,000).

The Moderator requests any additional items for discussion. No additional discussion from the floor. The Moderator entertains a motion to dissolve the meeting. Jay Buckley makes a motion to adjourn the meeting; Patricia Aliventi seconds.

At 2:35 PM the Moderator announces the 2011 Annual meeting is dissolved.

Respectfully submitted,

Deborah J. Riendeau
Clerk, Village District of Eidelweiss