

**WEVD COMMISSION Annual Meeting BUDGET HEARING  
and MEETING AGENDA**

**Tuesday, February 13, 2024, at 6 p.m.**

**Community Center, 562 Winterbrook Rd., Campton, 03223**

**with Zoom access**

**Will be streamed on YouTube**

1. Call to order
2. Pledge of Allegiance
3. Roll Call of Commissioners
4. Public Hearing BUDGET HEARING
5. Adoption of Agenda
6. Approval of Minutes
  - a. January 31, 2024
7. Treasurer's Report
8. GM's Report
9. CONSENT CALENDAR
  - a. Manifests
  - b. Treasurer's Report
10. GENERAL CALENDAR ITEMS
  - a. WEVD Conflict of Interest Ordinance
  - b. Opposition to HB1640
11. Next Meeting:
  - a. Warrant Article Hearing and Meeting: Thursday, February 15, 2024 @ 6 p.m.
12. Public Comment Period
13. Non-Public Session
14. Adjourn Meeting



**562 Winterbrook Road, Campton, NH 03223**

**Phone: (603) 726-3082 | Fax: (603) 726-8611**

**[www.waterville-estatesnh.gov](http://www.waterville-estatesnh.gov)**

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### **WEVD Public Hearing Policy**

1. The Chair (or other Commissioner in the Chair's absence or to whom the Chair designates the role) will open the hearing by announcing the purpose of the Public Hearing and summarizing these rules by which people may participate.
2. The Chair will ask all persons attending the hearing at the physical location to print their names and addresses on the sign-in sheet.
3. The Chair will ask all persons who are attending remotely online to either send an email to the District at [district@waterville-estates.com](mailto:district@waterville-estates.com), or indicate at the appropriate time their desire to speak. The email requests can be made at any time during the hearing. A staff member as designated by the Chair will compile a list of names and addresses in the order the notice is received from those attending remotely. Once those on the list have been allowed to speak, others who are remote will have an opportunity to speak.
4. The Chair will ask all persons who are attending remotely on their telephones to call into the Community Center and a staff member as designated by the Chair will compile a list of all those telephonic attendees (names & addresses) who wish to speak. There should be no difficulty leaving the Zoom meeting to place this call and then re-entering the meeting. THE NUMBER TO MAKE SUCH A REQUEST IS 603-726-3082.
5. An explanation of the item(s) under discussion at the Public Hearing will be given by the Commission or its designees (staff, engineers, etc.). The Commissioners may ask questions to clarify or expand upon what has presented. If it is a Petitioned Article, the petitioner will have up to 10 minutes to explain the Petitioned Article.
6. The Chair will then open the meeting for public input. Each member of the public will be granted up to five (5) minutes to speak. Members of the public can only speak one (1) time until everyone has had a chance to speak. Commissioners or staff may respond but are not required to respond.
7. The Chair will first recognize those attending the physical location where the meeting is broadcast to speak during the public hearing.
8. After every member of the public who is present has had the opportunity to speak once, the Chair will call a brief recess to obtain the list of those attending remotely by Zoom or phone who have made a request to speak. They will be allowed to speak up to 5 minutes in length.
9. Once all members of the public who wish to address the Commission have had an opportunity to speak once, any member of the public who wishes to speak again will be given an opportunity to speak for up to five (5) minutes.

10. The Chair will then ask the Commissioners and staff if they have any additional comments.
11. The Chair will then close the Public Hearing.
12. The Chair will then consider any motions to be made at this time on the subject matter of the Public Hearing.

Adopted & Effective on February 16, 2022

Amended on October 12, 2023

## BUDGET WORKSHEET BY ACCOUNT

2024 Budget For: VILLAGE DISTRICT FUND Include: Expenditures

Account #	Account Title Notes	PY Budget	PY Actual	CY Budget
<b>01 - VILLAGE DISTRICT FUND</b>				
<b>4130 - GENERAL GOVERNMENT: EXECUTIVE</b>				
01.4130.001.110	EXEC - GENERAL MANAGER WAGES	86,625.00	93,274.02	100,084.00
01.4130.001.111	EXEC - ASSISTANT GENERAL MANAGER WAGES	80,880.00	47,892.51	0.00
01.4130.001.112	EXEC - MUNICIPAL ASSISTANT WAGES	54,809.00	26,751.19	27,300.00
01.4130.001.113	EXEC - ADMINISTRATIVE ASSISTANT WAGES	15,190.00	54,124.82	77,310.00
01.4130.001.114	EXEC - BONUSES	12,000.00	12,745.31	13,500.00
01.4130.001.115	EXEC - ELECTED OFFICIALS STIPENDS	6,180.00	3,550.00	5,000.00
01.4130.001.116	EXEC - PAYROLL EXPENSE	1,666.00	0.00	0.00
01.4130.001.117	EXEC - BONUS - PAYROLL TAXES	0.00	0.00	1,100.00
01.4130.001.118	EXEC - BONUS - RETIREMENT	0.00	0.00	1,830.00
01.4130.001.119	EXEC - ADMIN ASST - OVERTIME	0.00	255.08	0.00
01.4130.001.210	EXEC - HEALTH INSURANCE	55,782.00	48,910.51	49,384.00
01.4130.001.211	EXEC - DENTAL INSURANCE	1,991.00	2,095.12	1,967.00
01.4130.001.220	EXEC - PAYROLL TAX EXPENSE	19,665.00	18,827.14	15,685.00
01.4130.001.221	EXEC - NH UNEMPLOYMENT	0.00	0.00	1,500.00
01.4130.001.230	EXEC - RETIREMENT	33,168.00	29,805.51	25,930.00
01.4130.001.260	EXEC - WORKERS' COMPENSATION	33,000.00	18,753.20	18,461.00
01.4130.001.291	EXEC - TRAVEL REIMBURSEMENTS	824.00	326.55	500.00
01.4130.002.240	EXEC - EDUCATION	6,000.00	1,587.75	2,000.00
01.4130.002.261	EXEC - PROPERTY & LIABILITY INSURANCE	23,000.00	6,108.00	7,195.00
01.4130.002.301	EXEC - ACCOUNT & AUDTING	20,000.00	34,525.00	10,000.00
01.4130.002.305	EXEC - ADVERTISING	9,000.00	1,382.04	2,000.00
01.4130.002.320	EXEC - LICENSES & FEES	32,462.00	21,163.61	14,528.00
01.4130.002.322	EXEC - ANNUAL MEETING	7,000.00	6,843.06	7,300.00
01.4130.002.323	EXEC - LEGAL SERVICES	50,000.00	27,701.50	100,000.00
01.4130.002.325	EXEC - INTEREST & LATE FEES	900.00	2,733.54	400.00
01.4130.002.342	EXEC - COMPUTER SERVICES	15,000.00	27,902.62	23,000.00
01.4130.002.343	EXEC - WEBSITE MAINTENANCE	3,308.00	1,157.55	1,500.00
01.4130.002.350	EXEC - TELEPHONE & INTERNET	2,627.00	2,115.94	2,000.00
01.4130.002.351	EXEC - CELL PHONES	2,340.00	5,406.27	2,268.00
01.4130.002.390	EXEC - CONSULTING	21,000.00	89,644.37	96,000.00
01.4130.002.391	EXEC - PAYROLL PROCESSING	0.00	0.00	16,250.00
01.4130.002.393	EXEC - DOCUMENT RETENTION	3,361.00	120.00	200.00
01.4130.002.609	EXEC - UNIFORMS	1,545.00	1,449.72	1,800.00
01.4130.002.610	EXEC - OFFICE SUPPLIES	4,880.00	5,360.88	5,000.00
01.4130.002.618	EXEC - COPIER LEASE	0.00	1,966.01	1,700.00
01.4130.002.620	EXEC - MISCELLANEOUS EXPENSSE	5,000.00	845.47	500.00
01.4130.002.622	EXEC - ANNUAL EMPLOYEE PARTY	0.00	1,008.17	1,000.00

## BUDGET WORKSHEET BY ACCOUNT

2024 Budget For: VILLAGE DISTRICT FUND Include: Expenditures

Account #	Account Title Notes	PY Budget	PY Actual	CY Budget
01.4130.002.625	EXEC - POSTAGE	2,000.00	651.36	1,000.00
4130 - GENERAL GOVERNMENT: EXECUTIVE		<b>611,203.00</b>	<b>596,983.82</b>	635,192.00
<b><u>4299 - OTHER PUBLIC SAFETY</u></b>				
01.4299.001.640	PS - GENERATOR MAINTENANCE 25% OF CONTRACT	0.00	2,003.75	2,075.00
01.4299.001.812	PSAFE - SECURITY ALARM MAINTENANCE	8,638.00	9,965.08	10,000.00
01.4299.001.813	PSAFE - ALARM - FIRE TELEPHONE LINES	4,937.00	5,918.56	6,000.00
4299 - OTHER PUBLIC SAFETY		<b>13,575.00</b>	<b>17,887.39</b>	18,075.00
<b><u>4312 - HIGHWAY AND STREETS</u></b>				
01.4312.001.110	HWY - WAGES - ROAD	73,430.00	74,517.40	78,432.00
01.4312.001.112	HWY - WAGES - PLOWING	15,042.00	17,648.70	0.00
01.4312.001.119	HWY - WAGES OVERTIME	0.00	4,724.77	11,753.00
01.4312.001.210	HWY - HEALTH INSURANCE	19,418.00	11,371.07	15,000.00
01.4312.001.211	HWY - DENTAL INSURANCE	790.00	395.10	909.00
01.4312.001.220	HWY - PAYROLL TAX EXPENSE	6,932.00	7,875.95	6,900.00
01.4312.001.230	HWY - RETIREMENT	13,347.00	13,966.17	10,818.00
01.4312.001.390	HWY - CONSULTING	10,000.00	0.00	0.00
01.4312.002.240	HWY - EDUCATION	1,000.00	0.00	1,000.00
01.4312.002.261	HWY - PROPERTY & LIABILITY INSURANCE	0.00	1,867.24	2,200.00
01.4312.002.291	HWY - TRAVEL	515.00	41.16	100.00
01.4312.002.350	HWY - TELEPHONE & INTERNET	1,692.00	2,171.49	2,600.00
01.4312.002.351	HWY - CELL PHONES	1,728.00	996.25	900.00
01.4312.002.390	HWY - SUBCONTRACTORS	7,500.00	9,182.50	10,000.00
01.4312.002.432	HWY - VEHICLE MAINTENANCE	0.00	0.00	0.00
01.4312.002.609	HWY - DEPT UNIFORMS	0.00	659.92	700.00
01.4312.002.610	HWY - SHOP SUPPLIES	3,000.00	3,855.85	3,000.00
01.4312.002.611	HWY - SMALL TOOLS	2,224.00	2,094.59	2,500.00
01.4312.002.612	HWY - LARGE TOOLS	2,000.00	3,509.94	2,000.00
01.4312.002.613	HWY - ROAD MATERIALS	7,000.00	2,537.08	7,000.00
01.4312.002.614	HWY - CALCIUM/MAGNESIUM CHLORIDE	3,000.00	0.00	3,000.00
01.4312.002.814	HWY - CRIMINAL RECORDS	0.00	25.00	0.00
01.4312.002.816	HWY - COLD PATCH	4,000.00	0.00	4,000.00
01.4312.002.817	HWY - ROAD SWEEPING	10,000.00	3,802.50	5,000.00
01.4312.002.818	HWY - CULVERT REPAIRS	3,000.00	2,937.40	3,000.00
01.4312.002.819	HWY - ROAD SAND & SALT	20,000.00	20,273.76	25,000.00
01.4312.002.820	HWY - EQUIPMENT RENTAL	2,000.00	0.00	2,000.00

## BUDGET WORKSHEET BY ACCOUNT

2024 Budget For: VILLAGE DISTRICT FUND Include: Expenditures

Account #	Account Title Notes	PY Budget	PY Actual	CY Budget
01.4312.002.821	HWY - EQUIPMENT REPAIR	5,000.00	4,718.14	5,000.00
01.4312.002.822	HWY - PROJECTS	8,000.00	136.20	8,000.00
01.4312.002.823	HWY - DIESEL	15,000.00	12,462.49	15,000.00
01.4312.002.824	HWY - EQUIPMENT MAINTNANCE	3,000.00	3,990.22	3,000.00
01.4312.002.825	HWY - OIL & FILTERS	3,000.00	339.13	0.00
01.4312.002.826	HWY - VEHICLE MAINTENANCE	13,000.00	28,777.67	13,000.00
01.4312.002.827	HWY - GRADING	10,500.00	7,778.70	10,000.00
01.4312.002.828	HWY - BODY MAINTENANCE	2,000.00	494.60	2,000.00
01.4312.002.829	HWY - EQUIPMENT REPAIRS	5,000.00	0.00	0.00
01.4312.003.340	HWY - ELECTRIC	3,000.00	2,433.52	3,000.00
01.4312.003.341	HWY - HEAT	11,000.00	1,530.62	2,500.00
4312 - HIGHWAY AND STREETS		<b>286,118.00</b>	<b>247,115.13</b>	259,312.00
<b>4314 - BUILDING &amp; GROUNDS</b>				
01.4314.001.110	B&G- WAGES - BUILDING	159,644.00	170,797.40	189,176.00
01.4314.001.111	B&G - WAGES - CLEANING	90,549.00	77,672.64	88,711.00
01.4314.001.112	B&G - WAGES - GROUNDS	2,340.00	325.60	0.00
01.4314.001.119	B&G - WAGES OVERTIME	0.00	11,300.81	14,169.00
01.4314.001.210	B&G - HEALTH INSURANCE	72,494.00	65,805.58	74,824.00
01.4314.001.211	B&G - DENTAL INSURANCE	3,002.00	2,677.29	3,029.00
01.4314.001.220	B&G - PAYROLL TAX EXPENSE	21,141.00	20,458.37	23,620.00
01.4314.001.230	B&G - RETIREMENT	33,838.00	34,257.45	39,293.00
01.4314.002.240	B&G - EDUCATION	2,500.00	1,889.83	2,000.00
01.4314.002.261	B&G - PROPERTY & LIABILITY INSURANCE	0.00	381.56	500.00
01.4314.002.291	B&G - TRAVEL	258.00	88.78	300.00
01.4314.002.351	B&G - CELL PHONES	0.00	800.00	1,500.00
01.4314.003.340	B&G - ELECTRIC	60,000.00	53,640.68	60,000.00
01.4314.003.341	B&G - HEAT	50,000.00	46,253.87	45,000.00
01.4314.003.346	B&G - WATER	5,000.00	5,844.31	3,000.00
01.4314.003.609	B&G - DEPT UNIFORMS	0.00	1,942.63	1,500.00
01.4314.003.610	B&G - MAINTENANCE SUPPLIES	2,000.00	1,577.22	2,000.00
01.4314.003.611	B&G - SMALL TOOLS	5,000.00	4,319.49	5,000.00
01.4314.003.612	B&G - LARGE TOOLS	2,000.00	459.99	2,000.00
01.4314.003.613	B&G - GROUNDS REPAIRS & MAINTENANCE	5,000.00	11,396.82	5,000.00
01.4314.003.614	B&G - CLEANING SUPPLIES	6,000.00	4,197.50	4,000.00
01.4314.003.615	B&G - SUPPLIES	1,030.00	2,025.89	1,000.00
01.4314.003.616	B&G - TRASH REMOVAL	9,500.00	12,281.92	11,000.00
01.4314.003.617	B&G - LANDSCAPING	8,000.00	7,933.57	8,000.00
01.4314.003.630	B&G - BUILDING REPAIRS	40,000.00	18,243.31	30,000.00
01.4314.003.631	B&G - BOILER MAINTENANCE	0.00	0.00	9,000.00

## BUDGET WORKSHEET BY ACCOUNT

2024 Budget For: VILLAGE DISTRICT FUND Include: Expenditures

Account #	Account Title Notes	PY Budget	PY Actual	CY Budget
01.4314.003.632	B&G - OUTDOOR LIGHTING	6,000.00	1,876.64	2,500.00
01.4314.003.640	B&G - CARPET CLEANING	2,000.00	1,510.00	2,000.00
01.4314.003.822	B&G - DAM INSPECTION	1,000.00	800.00	1,000.00
01.4314.003.823	B&G - VEHICLE FUEL	3,000.00	4,579.07	4,500.00
01.4314.003.824	B&G - POWER TOOL EQUIPMENT REPAIRS	100.00	274.78	1,000.00
01.4314.003.826	B&G - VEHICLE MAINTENANCE	0.00	20,039.44	8,000.00
01.4314.003.827	B&G - EQUIPMENT REPAIRS	0.00	1,047.28	1,500.00
4314 - BUILDING & GROUNDS		<b>591,396.00</b>	<b>586,699.72</b>	644,122.00
<b><u>4520 - PARKS AND RECREATION</u></b>				
01.4520.002.261	REC - PROPERTY & LIABILITY INSURANCE	0.00	26,256.67	30,931.00
01.4520.002.320	REC - LICENSES & FEES	13,383.00	4,984.39	3,120.00
01.4520.002.325	REC - FINANCE CHARGES	8,600.00	0.00	0.00
01.4520.002.342	REC - COMPUTER SUPPORT	13,000.00	2,637.66	0.00
01.4520.002.343	REC - WEBSITE HOSTING	0.00	486.00	500.00
01.4520.002.344	REC - INTERENET	2,300.00	1,402.08	1,800.00
01.4520.002.345	REC - CABLE	1,350.00	2,112.55	2,400.00
01.4520.002.350	REC - TELEPHONE	5,600.00	1,218.04	1,200.00
01.4520.002.351	REC - CELL PHONE	1,350.00	149.94	0.00
01.4520.002.610	REC - OFFICE SUPPLIES	3,600.00	462.45	500.00
01.4520.002.618	REC - COPIER LEASE	1,400.00	1,817.88	1,695.00
01.4520.002.625	REC - POSTAGE	450.00	498.88	500.00
01.4520.002.670	REC - DUES & SUBSCRIPTIONS	10,983.00	0.00	0.00
01.4520.002.814	REC - CRIMINAL RECORDS	100.00	200.00	300.00
01.4520.003.619	REC - PEST CONTROL	10,000.00	8,866.00	10,000.00
01.4520.003.620	REC - MISC EXPENSES	2,350.00	959.53	500.00
01.4520.003.622	REC - EQUIPMENT RENTAL	1,000.00	0.00	1,000.00
01.4520.003.660	REC - EQUIPMENT REPAIRS	10,000.00	1,500.78	2,000.00
01.4520.003.661	REC - KITCHEN EQUIPMENT REPAIRS	2,000.00	4,467.57	5,000.00
01.4520.003.821	REC - GYM EQUIPMENT INSPECTION	2,500.00	650.00	1,300.00
4520 - PARKS AND RECREATION		<b>89,966.00</b>	<b>58,670.42</b>	62,746.00
<b><u>4521 - FRONT DESK</u></b>				
01.4521.001.110	FD - WAGES - FRONT DESK	100,023.00	96,649.54	110,838.00
01.4521.001.210	FD - HEALTH INSURANCE	25,891.00	24,812.10	29,930.00
01.4521.001.211	FD - DENTAL INSURANCE	1,053.00	1,009.47	1,212.00
01.4521.001.220	FD - PAYROLL TAX EXPENSE	8,234.00	5,395.71	8,479.00
01.4521.001.230	FD - RETIREMENT	11,147.00	7,831.32	12,101.00
01.4521.002.351	FD - CELL PHONE	600.00	751.32	600.00
01.4521.003.240	FD - EDUCATION	2,600.00	0.00	0.00

## BUDGET WORKSHEET BY ACCOUNT

2024 Budget For: VILLAGE DISTRICT FUND Include: Expenditures

Account #	Account Title Notes	PY Budget	PY Actual	CY Budget
01.4521.003.291	FD - TRAVEL	50.00	0.00	0.00
01.4521.003.610	FD - SUPPLIES	500.00	2,713.89	800.00
01.4521.003.620	FD - EXPENSES	2,600.00	0.00	0.00
01.4521.003.814	FD - CRIMINAL RECORDS	75.00	25.00	100.00
4521 - FRONT DESK		<b>152,773.00</b>	<b>139,188.35</b>	164,060.00
<b><u>4522 - SKI AREA</u></b>				
01.4522.001.113	SKI - WAGES - CLEANING	0.00	560.41	3,038.00
01.4522.001.118	SKI - WAGES - LIFT MAINTENANCE	13,350.00	10,410.63	7,162.00
01.4522.001.119	SKI - PAYROLL OVERTIME	0.00	0.00	0.00
01.4522.001.220	SKI - PAYROLL TAX EXPENSE	0.00	231.78	238.00
01.4522.001.230	SKI - RETIREMENT	0.00	0.00	202.00
01.4522.002.340	SKI - ELECTRIC	30,000.00	20,050.78	22,000.00
01.4522.002.341	SKI - BUILDING HEAT	6,000.00	6,238.49	6,000.00
01.4522.002.350	SKI - CABLE, INTERNET & PHONE	6,000.00	5,287.76	5,000.00
01.4522.003.662	SKI - SKI AREA REPAIRS	10,800.00	17,589.46	7,500.00
01.4522.003.663	SKI - LIFT MAINTENANCE	0.00	27.18	7,500.00
4522 - SKI AREA		<b>66,150.00</b>	<b>60,396.49</b>	58,640.00
<b><u>4524 - POOL</u></b>				
01.4524.003.618	POOL - POOL CHEMICALS & SUPPLIES	18,000.00	25,459.14	23,000.00
01.4524.003.631	POOL - POOL REPAIRS & MAINTENANCE	16,000.00	9,224.49	14,000.00
01.4524.003.820	POOL - POOL & SPA INSPECTIONS	1,000.00	0.00	1,000.00
4524 - POOL		<b>35,000.00</b>	<b>34,683.63</b>	38,000.00
<b><u>4525 - FOOD, BEVERAGE AND FUNCTION</u></b>				
01.4525.001.110	FBF - WAGES - ADMIN	39,296.00	50,868.49	52,416.00
01.4525.001.119	FBF MANAGER OVERTIME	0.00	5.77	197.00
01.4525.001.210	FBF - HEALTH INSURANCE	10,903.00	12,945.36	14,965.00
01.4525.001.211	FBF - DENTAL INSURANCE	527.00	523.86	606.00
01.4525.001.220	FBF - PAYROLL TAX EXPENSE	0.00	3,369.17	4,025.00
01.4525.001.230	FBF - RETIREMENT	5,419.00	5,523.17	7,119.00
01.4525.003.351	FBF - CELL PHONE	300.00	250.00	300.00
4525 - FOOD, BEVERAGE AND FUNCTION		<b>56,445.00</b>	<b>73,485.82</b>	79,628.00
<b><u>4711 - DEBIT SERVICE: PRINCIPAL - LONG-TERM BONDS AND NOTES</u></b>				
01.4711.000.001	DEBT - PRINCIPAL LOAN PAYMENTS	40,000.00	40,000.00	40,000.00
01.4711.000.002	PRINCIPLE PAYMENTS - BACKHOE	19,615.00	19,615.00	19,615.00
4711 - DEBIT SERVICE: PRINCIPAL - LONG-TERM BONDS AND NOTES		<b>59,615.00</b>	<b>59,615.00</b>	59,615.00
<b><u>4721 - INTEREST - LONG-TERM BONDS AND NOTES</u></b>				
01.4721.000.001	DEBT - INTEREST LOAN PAYMENTS	5,980.00	4,757.78	5,980.00



## BUDGET WORKSHEET BY ACCOUNT

2024 Budget For: VILLAGE DISTRICT FUND Include: Expenditures

Account #	Account Title Notes	PY Budget	PY Actual	CY Budget
01.4721.000.002	INTEREST PAYMENT - BACKHOE	1,813.00	1,812.68	1,813.00
4721 - INTEREST - LONG-TERM BONDS AND NOTES		<b>7,793.00</b>	<b>6,570.46</b>	7,793.00
<b><u>4940 - CIF EXPENDITURES</u></b>				
01.4940.024.001	CIF - ADA COMPILANT PLAYGROUND	0.00	0.00	25,000.00
01.4940.024.002	CIF - STORAGE AREA SUMMIT LOUNGE	0.00	0.00	5,000.00
01.4940.024.003	CIF - REAR BLDG SIDING	0.00	0.00	50,000.00
01.4940.024.004	CIF - BEER SHACK	0.00	0.00	30,000.00
4940 - CIF EXPENDITURES		<b>0.00</b>	<b>0.00</b>	110,000.00
<b><u>4990 - WARRANT ARTICLES</u></b>				
01.4990.021.006	FACILITIES WA #6 2021	25,000.00	25,000.00	0.00
01.4990.021.008	CAT WALKS WA #8 2021	28,222.65	144.00	0.00
01.4990.021.009	HVAC WA #9 2021	44,156.48	39,633.01	0.00
01.4990.021.011	AIR WA #11 2021	18,773.50	0.00	0.00
01.4990.021.012	SAND STORAGE	0.00	0.00	0.00
01.4990.022.001	DOOR REPLACEMENT	0.00	0.00	0.00
01.4990.022.004	HVAC REPAIRS WA#4 2022	97,976.35	53,974.59	0.00
01.4990.022.006	ADA ACCESS WA #6 2022	11,387.96	11,387.96	0.00
01.4990.023.005	PAVING WA 5 2023	150,000.00	18,950.00	0.00
01.4990.023.006	IMPROVEMENTS WA 6 2023	58,600.00	52,830.31	0.00
01.4990.023.007	BACK UP GENERATOR WA 7 2023	7,000.00	6,749.19	0.00
01.4990.023.008	BUILDING IMPROVEMENTS WA 8 2023	29,000.00	6,343.59	0.00
4990 - WARRANT ARTICLES		<b>470,116.94</b>	<b>215,012.65</b>	0.00
<b><u>4992 - SPECIAL PROJECTS</u></b>				
01.4992.021.002	BASKET BALL/TENNIS COURTS	0.00	103,104.87	0.00
4992 - SPECIAL PROJECTS		<b>0.00</b>	<b>103,104.87</b>	0.00
01 - VILLAGE DISTRICT FUND		<b>2,440,150.94</b>	<b>2,199,413.75</b>	2,137,183.00
		<b>2,440,150.94</b>	<b>2,199,413.75</b>	2,137,183.00

## BUDGET WORKSHEET BY ACCOUNT

2024 Budget For: WATER FUND Include: Expenditures

Account #	Account Title Notes	PY Budget	PY Actual	CY Budget
<b>02 - WATER FUND</b>				
<b>4331 - WATER DISTRIBUTION AND TREATMENT: ADMINISTRATION</b>				
02.4331.520.110	WTR - WAGES	87,260.00	33,484.88	71,552.00
02.4331.520.111	WTR - WAGES ADMINISTRATION	0.00	26,031.05	27,300.00
02.4331.520.119	WTR - WAGES - OVERTIME	0.00	3,656.36	7,392.00
02.4331.520.210	WTR - HEALTH INSURANCE	19,418.00	17,799.87	22,449.00
02.4331.520.211	WTR - DENTAL INSURANCE	790.00	702.11	909.00
02.4331.520.220	WTR - PAYROLL TAXES	6,821.00	4,573.97	7,563.00
02.4331.520.230	WTR - RETIREMENT	12,038.00	8,611.56	12,968.00
02.4331.520.240	WTR - EDUCATION	0.00	25.00	1,500.00
02.4331.520.260	WTR - WORKERS COMP INSURANCE	0.00	1,591.80	1,576.00
02.4331.520.261	WTR - PROPERTY & LIABILITY INSURANCE	0.00	6,960.53	8,199.00
02.4331.520.301	WTR - ANNUAL AUDIT	0.00	0.00	4,000.00
02.4331.520.305	WTR - ADVERTISING	0.00	611.75	100.00
02.4331.520.320	WTR - LICENSES AND FEEES	10,000.00	2,407.40	500.00
02.4331.520.321	WTR - BAD DEBTS	0.00	593.60	500.00
02.4331.520.323	WTR - LEGAL EXPENSES	5,000.00	10,810.81	7,500.00
02.4331.520.340	WTR - ELECTRICITY <b>REDUCED FROM \$112,000</b>	110,000.00	94,076.24	102,000.00
02.4331.520.342	WTR - COMPUTER SUPPORT	0.00	0.00	2,000.00
02.4331.520.350	WTR - TELEPHONE	0.00	1,010.00	1,000.00
02.4331.520.351	WTR - CELL PHONE	0.00	661.42	900.00
02.4331.520.390	WTR - CONSULTING	10,300.00	0.00	5,625.00
02.4331.520.609	WTR - DEPT UNIFORMS	0.00	0.00	500.00
02.4331.520.610	WTR - OFFICE SUPPLIES	9,500.00	8,501.91	4,000.00
02.4331.520.611	WTR - TOOLS	2,000.00	0.00	7,000.00
02.4331.520.618	WTR - COPIER LEASE	0.00	1,949.22	2,160.00
02.4331.520.620	WTR - MISCELLANEOUS EXPENSE	500.00	780.45	500.00
02.4331.520.625	WTR - POSTAGE	1,000.00	2,369.13	1,500.00
02.4331.520.640	WTR - GENERATOR MAINTENANCE <b>75 % of maintnance contract</b>	9,000.00	6,011.25	6,200.00
02.4331.520.641	WTR - SYSTEM REPAIRS	110,000.00	135,730.02	110,000.00
02.4331.520.670	WTR - SUBSCRIPTION & DUES	9,500.00	778.00	500.00
02.4331.520.816	WTR - FEES	1,000.00	1,415.39	0.00
02.4331.520.822	WTR - PROJECTS	1,030.00	448.96	1,030.00
02.4331.520.823	WTR - VEHICLE FUEL	0.00	3,395.10	5,000.00

## BUDGET WORKSHEET BY ACCOUNT

2024 Budget For: WATER FUND Include: Expenditures

Account #	Account Title Notes	PY Budget	PY Actual	CY Budget
02.4331.520.826	WTR - VEHICLE MAINTENANCE	0.00	10,177.95	3,000.00
02.4331.520.860	WTR - WATER TESTING	8,000.00	1,192.00	3,000.00
02.4331.520.861	WTR - LEAK REPAIRS	15,000.00	28,240.50	35,000.00
02.4331.520.862	WTR - ENGINEERING	30,000.00	8,000.00	30,000.00
02.4331.520.863	WTR - EQUIPMENT RENTAL	1,500.00	210.28	3,000.00
02.4331.520.864	WTR - TELEMETRY	7,000.00	3,083.23	7,000.00
02.4331.520.865	WTR - CHEMICALS	13,000.00	3,095.88	13,000.00
4331 - WATER DISTRIBUTION AND TREATMENT: ADMINISTRATION		<b>479,657.00</b>	<b>428,987.62</b>	517,923.00
<b><u>4712 - DEBIT SERVICE: PRINCIPAL - OTHER DEBIT</u></b>				
02.4712.520.001	WTR - BOND PAYMENT PRINCIPAL	0.00	0.00	11,988.00
4712 - DEBIT SERVICE: PRINCIPAL - OTHER DEBIT		<b>0.00</b>	<b>0.00</b>	11,988.00
<b><u>4721 - INTEREST - LONG-TERM BONDS AND NOTES</u></b>				
02.4721.520.001	DEBT - INTEREST PAYMENTS	0.00	6,069.60	11,943.00
4721 - INTEREST - LONG-TERM BONDS AND NOTES		<b>0.00</b>	<b>6,069.60</b>	11,943.00
<b><u>4903 - BUILDINGS</u></b>				
02.4903.023.002	WATER MAIN - W A 2 2023	262,000.00	86,584.00	0.00
02.4903.490.002	CAP - PUMP HOUSE PAINTING	2,500.00	0.00	2,500.00
02.4903.490.004	CAP - WATER METER UPGRADES REDUCED FROM \$100,000.	140,000.00	9,800.00	50,000.00
02.4903.490.005	CAP - COMPUTER SOFTWARE UPDATES	25,000.00	12,995.50	0.00
02.4903.490.006	CAP - WATER LINE UPGRADES	0.00	0.00	0.00
02.4903.490.007	CAP - STRATEGIC PLANNING	0.00	0.00	0.00
02.4903.490.008	CAP - SKI BOWL TREATMENT BUILDING REPAIRS	1,200.00	781.63	1,200.00
02.4903.490.011	CAP - PUMP PHASE REPLACEMENT	20,000.00	23,241.00	20,000.00
02.4903.490.012	CAP - PEGWOOD BACKUP GENERATOR	0.00	0.00	7,000.00
4903 - BUILDINGS		<b>450,700.00</b>	<b>133,402.13</b>	80,700.00
02 - WATER FUND		<b>930,357.00</b>	<b>568,459.35</b>	622,554.00
		<b>930,357.00</b>	<b>568,459.35</b>	622,554.00



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**WEVD 2023 Meeting DRAFT Minutes**  
**January 31, 2023 – 6:00 PM**

**Attendees:** Commissioners Maureen Patti, Gerry Panuczak (arrived at 4:06 PM) and David Spinney.  
General Manager Ron Beard and Water Department Administrator Allison Smith.

**Members of the public:** Mark Canfield, Denise Bujalski.

**Members excused:** none.

**Attendees via Zoom:** William Mitchell, Tom H, Beth, Jim Cahill, Nancy Seward, Andrea Canfield

**Call to order:** Commissioner Patti noted called the meeting to order at 4:00 PM.

**Pledge of Allegiance:** The meeting began with the Pledge of Allegiance.

**Roll Call of Commissioners:** Ms. Patti and Mr. Spinney were present in person at the Summit Lounge. Mr. Panuczak (arrived at 4:06 PM).

**Adoption of Agenda.**

Ms. Patti requested adding Item 10.F to the agenda with regards to a reminder from Counsel on conducting public meetings and virtual participation. Mr. Spinney was in agreement.

Mr. Panuczak joined the meeting at 4:06 PM.

**Budget Advisory Committee Report, Mark Canfield, 2024 Proposed Budget**

Ms. Patti invited Mr. Canfield to speak to the Commission about the budget process and the proposed 2024 Budget.

Mr. Canfield began by noting significant improvements in the budget process compared to previous years. He also highlighted the Budget Advisory Committee's (BAC) collaboration and the assistance of the MRI consultant Rita Donaldson, which streamlined their work. Mr. Canfield commended the dedication and energy of the BAC members as well as the District employees involved in the budgeting process, recognizing their crucial role in managing operations effectively. He also noted the collaboration of the WEA Board members.



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Mr. Canfield said that the BAC provided a favorable opinion on the proposed 2024 budget but identified areas needing attention for positive change, such as managing cost increases that are within the District's control and revising the Compensation Program, given that salaries are a big part of the District's budget.

Mr. Canfield noted that this is an operating budget and there are no funds in it for future large capital expenditures. The BAS made suggestions to consider, as a temporary measure, funding future capital needs based on annual depreciation or a set percentage of the estimated value of capital investments replacement program, for which BAC is recommending around \$450,000 to be set aside from the unreserved fund balance. Going further, after the Master Plan has been approved, the District can look into forming a Capital Improvements Committee which will draft the Capital Improvements Plan for the District.

Then the General Government budget was discussed, acknowledging a notable increase despite one less one major employee, attributed to legal fees and consultant expenses. While the BAC recognized the necessity of these expenses, they emphasized the importance of transparency in reporting and justifying them during budget hearings.

Then Mr. Canfield moved on to the Highways and Streets budget and said that the BAC noted improved prospects for completing future projects and handling necessary work. However, concerns were raised about the absence of funds for long-term improvements, emphasizing the need for careful planning to prioritize projects effectively.

The Buildings and Grounds budget was scrutinized next, with a significant increase attributed to the community's commitment to necessary improvements. Mr. Canfield said that the BAC highlighted the need for a comprehensive plan for capital improvement to ensure effective allocation of resources and prioritize future projects.

Then Recreation budget discussion centered around the need for a designated lead to manage recreational services effectively. Concerns were raised about the cost-effectiveness of certain aspects, such as the front desk operations, prompting a reassessment of resource allocation in this area. Mr. Canfield also noted the skiing and other facilities operations and that BAC also saw challenges there that would need to be reexamined and the uses of ski lodges may have to be reinvented.

The Water Department budget was reviewed, with attention drawn to an overall increase in expenses, primarily due to bond payments and uncontrollable leakage repair costs. Mr. Canfield said that the BAC stressed the importance of implementing a formal business plan to justify expenditures and plan for the future effectively, advocating for the dedication of any surplus funds to improving the water system.



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Overall, the BAC emphasized the need for strategic planning, transparency, and accountability across all departmental budgets to ensure responsible financial management and address the community's evolving needs effectively.

Ms. Patti thanked Mr. Canfield not only for his work on the BAC but also for his efforts in establishing what it actually costs to run recreation for this community. She also suggested, in lieu of the BAC suggestion about a need for a designated lead to manage recreational services effectively, implementing quarterly meetings involving key department representatives to monitor cost efficiencies and address concerns promptly. These meetings would allow for ongoing evaluation of departmental budgets and facilitate timely adjustments to ensure effective financial management. By convening regularly, the committee aims to maintain transparency, accountability, and strategic alignment across all departments, ultimately contributing to a more efficient and responsive budgeting process. Mr. Canfield was in agreement and suggested adding WEA Board representatives to those meetings.

Ms. Spinney also commended the work of all the BAC members and District staff and their outstanding effort in planning this year budget.

Mr. Panuczak also thanked the BAC for their effort and noted that the employees of the District are its greatest asset and the Commission has long ago realized that it comes at a cost which is worth it given the level of qualifications and dedication these employees have. He also urged the BAC to review the report produced by Tom Lithgow on the viability of skiing/recreation operations as it could provide insights into the ski mountain's performance, including factors affecting profitability and future direction.

Ms. Patti also made a point about the Recreation Management Agreement (RMA), highlighting its significance in restructuring how revenue and resources are allocated for recreational activities, which has been in operation for two years. RMA isolates costs associated with operating concessions and ski activities within the Rec fund. This restructuring aims to ensure that tax revenue is not disproportionately used to subsidize a subset of owners who frequent amenities such as the ski mountain and concessions. Ms. Patti emphasized that the Rec fund should be self-sustaining and transparent in its financial operations. She recognized that the RMA is a positive step towards achieving accountability and transparency in how resources are allocated for recreational activities within the community.

Ms. Patti then thanked Mr. Canfield for the presentation of the 2024 budget.

## **Approval of Minutes**

### **a. January 10, 2024**



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*Ms. Patti made a motion to amend the draft minutes of 1/10/2024 consistent with the 15 amendments prepared by Ms. Patti. Mr. Panuczak duly seconded and Motion carried with a roll call vote 3:0 Mr. Spinney – aye, Ms. Patti – aye, Mr. Panuczak – aye.*

*Ms. Patti made a motion to make the amended minutes of 1/10/2024 as official meeting minutes. Mr. Panuczak duly seconded and Motion carried with a roll call vote 3:0 Mr. Spinney – aye, Ms. Patti – aye, Mr. Panuczak – aye.*

#### **Treasurer's Report**

The Treasurer's report was included in the packet. Ms. Smith noted that all the numbers were up to date in there except for the Rec fund.

Members reviewed the report. Mr. Panuczak expressed his enthusiasm about the fact that bank balances and accounting ones are tracking much closer together this year.

#### **GM's Report**

1. Snowmaking has resumed at Campton Mountain with the goal of building a base to ensure good skiing conditions through February and into March.
  2. Johanna Hart has joined the Finance Department, bringing 13 years of experience in Municipal Finance, including a previous role as the Finance Director for the Town of Lincoln. Her position is part-time, and she has already begun contributing by creating spreadsheets and tracking sheets.
  3. Jennifer Franz has accepted the position of Beverage Manager, bringing valuable experience from her previous role as part owner of the Winnepesaukee and Hobo Railroad. She has extensive experience in customer service and business and has already taken on tasks such as building employee schedules and coordinating events.
  4. Mr. Beard spoke about his attendance of the WEA Annual meeting last Sunday.
- He and Ms. Patti provided positive feedback on the recent annual meeting, noting its professionalism, seamless organization, and transparent delivery of information. There was appreciation for the lack of conflict during the meeting, highlighting a new level of collaboration and cooperation among board members.

#### **CONSENT CALENDAR**

#### **Manifests and the Treasurer's Report**





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*Ms. Patti made a motion to approve the manifests and the Treasurer's Report in the handout. Motion carried with a 3:0 roll call vote: Mr. Spinney – aye, Ms. Patti – aye, Mr. Panuczak – aye.*

## **GENERAL CALENDAR ITEMS**

### **a. Human Resources Vendor**

The discussion centered on the potential outsourcing of human resources for the municipality to address concerns about labor costs. The District has lost a full time financial/HR position and had only hired a part-time financial manager, thus now need to allocate HR capabilities to someone. A vendor (BAMBEE) was identified with a monthly cost of \$699 and a startup fee of \$1,500, totaling \$9,900 for the first year and \$8,400 for subsequent years. The vendor would handle HR administration tasks, such as benefits, payroll, and paperwork, while employee relations would still be managed internally. It was also noted that the vendor would ensure proper paperwork handling for employee onboarding and exits to avoid costly situations that occurred in the past. The consensus was to proceed with obtaining a quote from the vendor.

*Mr. Panuczak made a motion to direct the General Manager to bring forth a contract with the vendor BAMBEE with regard to HR administration for the Village District. Ms. Patti duly seconded. And motion carried with a 3:0 roll call vote: Mr. Spinney – aye, Ms. Patti – aye, Mr. Panuczak – aye.*

### **b. Reimbursement from Water Account for Payroll (balance of 2023) -- \$85,750.54**

The discussion focused on reimbursement from the Water Department account to cover payroll expenses for employees whose salaries and benefits are split between the District and the Water Department. Originally, there was an expectation that this reimbursement would be instantaneous but due to limitations with bank being able to track it, physical transfers became necessary. A lump sum of \$85,750.54 has already been transferred from the Water Department account to the General Operating account, with an additional \$8,930.95 approved by Commissioners, covering the entirety of 2023. Going forward, monthly transfers will be made as part of the regular manifest, streamlining the process. This lump sum reflects 11 months' worth of reimbursements due to the transition to new accounting software in the first six months of the year and subsequent adjustments. The balances in the Treasurer's report reflect these transfers, ensuring transparency and accountability.

### **c. Annual Meeting Date RESCHEDULING and rescheduling of Annual Meeting Snow Date**

The discussion revolved around the need to reschedule the District Annual Meeting (set for March 16<sup>th</sup>) due to a conflict with the Town of Thornton meeting on the same day. After confirming available dates with Thornton officials, it was decided that March 17<sup>th</sup>, 23<sup>rd</sup>, and 30<sup>th</sup> were viable options. March





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17<sup>th</sup> was discarded due to its proximity to the already scheduled date and being St. Patrick's Day. March 23<sup>rd</sup>, the original snow date, was chosen for the annual meeting, with March 30<sup>th</sup> designated as the new snow date. It was clarified that by law, there must be a Saturday meeting for voters to approach the checklist supervisors within a specific timeframe before the annual meeting.

*Ms. Patti made a motion that the Commission vacate the Annual Meeting date of March 16<sup>th</sup> and instead schedule the Annual Meeting on the following Saturday which would be March 23<sup>rd</sup>, and that the Commission designate March 30<sup>th</sup> to be the snow date if necessary for the Annual Meeting. Mr. Panuczak duly seconded. And motion carried with a 3:0 roll call vote: Mr. Spinney – aye, Ms. Patti – aye, Mr. Panuczak – aye.*

**d. Resignation of Ralph Wilbur from the Improving Amenity Profitability Committee and appointing Anthony Patti to Improving Amenity Profitability Committee**

Ms. Patti noted the Mr. Wilbur has submitted his resignation from the committee.

*Ms. Patti made a motion to accept the resignation of Mr. Wilbur from the Improving Amenity Profitability Committee. Mr. Panuczak duly seconded and motion carried with a roll call vote 3:0. Mr. Spinney – aye, Ms. Patti – aye, Mr. Panuczak – aye.*

Ms. Patti than noted that her husband Anthony Patti has been diligently attending meetings of said committee, being unaware of the fact that he is not yet a member of it.

*Ms. Patti made a motion to nominate and appoint Anthony Patti as a member of the Improving Amenity Profitability Committee. Mr. Panuczak duly seconded and motion carried with a roll call vote 3:0. Mr. Spinney – aye, Ms. Patti – aye, Mr. Panuczak – aye.*

**e. Modification to the Governing Body Policy for Facility Maintenance (ADA Accessibility)**

There was discussion about amending Governing Body Policy for Facility Maintenance regarding ADA accessibility. The previous procedure required significant projects to be reviewed by the now-disbanded ADA Accessibility Committee. However, since the committee no longer exists, a modification was proposed. The proposal suggested that any significant project impacting accessibility should be reviewed by the WEVD General Manager to determine, in writing, whether the District can expand accessibility in the course of the project, following ADA guidelines. That written determination will be presented to the Governing Body prior to the beginning of any significant project.

*Ms. Patti made a motion to amend the Governing Body Policy for Facility Maintenance (ADA Accessibility) in the manner described in the meeting handout. Mr. Panuczak duly seconded and motion carried with a roll call vote 3:0. Mr. Spinney – aye, Ms. Patti – aye, Mr. Panuczak – aye.*



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**f. Reminder from Counsel on conducting public meetings and virtual participation.**

The discussion revolved around the standards for remote attendance at public body meetings. Historically, New Hampshire mandated in-person attendance at government meetings to uphold transparency. However, during the COVID-19 pandemic, remote participation was temporarily allowed due to restrictions on gatherings. The conversation with Legal Counsel clarified that there have been no recent changes to the law regarding remote attendance. The law still states that a public body may, but is not obligated to, permit members to participate electronically if physical attendance is not reasonably practical. Valid reasons for remote attendance include illness, travel, or emergencies. However, each meeting must specify why remote attendance is necessary, and this reason must be documented in the minutes. Most importantly, a quorum must always be physically present to conduct a meeting. The discussion highlighted the importance of articulating valid reasons for remote participation and ensuring compliance with legal requirements.

**Next Meeting:**

**a. Meeting and Budget Hearing: Tuesday, February 13, 2024 @ 6 p.m.**

**b. Meeting and Warrant Article Hearing: Thursday, February 15, 2024 @ 6 p.m.**

**Public Comment Period**

- Nancy Seward, via Zoom asked for clarification about virtual participation in meetings. Ms. Patti explained that NH law allows remote participation for any public body member only if their physical participation is not reasonably practical due to travel, illness, or other reasons that have nothing to do with issues of convenience. The reason has to be identified for the meeting and reflected in the minutes and there has to be a quorum present in the physical location. There was nobody else willing to address the Commission in person, via remote platform, by phone.

**Non-Public Session**

*Ms. Patti motioned to enter non-public session for the purposes described in RSA 91-A:3, II (a), (c), and (l). Mr. Panuczak duly seconded. Motion carried with a roll call vote 3:0. Mr. Spinney – aye, Ms. Patti – aye, Mr. Panuczak – aye.*

Non-public session was entered at 5:46 PM, Commissioners Patti, Panuczak and Spinney were present in person as well as the General Manager Ron Beard.

**Resumption of Public Session**

*Mr. Panuczak motioned to exit non-public session at 6:25 PM. Mr. Spinney duly seconded. Motion carried with a roll call vote 3:0. Mr. Spinney – aye, Ms. Patti – aye, Mr. Panuczak – aye.*



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Public session was entered at 6:25 PM. Commissioners Patti, Panuczak, and Spinney were present in person.

*The nonpublic session minutes were sealed by a motion from Mr. Spinney, a second by Mr. Panuczak, as divulgence of the minutes would adversely affect the reputation of someone other than a Commissioner. Motion carried with a roll call vote 3:0. Mr. Spinney – aye, Ms. Patti – aye, Mr. Panuczak – aye.*

#### **Adjourn Meeting**

*Ms. Patti made a motion to adjourn the meeting. Mr. Panuczak duly seconded. Motion carried with a roll call vote 3:0. Mr. Spinney – aye, Ms. Patti – aye, Mr. Panuczak – aye.*

Meeting adjourned at 6:29 PM.

Prepared by Alvina Snegach



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## GM Report February 13, 2024

1. Shawn Pelchat and his team have removed the duct work, repaired areas of the ceiling and are in the process of painting the summit lounge.
2. Shawn Pelchat made snow three days in a row and has reported to me that the well is holding up very well.
3. Jennifer Franz has hit the ground running as our new food and beverage manager. Jennifer has hired 2 new part time bartenders and has interviewed 2 potential candidates for the cook position at the mountain.
4. Jennifer with help from her bar staff has reorganized the seating plan at the mountain in hopes of making more space around the bar area.
5. Steve has been busy with water sampling and testing along with the required PH test throughout the water system.
6. Lauren Bennett has been busy monitoring the roads and trimming back some brush back at some of our intersections.
7. Steve and Lauren have also been busy putting a new chain and pillow block bearings in one of their sanders.



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## WATERVILLE ESTATES VILLAGE DISTRICT

### CONFLICT OF INTEREST ORDINANCE

#### SECTION 1: AUTHORITY

This conflict-of-interest Ordinance is adopted pursuant to the authority vested in the Waterville Estates Village District (“District”), through the 2024 Annual Meeting of the District’s legislative body, under RSA 31:39-a.

#### SECTION 2: PURPOSE

The purpose of this Ordinance is to establish a conflict-of-interest Ordinance applicable to all employees, officials, commissioners, committee/board members, and representatives of the District, whether elected or appointed, full-time or part-time, paid or volunteer (collectively “District Representatives”), and to ensure consistency in the application of the Ordinance among the various Boards, Commissions, and District Representatives of the District. The Ordinance is intended to encourage a high level of public trust and confidence that District Representatives will always act in the public interest.

This Ordinance shall be known as the “Waterville Estates Village District Conflict of Interest Ordinance.”

#### SECTION 3: DEFINITIONS

As used in this Ordinance, the following terms shall have the following meanings:

**Board:** Any Board (including the District Commissioners), committee, or commission, permanent or special, appointed or elected (unless the context indicates otherwise).

**Conflict of Interest:** A situation, circumstance or financial interest that has the potential to cause a private or personal interest to interfere with the proper exercise of a public duty. The conflict shall be immediate, definite, and capable of demonstration; not remote, uncertain, contingent, and speculative, that is, such that persons of ordinary capacity and intelligence would not be influenced by it.

**Family:** Any person who is related to a District Representative in one of the following ways: spouse, domestic partner, parent, grandparent, child, grandchild, sibling, or similar relation to the individuals' spouse. This includes all persons who are members of the same household as the District Representative in question, regardless of whether they are related by blood or marriage.

**Firm:** A sole proprietorship, joint venture, partnership, corporation or any other form of enterprise.

**Interest:** Any legal or equitable right, share, or claim, whether or not subject to an incumbrance or a condition, which is owned or held, in whole or in part, jointly or severally, including, but without limitation or right, share, or claim.

**Pecuniary:** Any advantage in the form of money, property, commercial interest or anything else, the primary significance of which is economic gain; it does not apply to economic advantage applicable to the public generally, such as reduction or increase in prosperity generally.

**Principals:** Those people who are the subject of the action or application that is before the Board or District Representative.

**District Representatives:** All officials, employees, commissioners, committee/board members, and officers of the District, whether elected, appointed, paid, or unpaid.

**Recuse:** Removing or excusing oneself from participating in a specific action or discussion due to a conflict of interest. Recusal requires one to completely remove oneself from all further participation as a District Representative in the matter in question.

#### **SECTION 4: CONFLICTS OF INTEREST**

A. District Representatives shall avoid legal conflicts of interest.

1. A District Representative shall not participate in any matter in which the District Representative, or a member of the District Representative's family, has a personal or pecuniary interest.

2. A District Representative shall not participate in any matter in which a member of his or her family is a principal.

3. A District Representative shall not participate in any matter in which his or her employer or employee is a principal.

4. A District Representative shall not accept any gift or gratuity of anything more than nominal value.

5. No District Representative shall use or attempt to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage for the District Representative, his or her family, or any person or firm associated with the District Representative, or member of the District Representative's family.

6. No District Representative shall appear on behalf of a client or friend or family member before the board of which the District Representative is a member.

7. No District Representative shall:

- (a) Coerce or attempt to coerce any public servant or municipal employee to engage in political activities;

- (b) Coerce or command a District Representative or municipal employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency, candidate, or person for political purposes.

## **SECTION 5: DUTY TO RECUSE**

District Representative have a duty to recuse themselves from participating in a specific action or discussion where they have a conflict of interest.

District Representative who have been recused may remain in the hearing room for the public input portion of the hearing and shall seat themselves with the other members of the public that are present. When recused, the recused person shall not participate in the discussions, unless she or he clearly states for the record that she or he is doing so only as a general member of the public.

## **SECTION 6: ADVISORY VOTE**

1. Prior to any vote, each District Representative should give consideration to whether a potential violation of this conflict-of-interest Ordinance might exist. If the public servant is not sure whether a potential violation may exist, the public servant should disclose such facts to the Board.

2. When uncertainty arises as to the application of this conflict-of-interest Ordinance to a Board member in a particular circumstance the public servant shall disclose the nature of the possible conflict and the Board shall, upon the request of that member or another member of the Board, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to the commencement of any required public hearing. Such a vote shall be advisory and non-binding and may not be requested by persons other than Board members.

## **SECTION 7: ADMINISTRATION**



1. The Village District Commissioners shall be responsible for administering this Ordinance. The Commissioners shall be the sole arbiter of the terms of this Ordinance and their decision shall be final.

2. Any resident of the District who believes that a District Representative has violated this Ordinance may report the alleged violation to the District Commissioners by submitting the attached form to the District Manager. This form shall be the only manner by which a complaint may be considered. The form shall be completed in detail.

3. The District Commissioners shall provide a copy of the complaint to the District Representative who is alleged to have violated this Ordinance.

4. The District Commissioners shall, in the first instance, consider the complaint and determine whether a reasonable person could conclude the complaint states a claim that may rise to the level of a violation of this Ordinance. If the complaint does not state sufficient cause to proceed it shall be dismissed, and the resident and public servant alleged to have violated this Ordinance shall be advised of the decision, in writing.

5. If the District Commissioners determine the complaint could present a violation of this Ordinance, then it may investigate in any manner it sees fit consistent with the law. All documents and short descriptions of the results of interviews, if any, shall be made part of the record and shall be made public unless otherwise exempt from public disclosure under RSA 91-A.

6. Upon completion of any investigation, unless prohibited under RSA 91-A or otherwise prohibited by law, the District Commissioners shall schedule a public hearing where the District Representative shall have the right to make a presentation. The resident also shall have an opportunity to be heard but may not supplement the complaint as filed.

7. The District Commissioners shall issue a written decision.

8. Unless otherwise exempt from public disclosure under RSA 91-A, all records shall be public documents and the hearing of the District Commissioners shall be a public proceeding.

Adopted on: February 13, 2024

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Commission – Chair

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Commission

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Commission

# HB 1640-FN - AS INTRODUCED

2024 SESSION

24-2782  
09/10

## HOUSE BILL ***1640-FN***

AN ACT relative to qualified **immunity** standards.

SPONSORS: Rep. Hoell, Merr. 27; Rep. Popovici-Muller, Rock. 17; Rep. T. Lekas, Hills. 38

COMMITTEE: Judiciary

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### ANALYSIS

This bill establishes standards and procedures for claims against the state for alleged violations of constitutional rights by government employees.

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Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

24-2782  
09/10

### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Four*

AN ACT relative to qualified **immunity** standards.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

#### 1 Legislative Findings.

I. Government's most important responsibility is to protect rights under the laws and constitutions of this state and the United States.

II. Government's violation of rights diminishes the lives, liberty, property, and pursuits of individuals.

III. Government's failure to remedy a violation of rights imposes an unjust cost on an injured individual.

IV. Government's legitimacy is threatened by the absence of a meaningful civil process for an injured individual to seek redress of a violation of rights.

V. Government is responsible for hiring, training, supervising, and retaining employees, and for ensuring they perform their duties consistent with rights under the laws and constitutions of this state and the United States.

VI. The United States Supreme Court has interpreted the United States Constitution to protect police officers and other government employees against claims of excessive force in an arrest, investigatory stop, or other seizure under a standard of objective reasonableness. An objectively reasonable action does not violate the United States Constitution. The Supreme Court's interpretation of the fourth

amendment protects against second-guessing reasonable split-second decisions made by police officers. The legislature recognizes and agrees with the Supreme Court's precedent.

VII. Courts can address frivolous lawsuits. Rules of civil procedure authorize judges to:

- (a) Grant a motion to dismiss, and
- (b) Sanction an attorney who files a case to harass a defendant.

VIII. Courts must be free to engage in fact finding to determine whether a government employee's action violates a constitutional right. By making the government a defendant and the financially responsible party, the legislature wants to free courts to determine if an employee's action violated the constitution:

- (a) Unencumbered by doctrines that impede fact finding, like the federal doctrine of qualified **immunity**, and
- (b) Without the employee being exposed to personal financial liability.

2 New Paragraph; Claims Against the State; Jurisdiction. Amend RSA 541-B:9 by inserting after paragraph VI the following new paragraph:

VII. Notwithstanding paragraphs II-IV, any claim based on an alleged violation of a constitutional right shall be governed by 541-B:25.

3 Claims Against the State; Claims Filed Against the State and Its Agent. Amend RSA 541-B:9-a to read as follows:

541-B:9-a Claims Filed Against the State and Its Agent. ***Except as provided in RSA 541-B:25***, when a claim filed pursuant to this chapter is against both the state and an agent, official or employee of the state, the court shall determine whether the state is responsible for the actions of the agent, employee or official. If the court determines that the state is responsible for the actions of the agent, employee or official; the agent, employee or official shall be dismissed as a defendant and the plaintiff shall proceed solely against the state.

4 Claims Against the State; Limitation on Action and Claims. Amend RSA 541-B:14, IV to read as follows:

IV. Any claim submitted under this chapter, ***except for claims under RSA 541-B:25***, shall be brought within 3 years of the date of the alleged bodily injury, personal injury or property damage or the wrongful death resulting from bodily injury. As a condition precedent to commencement of the action, the agency shall be provided written notice within 180 days after the time of the injury or damage as to the date, time, and location the injury or damage occurred. The lack of written notice shall not bar a claim unless the agency can show by a preponderance of the evidence that its ability to defend against the action was substantially prejudiced thereby. Such notification may be made either by the claimant or an appropriate representative of the claimant.

5 Claims Against the State; Exceptions. Amend the introductory paragraph of RSA 541-B:19, I to read as follows:

I. Without otherwise limiting or defining the sovereign **immunity** of the state and its agencies, ***and except as provided in RSA 541-B:25***, the provisions of this chapter shall not apply to:

6 New Subdivision; Claims Against the State for Employee Violation of Constitutional Rights. Amend RSA 541-B by inserting after section 23 the following new subdivision:

Claims Against the State for Employee Violation of Constitutional Rights

541-B:24 Definitions.

- I. "Government" means a state, county, municipal, or other political subdivision in this state.
- II. "Government employee" means an individual employed or contracted by a government employer.
- III. "Government employer" means an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of the state or of a county, municipality, or other political subdivision in this state.

541-B:25 State Cause of Action.

I. Under this subdivision, a government employer shall be liable for an injury caused by an act or omission of a government employee who, under color of law, violates a right under the constitution of this state or the United States.

II. An individual may seek legal, equitable, or other relief in a court of this state for a violation of a right under the constitution of this state or the United States.

III. The proper defendant in an action shall be the government employer and shall not be the government employee.

IV. A government employee shall not be found financially liable for a violation of a right under the constitution of this state or the United States.

V. The government employer shall notify the government employee, whose act or omission is the subject of a claim under this subdivision, within 10 days of the government employer being served. The government employee has an unconditional right to intervene in the action, as a third-party defendant, pursuant to this state's rules of civil procedure and court rules.

VI. The action shall not be subject to:

- (a) Common law doctrines of **immunity**;
- (b) Federally-recognized doctrines of qualified **immunity**;
- (c) Sovereign **immunity**, governmental **immunity**, custom, or policy; or
- (d) Statutory immunities and limitations on liability or damages.

VII. Nothing in this chapter abrogates **immunity** for judges and legislators at any level of government for actions taken in their judicial or legislative capacities, respectively.

VIII. Notwithstanding this state's rules of civil procedure and court rules, a class action is prohibited under this subdivision.

IX. A claim shall commence no later than 3 years from the date a claim can be brought for the deprivation of a right under the constitution of this State or the United States.

X. The plaintiff bears the burden of proving, by a preponderance of the evidence, that the government employee violated a right under the constitution of this state or the United States.

541-B:26 Jurisdiction.

I. Jurisdiction shall be pursuant to this state's laws and rules of civil procedure, except that the procedures outlined in RSA 541-B:9 shall not apply to claims brought under this subdivision.

541-B:27 Judicial Standards.

I. When evaluating a government employee's use of force under the constitution of this state or the United States, the court's determination of reasonableness shall be objective and made from the perspective of a reasonable government employee on the scene confronted with the immediate facts and circumstances of the claim. The court shall recognize that a government employee often must make split-second decisions in tense, uncertain, and rapidly-evolving situations. A court shall not determine reasonableness using hindsight or based on facts and circumstances that are later discovered.

II. The court's order shall be supported by findings of facts and conclusions of law. The court shall make the findings of fact in a bench trial and the jury shall make them in a jury trial. The court shall make conclusions of law.

541-B:28 Attorneys' Fees.

I. In any proceeding in which a plaintiff's claim prevails, the government shall be liable for reasonable attorney fees and other litigation costs.

II. Reasonable attorneys' fees include those incurred on an hourly or contingency basis, or by an attorney providing services on a pro bono basis.

III. The court shall recognize that a plaintiff's claim prevails if the plaintiff obtains any relief the plaintiff seeks in its complaint, whether the relief is obtained via judgment, settlement, or the government's voluntary change in behavior.

IV. Under this state's rules of civil procedure, the court may dismiss a frivolous claim and may award reasonable attorneys' fees and costs to the defendant for defending against a frivolous claim.

541-B:29 Termination of Contract, Agreement, or Employment.

I. For any contract or agreement enacted after the effective date of this legislation and notwithstanding any other law, a court's finding that a government employee violated a right under the constitution of this state or the United States under this subdivision is per se evidence that the government employer has just cause for terminating the employment of the government employee.

II. The government's termination of a contract, agreement, or employment with the government employee shall not affect the government's liability under this subdivision.

541-B:30 Public Information.

I. All documents, including complaints, judgments, settlements, and consent decrees, are subject to public disclosure pursuant to the provisions of RSA 91-A.

7 Severability Clause. If a provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

8 Effective Date. This act shall take effect 60 days after its passage.

LBA

24-2782

Revised 12/21/23

**HB 1640-FN- FISCAL NOTE**  
**AS INTRODUCED**

AN ACT relative to qualified **immunity** standards.

**FISCAL IMPACT:**    ☒ State                      ☐ County                      ☒ Local                      ☐ None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Funding Source(s)</i>	General Fund Various Government Funds			
<b>Appropriations</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures? ☒ No
- Does this bill authorize new positions to implement this bill? ☒ No

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
<b>County Revenue</b>	\$0	\$0	\$0	\$0
<b>County Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This bill establishes standards and procedures for claims against the State for alleged violations of constitutional rights by government employees.

The Department of Justice states this bill makes significant changes to the civil claims that may be brought against state agencies. It also makes significant changes to the defenses and immunities available to both state agencies and individual employees in civil litigation. It is anticipated that, as a result of this bill, there will be an indeterminable increase in litigation costs for the Department because it will both expand the types of claims that may be filed against state agencies, and it will hinder early and efficient resolution of many claims. The Department expects this is likely to result in more lengthy discovery for each claim and increase the amount of claims that will need to proceed to trial and/or mediation. This will result in a corresponding increase in litigation and mediation costs. This also allows for the award of attorney's fees at the conclusion of a matter, again, resulting in higher litigation costs. The Department states the potential for an increase in claims and the reduction of early resolution of many claims, may result in the need for additional personnel and/or outside counsel. The impacts will be significant, albeit indeterminable, at this time. Additional litigation costs may range from \$50,000 to \$200,000 depending on the number of claims. The Department of Justice does not anticipate it would receive additional revenue as a result of this bill.

The Judicial Branch states it is not possible to estimate how this change in law would impact the frequency and complexity of filings.

The New Hampshire Association of Counties indicated this bill would make the employer financially liable for an employee that violates the state or federal constitution. There would be no cost to the employee and the bill would strip away all relevant immunities and caps. The bill makes any violation of either constitution actionable for unlimited damages, even though most constitutional provisions don't carry a right to a private damages remedy. In addition, the Association assumes the bill would result in substantial increases in insurance costs and could potentially prevent county governments from being insured at all.

The New Hampshire Municipal Association states, that under this bill, municipalities can expect a significant increase in costs related to claims against them. Traditionally, municipalities, with the assistance of their attorneys, would evaluate the likelihood of prevailing in court and weigh the relative cost of litigation against the likelihood of successfully reaching a settlement and those associated costs. Under this bill, the likelihood of settlement would be almost nonexistent because the employee is entitled to become an intervenor and, if a settlement were reached, would be subject to termination regardless of any collective bargaining protections or processes. As such, a court may find that litigation on the merits of the claim is the appropriate resolution. Additionally, the Association indicates there would no longer be an incentive for municipalities to attempt to settle cases where the claims are dubious because of the additional costs of such settlements under this bill, including relative to employment costs and attorney's fees. Aside from the above noted increases, the removal of all governmental immunities means that prior claims which would have been precluded by **immunity** doctrines will not be subject to dismissal by the courts at an early stage in the litigation process, increasing the cost of any filing against the government. Further, the removal of protectionary standards would require additional training of governmental employees to ensure that they understand the changed liability landscape, and additional policies and procedures will need to be reviewed and rewritten. The Association indicates this will significantly increase costs for government of all levels. The Association does not anticipate any additional revenues as a consequence of this legislation.

#### **AGENCIES CONTACTED:**

Department of Justice, Judicial Branch, New Hampshire Association of Counties and New Hampshire Municipal Association

Maureen Patti Motions for January 31, 2024:

**1. Agenda Item # 6 a, Adoption of minutes –  
Proposed Amendments to minutes of January 31, 2024:**

1. Page 1, TITLE – “2024” not “2023”
2. Page 1, FOOTER – “Draft” not ‘APPROVED’
3. Page 1, line 18 – correct and put entire sentence in parentheses as follows: “(Mr. Panuczak arrived at the Summit Lounge at 4:06 p.m.)”
4. Page 2, line 40 – correct typo “BAC”
5. Page 2, line 44 – correct typo “look”
6. Page 2, line 62 – correct typo “lodge”
7. Page 4, line 103 – correct typo “by”
8. Page 4, line 106 – correct typo “the official”
9. Page 4, line 124 – insert in front of ‘Beverage’ the words “Food &”
10. Page 5, line 148 – insert between ‘while’ & ‘employee’ the word “most”
11. Page 6, line 190 – delete everything after ‘committee’ and insert “he is willing to serve on the Committee.”
12. Page 7, line 217 – delete ‘However’, capitalize ‘Each’, delete ‘meeting’ and insert at that point the following “member of the public body (Commissioner, WEVD advisory committee & Planning Board member)”
13. Page 7, line 218 – insert after ‘present’ the words “at the meeting location”
14. Page 8, line 232 – insert after ‘phone’ the words “or through email”