

**VILLAGE DISTRICT OF EIDELWEISS  
2023 Annual Meeting Minutes  
Saturday March 11, 2023**

Moderator Bob Ingram opens the polls for Article 01, voting for officers, at 8:00 am. Supervisors of the checklist Cheryl Brooks, Emily Sheppard, and Jen Garside. Clerk Donna MacKinnon and Commissioners Ralph Lutjen, Jay Buckley, and EPOA members Mindy Prescott, Doug Prescott and Kerry McNiven were also present for opening of the polls.

At 10:00 am Moderator Bob Ingram closes the polls for article 01.

At 10:02 am Moderator Bob Ingram calls the meeting to order.

Moderator Bob Ingram requests all persons to stand and leads the pledge of Allegiance.

Moderator Bob Ingram requests a moment of silence for all who have passed and for prior Board of Commissioner John Vendola who passed this year.

Moderator Bob Ingram introduces himself, Commissioners' Ralph Lutjen, Mike Smith, and Jay Buckley, Clerk Donna MacKinnon, Treasurer Dinah Reiss, Administrator Alexis Wagoner, Attorney Chris Boldt, and DPW Foreman Kelly Robitaille. Checklist Ladies Cheryl Brooks, Emily Shepard, and Jenifer Garside were also present. There were 49 people present for the meeting.

Moderator Bob Ingram outlines and reviews the Rules and Procedures for the meeting.

**Jay Buckley makes a motion to let the non-voter taxpayers to speak at the meeting. Kerry McNiven seconded the motion.**

**Motion Passed**

**Jay Buckley makes a motion to for Attorney Chris Boldt, DPW members Kelly Robitaille, Jeff DeMartino, Tony Eldridge and Administrator Alexis Wagoner to speak at the meeting. Ralph Lutjen seconded the motion.**

**Motion Passed**

**Article 01 Voting for Officers**

**Voting for the following offices for 2023**

**Commissioner – 3-year term**

**Treasurer – 3-year term**

**Clerk- 3-year term**

Results of Article 01; Election of Officers

Commissioner 3-year term

Mark Graffam-25 votes, Jay Buckley-8 votes, John DeYoung-8 votes, Robert Ingram-1 vote, and Ralph Lutjen-1 vote.

New Commissioner Mark Graffam

Treasurer 3-year term

Ron Sandstrom-1 vote, Jerry Moser-1 vote, and Dinah Reiss-39 votes.

New Treasurer Dinah Reiss

Clerk 3-year term

Donna MacKinnon-13 votes, and Wooda McNiven-32 votes

New Clerk Wooda McNiven

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## **Article 02 Article 02 Lease to Purchase Agreement of New 2022**

**To see if the Village District will vote to authorize the Commissioner's to enter into a long-term lease/purchase agreement in the amount of \$134,320.00 (One Hundred Thirty-Four Thousand Three Hundred and Twenty) payable over a term of 7 years for the purpose of a 2022 John Deere Backhoe, and to raise and appropriate the sum of \$22,972.05 (Twenty-Two Thousand Nine Hundred Seventy-Two and Five Cents) for the second year's payment for that purpose.**

**Recommended by the Board of Commissioners (2-1)**

**3/5 ballot vote required**

### **Article read by Moderator Bob Ingram.**

Moderator Bob Ingram makes a note that it states that it is a 3/5 vote, but he states that he found out this morning that because it is a lease agreement that not a 3/5 or 2/3 vote required. Majority vote is the requirement. This came from Attorney this morning and Attorney Chris Boldt speaks on the issue. Covered by statute 33:7E Lease Agreements and this is not a capital project or bond issue which are covered by statute 32:7A which is for a Municipal it is a 2/3 vote and for a SB2 is 3/5 vote. Attorney Chris Boldt feels that it was warranted as a ballot question (not that it is needed for majority vote) that we should go ahead and have the ballot vote so that there are not any issues, and it is up to the Moderator for how long the ballot is open for nor the required 1 hour because it is not a Bond question. Clarification is also made at this point that the amount of \$22,972.05 has to be voted on every year if it fails the Backhoe has to go back.

### **Ralph moved the Article to the floor. Jay Buckley seconded the motion.**

Kelly Robitaille speaks on Article 02. Kelly Robitaille gives the history Volvo Backhoe that was purchased in 2015. The last four years have shown signs of deterioration last year was pretty hefty and that was a wiring issue. The fact of the matter is the Volvo backhoe was a new machine for them at the time. They tried to get into the business and that they didn't do well with the backhoe machine. Volvo does not make the backhoe anymore and were discontinued. The parts now have to be outsourced from Europe. The harness issue was the tipping point that started looking into a new Backhoe. The Volvo Backhoe was down for 2 ½ months due to not being able to get the harness part. It was a part that we tried to get there were only three in the world at the time all overseas and by the time Kelly got the approval from the Board the three were all gone. The Backhoe is the primary machine that the District uses, and Kelly started looking into renting a backhoe and that how he found

the John Deere Backhoe it was a demo with only 8 hours on the machine. They were able to rent the John Deere. Kelly knew they would have ongoing problems with the Volvo Back. They looked into the lease of the John Deere they could have traded in the Volvo but that had to be decided by the voters. Kelly Robitaille had a guy look at the Volvo to give an estimate of how much it would cost to get it operational and between the two it will be probably at least \$20,000.00. Kelly Robitaille's primary concern is that the backhoe goes down in the middle of the winter then the District has no machine for loading salt & sand and there will be no back up to take care of the District's roads. Kelly Robitaille wants a reliable machine so that the District is taken care of. The John Deere was looked into for the purchase, Kelly Robitaille & Ralph Lutjen ran the numbers the machine was available @\$140,000.00 and the District was already into the rental for two months which John Deere would take off 80% of the rental and to replace that machine today it would be \$220,000.00. In Layman terms Kelly Robitaille stands by his decision. Kevin Ackert asks what they can get for the Volvo Backhoe and would the District be responsible for repairs for the John Deere during the lease. Kelly Robitaille responds originally when the were looking John Deere was going to give the District \$25,000.00 as a trade in of the Volvo Backhoe we couldn't do anything with a trade in because we needed the vote on it at the Annual Meeting. There are a few things that will have to be fixed in order to sell the Volvo a minimum price Kelly Robitaille feels would be \$25,000.00. As for the lease of the John Deere Backhoe the is a five year warranty on the machine and the machine would be serviced locally. Ralph Lutjen explains the lease and that we have it paid until Oct 31, 2023 and will look into all aspects of the lease for next years meeting. Melissa Tibbets states the DPW is doing a great job and wants to know if the payment of the lease is in this year's budget and where does the money go if the Volvo is sold. Ralph Lutjen states it is in this years budget and the sale of the Volvo would go into the unassigned fund. Ron Sandstrom is in favor of the article. Larry Sardarno has point of order on the price that was put on the warrant and what is being shown to the voters that they are voting \$160,804.00 not \$130,000.00. Ralph Lutjen states that is correct it is the cumulation of the 7 years of the lease and today we are voting on the \$22,972.05. Second point is stated as entering into the lease but the Board has already entered into it. Third point is the date of the document which was a typo. No appropriation clause and if it is voted down then the District will lose all the money that they have already put into the lease. Larry Sardarno wanted to let the voters know as a point of order. Moderator Bob Ingram states this is not a point of order and that it is being dealt with and that they are questions that are valid. Kelly Robitaille explains it is not a done deal until the vote on it and that he hopes the vote yes for the benefit of the District and not their personal concerns and that the machine would go back until October. Mindy Prescott speaks on her experience as a commercial insurance agent and companies keep equipment for years, Kelly Robitaille explains again that the Volvo Backhoe is discontinued. Ron Sandstrom asks the attorney if the warrant written correctly and accurately for the transaction that is being discussed. Attorney Chris Boldt states yes. Doug Prescott states that the backhoe was supposed also be used to put in new water hook-up connections and it would be a savings to the District then the DPW did a couple of hook-ups and then said they would not do anymore and has concerns with John Deere in regards to ongoing lawsuits. Kelly Robitaille states a few weeks back that we had a meeting to discuss the backhoe and asked the people if there were any concerns that he could answer prior and not to be blindsided at the Annual meeting and these questions could have been handled then and that he never said that the DPW would not do any water hook-ups there were other issues such as backed up water hook-ups which was decided by the Water Operator it was a better idea to have a licensed operator do the hook-up and water mains. Kelly Robitaille never said that his department would never do anything. They never say no to work. Discussion ensues on all the issues with the Volvo Backhoe vs the John Deere Backhoe. Scott Santos asks why not keep the Volvo as a backup. Kelly Robitaille states that would be great. Nancy Cole brings up that the money is being asked for this article and is also being asked for in Article 03. Ralph Lutjen states that would be an amendment made to Article 03. Jay Buckley states his opinion on that there is plenty of mutual aid with Madison and that the District would be able to be taken care of. Kelly Robitaille strongly responds to Jay Buckley's opinion. Moderator explains how to do the ballot vote.

**Moderator Re-reads Article 02.**  
**Ballot vote Opens at 10:50 am.**  
**Ballot vote Closes at 11:00 am.**  
**Vote Yes-21**  
**Vote No-18**

**Vote: Moderator declares Article 02 Passed.**

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### **Article 03 Operations & Highway Budget**

**To see if the Village District will vote to raise and appropriate the sum of \$799,134.00 (Seven Hundred and Ninety-Nine Thousand One Hundred and Thirty-Four) for general municipal operations. This article does not include appropriations contained in special or individual articles addressed separately. Funding for this appropriation will be raised by taxation. Recommended by the Board of Commissioners (2-1) (Majority vote required)**

**Article read by Moderator Bob Ingram.**  
**Mike Smith moved the Article to the floor. Ralph Lutjen seconded.**

Ralph Lutjen speaks on Article 03. There is a substantial of the budget that is uncontrollable which is dealing with inflation as well as certain items that the Board is looking to increase in terms of operations such as Asphalt by \$8,000.00 in order to do more work this year. There is judgment call that the Board have to make such as fuel or electricity line item.

**Dinah Reiss makes a motion to amend the budget to \$716,780.00. Mindy Prescott Seconded.**

Dinah explains her reason of her amendment and it is prudent and fair and the Board has to work within the amended amount.

**Moderator Bob Ingram at this time announces the results from the Article 02 ballot vote. Vote Yes-21 Vote No-18 Article 02 Passed with Majority vote.**

Ralph Lutjen the budget prepared was made with modest increases if you look at the highway employee line it is up with the really doing more work. Built in cost increases are anticipated for more projects to be done for the District and would like consideration for that. If roads are not kept up it would be a bigger cost down the road. Also the budget should be adjusted down \$23,000.00 because of the John Deere Lease. Larry Leonard is in favor of Dinah Reiss's amendment. Nancy Cole explains how the taxes are figured. Ron Sandstrom explains that last year's tax rate was lowered by the sale of the Lodge. Dinah Reiss explains her slide show of the previous years 2017-2022 budgets and that is why we should lower the budget for 2023. Kelly Robitaille questions as to an \$82,000.00 cut in budget and how will the District be able to do anything if everything is going up due inflation, he not against lowering the budget but don't take away everything. The DPW wants to do projects and what is best for the District. Dinah Reiss states you can move line items around and work within the lower budget and would certainly suffice within the budget. Kelly Robitaille states that they came in under budget due to the fact that the backhoe was out of service of 2 ½ months and always tries to come in under budget. Kelly Robitaille does not to be caught not doing his job because the budget won't let him. Dinah Reiss stands by her amendment. Ralph Lutjen states he has work out some numbers and total discretionary numbers would be \$38,000.00 and the rest of it is items that the Board has no control over.

**Vote takes place on Dinah Reiss amendment.**

**Amendment Passes. Budget is lowered to \$716,780.00.**

Melissa Tibbets asks if the line items is the same as last year. Answer is no.

**Melissa Tibbets makes a motion to amend the budget up by \$26,080.00 for salaries. Mile Smith seconded.**

Nancy Cole asks if a line item can be changed. It can be changed only the bottom line of the budget can be changed. This would make the new proposed budget would be \$742,860.00. Larry Sardarno is concern that there is a math error in the new figure stating that Dinah Reiss's figure was figured on percents and that the full amount for salaries was added back in. Moderator states the bottom line is the only number that changes not the line items and Melissa Tibbets intentions are for the salaries, but the Board has the authority to put it where ever they want. Discussion ensues with everyone's feelings of the amount of the budget. Moderator asks to move the vote.

**Moderator calls for vote on the amended motion for the budget for \$742,860.00.**

**Amendment Fails.**

Roger Keene asks since the budget was lowered what will happen with the discretionary amount of \$38,000.00. Ralph Lutjens states projects will be adjusted and some of them won't be done and that the Board will have to go through and adjust the budget to reflect the numbers.

**Moderator Bob Ingram Re-reads the Amended Article 03.**

**Vote: Moderator declares Article 03 Passed for \$716,780.00.**

**Mike Smith made a motion to restrict reconsideration of Article 02. Ralph Lutjen seconded. Motion Passed.**

**Kerry McNiven made a motion to restrict reconsideration of Article 03. Mark Graffam seconded. Motion Passed.**

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#### **Article 04 Water System Budget**

**To see if the Village District will vote to raise and appropriate the sum of \$204,594.00 (Two Hundred and Four Thousand and Five Hundred Ninety-Four) for General Water System Operations. Funding for this appropriation will be raised by water usage fees.**

**Recommended by the Board of Commissioners (3-0)  
(Majority vote required)**

**Article read by Moderator Bob Ingram.**

**Jay Buckley moved the Article to the floor. Ralph Lutjen seconded.**

Jay Buckley speaks on Article 04 states the bottom line went up 8.6% from last year's water budget basically was raise due to inflation rates. Explains that the Water Budget for the property owners is from the water fees and not by taxes and the water rates is not set yet and will be set after the Water Budget is passed.

**Vote: Moderator declares Article 04 Passed.**

**Mike Smith made a motion to restrict reconsideration of Article 04. Jay Buckley seconded. Motion Passed.**

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**Article 05 Replenish "Road Construction" CRF**

**To see if the Village District will vote to raise and appropriate the sum of \$50,000 (Fifty thousand) to be deposited into the "Road Construction CRF". Funding for this appropriation will be \$25,000 (Twenty-Five thousand) raised from taxation and \$25,000 (Twenty-five thousand) coming from the Unassigned Fund Balance.**

**Recommended by the Board of Commissioners (3-0)  
(Majority vote required)**

**Article read by Moderator Bob Ingram.**

**Jay Buckley moved the Article to the floor. Ralph Lutjen seconded.**

Jay Buckley speaks on Article 05. Jay Buckley states this article is needed to beef up the Road Construction CRF. The District has some dire roads that will need to be repaired and that the cost would be great and that there is only seven thousand dollars in the CRF currently.

**Moderator Bob Ingram Re-reads Article 05.**

**Vote: Moderator declares Article 05 Passed.**

**Mike Smith made a motion to restrict reconsideration of Article 05. Jay Buckley seconded. Motion Passed.**

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**Article 06 International 7400 Truck Repairs**

**To see if the Village District will vote to raise and appropriate the sum of \$10,000 (Ten thousand) to be deposited into the "Equipment Repair CRF" for repairs on the International 7400 Truck. Funding for this appropriation will be raised by taxation.**

**Recommended by the Board of Commissioners (3-0)  
(Majority vote required)**

**Article read by Moderator Bob Ingram.**

**Jay Buckley moved the Article to the floor. Mike Smith seconded.**

Kelly Robitaille speaks on Article 06. There is work to be done on the truck and with this article the life of the truck would be extended. The work would be done in house which would keep the cost down.

**Vote: Moderator declares Article 06 Passed.**

**Mike Smith made a motion to restrict reconsideration of Article 06. Jay Buckley seconded. Motion Passed.**

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**Article 07 Replenish "Highway Equipment" CRF**

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**To see if the Village District will vote to raise and appropriate the sum of \$15,000 (Fifteen Thousand) to be deposited into the "Highway Equipment CRF". Funding for this appropriation will be raised by taxation.  
Recommended by the Board of Commissioners (3-0)  
(Majority vote required)**

**Article read by Moderator Bob Ingram.**

**Mike Smith moved the Article to the floor. Jay Buckley seconded.**

Jay Buckley speaks on Article 07. There is very little money in the CRF, and this is to plan for future needed highway equipment.

**Melissa Tibbets makes a motion to amendment to Article 07 to have the money come out of the Unassigned Fund instead of Taxation. Ralph Lutjen seconded.**

Jay Buckley explains how the Unassigned Fund works.

**Motion Passed.**

**Moderator Bob Ingram reads Amended Article 07**

**Vote: Amended Article 07 Passed.**

**Vote: Moderator declares Article 07 Passed as Amended.**

**Kerry McNiven made a motion to restrict reconsideration of Article 07. Melissa Tibbets seconded.**

**Motion Passed.**

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#### **Article 08 Office Building Repairs**

**To see if the Village District will vote to raise and appropriate the sum of \$20,515 (Twenty Thousand Five Hundred Fifteen) for the purpose of repairs to the current Office Building. Funding for this appropriation will be raised by taxation.**

**Recommended by the Board of Commissioners (3-0)  
(Majority vote required)**

**Article read by Moderator Bob Ingram.**

**Ralph Lutjen moved the Article to the floor. Jay Buckley seconded.**

Alexis Wagoner speaks on Article 08. Explains the work needed to upgrade the building for the safety and to extend the life of the building.

**Kevin Ackert makes a motion to amend Article 08 to lower the amount from \$20,515.00 to \$12,500.00. Melissa Tibbets seconded.**

Ron Sandstrom is in favor of the article. Mike Smith speaks on the article as a safety issue. Melissa Tibbets agrees that the building and suggests renting one. Jay Buckley speaks that the building is in dire need of upgrades but to wait a year to see a plan in place. Jeremy Boutilier asks that John DeYoung speak as a contractor. John DeYoung feels that the cost is double from what the project should cost. Mike Smith states he tried to get the breakdown of the estimate but was unable to.

**Moderator Bob Ingram Re-reads Amended Article 08. Motion Passed**

**Mike Smith makes a motion to Amend the wording of Article 08 from Taxation to Unassigned Fund and the amount back to \$20,515.00. Ralph Lutjen seconded.**

**Moderator Bob Ingram calls for a vote.**

**Motion Failed 13 For, 17 Opposed.**

**Larry Leonard makes a motion for the money to come out of the CRF.**

**No second on the article.**

**Moderator Bob Ingram Re-reads the approved Amended Article 08.**

**Vote: Moderator declares Amended Article 08 motion Passed.**

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### **Article 09 Upgrade Pump House Security**

**To see if the Village District of Eidelweiss will raise and appropriate the sum of \$20,000 (Twenty Thousand) for the purpose of upgrading the security at the pump houses. Funding for this appropriation will come from the Water System Fund CRF.**

**Recommended by the Board of Commissioners (3-0)  
(Majority vote required)**

**Article read by Moderator Bob Ingram.**

**Mike Smith moved the Article to the floor. Ralph Lutjen seconded.**

Mike Smith speaks on Article 09. During the fall there was pump house door left opened and after speaking with the Water Operator & SCADA System Operator they felt the security needed to be upgraded with new keypad entry and game cameras. Due to the cost of hooking up to the internet there is no way to connect to the internet. Larry Leonard speaks of a previous 2015 Warrant and is against Article 08. Mile Smith explains that were upgrades done at the time and that something has to be done. This time there was a pump that was shut off and this is an issue. Jay Buckley would like the office to change the codes at the pump houses and then give the Water Operator a random code monthly. Jay Buckley also speaks on the different types of game cameras and recommends one that can hook up to a phone instead of an SD card. Jay Buckley recommends voting this article down and wait until next year. John DeYoung asks about grant money from Homeland security. Jay Buckley explains about the Cyber Security Grant that the District has been approved for, but it is not for infrastructure into the pump house.

**Moderator Bob Ingram Re-reads Article 09.**

**Vote: Moderator declares Article 09 Failed.**

**Kerry McNiven made a motion to restrict reconsideration of Article 08. Jeremey Boutilier seconded.**

**Motion Passed.**

**Kerry McNiven made a motion to restrict reconsideration of Article 09. Diane Rozek seconded. Motion Passed.**

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### **Article 10 Rafts**



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**To see if the Village District will vote to raise and appropriate the sum of \$15,000 (Fifteen Thousand) to upgrade the four existing rafts with new surfaces and mooring systems. Funding for this appropriation will be raised by taxation.**  
**Recommended by the Board of Commissioners (3-0)**  
**(Majority vote required)**

**Article read by Moderator Bob Ingram.**

**Ralph Lutjen moved the Article to the floor. Jay Buckley seconded.**

Ralph Lutjen speaks on Article 10. The reason for this article is the issue for the safety of the rafts. There have been incidents that have been unsafe and could be an issue with the rafts. The Board has taken a position it is essential to stabilize the rafts and improve the surfaces of the rafts. Jay Buckley has been working on getting estimates but unfortunately has not received any for stabilizing the rafts. The idea is to have a contractor come in and put anchoring systems on the corners of the rafts so that they won't tip. Resurfacing the rafts also need to be done for safety purposes. Jenna Keene asks for clarification between Articles 10 & 17. Article 10 is presented by the Board and Article 17 is a petitioned warrant article and the Board has no bases that the rafts could be fixed for the amount of money in Article 17.

**Larry Leonard makes a motion to combine the two Articles together. Betsey Ginsberg seconded.**

Point of order was called for by Jay Buckley, Attorney Chris Boldt clarifies that both articles can be combined for discussion but both articles have to be voted on separately.

**Motion Passed.**

Jay Buckley states that he received a quote from Winni Island Dock Services with a detailed quote of \$5,792.00 to place a 500lb single weight beneath the raft with a single chain that is in a Y shape which would spread out to two sides of the raft. Jay Buckley has supplied the Board with another design that is in an X shape which would be attached to all four corners of the raft. Moderator clarifies if the mooring would be installed is included in the \$5,792.00 estimate Jay Buckley states yes for all four rafts. Roger Keene asks the attorney what the liability of this is. Attorney Chris Boldt they are features that are commonly held but they are liabilities and that we have insurance through Primex and Primex would love you to have aluminum rafts and they want repairs done. Tipping scares him as a lawyer which is a massive liability. Roger Keene feels that the Y shape chain won't work and if the Board is going to do anything it so be done properly. Terri Cancelarich speaks on liability and should better signage be put up. Attorney Boldt signage should be done but in today's day in age anybody can sue anyone. Mike Smith stresses that if nothing is done it is putting the District in jeopardy. Jane Gunn states if the rafts are not put in then the District is putting the liability onto the homeowners that have rafts and wants the rafts to put back in and to come up with a solution to the problem.

**Jay Buckley makes a motion for an amendment to see if the Village District of Eidelweiss will raise the sum of \$3,550.00 to upgrade the four existing rafts with new surfaces and mooring systems. Funding will be by taxation. Larry Leonard seconded.**

Jay Buckley speaks on the amendment for discussion. After speaking with some residences he has priced out the needed materials for the upgrade of the rafts with the X shaped design and came up the estimate. Kelly Robitaille states that if he is going to be responsible that the X shaped design would be better but has no idea of how they will be set and that he does not have the ability to set the moorings perfect so the design will work. He is not against the project but wants the moorings set professionally or that Jay Buckley can get a group of volunteer crew to set them. Kelley Robitaille does not want the DPW be responsible for setting the moorings. Doug Prescott put together the plan

and the blocks will be permanently installed and will put together a group of volunteers to put the blocks in the water and help the DPW to put them in the water. Ron Sandstrom asks if they go over the estimate do the Board have the ability to use money from the operating budget? Attorney Chris Boldt states that you can only use the amount of the warrant for the project. Larry Leonard asks if the estimate includes money for a diver, the answer is no and Wooda McNiven volunteers. Mike Smith asks the attorney about the liability for the District for volunteers for the project. Attorney Chris Boldt needs to know what the District's Primex coverage is for volunteer projects, most policies have a broad enough to cover volunteers. Attorney Chris Boldt would have to look at our policy to determine if there is coverage. Jay Buckley states in the past that there have been volunteer projects and that the volunteers had to sign a liability waiver.

**Moderator Bob Ingram reads the Amended Article 10 with the change of amount to \$3,550.00. Amendment Passed for Article 10.**

**Moderator Bob Ingram reads the Amended Article 10.**

**Vote: Moderator declares Amended Article 10 Passed.**

**Kerry McNiven made a motion to restrict reconsideration of Article 10. Mark Graffam seconded.**

**Motion Passed.**

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#### **Article 17 Petitioned Article: Swim Rafts**

**To see if the District will vote to raise and appropriate the sum of \$800.00 (eight-hundred dollars) for proper moorings and repairs to the 5 existing rafts owned by the District. These existing rafts are to be repaired and properly moored prior to June 30th, 2023, for use during the 2023 swim season. Funding for this project to come from the Unassigned Fund Balance. No money is to be raised through taxation.**

**Not recommended by the Board of Commissioners (1-2)  
(Majority vote required)**

**Article read by Moderator Bob Ingram.**

**Jay Buckley moved the Article to the floor. Mike Smith seconded.**

Kelly Robitaille asks if there is money for the installation? It was stated no and that it would be a volunteer project. Moderator Bob Ingram clarifies that the Board can not make the employees do it and that it is still up to the Board to do the project.

**Moderator Bob Ingram Re-reads Article 17.**

**Vote: Moderator declares Article 17 Failed.**

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#### **Article 11 Driveway Permit Fee**

**To see if the Village District will vote to update the Driveway Ordinance to set the Driveway Permit fee at \$500 (Five hundred) and the fee for updating an existing driveway at \$150 (One Hundred and Fifty).**

**Recommended by the Board of Commissioners (2-1)  
(Majority vote required)**

**Article read by Moderator Bob Ingram.**

**Mike Smith moved the Article to the floor. Ralph Lutjen seconded.**

Ralph Lutjen speaks on Article 11 how the process works, and the time involved. DPW Foreman Kelly Robitaille states that since he has been with the District the fee has never changed and with the rise of the building in the District proceeding the Driveway Permits should be raised. Jay Buckley states that he has look into the surrounding towns and the District has the highest fee for a driveway permit. Mike Smith disagrees with Jay Buckley's comments and states his issues with the weekend warriors and with all the new building the fees can go into the unassigned fund for new revenue for the District which will only affect the new builds not all the homeowners. Larry Leonard speaks on using the historical data for new driveway permits and is in favor of Article 11. Moderator, ask if there is an amendment with a different number for Article 11. No amendment was made. Brian Cronin states he takes offense to Mike Smith's comment on weekend warriors and ask for clarity of the permit fee. It is explained to him.

**Moderator Bob Ingram Re-reads Article 11.**

**Vote: Moderator declares Article 11 Failed**

**Kerry McNiven made a motion to restrict reconsideration of Article 11. Mark Graffam seconded.**

**Motion Passed.**

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## **Article 12 Energy Agreement**

**To see if the Village District will vote to allow the Commissioners to negotiate an electric rate and enter a contract for a term of up to 36 months. Recommended by the Board of Commissioners (3-0) (Majority vote required)**

**Article read by Moderator Bob Ingram.**

**Mike Smith moved the Article to the floor. Ralph Lutjen seconded.**

Mike Smith speaks on Article 12 that would get a better rate for the District and that the Commissioners are in favor of this article. This article would let the Commissioners set a 3 year rate and get the lowest rate possible for the District. Melissa Tibbets asks about the rate with Amerigas thinking that the electrical rate would be the same if locked into a rate for the homeowners. The Article 12 the electrical would be only for the District's services not the homeowners. Terri Cancelarich asks if now the right time is to enter into a contract. Jay Buckley states this only gives the Board the authority to enter into a contract and it does not have to be now but when it is right and the best time for the District. Larry Sardarno wants to clarify if we vote this in and that he is not opposed to it is it an authority and perpetuity if we don't do it this year and do it 5 years down the road. Jay Buckley asks Attorney Chris Boldt for clarification and states it is a one shot wonder and that the Board would have to come back next year for a new warrant because the contract is up in November. If the Board does not enter into a new three year contract this year, they would have to come back at next year's Annual Meeting to ask again.

**Moderator Bob Ingram Re-reads Article 12.**

**Vote: Moderator declares Article 12 Passed.**

**Kerry McNiven made a motion to restrict reconsideration of Article 12. Betsey Ginsberg seconded.  
Motion Passed.**

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**Article 13 Petitioned Article: Altdorf Water Replacement**

**To see if the District will vote to raise and appropriate the sum of \$68,000 (sixty-eight thousand dollars) for the replacement of the water main and associated infrastructure on Altdorf Place as needed to create a new continuous loop from the intersection with Interlaken Circle around to the intersection with Big Loop Rd including the intent to eliminate a bleeder. This project will eliminate a dead end in the distribution of the water system. Funding for this project to come from the following: \$28,000 from the Water Pipe Improvement Fund CRF and \$40,000 to come from the Water Line Extension Fund CRF. No money is to be raised through water fees or taxes. Not recommended by the Board of Commissioners (1-2)  
(Majority vote required)**

**Article read by Moderator Bob Ingram.**

**Jay Buckley moved the Article to the floor. Mike Smith seconded.**

Ralph Lutjen speaks on Article 13 there is no back up presented on this article, no sub stanching for the \$68,000.00. In September the Water presented an estimate of \$52,392.00, the Asset Management from Horizon Engineering presented an estimate of \$216,400.00, and CMA Engineering presented a budgetary estimate of \$167,200.00 for the same project. Ralph Lutjen requests a no vote on this article but has an amendment for it. Jay Buckley petitioned article and speaks on it. Explains article and with the changing costs which include inflation asks the body to vote this article down. Mark Graffam calls this article to a vote. Moderator Bob Ingram asks about the mention of an amendment to this article and if it was still interest of it. Ralph Lutjen states yes, the Moderator lets Ralph Lutjen present the amendment then call for a vote.

**Proposed amendment is to install valve clusters which would amount to 10K to 15K for 4 of them for specific locations.**

Nancy Cole calls for a point of order. Attorney Chris Boldt states to let Ralph Lutjen to finish talking. Moderator states that Ralph Lutjens amendment is not valid for this article by changing the intent of this article and asks the Attorney for guidance. Attorney Chris Boldt states he did not hear enough of the article that if it is correcting the same scope of the article then it could be but if is intended for a different water line location then it is not valid. Ralph Lutjens withdraws his amendment.

**Vote: Moderator declares Article 13 Failed**

**Kerry McNiven made a motion to restrict reconsideration of Article 13. Mark Graffam seconded.  
Motion Passed.**

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**Article 14 Petitioned Article: Engineering Contract**

**To see if the District will vote to advise the commissioners to contract with Horizon's Engineering as the District's Engineers of Record for all general engineering services. Adoption of this contract will eliminate the costs**

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**associated with the transfer of knowledge to CMA Engineering.  
Not recommended by the Board of Commissioners (1-2)  
(Majority vote required)**

**Article read by Moderator Bob Ingram.**

**Kerry McNiven moved the Article to the floor. Betsy Ginsberg seconded.**

Doug Prescott speaks on petitioned Article 14. Strongly recommends Article 14 knowing it is advisory only and to vote yes on Article 14. Mike Smith feels strongly that the Water Committee /Asset Management Team have not done their job. And uses example of Article 13 that was voted down and there is no engineer stamp, design for the article, or estimate for Article 13. Ron Sandstrom confirms that this article is only advisory. Ralph Lutjen states that Horizon's report plan was infeasible for the best of the District. Mark Graffam wants to move the question. Larry Leonard speaks on behalf of the Water Committee and what has been done for the District. Moderator moves the article stating this is advisory only and the new Board of Commissioners will make the decision.

**Vote: Moderator declares Article 14 Passes as advisory only.**

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## **Article 15 Petitioned Article: Pond Level Mgmt Ordinance**

**To see if the Village District of Eidelweiss (VDOE) will vote to adopt the following POND LEVEL MANAGEMENT ORDINANCE to be as follows:**

### **1. AUTHORITY**

**This regulation is adopted by the VDOE Board of Commissioners pursuant to RSA 52:1 and RSA 675:3.**

### **2. PURPOSE**

**The purpose of this ordinance is to follow best water management practices for the benefit of the fish, aquatic life, wildlife, and surrounding ecosystem, and for the benefit of recreational use of the VDOE residents and homeowners.**

### **3 REGULATIONS**

**The VDOE manages the dam at Little Pea Porridge Pond and follows the following guidelines:**

**3.1 The VDOE is to have one 5-inch board (cap) and four 11-inch boards (or varying sizes for an equivalent height of 49-inches of boards) in place at all times.**

**3.2 Ponds are kept as high as possible, especially during drought conditions.**

**3.3 In drought conditions, the VDOE should seek suggestions on methods to maintain flow through the dam from the NH Department of Environmental Services (DES) which actively manages dozens of its own dams.**

**3.4 The lowest level of pond water from the top of the concrete structure is 4 inches below the top to ensure proper operation of the dry hydrants (fire suppression).**

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**3.5 If a fall drawdown of one 11-inch board is necessary, it shall be performed prior to October 15th, as recommended by the NH Department of Environmental Services.**

**3.6 Boards may only be removed in case of an emergency as declared by the NH Dam Bureau, DES, or by the emergency management director for the Town of Madison, or for maintenance/replacement of the dam after notifying the NH Department of Environmental Services at least two weeks prior to said lowering for dam repairs.**

**3.7 In emergencies, potentially hazardous situations, and dam failure, the VDOE will follow the dam's Emergency Action Plan, issued on June 30, 2022.**

#### **4 AMENDMENTS**

**4.1 The VDOE Board of Commissioners may not amend this ordinance.**

#### **5. MONETARY ALLOCATION**

**5.1 To bring the dam into compliance with DES recommendations, the VDOE will allocate \$1,000 from the Unassigned Fund Balances to purchase a new box grate to help prevent ice buildup and blockage from floating debris.**

**Not recommended by the Board of Commissioners (1-2)  
(Majority vote required)**

**Mike Smith moved the to waive the reading of Article 15. TC Lutjen seconded.  
Motion Passed.**

**John Cancelarich moved the article to the floor. Kerry McNiven seconded.**

John Cancelarich speaks on Article 15. Explains that he was on the Environmental Committee in the past and work with the State of NH, DES, and Fish and Games to come up with this and this was done years ago. The current policy was changed by the Board. John Cancelarich feels the policy should not be left up to the Board and Kelly Robitaille. The petitioned Policy should be the one that gets past it deals with the artificial fluctuation which keeps a stable water height that helps with the conditions of the water such as bacteria and protects the wildlife. Discusses the effects on the wildlife giving a number of examples and reads from a 2015 document from State of NH. Speaks on erosion of the waterline and what happens. Speaks on winter draw downs and the effects of it. Three things that he is going to work on 1.-Where the waterlines should be maintained at 2.-Protect the shoreline from development, and 3.-Avoid broad scale herbicides. Moderator ask the question to the attorney if this body has the right to change an ordinance at this meeting. Attorney Chris Boldt answers the body can create an ordinance. John Cancelarich states keeping the boards because this is a spill over dam. John Cancelarich states that they pull the boards because of the loons. John Cancelarich suggests floating nest for the Loons. Discussion ensues between Mike Smith & John Cancelarich. Mike Smith states he has a letter from LPC that they like the Loons to nest on natural conditions. John Cancelarich states that the State of NH are getting rid of dams because of the artificial fluctuation. Larry Leonard states that Fish & Game is in favor of the new ordinance.

**Jay Buckley makes a motion for an amendment with new wording under 1. This regulation is adopted by the Body of the Annual Meeting of 2023 pursuant to RSA 52:1 and RSA 675:3.  
Roger Keene seconded.  
Motion Passed.**

Kelly Robitaille has concerns about 3.5 & 3.6 if they are correct. John Cancelarich states that the State does not recommend a winter draw down because we are not a big lake, and that Jay Buckley can speak on this because of the grate icing up. Kelly Robitaille suggests getting rid of 3.5, John Cancelarich states it can't be done until there is a box grate put in because of the ice issue. Jay Buckley states that the State of NH recommends a box grate. John Cancelarich states that the State of NH is willing to work with us and that we should be working with the State of NH in regulating this issue and not the Board. Ralph Lutjens speaks on how many draw downs do we do 1 usually in the fall to accommodate the winter which has had flooding occur on Eidelweiss Dr. There is no huge movement of pulling boards in and out. There is no traumatic issue with the current Dam Policy and the current Board have not been involved in any massive water draws. Kelly Robitaille states that there is a log at the office. There is the infamous red line that he keeps the water at and has not pulled boards so it goes down to mud. His only purposed is to maintain the red line. Discussion ensues with the body.

**Jay Buckley makes a motion for an amendment in section 3.6 add the wording (Other than the fall drawdown,) at the beginning of wording. Larry Leonard seconded.**

Attorney Chris Boldt states this wording clarifies the confusion of sections 3.5 & 3.6. Kelly Robitaille wishes that it would state how much of a drawdown should be. That is stated in 3.5 as one 11 inch board.

**Vote is called for the Amendment.**

**Motion for the Amendment Passed.**

John Cancelarich states that the wording in section 3.7 should add (the current version of) to before Emergency and to strike out issued on June 30, 2022.

**John Cancelarich makes a motion for an Amendment then says he can't make the amendment.**

**Kerry McNiven makes a motion for an Amendment to change the wording in section 3.7 should add (the current version of) to before the word Emergency and to strike out issued on June 30, 2022. Jay Buckley seconded.**

**Motion for the Amendment Passed.**

**Vote is called for Amended Article 15.**

**Vote: Moderator declares Amended Article 15 Passed.**

**Kerry McNiven made a motion to restrict reconsideration of Article 15. Mark Graffam seconded.**

**Motion Passed.**

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**Article 16 Petitioned Article: Highway & Parking Ordinance**

**To see if the Village District of Eidelweiss (VDOE) will vote to adopt the following HIGHWAY AND PARKING ORDINANCE to be as follows:**

**1. AUTHORITY**

**This regulation is adopted by the VDOE Board of Commissioners pursuant to RSA 52:1 and RSA 675:3.**

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## **2. PURPOSE**

The purpose of this Ordinance is to:

- 2.1 Provide maximum safety and protection to the traveling public on VDOE roads.**
- 2.2 Reduce the danger to the VDOE service operations and personnel in plowing, repairing, and maintaining District roads and property.**
- 2.3 Prevent environmental damage to VDOE roads and property.**
- 2.4 Protect the quiet and safe enjoyment of both private and public property by all who visit or live in the VDOE.**
- 2.5 Provide an ordinance that can be enforced by local police officials.**

## **3. ROAD AND PARKING REGULATIONS**

- 3.1 The maximum speed limit in the VDOE is 20 mph.**
- 3.2 Lower speed limits are suggested in some areas of the VDOE, including, but not limited to, a maximum 15 mph speed from the Eidelweiss Drive/ Winnigon Rd intersection around Little Pea Porridge Pond to Little Loop Rd.**
- 3.3 The weight limit for commercial trucks is 13 tons GVWR and all other vehicles will be limited to 8 tons GVWR. When the roads are posted in the spring, the maximum weight for all vehicles will be limited is 5 tons GVWR.**
- 3.4 No parking is permitted on the roads between November 1 and April 1.**
- 3.5 The Huttwil Parking lot can be used for temporary overnight parking for residents and their guests. No business or commercial vehicles or trailers may be parked in any VDOE parking lot except for the Huttwil parking lot.**
- 3.6 Vehicles, Trailers, and recreational vehicles belonging to or used by homeowners of the VDOE and/or their guests may use the Huttwil Lot. The VDOE must be notified of any vehicle parked at the lot in excess of 30 consecutive days. This notification must include the vehicle description, license plate, owner's name, and contact information of the owner or a party responsible for the vehicle. Vehicles that have notified the VDOE will be provided with a Notice on VDOE letterhead, which must be placed on the dashboard of the vehicle parked at the Huttwil Lot in an unobstructed and conspicuous location that will display the date and time the vehicle was parked, and the date and time that the vehicle will be removed.**
- 3.7 Any vehicle parked at the Huttwil Lot, which has not displayed the Notice mentioned above, may have a tire marked by a crayon as evidence of the length of time the vehicle was parked. This mark's location will be recorded by an authorized member of the VDOE or any Madison Police Officer. Use of the Huttwil lot is considered as consent to a tire being marked.**
- 3.8 Vehicles parked at the Huttwil Lot in excess of 30 consecutive days without notifying the VDOE will be subject to removal and enforcement of Abandoned Vehicles, NH RSA 262:40-c.**
- 3.9 Use of the Huttwil Lot or parking anywhere in the VDOE is considered solely at the owner's risk.**
- 3.10 Any vehicle, regardless of notification with VDOE obtained prior to, may be moved or removed in case of an emergency as determined by the Fire Chief, Police Chief, Emergency Management Director, or Commissioners of the VDOE. Such removal will be at the owner's expense.**
- 3.11 No steel-tracked vehicles are allowed on VDOE roads.**
- 3.12 To control speed and reduce the danger to pedestrians, traffic speed bumps may be utilized in selected locations in the VDOE. Speed bumps will be utilized no earlier than 1 May and removed no later than 1 November**



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each year.

**3.13 Speed bumps will be installed on Eidelweiss Drive to control speed and traffic in the area of Boulder Beach and the Playground on Eidelweiss Drive. Cautionary signs will be posted to notify the use of speed bumps and a sign suggesting a 5 MPH speed limit.**

#### **4. ENFORCEMENT**

**This ordinance is enforceable by any legally appointed law enforcement officer.**

#### **5. PENALTY**

**5.1 Any person who violates this regulation shall be deemed to have violated an Ordinance of the VDOE and may be punished by a fine for each violation as permitted by NH RSA 47:17.**

**5.2 For parking offenses, the fine shall be \$100.**

**5.3 The fine for using steel-tracked vehicles on VDOE roads shall be \$100 for each offense.**

**5.4 For overweight trucks the fine shall be \$500 for the first offense with a fine of \$1,000 for any subsequent offense.**

#### **6. AMENDMENTS**

**6.1 The VDOE Board of Commissioners may not amend this ordinance.**

**6.2 The Madison Chief of Police may amend this ordinance as needed.**

**6.3 This ordinance, if adopted, will replace the current “Highway and Parking Ordinance” in its entirety.**

#### **7. MONETARY ALLOCATION**

**7.1 The VDOE will allocate \$200 to be paid from the Unassigned Fund Balance toward new road & parking signage as needed.**

**Not recommended by the Board of Commissioners (1-2)  
(Majority vote required)**

**Article read by Moderator Bob Ingram.**

**Jay Buckley makes a motion to waive the reading of Article 16. Mike Smith seconded.  
Motion Passed.**

**John Cancelarich moves the petitioned Article 16 to the floor. Kerry McNiven seconded.**

John Cancelarich speaks on the article. The four key differences of the new ordinance from the current policy which are 1.-30 day per year limit 2.-parking beyond 30 days is subject to the Boards approval. 3.-Considered charging a monthly fee. 4.-Not enforceable by the Madison Police. As group they came up with parking allowed 30 consecutive days if longer, they must notify the office. There will be no charging for parking. The Madison will enforce the new ordinance. Ralph Lutjen speaks on these issues and would like this article voted down.

**Jay Buckley makes a motion for an Amendment to change the wording in section 1 take out VDOE Board of Commissioners to (Body of the Annual Meeting 2023). Kerry McNiven seconded.**

**Motion Amendment Passed.**

**Jay Buckley makes a motion to delete section 6.2 and to re-number the following sections after. Larry Leonard seconded.**

**Motion Amendment Passed.**

**Moderator calls for a vote on Amended Article 16.**

**Vote: Moderator declares Amended Article 16 Passed.**

**Kerry McNiven made a motion to restrict reconsideration of Article 16. Betsey Ginsberg seconded.**

**Motion Passed.**

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**Article 18 Petitioned Article: Highway Equipment CRF**

**To see if the District will vote to rescind the Board of Commissioners as agents to expend from the Highway Equipment CRF previously established in 2007.**

**Not recommended by the Board of Commissioners (1-2)  
(Majority vote required)**

**Article read by Moderator Bob Ingram.**

**Kerry McNiven moved the Article to the floor. Wooda McNiven seconded.**

Wooda McNiven speaks on Article 18. Mike Smith asks the Moderator to ask Wooda McNiven for examples that he has to point out the allegations that he mentions on the article. Wooda McNiven mentions allegations in 2018. Roger Keene speaks to the body that the body voted the Commissioners in and if they are not happy with them then vote the Commissioners out, do not micromanage them to death and let them do their job. Ralph Lutjen voting yes to this article could hurt the District on time sensitive matters such as applying for grants, and everything will be an emergency and would have to call for special meetings which have their own procedures and extra costs. Doug Prescott responds to both matters but only answers the grant procedure. Larry Leonard asks about highway grants. Ralph Lutjen states he does not know of any but there is a possibility out there. Mike Smith states there is an extra cost and a time delay for every special meeting.

**Moderator Bob Ingram Reads Article 18.**

**Vote: Moderator declares Article 18 Passed.**

**Kerry McNiven made a motion to restrict reconsideration of Article 18. Mark Graffam seconded.**

**Motion Passed.**

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**Article Petitioned Article: Water Line Extension CRF**

**19 To see if the District will vote to rescind the Board of Commissioners as agents to expend from the Water Line Extension CRF previously established in 1998.**

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**Not recommended by the Board of Commissioners (0-3)  
(Majority vote required)**

**Article read by Moderator Bob Ingram.**

**Jay Buckley moved the Article to the floor. Doug Prescott seconded.**

Jay Buckley speaks on Article 19 and explains how the Water Assessment Fund as the District's checkbook and the Water Line Extension CRF works, and the Water Assessment Fund could be endangered of not having enough money if the Board of Commissioner cannot request funds from the CRF until the Annual meeting. Doug Prescott speaks on how he thinks the money should be processed.

**Doug Prescott makes a motion to Amend Article 19 To see if the District will vote to rescind the Board of Commissioners as agents to expend from the Water Line Extension CRF previously established in 1998 and to transfer \$70,000.00 from the Water Line Extension CRF to the Water Assessment Fund to initiate the new cash flow for the seven pending water service-line applications.**

Attorney Chris Boldt states that he is nervous with the amendment.

Donna MacKinnon explains how the water hook-up fees are processed per her understanding from the DRA and the Auditor so that no money is being commingled and will have to check on this matter. Attorney Chris Boldt asks if there is money coming out of the CRF with this amendment if so, this is not a legal amendment. Because it wasn't warned, anything being taken out of a CRF has to be warned. Attorney strongly advises the amendment to be withdrawn or a no vote respectfully. Attorney Chris Boldt would like to get together with Donna MacKinnon and the DRA on what the correct requirement is for this matter. Donna MacKinnon asks who seconded the Amendment and it was never seconded. Doug Prescott states that this Article 19 should be a no vote. Attorney Chris Boldt respectfully asks for a no vote and to further investigate the issue and to bring it up next year as a warrant article and to simply vote no for this year.

**Moderator Bob Ingram Re-reads Article 19.**

**Vote: Moderator declares Article 19 failed.**

**Mike Smith makes a motion to restrict reconsideration of Article 19. Jay Buckley seconded.  
Motion Passed.**

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**Article 20 Petitioned Article: Land Acquisition CRF**

**To see if the District will vote to rescind the Board of Commissioners as agents to expend from the Land Acquisition CRF previously established in 1994.**

**Not recommended by the Board of Commissioners (1-2)  
(Majority vote required)**

**Article read by Moderator Bob Ingram.**

**Jay Buckley moved the Article to the floor. Kerry McNiven seconded.**

**Jay Buckley speaks on Article 20.**

**Moderator Bob Ingram Re-reads Article 20.**

**Vote: Moderator declares Article 20 Passed.**

**Kerry McNiven made a motion to restrict reconsideration of Article 20. Mark Graffam seconded.**

**Motion Passed.**

Moderator asks if there is anything to act upon any other business that may legally to come before said meeting.

Jay Buckley has a petition to present before the body. Asks the Moderator if he can present it. Moderator agrees. Jay Bickley asks to step down as a Commissioner and present the petition as a resident voter. The petition is the Vote of No Confidence in Michael E. Smith as Commissioner of the Village District of Eidelweiss. Jay Buckley reads the petition.

This is a non-binding Article.

Moderator states that he has a rule not to present anything that says bad things about people and prefers not to and asks somebody needs to make a motion to overrule the Moderator's rule if the body wants to.

**John DeYoung moved the petition to the floor. Kerry McNiven Seconded.**

Ron Sandstrom states that there are no undersigned on the handout that the body received. Jay Buckley states he has the document with the signatures. Moderator asks if Jay Buckley if he knows how many signatures are on the petition, Jay Buckley does not know the exact number. The Moderator states the petition should state that they are non-voters that signed the petition, Jay Buckley states that the petition states that.

Jay Buckley reads a few highlights from the petition.

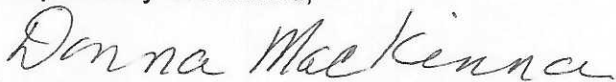
Mike Smith tells the Moderator that he takes offense to this petition, and he will not resign as a Commissioner.

Moderator asks what to do with this document and Jay Buckley wants it to be place with the Annual meeting documents. Mike Smith asks the Moderator for a copy of the document.

**Kerry McNiven makes a motion to adjourn the 2023 Annual Meeting at 3:03 pm. Mark Graffam Seconded.**

**Moderator declares meeting adjourned.**

Respectfully submitted,



Donna MacKinnon

Clerk, Village District of Eidelweiss