

# LAKE TODD VILLAGE DISTRICT

## 2005 ANNUAL REPORT Period August 2004 to June 25, 2005

Commissioners: Gerard Gold, Chairperson (term expires June 2005)  
Ruth-Ann Harris (term expires June 2006)  
John Warren (term expires June 2007)  
Moderator: Carol Tonkin (annual term)  
Clerk: Susan Carl (annual term)  
Treasurer: Elaine Warren (annual term)

### Commissioners' Report

#### **DISTRICT FORMATION and FIRST ANNUAL MEETINGS 2004:**

The Lake Todd Village District was formed on August 21, 2004. A public hearing was held on that date at the Kearsarge Regional Elementary School in Bradford, NH, by the Selectmen of the Towns of Bradford and Newbury, County of Merrimack, New Hampshire in response to a petition of 10 or more registered voters residing within the proposed district.

Copies of the petition, pursuant to RSA 52 ("Village Districts") signed by over 30 registered voters resident in the proposed District, were submitted to the Selectmen at meetings in Newbury on June 7, 2004, and in Bradford on June 15, 2004. On July 12, 2004, the Bradford Selectmen appeared at the meeting of the Newbury Selectmen to discuss the proposed Village District. A decision was made to hold a Formation Meeting on August 21, 2004, pursuant to RSA 52.

The petitioners sought to form the Village District for two purposes authorized in RSA 52:

RSA 52:1(l)(k) The impoundment of water.  
RSA 52:1(l)(d) The supply of water for domestic and fire purposes, which may include the protection of sources of supply.

At issue was the inability of littoral owners to obtain property liability insurance and to equitably finance the maintenance of the dam in order to remove any maintenance deficiencies identified by the New Hampshire Dam Bureau. A secondary but important issue was that the quality of lake water is an important factor for littoral owners both as to the quality of drinking water supply for dug wells (and direct uses) and for recreational uses of the lake, both of which directly affect property values.

The petitioners desired to form a Village District which could accept ownership of the Lake Todd Dam from littoral owners of properties on Lake Todd. These littoral owners derived part ownership of the dam from Quitclaim Deeds granted in 1959 to the then littoral owners of Lake Todd properties by the prior individual owner of the dam. Some of these littoral property owners had formed the Lake Todd Association as a voluntary group with no legal authority to maintain the dam or obtain liability insurance for risks associated with dam ownership.

A Village District formed under RSA 52 is considered a municipality under New Hampshire law and therefore is eligible for membership in the New Hampshire Municipal Association (NHMA) Property-Liability Trust and would be eligible for such protection. The petitioners sought village district boundaries that included all littoral properties on Lake Todd and all those adjacent residence-related properties associated with the littoral properties with legal access to the Lake. The Selectmen reviewed and set the Village District boundaries as proposed by the petitioners.

At the August 2004 Formation Meeting the voters present unanimously to form the Village District, name it the Lake Todd Village District, and elected temporary officers to serve until the first annual meeting. These officers prepared warrant articles for the first annual meeting.

The first Annual Meeting was held October 9, 2004, at which regular officers were elected: three Commissioners (Gerard Gold, Ruth-Ann Harris, and John Warren), a Moderator (Carol Tonkin), a Clerk

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(Susan Carl) and a Treasurer (Elaine Warren). RSAs were adopted authorizing the new District to accept and expend funds from government and non-government sources, to establish a non-capital reserve fund, and to issue tax anticipation notes. Voters also authorized the District to accept, as grantee by quitclaim deeds, ownership of the dam from littoral owners, the grantors. An annual budget totalling \$7,420.00 was adopted with the understanding that all funds during the first year of operation would be provided as a donation by the Lake Todd Association.

### **DISTRICT ACTIVITIES DURING 2004-2005:**

During subsequent months the activities of the Commissioners were directed entirely to the goals of (1) enabling the District to secure at least a majority ownership of the dam and (2) to correcting deficiencies in dam maintenance as required by a Letter of Deficiency from the NH Department of Environmental Services Dam Bureau dated May 30, 2003. Removal of these deficiencies was a prerequisite for obtaining liability insurance from the New Hampshire Municipal Association's Property-Liability Trust.

#### **Establishing District Ownership of the Lake Todd Dam:**

Regarding the first goal of obtaining majority ownership of the dam, the District has obtained, as of June 2005, Quitclaim deeds from over 80 percent of littoral owners and now has effective control of and responsibility for the dam. This was done primarily by taking responsibility for the legal costs of preparing, mailing, and then receiving and registering quitclaim deeds. The financial costs were paid directly by the Lake Todd Association. We were fortunate in securing the services of an able attorney, Larry Dufault, of New London, who managed the quitclaim process efficiently and at reasonable cost.

#### **Correction of Deficiencies in Dam Maintenance:**

Regarding the second goal of correcting deficiencies identified by NH DES, the District Commissioners have identified a well-qualified contractor, agreed upon terms and conditions of a contract, and secured an insurance proposal from NHMA. The proposed repair contract has been reviewed by NH DES and deemed acceptable. This opinion in turn has resulted in a letter of commitment from NHMA to provide liability insurance to the District upon fulfilling two conditions: a) approval of funding by the District voters and b) signing of the proposed contract for repairs.

A requested revisit to the dam by the DES Dam Safety Engineer on November 23, 2004, resulted in the removal of two minor deficiencies that were deemed to be non-applicable. The two remaining deficiencies were the need to update the "Operations and Maintenance Plan" and to repair very visible cracks in the face of the concrete spillway and in a concrete retaining wall.

#### **Obtaining Commitment of Property-Liability Insurance:**

Also last Fall, at the request of the District, the NHMA Property-Liability Trust officer agreed that membership in NHMA and liability insurance would be offered to the District if satisfactory progress towards compliance with the DES deficiency report could be provided in the form of a written contract with a reputable firm to provide the work needed. Littoral owners who have not completed Quitclaim transfers of ownership to the Village District will not be covered by this insurance, which applies only to the Village District and its officers as a municipal entity.

#### **Identifying a Repair Contractor:**

From January 2005 through May the Commissioners primary efforts have been to identify engineering-construction firms prepared to make necessary repairs on the dam. This was a very time consuming enterprise, with many calls made to identify contractors and finding very few actually qualified and willing to do the work. Fortunately we were able to locate three qualified bidders, resulting in site visits and project proposals from all three. The Commissioners selected Daniels Engineering of Acutney, Vermont, on the basis of qualifications, cost, and responsiveness.

The qualifications and proposals of all three bidders were discussed at length at the District's annual Budget Meeting, held April 30, 2005, at the Bradford Community Center, where the Commissioners' recommendation and the overall proposed budget were endorsed.

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### **Fiscal Planning and Annual Budget Procedures:**

In recent months our Treasurer, Elaine Warren, has been active in preparing to work with the NH Department of Revenue Administration, where Sandra Rourke has provided expert knowledge about NH government procedures for preparation of warrants and smooth implementation of an annual fiscal plan. In the towns of Bradford and Newbury, we have found excellent assistance from Cheryl Behr in Bradford and Dennis Pavlicek in Newbury in gathering information for property valuations.

### **District Relationship with Lake Todd Association:**

Similarly, throughout the year we have enjoyed a very cordial relationship with the Lake Todd Association and its president, Bob Doherty. Dave Paine, as chair of the LTA Dam Committee, has been very helpful and has continued his responsibilities observing the status of the dam and deciding when the level of the lake requires removing boards in the Fall for winter and spring conditions and inserting boards to maintain summer recreation levels. Dave and Bill Weiler have been helpful with other questions and matters concerning dam repairs. Norma Murphy has continued as editor of the Lake Todd Times, providing an important source of news and contact among all lake property owners including residents and non-resident, in-State and out-of-State owners. The Commissioners look forward to next year and discussions with the Association to determine how important Lake Todd management and community functions will be carried out in the future. We are grateful that the Lake Todd Association remains a source of generous financial support of the District as we have completed the dam ownership phase of our work and move on to completing the work that will put the dam structure in excellent condition for coming years.

Finally, thanks to Carol Tonkin and the members of the Lake Todd Association who decided several years ago to find a better way to manage the affairs of Lake Todd and its dam and chose the Village District structure as the appropriate form of governance.

### **District Website:**

Elaine Warren has also taken the responsibility of webmaster for the District. She has obtained a URL website under the name [www.laketoddvillagedistrict.us](http://www.laketoddvillagedistrict.us). Documents from this first year will be available on the website during the summer of 2005.

Gerard Gold, Commissioner and Chairperson

Ruth-Ann Harris, Commissioner

John Warren, Commissioner