

ADOPTED: 3/5/08  
As Written

COMMISSIONERS MEETING  
MINUTES  
February 20, 2008

The Commissioner's convened at 4:00 p.m. in the training room at the Wastewater Treatment Plant, 104 Sawmill Lane North Conway, NH. The following were present: Chairman James Umberger, Commissioner Seavey, Superintendent David Bernier, Chief Patrick Preece and Recording Secretary Kristine Cluff.

Chairman Umberger called the meeting to order at 4:00 p.m.

**Motion of Commissioner Seavey seconded by Commissioner Umberger to take the agenda out of order. Motion carried by voice vote 2-0-0.**

**CDM UPDATE – Jennifer Osgood and Michael Walsh**

Jennifer Osgood stated CDM needs an agreement with the Precinct regarding Skimobile Road relocation work. This will allow CDM to bill the State directly for the force agreement. The state has agreed to reimburse CDM 100% for the work already completed. This project has been put on hold by the State.

**Motion of Commissioner Seavey seconded by Commissioner Umberger to authorize the Superintendent to sign the CDM Agreement regarding the relocation work on Skimobile Road. Motion carried by voice vote 2-0-0.**

Michael Walsh stated the following items need to be completed before Contract 5 can be closed out:

- Record drawings completed – preparing these next week
- Processing Balance and Change order for final payment
- DES will come up to do a final walk through

Mr. Walsh explained more money was spent on field services than budgeted but general services were under budget. Therefore, this will be a simple reallocation of services. There were additional easements to secure, work on Dinsmore Road and Hurricane Mountain Road resulting in an extra cost of \$30,500.00 for engineering. There was the pipe issue and the unsuitable soils that cost the Precinct \$40,000.00. CDM is willing to contribute \$14,500.00 toward the cost of \$40,000.00 for the pipe issue.

Superintendent Bernier explained it was huge savings for the Precinct to do these additional roads. Jennifer Osgood explained if Dinsmore Road had not been done with Contract 5 it would have had to be done with Contract 6. Being able to utilize these funds allowed the Precinct to obtain easements for the Remoat Trail area and still remain within budget.

**Motioned by Commissioner Seavey seconded by Commissioner Umberger to authorize the Superintendent to sign Amendment #1 regarding Route 16 Project Phase A & Phase B regarding Contract 5. Motion carried by voice vote 2-0-0.**

Mr. Walsh updated the Board on the issue at Artist Falls Pump Station regarding the bar rack. This is becoming a maintenance issue and is requiring the bar rack to be manually cleaned more than once a day. This is an issue on the weekends and could allow for the line to become clogged and backup into residences. Chief Operator LaBonte explained the flows have increased to this station and it is time to fix the problem before someone gets hurt or it backs up.

It was proposed to install automated equipment that will clean the bar rack and deposit the solids in a dumpster. Then Precinct staff would have to empty the dumpster. The installation of the automated equipment presents an issue because the space is small. Mr. Walsh explained the Precinct has looked into this and agrees with what the Precinct would like to accomplish. The last page of the proposal gives a breakdown the cost for this project. It is anticipated the cost may be less than the proposed cost of \$222,000.00. CDM feels this project would be a good candidate for design and build. This will allow for single involvement and single sourcing of responsibility. It also allows for the project to be completed quicker. Superintendent Bernier explained since this is infrastructure improvement the Board could consider utilizing the funds set aside in the buy in accounts to fund this project. Commissioner Seavey would like to put it before the taxpayers to fund this project from the buy in account. Superintendent Bernier thanked Peter LaBonte and Mickey McDonald for being proactive on this project before it became a problem. As a courtesy, this project will be sent the DES for review and to see if we qualify for 30% contribution by the State.

Jennifer Osgood stated the last easement has been signed for Contract 6. There is still an eligibility issue with Contract 6 more in who is paying for what. CDM will continue to pursue this eligibility and hammer out the details. Mechanic Street now qualifies for 30% state funding. Superintendent Bernier explained that Kearsarge Road will be moved into the 2008 construction season and Mechanic Street will move into 2009. This is to accommodate the town's schedule. This switch will also accommodate the construction traffic in 2009.

Contract 7 & 8 surveys and borings are on schedule. The well project is moving forward. Both Jennifer Osgood and Michael Walsh will be at the annual meeting to present an update of the Precinct's projects.

Kennett Company - Bayard Kennett

Commissioner Umberger explained he doesn't feel the Precinct has time to adequately educate the public on the Mr. Kennett's request to change the southern boundary of the Precinct. The Board has discussed the opportunity to hold a special meeting to give the Board the time to hold public hearings on the request. The Board doesn't feel comfortable inserting this request as a Commissioner's article at this annual meeting. The special meeting could be held a month or two after the annual meeting and the Kennett Company would be responsible to cover the cost of the special meeting and any attorney fees. The other option is for the Kennett Company to submit a petitioned article. Mr. Kennett questioned the cost of a special meeting- approximately \$2,000.00. Commissioner Seavey explained the Pittsfield Aqueduct Company special meeting went well and there were no issues.

Mr. Kennett explained there is no buildable property in Redstone Precinct and the Kennett Company has no interest in developing along the power line. Mr. Kennett explained the Town wanted the core areas not covered by a Precinct to be incorporated into a Precinct. Commissioner Seavey explained it is important the Board give Mr. Kennett a commitment to work with the Kennett Company to present a united front on this project. Mr. Kennett does not want to commit to a special meeting without the Board of Commissioner's backing. Commissioner Umberger stated his real concern is the school property being included. Commissioner Umberger feels it is an eight town school and it should stay that way. It was agreed fast tracking this project is not as important as the people sitting around this table being on the same page.

Karen Umberger questioned if there is any land in Redstone. Past experience tells us that Redstone has had previous issues with changing the boundary. Mr. Kennett will try to answer any concerns from Redstone. Commissioner Seavey stated the first step will be for Mr. Kennett and Superintendent Bernier review the numbers. Superintendent Bernier stated the numbers look fairly realistic. Again, Mr. Kennett stated the Kennett Company would look at work force housing if it is appropriate and done by a qualified developer.

## MINUTES

The public minutes of February 6, 2008, February 12, 2008 and non public minutes of 2/12/08 will be tabled until the next meeting. Commissioner Seavey explained the minutes are available and are being tabled for Commissioner Porter's return.

### Fire Department

Chief Preece presented his biweekly report. Chief Preece stated that Gary Chandler has resigned from the fire department and thanked him for his service. A fireman hurt his shoulder at the Jackson condo fire.

E-One has stepped up to the plate and will cover the cost to repair Tower 2 at 100%. Currently, E-One is working on a fail safe system so this doesn't occur again.

Chief Preece stated the Red Jacket is 100% compliant with all fire issues.

Chief Preece presented the C-9 Agreement with Conway Village for signature. This will give the Precinct revenue of \$3,182.00.

**Motion of Commissioner Seavey seconded by Commissioner Umberger to sign the Conway Village Fire District and North Conway Water Precinct Agreement regarding the non-precinct C-9 area out of session. Motion carried by voice vote 2-0-0.**

Commissioner Umberger stated he is not sure the RFP Architectural study is detailed enough. Chief Preece explained the warrant article requested a study and without the study it is hard to get the necessary square footage. Commissioner Umberger is concerned with the way this is written if we would get any response. Chief Preece assured the Board they will receive responses. Commissioner Umberger suggested Chief Preece look at the one we did for the auditor and the section that refers to questions. Superintendent Bernier suggested doing a pre-bid conference. Seavey Street property is still not salvageable. It was agreed to add the pre-bid conference and questions to be directed to Chief Preece.

Goals for Superintendent and Fire Chief:

These will be tabled for Commissioner Porter's return.

### Committee Reports

No reports to be given at this meeting.

### Next Meeting

It was agreed the Board would meet on February 27, 2008 at 4:00 p.m. to finalize the budgets and warrant articles unless Commissioner Porter has a conflict.

### Superintendent's Report

Superintendent Bernier explained the Spectro Photometer needs to be replaced and the cost will be \$3500.00. This needs to be added to the supplies line of the budget and bottom line of the budget. Superintendent Bernier explained he is way over on overtime due to the snow and should consider increasing budget.

**Motion of Commissioner Seavey seconded by Commissioner Umberger to expend \$3,500.00 for replacement of the Spectro Photometer from the Sewer Capital Reserve Fund. Motion carried by voice vote 2-0-0.**

Superintendent Bernier stated the field books for Contract 5 have been received. Commissioner Seavey stated Tim Anderson had requested to look at these books. Office Manager will notify Mr. Anderson the books are available.

Superintendent Bernier updated the Board with regard to his meeting with NH DOT and they have requested a copy of our Charter to review. The signal is still intermittent on Pine Hill. The Precinct could be flowing water to Birch Hill as early as Saturday.

The Depot Road easement is still waiting on Mr. Duprey's signature.

### Checks

**Motion of Commissioner Seavey seconded by Commissioner Umberger to sign checks out of session. Motion carried by voice vote 2-0-0.**

### Public Comment

Karen Umberger stated if the Budget Committee needs to review the warrant articles then Maureen Seavey needs to be notified so a meeting can be scheduled.

Commission Meeting 2/20/08

ADOPTED: 3/5/08  
As Written

Adjourn

**Motioned by Commissioner Seavey seconded by Commissioner Umberger to adjourn this public meeting at 5:28 p.m. Motion carried by voice vote 2-0-0.**

**Respectfully,**

**Kristine M. Cluff  
Recording Secretary**