

COMMISSIONERS MEETING
MINUTES
April 16, 2008

The Commissioner's meeting 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 Robert Porter, Commissioner John Santuccio, Superintendent David Bernier, and Recording Secretary Kristine Cluff.

Absent: Chief Patrick Preece

Call Meeting to Order – Chairman Umberger

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

Minutes – Approve public minutes of 4/2/08:

Commissioner Umberger stated that some people want to cut the minutes and he does not want them cut too far. The Precinct spent several thousand dollars on issues and wants to use caution in cutting them down. The minutes need to be concise and complete enough not only for us now but the future. Staff has gotten to a point where they have gone from twenty pages where they are now pretty livable. Commissioner Porter is looking for every little detail in the minutes but brevity in the topics. Commissioner Porter stated that if Commissioner Umberger asked to have his prepared statement regarding the SEIU in the minutes he does not have a problem with that. It was agreed the Superintendent's report and Fire Chief's report will be cut and pasted in to the minutes. Commissioner Porter stated with the Conway Police Commission he is used to the minutes being one page. Commissioner Umberger stated the Precinct is a municipal entity and we have obligations to the public. Commissioner Porter feels we are over doing it with the minutes. Commissioner Umberger would like the Board to let staff do what they have been doing. Commissioner Santuccio likes the abbreviated format and leave in the Superintendent and Fire Chief's reports. Superintendent Bernier stated that on issues of importance there needs to be some detail. Superintendent Bernier used the southern boundary of the Precinct as an example. The minutes are so vague and don't address the issue and most of the Commissioners have passed away. The Commissioners still living don't remember the details. General discussions can be abbreviated but important issues need detail.

Commissioner Porter motioned Commissioner Santuccio seconded to accept the longer version of the April 2, 2008 minutes. Motion carried by voice vote 3-0-0.

Motion to take the Agenda Out of Order – to Accommodate CDM

Commissioner Porter motioned Commissioner Santuccio seconded to take the agenda out of order to accommodate the CDM presentation on the Well #6 project. Motion carried by voice vote 3-0-0.

Superintendent Bernier explained he asked CDM to brief the Board of Commissioners on where we stand with the Well #6 project. Superintendent Bernier briefly interjected that Depot Road and Neighbors Row will be advertised tomorrow in the CONWAY DAILY SUN and UNION LEADER

with a bid opening on May 19, 2008. Contract #6 will be advertised as well with the same bid opening date.

Well #6: Jennifer Osgood and Jeff Diercks, CDM

The process is to get another well on line to replace Well #2 and have this new well in a separate area from Wells #4 & #5. The project was bid in September and awarded to Boart Longyear to build a production well 86' deep - 24' x 18' gravel packed well. The screen is 25' stainless steel with 61' blank casing. A pump test was completed in January 2008 – this is the withdrawal test which is part of the permit process. This means the well has to run 24/7 in conjunction with Well #3 and see if this will stress the aquifer. While this test is going on, readings are taken to see what the aquifer is doing. The well yield was good and there was no news on the water quality but the wetland issue is going to be some challenge.

Well Yield:

Well Yield was 1,060 gpm – above the target rate of 1,000 gpm and Well #3 was running 880-900 gpm. At the end of the test, 60' down, we were 30' above the top screen and stabilized. This well is physically capable especially with these results.

Water quality:

Conducted the water quality test of which is most important to this is the samples. The samples were sent out and one of the samples arrived frozen, which invalidated the sample. The driller had demobilized. The Department of Environmental Services insists on a valid sample so the driller will need to come back and retake the sample. Commissioner Umberger questioned who has to pay for the resample. The driller is responsible to provide a valid sample. Superintendent Bernier stated he has placed a hold on the invoice and the driller will not be paid until they deliver a valid sample. The second sample was sent to different lab and they have not released the lab data because they have not been paid. Because of the vicinity to Well #3, there is no reason to think there will be any issues. Superintendent Bernier stated the initial test well results were similar to those of Well #3. There is nothing much in the way of iron or manganese. Superintendent Bernier stated that many times you spend time to find this kind of yield and this is as favorably as you could have hoped. The land is well protected and doesn't interfere with any other business and is the best location to site a well. Mr. Diercks stated that the aquifer is so productive and there is no significant amount of interference in this location.

Wetlands:

This is the first time CDM has tried to site a new well under the new regulations. We have been taking well readings and collecting data for analysis. There is a small observation well that has been monitored during the testing.

Well #6 is across from a maple forest of wetland. The Middle River is a bit of a puzzle and is basically an overflow channel for Saco River. The draw down in the wetland was a bit of surprise. The Precinct needs to be able to state what are they are going to do and are we going to be able to permit. It was noted that you always see a draw down when doing a pump test like this.

The Precinct had a field visit with CDM, NHDES, Superintendent and a wetland soil scientist from CDM. Recommendation was to do the report and record long term wetland monitoring and provide water levels in the area to the State. We can do some of that monitoring now and look at the red maple forest swamp over the whole growing season (i.e. now through October) and send that information to the NHDES. We are already collecting the data and we want to have the answer on the application and talk about it before we submit the application. By doing this, we can come back and state this is what we think is going happen. In addition, the Precinct could provide the combined limit of both Well #3 and Well #6 to NHDES. Superintendent Bernier explained the Precinct has already installed a transducer in Well #3 six months ago. Well #3 came in at 900 gpm. Mr. Diercks stated that we will also present the case this well is replacing Well #2 which is pumping 500 gpm. Bill Hounsell stated that we must present a case where we not give up our right our replace Well #2 and do all we can here to have a fallback position. Another position might be to link Well #3 and Well #6 under some kind of environmental mitigation proposal and hopefully this will address any concern and is acceptable.

If there is a catastrophic emergency at Well #4 and #5, Well #3 and Well #6 would allow the Precinct to run at maximum capacity until the issue is resolved. Basically at this point the following needs to be done: 1.) Get the sample taken , 2) finish permit 3) review data for technical memo and go meet with the NHDES.

Karen Umberger questioned how long this will take and do we have sufficient funds in our bond or are we going to have a problem. Currently, we do not know the cost but will know more after next week and it probably will take approximately two weeks. Superintendent Bernier stated there is going to be \$10,000.00- \$15,000.00 available and may need to supplement this at the next annual meeting.

Artist Falls Pump Station:

Jennifer Osgood stated she will be here in two weeks to discuss the upgrade to the Artist Fall Pump Station and the pre-bid conferences on Depot Street/Neighbors Row and Contract #6 are the same day.

Mr. Diercks and Ms Osgood departed the meeting at 4:40 p.m.

Fire Department

As Chief Preece is not present, Commissioner Umberger presented the fire department items; the RFP for the Radios is pretty straight forward. The Architectural Study will be tabled until the Chief returns. The mutual aid agreement is scheduled for discussion on May 14, 2008.

Committee Reports

There were no committees to report at this meeting.

Committee Appointments:

Budget Committee:

Commissioner Umberger asked if Commissioner Porter wanted to remain the Board representative to the Budget Committee. Commissioner Porter would like to remain on the Committee as long as it is a committee.

TOC Joint Infrastructure Committee:

Commissioner Umberger explained he has been the representative to the Infrastructure Committee and he has the time to do it, he would not mind retaining that position. Commissioner Porter stated where Commissioner Umberger is the chairman of the Board and that requires additional time possibly Commissioner Santuccio would like to serve on this committee. Commissioner Santuccio is willing to sit on the Infrastructure Committee.

Commissioner Porter motioned and Commissioner Umberger seconded to appoint Commissioner Santuccio to the Town of Conway Joint Infrastructure Committee. Motion carried by voice vote 3-0-0.

New Business

Nothing to report at this meeting

Commissioners/Superintendent's Report

Superintendent Report

- Completed bid specifications for new ¾ ton plow truck
The RFP was forwarded to twelve different vendors
- Received authorization from Rural Development to advertise Depot Road and Neighbors Row
- Worked diligently with Dewhurst Law Office and CDM during vacation to see Contract #6 issues resolved. Project will be advertised along with Depot Road. We'll see advertisement in Wednesday's CONWAY DAILY SUN and UNION LEADER on Thursday. Superintendent Bernier noted that Contract #6 has required more easements than any other Precinct Project.
- Received subdivision plan for Leandor Cejas in Kearsarge Estates
- Attempting to coordinate emergency generator start up with electrical contractor and Milton Cat
- Ordered new radio for excavator, will wait until next year for backhoe
- Continue taking daily readings of Saco and Middle River
- First Quarter water and sewer bills went out last week:

2007	1 st quarter water billing	\$171,822.21
2008	1 st quarter water billing	\$180,780.38
2007	1 st quarter sewer billing	\$211,438.00
2008	1 st quarter sewer billing	\$257,58.10

First quarter revenues are up from last year.

- Worked on employee issue regarding stipend with Attorney Peahl

- Completed plan review of Rober property north of Memorial Hospital.

One more item not on the report was the radio for the excavator will be installed this year and the backhoe will installed next year. The cost will be between \$600.00 and \$800.00. Superintendent Bernier stated he might be able to do the backhoe at the end of the year if there is enough money available.

Other Business

Change in Board Meeting time:

Commissioner Porter would like to see the meetings move to Wednesday mornings at 10:00 a.m. Commissioner Santuccio stated mornings would be easier for him. Karen Umberger stated she is not in favor of moving the meeting. The afternoon meeting allows for people with jobs to run for office and serve. Both Planning Board and School Board meet in the early evening and the Police Commission is the only board meeting during the day. It is important this board stay available to the public. A 10:00 a.m. time may prevent people from meeting with the Board. Sherrie Browning stated we live in a tourism area and the 4:00 p.m. time may also prevent business people being able to attend a board meeting. It is important to have the meeting somewhat convenient for the Board. Commissioner Umberger stated there has never been a problem with the afternoon meeting. The Board has arranged special meetings to accommodate people who could not make 4:00 p.m. meetings.

Commissioner Santuccio motioned and Commissioner Porter seconded to move the Board meetings from 4:00 p.m. to 10:00 a.m. with the understanding that it will accommodate Valley Vision will be able to tape the meeting. Motion carried by voice vote 3-0-0.

Grievance:

Superintendent Bernier stated he received a grievance from a union employee and the information is in your packet. The grievance has been denied and may go to the Labor Management Committee.

Appoint Labor Management Committee

Labor Management Committee:

The Board needs to appoint two people from Management to the Labor Management Committee and one has to be a commissioner.

Commissioner Porter motioned and Commissioner Santuccio seconded to appoint Commissioner Umberger and Superintendent Bernier to the Labor Management Committee. Motion carried by voice vote 3-0-0.

Northway Bank – refinance of RD Bond:

Superintendent Bernier and Office Manager met with Susan Hunt regarding moving our accounts to Northway Bank. Also, we talked with Ms Hunt regarding refinancing one of our long term loans. Currently, the loan is due in 2026. Superintendent Bernier recommended reducing the term and moving

all the Precinct accounts to Northway Bank. We will be meeting with another local bank in two weeks and will bring back a recommendation. Perhaps invite all three banks in to offer a presentation to the board.

There was a very lengthy discussion on this matter. Sherrie Browning explained that we are talking about savings to be gained and it should be given to the taxpayers now. Superintendent Bernier stated by doing the refinancing you would see a reduction on the rate. Karen Umberger disagreed because the tax rate is already set and it won't be set again until the fall of 2008. Ms Browning questioned if the loans are approved by the public for specific term. Commissioner Umberger stated no that is left up to the Board and Superintendent Bernier explained the Board has the authority to refinance loans. Superintendent Bernier stated this is a savings of \$100,000.00 with \$2,913,326.00 remaining on the principal. Karen Umberger noted that by 2010 the Precinct will have paid off four loans and 2017 the next loan would be paid and one in 2026. Commissioner Porter would like to loosen the debt load for Contract #7. Superintendent Bernier stated that Contract #6 would be completed in 2012 and the first payment due in 2013.

Commissioner Porter motioned Commissioner Santuccio seconded to accept the 13 year term of Northway Bank and authorize the Superintendent to negotiate a lower rate. Motion carried by voice vote 3-0-0-0.

The Board of Commissioners signed the Offer Letter dated April 10, 2008 from Northway Bank to refinance the Rural Development Loan due December 3, 2026.

Superintendent Bernier Comment:

Superintendent Bernier stated he would like to clear the air and the last three months the Board has been working collectively and all three gentlemen work well together. Regarding the comment that Commissioner Umberger doing things out of session, Superintendent Bernier stated that Commissioner Umberger takes it to the extreme. Commissioner Umberger is involved daily making sure the other commissioners receives copies and are kept updated. Superintendent Bernier stated he has not seen Commissioner Umberger do anything outside of a public meeting. Superintendent Bernier state the Precinct went through four (4) years of "hell" and the Precinct has learned from our mistakes.

Night Meeting:

Board of Commissioners will schedule a night meeting at the May 14, 2008 meeting.

Guidance Document:

This document needs to be reviewed and updated and should be scheduled to be done in May.

Sewer Rules / Regulations:

Commissioners will need to review the sewer rules and regulations. Schedule this for sometime in May.

Bylaws:

Board of Commissioners should schedule a time to review and update the bylaws. The Board needs to look at such items as RSA 31-95b being on every warrant, the agenda, and Supervisor terms.

Evaluations Forms:

Commissioner Porter stated the Board should also start working on the evaluation forms.

Chance Meetings:

Both Commissioner Umberger and Commissioner Porter stated they have chance meetings with other members of the board on a weekly basis. Both assured those present that Precinct business is not discussed.

Superintendent's Precinct Vehicle:

Commissioner Porter brought up the issue of the Superintendent not being allowed to take his Precinct home. Commissioner Umberger explained there has never been a rule for him to take it home. In order to eliminate having to issue a 1099 to the Superintendent, the Superintendent's truck would need a fuel tank installed in the bed of the truck. This could be accomplished for approximately \$400.00.

Commissioner Porter motioned Commissioner Santuccio seconded to have Commissioner Umberger write a vehicle policy authorizing the Superintendent to take the truck home and the installation of the proper fuel tank in the bed of the Superintendent's vehicle. Motion carried by voice vote 3-0-0.

The cost of the installation will be split between water and sewer.

Damage to Superintendent Bernier's Personal Vehicle:

Commissioner Porter stated he understood there is damage to Superintendent Bernier's personal vehicle caused while on precinct business. Superintendent Bernier explained he was collecting meter reads and damaged his personal truck at the trestle going out towards Well #2. Short discussion ensued and it was questioned if Superintendent Bernier had received any quotes for repairs. He has one from Northeast Auto Body and MacDonald Motors.

Commissioner Porter motioned Commissioner Santuccio seconded to authorize the Superintendent Bernier to have his personal truck repairs with the lowest bidder. Motion carried by voice vote 3-0-0.

Public Comment/Media Questions

A short discussion ensued on the upcoming HB 1202 as amended. Bill Hounsell has met with the people of Lower Bartlett and they have given their blessing for the Precinct to talk on their behalf

concerning this bill. This amendment is to allow 50% state funding to be applied to the entire project not just half of the project. Mr. Hounsell thanked our legislators for supporting this amendment. Both Mr. Hounsell and Superintendent Bernier will be traveling to Concord to testify for this amended bill. Commissioner Umberger stated he is willing to also go on behalf of the Precinct.

Karen Umberger questioned why our consumption of water and sewer went up over the first quarter. Superintendent Bernier stated the valley had a good winter. The consumption was predominately up from the commercial side with hotels, motels and restaurants. Superintendent Bernier still has concern over illicit connections by passing meters.

Signature Documents

Commissioner Porter motioned and Commissioner Santuccio seconded to sign the Non Disturbance Agreement on Mortgage Subrogation for the Railroad Crossing on Intervale Cross Road. Motion carried by voice vote 3-0-0.

Sign Checks

Commissioner Porter motioned and Commissioner Santuccio seconded to sign checks out of session. Motion carried by voice vote 3-0-0.

Adjourn

Having no further business to discuss, **Commissioner Porter motioned and Commissioner Santuccio seconded to adjourn this public meeting. Motion carried by voice vote 3-0-0.**

Respectfully,



Kristine M. Cluff
Recording Secretary