

COMMISSIONERS MEETING  
MINUTES  
July 23, 2008

The Commissioner's meeting convened at 10:00 a.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.

Commissioner Umberger called the meeting to order at 10:07 a.m.

Minutes

**Motion of Commissioner Santuccio seconded by Commissioner Porter to accept the public minutes of July 9, 2008 as written. Motion carried by voice vote 3-0-0.**

**Motion of Commissioner Santuccio seconded by Commissioner Porter to accept the Non Public minutes of July 9, 2008 as written. Motion carried by voice vote 3-0-0.**

Chairman Umberger took the agenda out of order to accommodate CDM. Superintendent Bernier apologized for omitting CDM from the agenda. Jennifer Osgood explained she was here to present Addendum #3 to Contract #6. The design work is completed and CDM has been pursuing additional grant funding to benefit the Precinct. This additional work has resulted in \$400,000.00 in additional grant funding for the Precinct. The work on Intervale Crossroad has a 50% grant and DES has now been convinced to fund it at 60%. To be able to obtain this additional grant funding, CDM put in 170 additional hours which amount to \$18,000.00. Superintendent Bernier stated there is \$300,000.00 in contingency to cover this. Superintendent Bernier explained CDM proceeded at his request and he, Jennifer Osgood and Bill Hounsell met with DES and was able to obtain the additional funding. Mechanic Street is now eligible because of the failed septic systems. Commissioner Umberger stated Contract #6 has a healthy contingency but the project is still over budget. It is a little early in the game, to want to use contingency funds. The Precinct will be asking the voters to do The Lane and Upper Mechanic Street at the next annual meeting.

CDM is preparing the numbers for Rural Development for the work that has been put on hold.

**Motioned by Commissioner Porter seconded by Commissioner Santuccio to authorize the Superintendent to sign Addendum # 3 to the original CDM Agreement dated 10/28/03. Before signing, the Addendum will be forwarded to Rural Development and NHDES for review first. Motion carried by voice vote 3-0-0.**

Ms Osgood explained the addendum is reviewed by Rural Development and DES and then returned for the Superintendent's signature. Once he signs, it is sent back to DES for signature and then on to Rural Development for signature.

### Old Business

#### Architectural Study

Mr. Bergeron was called to an emergency and will be rescheduled for the next meeting.

#### Sewer Rules & Regulations:

Superintendent Bernier stated there is minor language to be added in the arrears and then forwarded to Attorney Judge for final review.

#### By-Laws:

Commissioner Umberger stated he has changed his mind and does not want to make any changes to the By-Laws. The Board fought very hard for the word "may" and not "shall" in reference to calling a special meeting. Opening up the By-Laws may jeopardize this. In regards to the final article that addresses the acceptance of unanticipated fund under RSA 31:95-b will be simply left off the warrant. It is a courtesy article and doesn't need to be on the warrant.

**Motion of Commissioner Porter seconded by Commissioner Santuccio to remove the By-Laws from the agenda.**

#### RFP for Auditor:

Commissioner Porter questioned why we need to change auditors. Commissioner Umberger stated the Precinct did not receive the 2006 audit until 2008. Commissioner Umberger stated there are also other reasons. Office Manager stated her only concern in changing auditors, is the Precinct is in the final phases of construction contracts and our auditor is current on all of our construction projects and funding. Karen Umberger stated you put out a RFP and nothing states you don't end up with the same auditor. She explained when she was selectmen, the Town of Conway put out an RFP for an auditor – not because the town was dissatisfied but it is just a good idea to see what is out there working for the same price or lesser price. The LGC was contacted and sample RFP for an Auditor have been placed in your packets. Commissioner Umberger has reviewed them and they are not what he was looking for. After a short discussion, it was agreed the RFP for an auditor will be mailed out by August 1, 2008. This will be for the 2009

audit conducted in 2010. Commissioner Umberger presented a list of firms for the RFP to be forward.

**Motion of Commissioner Umberger seconded by Commissioner Porter to send out the RFP for an Auditor by August 1, 2008. Motion carried by voice vote 3-0-0.**

River Run Company:

Mr. Berry has not rescheduled.

Boundary Survey:

Superintendent Bernier called and left a message for Doug Burnell. Superintendent Bernier stated there is a small piece of no man's land by the Elks Club and he has instructed Mr. Burnell to incorporate that into the Precinct's boundary. Commissioner Umberger questioned if there is any evidence that it should be included in the Precinct. The selectmen are going to get into this. Commissioner Umberger stated that Mr. Kennett still wants to move forward with his project.

Karen Umberger stated that before you do this, I would think about proposing this to Conway Village Fire District to change their boundary. Mrs. Umberger questioned if there is any good reason to move the Precinct boundary. Superintendent Bernier explained it gets rid of a potential problem. Mrs. Umberger suggested sending a letter to Conway Village Fire District and asks them if they would be willing to change their boundary by 50'. The selectmen have the authority to change the Conway Village Fire District boundaries as they are a Village District. This would be much easier than the Precinct going to the legislature.

Commissioner Porter stated that he was approached by Paul DegliAngeli who has been engaged to help out Conway Village Fire District to consider Conway Village Fire District connecting into our sewer system. Superintendent Bernier explained at the "ACID" meeting, Carl Thibodeau stated it was financially better for Conway Village Fire District to upgrade their sewer facility than to connect into North Conway. Mr. Thibodeau stated it will cost nine million to upgrade and more to connect into North Conway. If CVFD connects into North Conway, they would not build a new waste water facility and save substantially. Commissioner Umberger questioned if that portion north of the Saco would over tax our system. Superintendent Bernier stated a full build out of the Precinct would be 1.3 gpd and the plant has a capacity of 1.5 gpd and this plant would have to go through two upgrades before we get to that. Mr. DegliAngeli is not sure if Lamplighters Home Park would want to tie in. Superintendent Bernier agreed that Mr. DegliAngeli is on the right track and Rural Development has a financial

concern with CVFD building the new facility. Commissioner Umberger questioned if CVFD would pay the sewer tariff. Superintendent Bernier explained it would be the same methodology as the Precinct used with Pittsfield Aqueduct Company for Birch Hill. They would pay \$2300.00 per unit to buy into the North Conway sewer system.

Karen Umberger stated the Precinct voters had stressed before because of our build out, we said no. Mrs. Umberger noted this is not the right way to go. If CVFD wants to do something, they need to come here with interconnect agreement similar to the one we have with water. The Board of Commissioners would have to approach our voters at the annual meeting in March. If this is what is going to be done, the Board needs to get moving on this now. Commissioner Porter explained this discussion only happened yesterday and the district doesn't have a superintendent. The town has graciously allowed the Town Engineer to help the district. Commissioner Umberger stated the district has an engineering firm and people that are supposedly making decisions on how things should go and they need to think about getting their ducks in a row. Bill Hounsell stated this is a great opportunity to bring in grants from other sources. Mr. Hounsell noted as elections are coming up, it would be a great advantage to approach this as quickly as possible. By bringing another section, this would bring in an extra 5% in state grants. Mr. Hounsell stated someone has to take the lead on this and possibly call a special meeting to get on the Rural Development October schedule.

Mr. Hounsell explained the DES has ordered the Tech Village in Conway not to do any more until the sewer issue is resolved and anytime the state give us an order they give us an asset.

Commissioner Porter will notify Paul DegliAngeli that he has brought this matter to the Board.

Superintendent Bernier stated where the Precinct is in the process of doing our boundaries, it would be logical to do this now. Currently, CVFD is trying to site their meter station.

Karen Umberger stated she is concerned with that over the last several years there has been a change in the thought process of moving a portion of CVFD up here. CVFD doesn't want anything to do with North Conway and this is a real political mine field. We have set up our voters and their voters not to want to have anything to do with each other. Commissioner Porter stated that split has been there for a long time.

Bill Hounsell stated that we should look at what we can do help the people. This is all the more for the federal government to modernize our plant is to do the interconnection. Karen Umberger question the census figure of 10,000 and it was stated that Bartlett won't go over 10,000 and that could cover the distribution lines under Bartlett.

Dan Noel Property:  
Superintendent Bernier explained this has been completed and Mr. Noel is happy.

### Committee Reports

There were not committee reports for this meeting.

### Superintendent's Report

- Checked daily status of Neighbor's Row and Contract 6 progress. Both projects are going extremely well for the first week of construction.
- Met with residents from Kearsarge Road, Intervale Crossroads, and Neighbors Row and business owners from Kearsarge Street about our ongoing projects.
- Attended advisory committee on infrastructure development along with Commissioner Santuccio
- Crew busy working on cutting trees and grubbing around Well #6.
- Secured DOT permit for Pierce Road water main project.
- Repaired broken fire hydrant on Carol Ann Way.
- Reviewed 2nd quarter water and sewer billings. Revenues up slightly over 2005 and 2006.
- Was notified that I was chosen as NH State Delegate for National Rural Water Conference in Reno, Nevada from October 4<sup>th</sup> –October 8<sup>th</sup>. All expenses paid by Granite State Rural Water.
- CDM moving forward with Artist Falls Pump Station design.
- Made a design change to eastern end of Intervale Crossroad sewer design. Estimated savings of \$25,000.00.

**Motion of Commissioner Porter seconded by Commissioner Umberger to authorize the Superintendent to award the \$7,980.00 crack sealing bid to U.S. Sealcoat and the \$5,328.00 Sealing coating to U.S. Sealcoat. Motion carried by voice vote 3-0-0.**

### Other Business

#### October 1, 2008 Meeting:

This meeting is usually cancelled at the last minute due to Fryeburg Fair. After a short discussion, it was agreed to leave the meeting as scheduled.

Public Comment

Karen Umberger asked for an explanation of the construction on Intervale Crossroad. Superintendent Bernier stated they will do Intervale Crossroad, then Dinsmore Road water and sewer - including cross country and bring it to Route 16. Then Kearsarge Street from the lights on Route 16 to the vicinity of CV Machine with water to eliminate the asbestos cement line pipe and replace it with ductile iron. Mechanic Street and then the cross over to Old Bartlett Road and then The Lane between Mechanic Street and Kearsarge Road.

Sign Checks

**Motion of Commissioner Porter and seconded by Commissioner Santuccio to sign today's checks and the check of August 6, 2008 out of session. Motion carried by voice vote 3-0-0.**

Non Public

**Motion of Commissioner Santuccio seconded by Commissioner to enter non public session at 11:30 a.m. for personnel matter as allowed under RSA 91-A: 3, II (c) – Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant. Motion carried by voice vote – Umberger – aye, Porter – aye and Santuccio – aye.**

Reentered Public Session at 11:46 a.m.

Adjourn

Having no further business to discuss, **Commissioner Porter motioned Commissioner Umberger seconded to adjourn this public meeting at 11:47 a.m.**

Respectfully,



Kristine M. Cluff  
Recording Secretary