

COMMISSIONERS MEETING
MINUTES
May 28, 2008

The Commissioner's 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: Vice Chairman Robert Porter, Commissioner John Santuccio, Superintendent David Bernier, Fire Chief Patrick Preece and Recording Secretary Kristine Cluff

Commissioner Umberger was absent.

Vice Chairman Porter called the meeting to order at 10:05 a.m.

Minutes

Motioned by Commissioner Santuccio seconded by Commissioner Porter to approve the public minutes of 5/14/08 as written. Motion carried by voice vote 2-0-0.

CDM – update on the bids for Contract 6 and Depot Street/Neighbor's Row

Motioned by Commissioner Santuccio seconded by Commissioner Porter to take the agenda out of order to accommodate CDM. Motion carried by voice vote 2-0-0.

Jennifer Osgood presented a spread sheet with several scenarios for the Board to review. Park Construction Company is low bidder on the total base bid of Contract #6. Ms Osgood explained the bids are higher than anticipated. Ms Osgood suggested doing a deduct at the beginning of the project, as the contract is going to be a two year construction period and then take it to the voters at the next annual meeting. Also, we would ask Park Construction to hold their pricing. The deduction would be beyond the intersection at Intervale Crossroad / Kearsarge Road and remove the Mechanic Street and Kearsarge Road portion under Scenario C.

Superintendent Bernier explained the project is funded at \$5,550,000.00 (i.e. \$3, 950,000.00 for sewer and \$1,600,000.00 for water). Scenario A is over the total budget, Scenario B is under the total but over on water and Scenario C is approximately \$60,000 over budget. The Board could elect to supplement the contract from the Precinct's infrastructure account and reimburse the account at the next annual meeting.

It was suggested the Board obtain a legal opinion to see if the Precinct can legally issue a deduct change order. The Board would like the legal opinion for the next meeting. Superintendent Bernier would like a full board present when voting on this issue.

Mike Walsh of CDM suggested doing a deduct from the scope of the project then execute the contract and change order at the same time. Superintendent Bernier explained the original bond stated the Precinct would do sewer and water on specific streets and is concerned this may affect the bond.

Paul DegliAngeli stated Selectman Hounsell raised a concern regarding the Town of Conway's drainage portion of Contract #6. There is 4,000 feet of drainage on Contract #6 that is aged and it doesn't make sense to do all this work and ignore the drainage. The drainage is under separate contract with the Town of Conway. The three bids range between \$276,170.00 and \$432,475.00. This leaves a difference of \$156,000.00. Mr. Hounsell is asking that consideration be given to splitting the work, as he can't see the town spending the extra \$156,000.00.

Superintendent Bernier noted the Precinct has paid for the drainage design and is paying the cost for the base pavement curb to curb on this project at 40% from water bond and 60% from sewer bond. We would have to ask the contractor if he is willing to do the project without the drainage portion.

Paul DegliAngeli doesn't believe Selectman Hounsell was asking the Precinct to subsidize the project but to see if they would be willing to divide the work. The following are the areas of concern:

- a. Can we divide up the project
- b. Will the low bidder want to continue without the drainage
- c. Does the low bidder own the whole project - not taking drainage out of it

It was agreed that Superintendent Bernier and Paul DegliAngeli will sit down and work on this matter jointly. Mike Walsh stated that was part of the reason for the Town of Conway having a separate contract. Commissioner Porter would like to see this finalized after next week.

Depot Road and Neighbors Row

Northeast Earth Mechanics was the low bidder on the Depot Road and Neighbors Row project. They are in good standing and have obtained construction bonding. Northeast Earth Mechanics recently worked at the new high school and worked on the North/South Local Road.

CDM recommends the project be awarded to Northeast Earth Mechanics for their bid price of \$724,925.00. Robert Quint, representing Kentco, reiterated Northeast Earth Mechanics did not follow the bid rules and regulations and in their opinion disqualifies them on the low bid. Mr. Quint presented a letter from Michael Kent of Kentco to the Board voicing their concerns. Commissioner Porter stated it was his understanding the Board of Commissioners could remove these restrictions. Superintendent Bernier explained this is a minor informality and the Board of Commissioners has the right to waive it. Cause for disqualifying a bid can only be if: a) addenda is not acknowledged b) late bid and c) not providing a bond certificate. After a short discussion, it was agreed the failure to write the name of the paving contractor on the outside of the bid envelope is a minor informality and does not constitute disqualifying the bid. Superintendent Bernier recommends awarding the bid to Northeast Earth Mechanics. The Precinct could end up in litigation if the bid is rejected.

Motion of Commissioner Santuccio seconded by Commissioner Porter to award Northeast Earth Mechanics the bid for Depot Road and Neighbors Row and to further waive the minor informality to require the bidding contractor to name the paving subcontractor on the bid envelope. Motion carried by voice 2-0-0.

Superintendent Bernier stated that he spoke with Commissioner Umberger this morning and he is in verbal agreement to award this bid to Northeast Earth Mechanics.

Artist Fall Upgrade

Mike Walsh brought the board up to date on the Artist Falls Project. DES is still trying to work on a contract. Until that is finalized, CDM presented a Study Phase Contract in the amount of \$20,000.00 to keep the project moving forward. Superintendent Bernier explained this project may be eligible for a DES grant close to \$40,000.00.

Fire Department

Chief's Report

Membership:

44 Members: No new applications pending at this time.

Personnel:

Assistant Chief is back to work at full duty.

Training:

Engine companies operations.

Department Actives:

Emergency Calls:

The fire department has responded to 52 calls for the month of May.

The fire department has responded to 436 calls year to date.

Apparatus / Trucks:

The Tower truck has an intake relief valve leaking and the parts are on order.

The three trucks had the pumps tested and they all passed

Chief Preece noted that Tower 2 will be tested at a later date when the leaking valve has been replaced.

Equipment Issues:

Purchase for New Equipment:

We ordered three hose hoists for each of the trucks as required by ISO. The radio system is complete and I have e-mailed Anne from ISO to set up a new review and waiting to hear from her on a new date, still waiting for a date.

Chief Preece informed the Board that a parent has contacted him regarding his child doing community service at the fire station. The child would be doing general maintenance items, sweep the floor, roll hose etc. The Board agreed to the request.

Old Business

Architectural Study

Chief Preece apologized to the Board; the architectural study is not due until 4:00 p.m. today. Regarding the Seavey Street property, most everyone thinks it should be demolished. Chief Preece will have the study to the Board by the meeting of June 4, 2008 and would like the Board to vote at their June 11, 2008 meeting.

Vehicle Policy:

The concerns of both Chief Preece and Superintendent Bernier were added to the draft as well as the concern of taking Precinct vehicles out of the Precinct. Superintendent Bernier stated as a matter of record it is necessary for the Precinct to pick up parts in Portland, Maine and this was not written into the policy. It was agreed that every little item could not be written into the policy.

Motion of Commissioner Santuccio seconded by Commissioner Porter to accept the revised Vehicle Policy as of 5/28/08. Motion carried by voice vote 2-0-0.

Sewer Rules & Regulations:

Superintendent Bernier will have all the changes done for the meeting of June 11, 2008.

By-Laws:

These need to be reviewed for the next annual meeting.

Superintendent Report

- Prepped yard area, installed new waterline and underground electric. Started prep work for concrete pads under lean-too.
- House Bill 1202 as amended has passed both the house and senate. Governor is expected to sign. This means an extra \$500,000 of new grant monies available for North Conway.

This amendment allows municipalities to be eligible for full 25% of a project and this will mean close to \$500,000.00 in new money for the Precinct. This is retroactive back to 2003.

- Disconnected power at Well #1 – started dismantling equipment for Well abandonment
- Shut Fadden Logging down at Hussey field due to complaints from Dan Noel and Kathy Brassill.

Justin Hussey came before the board and was given a ten year contract to reclaim the field at Well #4. He is cutting the trees to establish a natural boundary. Northern boundary is owned by the Precinct, middle boundary is owned by the Knowles/Langford family and southern boundary is also owned by the Precinct. Mr. Hussey has a separate agreement with the Knowles, /Langford family to cut their trees. Only an acre or two were cut out of the Precinct's 100 acres. Superintendent Bernier will ask Mr. Hussey to meet with the Commissioners. This young man is trying to make a living and it is costing him money to reclaim the fields and in turn is given the hay. There is now some concern about burying the stumps. Mr. Noel forwarded a letter to the Board with his concerns. Superintendent Bernier will offer the same invitation to Dan Noel.

- Worked on pumps at Well #2,#3 and #4
- Completed clean up of sewer connection at Clarendon Motel.
- Conducted bid opening on Wednesday, May 19,2008 for Contract 6 and Depot Road projects
- Kris met with Northway Bank representatives last week.
- Superintendent's computer crashed purchased a new CPU- the old one was 10 years old
- Spoke with Bob Quint on Depot Street and Neighbor's Row project
- Spoke to CDM on several occasions about bid results and how to manage project.

Other Business

Abatement:

Superintendent Bernier presented a request for abatement for account 1873. This is another instance where the landlord did not know there was an outstanding balance. This involves a couple of tenants.

Commissioner Santuccio motioned Commissioner Porter seconded to approve the one time abatement to account #1873 as recommended by Superintendent Bernier. Motion carried by voice vote 2-0-0.

Schedule Public Hearings:

Public hearing for Contract #5 is scheduled for 6/11/08 at 9:30 a.m. and Public hearing for Refinancing is scheduled for 9:45 a.m.

Public Comment

Bill Hounsell updated the Board on HB1202 and commended all the local Boards for working together and bringing this bill forward. This bill is retroactive back to 2003 and that will enable local Precinct's go back and capitalize on completed projects back to 2003. Mr. Hounsell also thanked Senator Gallus from Berlin the prime sponsor of this bill for his diligent work. Commissioner Porter congratulated Superintendent Bernier and Mr. Hounsell for their work on behalf of the Precinct for their work in getting this bill passed.

Signature Documents

Superintendent Bernier executed the Study Contract with CDM in the amount of \$20,000.

Sign Checks

Motion of Commissioner Santuccio seconded by Commissioner Porter to sign checks out of session. Motion carried by voice vote 2-0-

Adjourn

Having no further business to come before this meeting, **Commissioner Santuccio seconded by Commissioner Porter to adjourn this public meeting at 11:10 a.m. Motion carried by voice vote 2-0-0.**

Respectfully,



Kristine M. Cluff
Recording Secretary