

Adopted: 8/19/09
As Written

Commission Meeting
Minutes
July 22, 2009

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 Santuccio, Superintendent David Bernier, Chief Patrick Preece and Recording Secretary Kristine Cluff.

Meeting called to order by Chairman Umberger at 10 a.m.

Minutes

Motion of Commissioner Porter seconded by Commissioner Santuccio to accept the public minutes and non public minutes of July 8, 2009 as written. Motion carried by 3-0-0

Fire Department
(copied from the Chief's Report)

Membership:

42 Members, no new applications

Personnel:

The new department assistant started last Wednesday, and is picking up on fire house program quickly. We received a thank you letter from Shaw's Supermarket for our help that we provided them when a sprinkler head let go in their walk in freezer.

Training:

Engine Three training did class B foam training for haz-mat issues and went very well. Rescue training did confine space rescue and set up of the tripod. Chief Preece reported that he and Superintendent Bernier intend to do more confined space entry training. The fire department is looking to purchase a tripod in the future.

Karen Umberger does not understand what Chief Preece was saying on confined space training. What does sewer have to do with confined space? The sewer department has sewer manholes that require confined space entry. It was questioned if the water department requires confined space training and the answer is yes.

Department Activities:

The department will be doing fireworks stand by on Thursday night at Mt. Cranmore. I will be testing the fire alarm system and sprinkler system at the Residence Inn on Thursday all day. Chief Preece met with the manager of the new Marriott Hotel and we should be receiving their emergency response plan to be reviewed before they open.

Conway Village C-9 agreement payment has been received.

Chief Preece reported that North Conway Ambulance Service has been sold to Care Plus out of Merrimack. He is anticipating no personnel changes and Care Plus will rent the current facilities.

Emergency Calls:

The fire department has responded to 60 calls for the month of July.

The fire department has responded to 524 calls year to date.

Apparatus / Trucks:

Nothing to report at this time.

Commissioner Umberger questioned at the last meeting we had a part on order and Chief Preece stated it is still on order.

Equipment Issues:

No equipment issues to report at this time.

Purchase for New Equipment:

Seavey Street:

The concrete footings have been poured. Once we have back filled we will start the water, sewer and underground electrical.

Karen Umberger would like to go back to the confined space for a minute she doesn't understand what that has to do with the sewer department. The sewer manholes are considered confined space and as well as a couple of areas at the treatment plant. The water department has several confined space trained personnel. Chief Preece stated it is beneficial for the Precinct to be proactive in this matter. If we sponsor a class and other departments attend, they would help with the costs. Chief Preece will pay for the class and gamble the other departments will reimburse their personnel.

Superintendent's Report
(copied from the Superintendent's Report)

Mechanic street: removing old fire hydrant at the corner of oak street and the installation of sewer inverts and frame & cover placement, Town of Conway will soon be officially in charge of road maintenance and all remaining construction related activities, considering they will be rebuilding the street this year in lieu of 2011.

Kearsarge road: north end sewer project paving completed last week as well as Whitaker lane; crews are now working on south section heading towards skimobile road. Crews will be starting cleanup and seeding. Cross Country line at Whitaker Lane is completed and working on the long and short sewer lateral and hope to be completed in two weeks.

Top of hill in the vicinity of Westervelt's north was originally slated to be in Contract 7 and is now being done with Contract 6. This is being done with surplus grant funds that would have had to go back to Rural Development if we did not utilize it here. Commissioner Umberger questioned how close contractor is to crossing the brook. Superintendent Bernier stated they are starting there next week barring any weather that will raise the brook. This is going to be an open trench excavation and NH Fish & Game has been notified.

Crews excavated and prepped area for footing and walls for the new Seavey street garage.

Superintendent Bernier attended ARRA funding requirement's seminar in concord last week. The law as currently written has many funding requirements such as "Bacon Davis wage rate requirements with the submission of weekly certified payroll to NHDES. Not to mention the "buy American clause" which requires all manufactured goods to be made in America? Under the definition of "a good brought to the construction site for incorporation into the building or work that has been processed into a specific form and shape, or combined with other raw material that has different properties than the properties of the individual raw materials." Now that we know what manufactured

goods are we need to make sure it is procured exclusively using iron, steel and other manufactured goods being manufactured in the United States! All these requirements and many more will surely raise the cost of construction and construction management. Commissioner Umberger questioned if this will increase the cost of goods. Superintendent Bernier noted we have a healthy contingency to be able to handle this. It will be on the backs of the engineers to certify the components are American made and procured in the United States. There will also be Women Business Enterprise and Minority Business Enterprise agreements on this as well. William Hounsell noted that most of the employees are getting these wages. Superintendent Bernier attended legal mitigation meeting at the offices of Orr & Reno in Concord regarding the Groff litigation, pleased to announce that the precinct succeeded in mitigation and reached mutually accepted agreements. Said agreement will be forth coming for your consideration. We will be locking the gate after we enter the property and exiting the property.

Discussed at length the CDM fees with RD and believes we will soon be in agreement.

Met with contractor from CVFD project, and reviewed initial specifications for the construction of water mains on the NCWP side of the project. Superintendent Bernier has informed McMillan Construction that the polyethylene wrap on the D.I. pipe is not allowed in the Precinct and they will have to notify the abutters and install the temporary water line.

We are in receipt of a request to meet with Mr. Joe Berry regarding a request to sewer the Center Chimney property via River Road. Mr. Berry is looking to develop this property into three rental units. This has been discussed previously, and we notified the abutters and not one person came forward stating they wanted sewer. Commissioner Umberger stated he was not in favor of the original project and to date nothing has changed his feelings on this. There is also another part to consider with this project and that is the North Conway Country Club desire to water and sewer new maintenance building. Mr. Berry will also provide a sewer connection from his sewer pump station to the North Conway Country Club. Superintendent Bernier feels this is hap-hazard and if something happens to the pump station who is going to be responsible for its repairs. Another concern is what if the property is sold and there is a new owner in the future. It was agreed the Board would invite Mr. Berry to a meeting and a representative from the North Conway Country to discuss this venture. Commissioner Umberger would like this meeting scheduled for a regular commission meeting with coverage by Valley Vision.

Received final draft document regarding the NCWP & CVFD sewer interconnect study. I will make a copy available after today's meeting for your purview. Commissioner Umberger questioned if this is the CDM study talking about the full build out. This interconnection will save the CVFD 40% in operating costs by coming to NCWP. Superintendent Bernier stated there is an interconnection meeting scheduled for August 11, 2009 at the Town of Conway and this meeting is open to the public. Maureen Westrick Forbes questioned if this is something the taxpayers will eventually vote on and is this first step in taking on the whole valley. Mrs. Forbes questioned if everyone (other municipalities) are depending on our efficiency for their sewer needs. Commissioner Porter stated this plant was built as a regional facility in the beginning. Bill Hounsell stated the Precinct Superintendent has done a remarkable job with the study and we now need to start looking to our neighbors to the north and Lower Bartlett Water Precinct. The Precinct needs to make sure it's water is protected and make sure we don't do anything with the Charter that changes us down the line. Mr. Hounsell noted the legislature has created the ability to have interconnect agreements with nothing changing the autonomy in the interconnecting governments. Commissioner Umberger agreed it is never our intention to lose control. Superintendent Bernier stated he believes the costs associated with interconnect agreement are understated by Underwood Engineers and CDM concurs with him.

Enernoc Bid Results

Superintendent Bernier stated this is regarding purchasing power directly from a supplier and Precinct will write their check directly to the supplier. A big question was if we purchase directly from a supplier do we lose capability to obtain energy grants from New Hampshire Electric Cooperative. The Precinct is a constant consumer that runs Sunday through Saturday 24/7 with a small peaking factor. Superintendent Bernier explained this would be a 28% savings in our net energy consumption with eight months of fixed pricing. Commissioner Umberger stated he did a little research on Enernoc and they are a reputable company. Maureen Westrick Forbes questioned if the agreement would be affected by the installation of the solar panels.

Motion of Commissioner Porter seconded by Commissioner Santuccio to authorize Superintendent Bernier to enter into an agreement with Enernoc and award the electricity contract to Hess for eight (8) months at a fixed price. Motion carried by voice vote 3-0-0.

DRAFT ARTICLES

Artist Fall Pump Station upgrade for \$300,000.00 was originally written for \$222,000.00 and the Precinct would pay the entire cost. Now it is being funded by stimulus money at \$150,000.00 Loan and \$150,000 Loan forgiveness. Commissioner Porter stated this requires a two thirds vote and not a simple majority. Commissioner Umberger stated requiring a two thirds vote is a problem and setting a precedent. Bill Hounsell stated the ARRA language allows the Precinct to hold a special meeting without going to the Superior Court. Commissioner Umberger does not feel they have the right to impose something on the Precinct. Karen Umberger stated the Precinct has already had a bond vote that has been passed by two thirds vote so this should be taken out. Mrs. Umberger stated that she would be happy to talk with anyone at the Attorney General's office on this. Commissioner Umberger stated the purpose of the ARRA language is only to allow the Special Meeting.

Article #1 will be the 8.3 million dollars and we will need to strike some of the streets such a Ginsmore Road and change it to Dinsmore Road We will now be including the three homes on upper Ledgewood Drive and removing Hurricane Mountain Road, Washington Avenue, Skyline Drive and Pendexter Woods. We will add Route 16A after Longview Terrace. We will be including Pierce Road as this is a cross country line. Superintendent Bernier will rewrite Article #1.

It was questioned about looking at Echo Acres and the small amount of cast iron pipe. This is essentially 680' to 700' of pipe to replace with some being out of the roadway. We need to determine where it begins and ends. Commissioner Porter asked about installing sewer on Echo Acres and Superintendent Bernier explained this is outside the aquifer protection area and will require a sewer pump station. This area is similar in soils as the plant.

Bill Hounsell stated as a taxpayer is publically asking the Board to consider installing sewer on Thompson Road in conjunction with the Town of Conway project to resurface Thompson Road. Superintendent Bernier stated that we are now including sewers on Duprey Road. All of the changes will be included as a bid alternate and this will eliminate all the other Rural Development requirements. Superintendent Bernier explained the Precinct's past practice to consider joint projects with Town whenever possible.

Fraud Policy

A draft policy has been included in the Commissioner's packet for review.

Other Comments

Well #2 is currently nine feet from the river bank at the northwest corner as a result of the last high water a month ago. Depot Road pump station is on line and ready to accept sewer. The homeowners have been informed to hookup within the next ninety days. Karen Umberger questioned has there been any problems with unusual amount of rain. There is a manhole picking up water and running into a catch basin. Each property was provided a separate storm water connection.

Kearsarge Estates

Superintendent Bernier wanted to run by the Commissioners the unmetered rate charge of \$68.00 for the property owners who have not installed a meter. We have several homes in the Kearsarge Estates development that have not installed their meters and are receiving a \$45.00 dollar water bill. We are talking eighteen to twenty homes. We upgraded the Kearsarge Estates pump station. Superintendent Bernier believes we should be charging these homes at least the proper amount as listed on the current rate schedule which is \$68.00. There was discussion about who should pay for the cost of the meter. The original meters were put in as a warrant article and there was no cost to the home owner. These people have been paying the debt and should be entitled to the meter the same as everyone else. Superintendent Bernier explained he does not have money in the budget to cover this expense and it is his obligation to let the Board know we have a policy that we are not adhering to. We have one house on Oak Street that does not have a meter. Commissioner Umberger stated we have an unmetered rate then he has no problem with charging that but what is the best time to do this. Karen Umberger stated since we have charged a buy in fee they have in fact contributed to the that bond. The Precinct has never looked at any project in relationship to cost versus service provided to our customers. We will try to do more research on this matter. The current meter installation cost is approximately \$200.00.

Website

Tom Costello the Precinct's web master presented the Board with some charts regarding the number of hits the website has been receiving.

Public Comments

There were no public comments at this meeting.

Sign Checks

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

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Adjourn

Having no further business to discuss at this public meeting **Commissioner Porter motioned and Commissioner Santuccio seconded to adjourn this public meeting at 11:45 a.m. Motion carried by voice vote 3-0-0.**

Respectfully,

A handwritten signature in black ink that reads "Kristine M. Cluff". The signature is written in a cursive style with a large initial "K" and a long horizontal stroke at the end.

Kristine M. Cluff
Recording Secretary