

Commission Meeting
Minutes
December 9, 2009

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: Chairman James Umberger, Commissioner Robert Porter, Commissioner John Santuccio, Superintendent David Bernier, Chief Patrick Preece and Recording Secretary Kristine Cluff.

Chairman Umberger called the meeting to order at 10:00 a.m.

PUBLIC HEARING

Chairman Umberger explained the Board will begin with a public hearing on the proposed revisions to the Sewer Rules and Regulations.

Commissioner Umberger opened the public hearing relative to the sewer rules and regulations at 10:04 a.m.

Commissioner Umberger turned the meeting over to Superintendent Bernier who explained the Precinct has been working on the revised sewer rules and regulations for close to two years. Commissioner Umberger and Superintendent Bernier had a minor concern Superintendent Bernier forward this concern to Attorney Judge who will make some minor changes. Basically, the first 17 pages are definitions and we included the refined definition of user charge which is basically after 90 days you will be charged like you're hooked up. The requirement to hook up to the North Conway Water Precinct sewer is you must be within 400 feet of a sewer connection to the structure on your property. The new regulation also reserves the right for the North Conway Water Precinct to review the development of raw land. Basically, this means that if a development is very close to a sewer line; we will require that developer to dry lay a sewer line at his cost and this will eliminate the cost for the taxpayer to bring a sewer line to that area in the future.

We have married the revised sewer rules and regulations to 2005 Precinct master-plan. We have also included the expansion areas based on the highest priority code first. There are also provisions in the new sewer rules and regulations to consider a waiver for a five-year period which would allow a taxpayer to save the money necessary for their sewer hook up to the municipal sewer. There are certain criteria that must be met - their current septic system must be built after January 1, 1985, they must only be in the IV, V or VI priority group and they can be no more than 400 feet from municipal sewer. There are no waivers in group I, II or III. If the sewer installation is not completed within the five-

year waiver, it will be difficult for the taxpayer to renew a request for additional time. This waiver only applies to residential sewer services. Also the 400 foot requirement is primarily for single-family homes and does not apply to commercial establishments. We have also required a provision for additional sewer clean outs in the sewer line. We have strengthened the language regarding grease traps. If seating capacity is 25 you are required to install a 1,000 gallon grease trap and 250 gallons for any additional seating over 25 seats in other words 1000 gallon grease trap for 25 seats 1250 gallons for 50 seats 1500 gallons grease trap for 75 seats and so on. We have clarified the sewer infrastructure reimbursement fee with regard to the \$2300 buy-in for a new home. We have provided language to circumvent the taxpayer from paying the water portion of their entire bill in order to avoid disconnecting their water service. The new language basically states the taxpayer has to pay for the water and sewer or we can terminate the service. We have also included in the rules and regulations a detailed requirement for payment plans.

Karen Umberger questioned if the precinct was going to retro activate any of the new provisions of the rules. Superintendent Bernier explained we have no plans to require any existing properties to retrofit. At such time an issue develops, they will be required to make the necessary corrections. We have jumped the gun and have already required new grease traps and clean outs in our current construction. Mrs. Umberger questioned that for priority group IV, V and VI the requirement to hook up is there but they can request a waiver if necessary. Superintendent Bernier explained some of the areas in the next round of construction are located in priority group II, III, V and VI. For example Contract #7 is located in priority group two and three and Contract #8 will be in priority group four, five and six. Another requirement before requesting a waiver will be the homeowner will need to have his property reviewed by a licensed septic designer who will confirm the system is functioning and operating properly in the manner intended and installed after 1985. The language in the new regulations is not automatic and financial hardship is taken into consideration as well as any other waiver requirements.

Commissioner Umberger asked if there were any other questions regarding the revised sewer rules and regulations if not the hearing will remain open until 10:30 AM. Commissioner Umberger closed the public hearing regarding the sewer rules and regulations at 10:30 AM.

BOARD MEETING

Commissioner Umberger stated we will now continue with the regular agenda of the Board of Commissioners meeting.

Minutes

Minutes Commissioner Porter moved and Commissioner Santuccio seconded to accept the November 25, 2009 public minutes as written. Motion carried by voice vote 3-0-0.

Fire Department
(copied from Chief's Report)

Membership:

41 Members

One new application, the background check is done, and the members voted him on the department on Monday night. The new member is Calder Tillett and is an EMT and would like to welcome him to the department.

Personnel:

One member is on medical leave for a couple of months due an operation that would limit him on his duties as a call firefighter / EMT. We hope he has a speedy recovery.

Training:

The Department Training company operations from search drill to laddering the buildings to carries down a ladder.

Department Activities:

Fireworks stand by 12/31/09 in the park, hard to predict if there will be a large crowd or a low turnout.

Working on a plan to notify Landlords and Hotel owners of the new CO Law which goes into effect on 1/1/2010 got a couple of ideas to run by the board for approval. There was a short discussion regarding the new carbon monoxide law going into effect in January 2010. Chief Preece would like to enclose a flyer in the water and sewer bills for the fourth quarter of 2009. There was also discussion about doing an ad and placing this on the website for both the Town of Conway and the North Conway water precinct. This new law is relative to hotels, motels, dormitories and duplexes. It will also apply if someone rents a room out in their home or rents out their home out as a vacation rental. Karen Umberger questioned if the Town of Conway was going to revamp their building permit process and make sure this is included on the permit. Mrs. Umberger suggested the town fire chief could have input in this process. Chief Preece explained the Town of Conway does not have a fire chief as the position was never filled after Chief Wade left.

Chief Preece will also visit this issue with the selectmen from the Town of Bartlett for the small portion of the Precinct located in the Town of Bartlett. Chief Preece stated that Chief Roberts from the Town of Bartlett is well aware of the new law. Chief Preece stated he plans to educate the hotels and motels management staff with regard to the new laws.

Emergency Calls:

The fire department has responded to 83 calls for the month of November.
The fire department has responded to 14 calls for the month of December.
The fire department has responded to 938 calls year to date.

Apparatus / Trucks:

Engine one pump repair should take place in the middle of next week; the pump overhaul will take place in the water department garage and take a week.

Equipment Issues:

Department pick up broke down again; it needed a new alternator and battery.

Purchase for New Equipment:

The new turn out gear arrived and all fit with no issues.

Seavey Street:

The building is complete and equipment is all moved in.

I would like the open house to be on Saturday the 12/19/2009 from 11:00 to 2:00
I have spoken to Tom Eastman about a story and he is interested in doing one.

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

Dixey Court - the last two low pressure services will be completed no later than the end of this week. The main line was tested and passed. The inverts were completed last week.

Superintendent Bernier sent a letter to Bob Mann NHDES requesting 25% interconnection grant for Well #6 (2,060,000.00) and 25% for the large groundwater withdrawal permit and well drilling (\$340,000.00).

Superintendent Bernier sent letter and backup information for State Grant Aid Program monies for Contract #3, 5, & 6. We determined that Contracts 2A & 2B were ineligible for SGA. The request is for approximately \$500,000.00 of which most of the money is due from Principal and Interest for Contract #3 which dates back to 2002.

Superintendent attended several classes for C.E. U.'s and completed the last class on Monday.

Superintendent started reviewing large customer usage reports looking for loss of revenue reasons or inconsistencies.

Superintendent Bernier drafted a letter to residents for Kearsarge Estates and Mt. Surprise Road notifying them that the Precinct will be calling to arrange appointments for the installation of water meters at no cost to the customer.

Superintendent Bernier met with CDM to discuss draft large groundwater discharge permit and the plan for addressing some of the issues with the permit.

We continue seeing a lot of interest on Phase II Project bidding.

The CDM Christmas Party is Thursday, December 10, 2009.

Superintendent Bernier reported the electrician completed the lighting project in the water garage. Once the motion sensors have been installed, we will look into a rebate from New Hampshire Electric We are also working with New Hampshire Electric for a rebate on the new in-fluent pump and try to marry this into some scope of the co-ops programs. This rebate should be approximately \$10,000.

Superintendent Bernier stated he has gone out on a limb and instructed CDM to advertise Contract #7. We currently have one easement we are still waiting on and hopefully that easement will be updating today interim financing needs to be put into place for 18 months and the office manager has worked with on Council to obtain a bond opinion. Superintendent Bernier does not see any impediments in putting this contract out to bid

**Motion of Commissioner Porter seconded by Commissioner Santuccio to authorize Superintendent Bernier to Sign the Right of Way Certificates for Contract #7.
Motion carried by voice vote 3-0-0.**

Superintendent Bernier stated he looked at the Seavey Street garage in particular the mezzanine built by L.A. Drew and requested Kevin Drew give us a proposal to build the same type mezzanine in the water storage garage. We have \$18,000.00 remaining as encumbered funds for the mezzanine and Mr. Drew presented a proposal for \$16,400.00 to build a 66 x 16' mezzanine with a separate stairway. This will allow us to get everything off the floor and park vehicles in the garage. Both Commissioner Porter and Santuccio are comfortable with the LA Drew quote. Commissioner Umberger stated he

was concerned; the precinct normally obtains more than one quote. It was discussed that this building was originally contracted to L. A. Drew and they would know the structural integrity of the building and manufacturer's specifications. After a lengthy discussion, it was agreed the precinct would sole-source the building of the mezzanine.

Motion of Commissioner Porter seconded by Commissioner Santuccio the Board of Commissioners will sole source the building of the new mezzanine for the water storage building to L A Drew Incorporated. Motion carried by voice vote -3-0-0.

It was stated this motion is not going to set a precedent and wanted the public to understand this is an exception to the fact that L A Drew Incorporated was the original contractor and knows the integrity of the building better than anyone else.

Union contract

Commissioner Umberger explained the union contract requires the Board of Commissioners to decide whether the employees work the day before or the day after Christmas. Since the day after Christmas is a Saturday the Board agreed to close the Precinct Office on December 24, 2009.

Motion of Commissioner Porter and seconded by Commissioner Santuccio the precinct holiday will be on Thursday, December 24, 2009. Motion carried by voice vote 3-0-0.

Evaluations

Commissioner Umberger stated the Board of Commissioners needs to schedule an evaluation for both the fire chief and superintendent. Commissioner Umberger asked both parties to bring their last year's goals and their goals for 2010. The Board of Commissioners will hold the superintendent's evaluation on December 23, 2009 and the fire chief's evaluation on January 6, 2010.

Commissioner Umberger stated the precinct master-plan is scheduled to be updated every five years according to the precinct bylaws. The master plan was last updated in 2005 and should be scheduled for update in 2010. We will develop a line item in the commission budget for the cost of the update and Superintendent Bernier will obtain a proposal from CDM to complete the update.

Karen Umberger read an article with regard to the EPA changing some rules regarding small water systems. Mrs. Umberger thought **this** may reflect on Birch Hill and she will forward the article Superintendent Bernier.

Karen Umberger noted in today's paper the affordable housing article regarding Conway Village Fire District. She questioned if the subcommittee formed at the last commission meeting has met. Mrs. Umberger explained Conway Village Fire District has not made a decision to bring septage to the wastewater plant and questioned how this will affect

this development. Superintendent Bernier explained that CVFD has freed up 60,000 gallons per day of septage to be handled by their current infrastructure. Mrs. Umberger's concern is that March is not that far away and we need to have something ready for the voters. Commissioner Umberger stated the draft presented at the last commission meeting is a good start. Superintendent Bernier will contact Paul DegliAngeli from the Town of Conway and obtain a couple of dates for the first committee 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.

Non-public

Motion of Commissioner Porter seconded by Commissioner Santuccio of to enter non-public session at 11:39 a.m. 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 roll call vote -- Umberger -aye, Porter –aye and Santuccio - aye.

Return to public session at 11:58 AM

Adjourn

Motion of Commission Porter seconded by Commissioner Santuccio oh to adjourn this public meeting at 11:59 AM motion carried by voice vote 3-0-0.

Respectfully,



Kristine M. Cluff
Recording Secretary