**CONWAY VILLAGE FIRE DISTRICT**

**BOARD OF COMMISSIONERS**

**MINUTES OF THE MEETING**

**October 23, 2014**

**Comm. Bean called the meeting to order at 12:34: p.m.**

**Commissioners Present at Start of Meeting**:

Janine Bean

Thomas Buco

Joseph Quirk

**Others Staff Members Present at the Start of the Meeting**:

Fire Chief Stephen Solomon

Superintendent Gregg Quint

Bookkeeper Amy Snow

Office Receptionist Paula Abraham

**Others Present:** David Mercier – Underwood Engineers

Daymond Steer - Conway Daily Sun

Mark Hounsell

**Administrative Business**

* Ratify A/P Manifest and check (DeFelice Pay Req. #1) dated October 17, 2014 – ***Moved by Comm. Buco; seconded by Comm. Quirk;*** further discussion: Comm. Buco questioned the numbering system for the payment requisition; ***motion passed 3-0-0***.
* Approval of A/P Manifest and checks date October 23, 2014 – ***Moved by Comm. Buco; seconded by Comm. Quirk***; further discussion: Comm. Buco commented on the backflow testing payables and noted that it was for the Districts’ buildings; ***motion passed 3-0-0***.
* Approval of Weekly Payroll Manifest and checks for period ending October 19, 2014 – ***Moved by Comm. Buco; seconded by Comm. Quirk***; ***motion passed 3-0-0***.
* Approval of Amended Payroll Manifest and check for period ending October 19, 2014 – ***Moved by Comm. Buco; seconded by Comm. Quirk; motion passed 3-0-0.***
* Approval of Elected Official Manifest and check for period ending October 31, 2014 – ***Moved by Comm. Buco; seconded by Comm. Quirk; motion passed 3-0-0.***
* Time sheets for Superintendent Gregg Quint and (Fire) Chief Stephen Solomon were reviewed and signed by Comm. Bean.
* Approval of the Minutes - Minutes of the October 16, 2014 Commissioner’s meeting were reviewed prior to the meeting; ***Moved by Comm. Buco to accept the minutes of October 16, 2014; seconded by Comm. Quirk; motion passed 3-0-0.***

**Emergency Services**

* Chief Solomon updated the Board on the two payment plans on the overdue ambulance bills. One came back with his own payment plan of $50 per month which will take over 2 years to pay bill off. Comm. Quirk made the suggestion to agree with the plan but state in the contract that if a payment is missed then the full amount is due immediately then with that if you go to court you have something to lean on. The consensus of the Board was in agreement with this plan. The Chief advised that he has met again with Atty. Ed Alkalay and he is willing to send out letters on our behalf at no charge to try to collect on these bills and also have scheduled a meeting on 11/4/14 with Comstar and FFR to look at our total situation and try to come up with a way to increase our collections.
* Albany Ambulance Contract - Comm. Bean stated that she heard that one of the selectman wanted to meet with us and wanted to know if this would be representative of the whole board or just him. The Chief advised that he has asked and has not heard anything but they will be meeting next week. At their request and at the Boards request we have proposed a two year contract that would expire at the same time as the non-precinct.

**Superintendent**

* The project up north is moving right along. They are doing some cleaning up today as they are not working on Friday. Heard that they are going to be skipping ahead and going down the other side of the road. Comm. Bean asked are they going as far as they can before they shut down and are they going onto our easements by the river? Sup. Quint advised yes until NH DOT says you cannot dig anymore which is typically around November; they may let them go a little longer. Then they are going to step down and go along the river bank as long as the weather permits them to do it. Comm. Buco asked if we have notified the people with the easements of the equipment being on the property. Mr. Mercier advised yes that another notification will be sent. Comm. Bean asked how long can they continue to work by the river and was advised that the cross country work may continue up to Christmas.
* Washington Street is going to be striped, 8 more driveways and 2 entrances to Hillside. The goal was Friday to be done.

**Correspondence Items (F.Y.I)**

* Commissioner’s folder was reviewed – The email (attached) from Sebago Technics was reviewed and discussed regarding the digital files specifically the survey data points. Comm. Bean advised to locate their contract regarding their intellectual property. Ms. Snow advised that we have looked all over and could not find it. Comm. Bean advised that she has looked into what is intellectual property and could not find what they are saying is intellectual property. They generated what they generated from survey points and that does not constitute being intellectual property. Comm. Bean advised that she will write a letter to Sebago Technics stating that we disagree with it being intellectual property and request again that they send the necessary information to us.

The bond claim letter (attached) regarding the sink-hole issue with A.J. Coleman was reviewed. Mr. Mercier updated the Board on the status; the insurance company is refusing to pay. Ten days have passed. Coleman’s have stated that they are not going to fix and have advised to proceed with the claim. NH DOT required a separate bond. Mr. Silvia from NH DOT advised Mr. Mercier that he was expecting a call from the AG’s office. Both bonds are held with the same company. It would cost Coleman’s a little over $30K to fix the problem. Comm. Buco provided a brief history of the Water Loop project which included a directional drill under Route 16 and asked Mr. Mercier to please explain to the public what we are talking about. Discussion continued.

**Appointment – 1:00 p.m. – David Mercier Underwood Engineers**

Main Street Update – Paul D. met with NH DOT last week and had good news that they want to participate in the project but because of the funding source with federal monies it would have some upfront requirements which would push construction to begin in 2016. Mr. Mercier stated that the Board has previously voted to proceed with a second loan for West Main Street and the well improvements and it is currently being investigated to possibly switch the order of the projects so that West Main Street and the wells will come first with the existing loan and the new loan will fund Main Street. Comm. Buco commented that if we were to replace the pipe on Main Street and do rough patch would that cost more than the money we have allotted to do the whole project; more than $875K. Mr. Mercier advised yes especially with the necessary road repairs that NH DOT would require, that would be more expensive than doing a joint cooperation with NH DOT and reiterated that the $875K would not allow you to do it as a sole project. The discussion continued regarding the details on the logistics and funding of the projects.

Comm. Bean stated that we need a motion to redirect the funding to go to West Main Street and the well and North Road and is not sure how to procedurally we need to do this and asked for the advice of Mark Hounsell who advised that a motion to rescind a previous action is needed which takes a 2/3 vote.

***Moved by Comm. Buco to rescind the motion made on September 25, 2014 to move ahead with the Main Street project with replacing the water main in coordination with NH DOT with the remaining loan money; seconded by Comm. Quirk; motion passed 3-0-0.***

***Moved by Comm. Buco to rescind a motion made on September 25, 2014 to move ahead with engineering and construction with West Main Street, North Road water main replacements and well improvements with new SRF loan from NH DES to a value up to $1.4M; seconded by Comm. Quirk; motion passed 3-0-0.***

***Moved by Comm. Buco to move ahead with the engineering and construction of West Main Street, North Road water main replacements and well improvements with the remaining funds; seconded by Comm. Quirk; motion passed 3-0-0.***

There was a discussion on whether another motion was necessary at this time to vote on the new loan amount and it was decided to wait until a confirmation from NH DES was received with the new loan amount.

Mr. Mercier provided a summary to the Board a brief course of events leading up to FairPoint installing conduit in the same trench as the force main starting in North Conway and heading south. The staff at Underwood Engineers has on more than one occasion told FairPoint that they could not install their pipe in the same trench and would have to go somewhere else in the right of way and would have to obtain permission from NH DOT. We told FairPoint that as recently as September 26th; however the subcontractor for FairPoint still proceeded with installing the conduit. Ed Robinson from FairPoint then came out to the site and insisted that they had the right to be there under ongoing easements. It’s also important to point out that none of us; CVFD, Underwood or DeFelice, have the authority to control FairPoint’s actions. Basically FairPoint proceeded forward, did not listen to the directions from our office and insisted that they had the authority to be there and they would not stop their activities until they were shut down by the one entity that has the authority which is NH DOT. The letter from NH DOT (attached) doing that was dated October 17, 2014. Mr. Mercier added that up to this point, there have been no monetary damages in any way to the CVFD and as long as NH DOT follows through with their letter we should not have any future ramifications on the District or rate payers. FairPoint has not been on site since October 16, 2014.

Comm. Bean read her statement (attached) regarding FairPoint. Mr. Mercier noted that the letter from NH DOT has been copied to the Attorney General’s office.

**Public Comment**

Mark Hounsell stated that he has a sense that this is going to be sloughed over as no harm, no fowl to the taxpayer, seems to be what I’m hearing and stated that he begs to differ. David Bernier from NCWP has indicated that he wants to hold harmless in case something happens and they have to get to the main and suggested that the District would want something similar. Mr. Hounsell added that the contractor on site has control on the job site and finds it a little bit curious that after a half mile pipe was illegally placed in a ditch under the control of the precinct’s contractor that nothing was done. There is harm done in the area of integrity and trust which you’ll have to go back to when you want to get more funding and feels that you are faced with the possibility that there may be a criminal act and thinks that this commission should take the position to ask the Attorney General’s office to conduct an investigation and this plays into the public trust.

Daymond Steer from the Conway Daily Sun asked if there is certain date to have the pipes removed. Comm. Bean advised that NH DOT issued the order so we do not know as they are still investigating how it happened.

Mr. Hounsell stated that this District is not set up to conduct an investigation stated as a taxpayer that this Board write a letter directly to Attorney General’s office asking for an investigation on how this happened. Discussion continued.

Comm. Buco stated that he would make a motion at some point to send a letter to NH DOT and the Attorney General’s office that have definite timelines that they respond to us regarding removing the pipe or what the outcomes are going to be. Comm. Bean advised that we have drafted a letter but were waiting for our engineers for more information and the letter has a date on it that they have to respond by; we are working on it. Chief Solomon added that NH DOT’s letter that copied to the Attorney General’s office is not going to prompt an investigation.

***Moved by Comm. Buco to send a letter to FairPoint with the help of our engineers to include a date certain of when they need to respond; seconded by Comm. Quirk; motion passed 3-0-0.***

***Moved by Comm. Buco to send a letter to the Attorney General’s office (Joe Foster) and the NH DOT referencing the violation in NH DOT’s letter of October 17, 2014 and the remedy that NH DOT proposed that they order any conduit that was installed to be removed and relocated and that the Attorney General conduct an investigation of possible criminal action and how this happened with copies to all necessary parties involved; seconded by Comm. Bean;*** further discussion: Comm. Quirk stated that he thinks the first letter to FairPoint should be sent first, get a response and then take step two. Comm. Buco stated that he disagrees; ***motion passed 2-1-0 (Comm. Quirk opposed).***

***Moved by Comm. Buco to sign the above referenced letters out of session after they have been reviewed by the Board of Commissioners; seconded by Comm. Bean; motion passed 3-0-0.***

**New Business**

* Letter to Trustees of the Trust Fund for signature – Bonus leave for Chad McCarthy. Ms. Snow and Chief Solomon verified that what is in the trust fund is what he is owed.

***Moved by Comm. Buco to expend the $3,227.57 as per the letter (see attached) out of the trust fund dated October 23, 2014; seconded by Comm. Quirk; motion passed 3-0-0.***

* Discussion of Fund Balance – Ms. Snow presented to the Board the fund balance spreadsheet for review (see attached). Further discussion followed. A decision is needed today to report back to DRA. Greg Colby will be here on October 29th to ensure that the numbers are correct.

***Moved by Comm. Quirk to approve $15,600 as fund balance as presented; seconded by Comm. Buco; motion passed 3-0-0.***

**Old & Pending Issues**

* Policy Manual – Comm. Bean requested everyone to be ready in the next couple of weeks to discuss because it should be done before we start the budget.

**Public Comments**

* Mark Hounsell sent via email his comment regarding the FairPoint situation (see attached).

**Future Dates**

* The next Board of Commissioners meeting will be Wednesday October 29, at 12:30 p.m.

***Without objection, the meeting was adjourned at 2:55 p.m.***

Respectfully Submitted,

Paula Abraham

Office Receptionist