

May 21, 2014

A regular meeting was called to order by Chair Lucien Langlois at 12:00 noon. Commissioners present were Paul Ingersoll and Michael Caron. Absent from this meeting was Paul Poulin. Also present for this meeting was ex-Officio member Mayor Grenier, Superintendent Roland Viens, Craig Carrigan, Steve Lefebvre and Lynne C. Lessard.

There were no Public or Board Comments.

It was moved by Commissioner ~~Poulin~~, (Ingersoll 6/25/14) seconded by Mayor Grenier, with all in favor, to accept and place on file the Minutes of April 23, 2014 and Work Session Minutes of May 07, 2014.

Under the Berlin Water Works Monthly Status Report dated May 16, 2014, Superintendent Viens reviewed the following with the Board:

1. Superintendent Viens received a telephone call from Attorney Kerry Barnsley regarding a letter Dated October 11, 2013 from NHDES "Notice of Findings" for an October 9th, 2013 Complaint Investigation – Glen Avenue Slip Line near Circle K Convenience Store. Both Superintendent Viens and Foreman Craig Carrigan responded to their letter request dated October 25, 2013. This phone call from Kerry Barnsley is with regards to fining BWW approximately \$2,000.00 for the violation. Superintendent Viens wants to set up a meeting with NHDES to discuss same.
2. As we continue to upgrade PLC's, Electrical Installations has replaced the transmitters and PLC's at the Ramsey Pump Station for \$11,043.00 to be funded from our maintenance budget.
3. We received a Proposal from Coleman Concrete for \$18,817 for a Redi-Rock freestanding & retaining wall at our 55 Willow Street location.
4. Superintendent Viens received a letter dated April 23, 2014 from Gary Milbury, Air Permit Program Manager from NHDES stating that after Berlin Water Works request, they are terminating the General Sate Permit #GSP-EG-010 for 85 East Milan Road which is for oil storage at the Brown Farm Well Project.
5. Superintendent Viens updated his BWW – Budget Analysis Seven (7) Year Budget Forecast spreadsheet.
6. During the past work session meeting, Superintendent Viens asked the Board to consider presenting a plaque to former Commissioner David Bertrand. The Board agreed. During this meeting, Superintendent spoke highly of Mr. Bertrand's nine (9) years of service and contributions to the Berlin Water Works and its customers. His tenures were 1992-1996, 2000-2003 and 2012-2014.

It was moved by Commissioner Caron, seconded by Mayor Grenier, with all in favor, to accept and place the Berlin Water Works Monthly Status Report dated May 16, 2014.

It was moved by Mayor Grenier, seconded by Commissioner Ingersoll, with all in favor, to accept the Cashier's Report for the month of April, 2014.

Under Old Business:

- a. Project Status:
 1. NHDOT Projects Status: A project meeting was held yesterday with DOT. Construction work should be finished in the next few days by Hinchey & Third Avenue water main replacement. We signed a revised contract with NHDOT dated May 20, 2014. The BWW Construction work is eligible for \$469,291. This is 84% of the total BWW estimate. We finished the line from Hillside under the tracks up to Hinchey. Greg Placy is providing assistance on the NHDOT (Lancaster) 2-year work permit for the completion of the Hi-Pressure line on Route 110.
 2. Hydro-Bid Selection Status: We sent out letters to the two bidders and asked for clarification to collect the data to compare areas. Turns out that both bidders are close. Superintendent Viens and staff made a spreadsheet to identify the add-ons and deducts. We should be able to award a package contract hopefully next week. We then put the data together and it is submitted to the State for their approval.
 3. RUD Pipeline Loan – Working to Close Status: We have been in contact with Devine & Millimet and we are targeting the first week of June to close on the loan.
- b. AFSCME Local 1444 Contract Status: Mayor Grenier informed the Board that the City is still reviewing with their Attorney.
- c. Retirement Planning Status: Superintendent Viens target date to finish as a fulltime employee will either be September or October. There was nothing else to report.
- d. Sealed bid sale for City Properties – Water amount due on the properties – Status: There was nothing to report.
- e. Burgess Biopower – Revised Rates Status: This topic was held until 1:00pm as the Board is expected to discuss this with our Attorney Michalik via telephone.
- f. Budget Review – Public Hearing for FY 2015 Budget May 28, 2014 at 6:00pm at City Hall Status - Superintendent Viens & Chair Langlois will present the proposed budget to the public and all Board members are welcome to participate.
- g. Other Old Business:
 - a. Superintendent Viens asked about the City Audit Proposals. Mayor Grenier said that the City accepted only the first year of the three year proposals from Vachon & Clukay. Their only other bidder was Ron Beaulieu.
 - b. There was no other old business at this time.

New Business:

- a. Brown Farm Well Land Acquisition: Superintendent Viens handed out maps to the Board which showed the proposed protected land at the Brown Farm. The well improvement plan is the acquisition of properties north of the existing well however; one of the properties will be tax deeded next year but the owner pays just prior to the process. Superintendent should have more information for the next meeting and then to proceed to the Planning Board.
- b. Retirement Benefits: Superintendent Viens handed out a “Review of Insurance Premiums for Larry Hodgeman & Catherine Pederson” former long term employees. The original decision to provide a subsidy to these employees began with a decision made by the Board on November 17, 2010. It was moved by Commissioner Caron, seconded by Commissioner Ingersoll, with all in favor, to continue this practice and review same next year. Berlin Water Works cost will be \$297.02/month.
- c. BWW Surplus Equipment Disposal: Superintendent Viens handed out a surplus list of heavy equipment and spoke of the regarding the expansion of force account work. “Big Red” as the crew nicknamed the first dump truck we purchased in 2003. We had our mechanic provide a fair market value cost to sell. We may also sell the oldest Cat Backhoe; we are just waiting for a dollar value. Superintendent Viens asked the Board for authorization to sell the first four trucks. It was moved by Mr. Ingersoll, seconded by Commissioner Caron, with all in favor to have the Superintendent proceed with the sale of those vehicles.
- d. Approve Other & Communications: Superintendent Viens said that we are going to need more force account funding to fill the budget gap for the next few years. Superintendent Viens asked the Board for approval to apply for another \$2m. He has received the pre-application for the FY14 NH Drinking Water State Revolving Fund Loan Program. Deadline for submitting pre-applications is June 27th, 2014. If BWW is pre-approved, then the Superintendent and staff will submit a project packet to be processed thru the State. The Board is under no obligation to accept this loan if approved. Superintendent Viens also wants to put together another application to refinance the Rural Development Loans. It was moved by Commissioner Caron, seconded by Commissioner Ingersoll, with all in favor, to have the Superintendent proceed.

There was no other New Business at this time.

The Board agreed to hold their next regularly scheduled meeting on June 25th, 2014 at 12:00 noon at their 55 Willow Street location.

There were no Public-Board Comments.

The Board did not enter into a non-public session.

While waiting for Attorney Michalik’s telephone call, Superintendent Viens read an e-mail letter from the Berlin Station’s Bio-Mass Attorney, Margaret M. O’Keefe. In this letter, she proposes a compromise that BWB will honor the \$275k rate for the calendar

year 2014 and giving credit to the overpayments from January to the present and Berlin Station will honor the originally agreed upon rate at the beginning of the calendar year of 2015 and thereafter. At about 1:00pm Attorney Michalik contacted the Board. Superintendent Viens said that he had read Margaret O'Keefe's letter to the Board. Attorney Michalik asked if the Board had any ideas as to which direction they would like to proceed. The basis of this conversation was that the entire packet presented to Charles Grecco/Bio Mass supports the 3.5 million cubic foot values. Ms. O'Keefe is focusing on the typographical error in the Supply Contract with the proposed Burgess Bio Power dated February 11, 2014. Superintendent also brought up an e-mail from June 01, 2011 from Dammon Frecker from Cate Street Capital with regards to the water rate and stating "that the annual project costs at about \$752k per year assuming an annual average of consumption rate of 1.2MGD, which is consistent with our budget". Attorney Michalik said that they have no legal position and they are just looking for our mercy. Mayor Grenier said that we need to find a negotiated way out of this particular year. Commissioner Caron said that both parties were intent on the 3.5m cubic feet. Commissioner Ingersoll also agreed that BWW should not subsidize the Biomass. It was agreed by the Board that Superintendent draft a letter to re-present the facts and submit to Attorney Michalik so that he may respond to their attorney. At the proposed reduced rate, the water rate payers would be subsidizing the biomass operation and the board may have to re-consider a water rate increase to balance the budget.

Also via telephone, Attorney Vincent Wenners was with Attorney Michalik. Superintendent Viens mentioned to Attorney Wenners that the Council may not go along with the joint petition to the PERLB. An e-mail from Attorney Michalik dated January 06, 2014 to the Superintendent confirmed that the City was on board to proceed. Mayor Grenier said that he should have more information for next months meeting as to where the Council stands.

Also at this time Superintendent Viens asked Attorney Michalik for several easements as we are in the process of closing the Rural Development Godfrey Transmission Pipeline.

There being no further business to come before this meeting at this time, it was moved by Mayor Grenier, seconded by Commissioner Ingersoll, with all in favor to adjourn this meeting.

The meeting did so adjourn at 1:25pm.

A True Record:

Chair Langlois, Acting Clerk