

MINUTES
Dover Utilities Commission
Public Works Facility Conference Room – 271 Mast Road
Monday, March 20, 2006 @ 4:15 p.m.

Members Present: Roland Hofemann, Arthur Hoffman, Rick Hebbard, Roland Belhumeur, Donald Andolina, Jay Stephens, Patrick Bowen

Members Absent: Dan Ayer

Staff Present: Jamie McCulloch, DUC Secretary, Sharon Lucey, Water Meter Backflow Coordinator, Bill Boulanger, Utilities System Supervisor

Others Present: Residents Daniel Sheehan and Lee Ann Parks

1. APPROVAL OF MINUTES

A. October 17, 2005 – 2B

Motion: Hoffman made the motion to accept the minutes. Hebbard seconded the motion. Vote 6-1. Andonlina abstained as he was not a member in October 2005.

B. February 27, 2006

Motion: Belhumeur made the motion to accept the minutes. Seconded by Hofemann. Corrections: Page 1, Item B of Stephen & Lee Ann Parks abatement, the second to last paragraph should read "She stated that the Water Division employees found that the toilet on the first floor was leaking, so "she" not "her" and her husband took that toilet out." Page 2 Item C, of Grover Tasker's abatement, the second sentence should read "Mr. Tasker stated that he received a \$1,800.00 water and sewer bill, which indicated a usage of 265-units, which would equal "198,000" gallons, not "119,000" of water in 3-months. Page 3, second to last paragraph, last sentence should read "After their discussion the feeling was that there was a strong possibility of "an agreement, but" no documentation to support this." Vote U/A.

2. ABATEMENTS

A. Daniel Sheehan – 109 Rutland Street – Mr. Sheehan was present to speak on behalf of the abatement. He stated that he received a \$1,500.00 bill, which was the result of what he believes to be vandalism. He has filed police reports for broken windows, damaged mailboxes, etc. He stated that his outside faucet was left on for an undetermined amount of time and he is looking for an abatement off of his sewer. He would like to be re-billed using an average usage before and after the high bill. He stated that he showed the water employees the hole next to the faucet outside. He stated that the toilet that was leaking a little bit did not cause the high bill.

Motion: Belhumeur made the motion to confirm what the Abatement Review Team recommended. Andolina seconded the motion.

Discussion: Stephens stated that he understands the question as to how much water went through the meter, but he feels that he would have given a little more than 80-units for an abatement, but he was not sure exactly how much due to the lack of justification he would be able to provide. Hebbard asked Boulanger about the leaking toilet leaking less if the outside spigot was running? Boulanger stated that it would depend on his system. Sheehan stated that he is disputing the sewer charges, as he has a wet basement, but it does not pour into his basement, it slowly rises up. He stated that the flapper that was not working properly was taken care of right away. Hebbard asked how long the faucet had been on for? Sheehan stated that the water was a foot deep in the basement, adding that it could have been running for a week. Hebbard asked Lucey what representatives went to the property. Lucey stated that Matt Rabideau went to the property, and he explained to Lucey that it was hard to say if the water line in the basement was caused by a flooded basement or the water table.

There was some discussion.

Amended Motion: Andolina stated that he could not see any way for the board to quantify the abatement, so he suggested using an average of 12 months usage. Hebbard clarified that the average should be within that time period. Stephens stated that it would be hard to match the occupancy rate, as well as knowing which June to June to pick to compare. Hebbard withdrew his thought on the time period. Hebbard seconded Andolina's amendment, with the amended motion being to average the last two years to use for the quarterly bill in question. **Vote U/A.**

B. Stephen & Lee Ann Parks – 6-8 Atkinson Street – Ms. Parks was present to speak on behalf of the abatement.

Lucey explained the memo from the Water & Sewer Billing Office, and that the previous adjustment made to her property at 16-18 Rutland Street was for a billing error, adding that it was not an abatement for a leaking toilet.

Ms. Parks passed out a letter that her husband typed up, as he was unable to attend the meeting. The board took a few moments to read the letter.

Stephens, referencing the letter, clarified that once the water went down the toilet, it was treated. He stated that he wanted to be sure that was clarified, adding that the City did have to clean the water once it entered the pipes. Hoffman, also referencing the letter stated that the cost of treating the water is not a percent it's an actual cost. Hofemann asked Ms. Parks if the utilities were included in the rent the tenants pay. Ms. Parks stated yes. Hofemann stated that it was all of Ms. Parks's responsibility if it was included in the rent.

Stephens stated that if Ms. Parks was billed quarterly, the high bill would have been worse. He stated that the City could not have done any more to notify Ms. Parks earlier as they are already billing her once a month. Andolina asked Ms. Parks what she was looking for in an abatement. Ms. Parks stated that she was looking for an average usage bill for her building. Lucey stated that Ms. Parks asked for \$200.00 on her abatement application.

Andolina asked Stephens if there were any precedents as to leaking toilets. Stephens stated that in the past, once the water entered the system it had to be treated. Hoffman stated that through discussion with the applicants, the board would try to see if perhaps the water went to any other location then the sewer. Hebbard stated that Ms. Parks was a very conscience landlord and the board applauded her, adding that he hated the term, but it's the cost of doing business. Hebbard suggested that Ms. Parks offer her tenants \$50.00 to anyone that finds a leaking toilet, that way it ends up costing her less than having a high bill and having to come before the board.

Motion: Andolina stated that since it appears that the City is not at fault for the high bill, and there is no passed precedent, he made the motion to deny the abatement. Belhumeur seconded the motion. **Vote U/A.**

3. REPORTS

A. Utilities Report

Sewer:

No violations at WWTP.
Durham Road Sewer Replacement has gone out to bid.
Varney Brook force main replacement is out to bid.

There was some discussion.

Water:

No bacteria problems.
Bouchard Well and Treatment Plant will go out to bid by the end of this month.
MTBE levels at the Cummings Well are continuing to be evaluated by consultant.
Contaminated soils near the Griffin Well will begin being removed the week of 3/27.

B. Abatement Review Team

None of the applicant's have chosen to appeal to the DUC as of yet.

4. OLD BUSINESS

The board swayed from the format of the agenda to discuss a few old items.

- A. Lucey stated that there are about 123 meters left to be changed out, and she wanted to get the boards thoughts on how to proceed when residents will not let the staff in to do so.

Motion: Hebbard made the motion to shut the water off if residents do not want to let staff in to change the meter.

Hoffman stated that one option is to get a warrant and be escorted by an officer into the residence. Stephens stated that the City would be charged for getting a warrant, and it doesn't cost anything to shut the water off. Boulanger stated that Lucey would take that route then, by shutting the water off.

There was some discussion on how to handle the situation.

Amended Motion: Hebbard amended his motion to have staff send registered letters with return receipts to the remaining property owners informing them that they need to schedule an appointment to have their meter changed out, or their water would be shut off on May 15, 2006. Hofemann seconded the motion. Vote U/A.

- B. Stephens explained to Andolina the Abatement Review Team process.
- C. 8, 10, 12 Dover Point Road – **Discussion on the Legal Department's letter of opinion on the issue.**

Stephens stated that he was around when these 3 easements were granted, as he worked for the City at the time. He stated that he was in charge of securing all 380 different easements throughout the City. He stated that the primary offer was to waive the sewer entrance fees, adding that if the property frontage was long enough to be subdivided in the future, they were offered future sewer entrance fee waivers. He stated that there were several attorney's that reviewed the easements, adding that it was during the clean up the river era. He stated that better than 90% of the easements were given. He stated that the City promised to return the properties back to their normal state after the easement work was completed. He stated that only 12 of the easements were acquired through eminent domain. Andolina asked where the thought of free sewer came into play. Stephens stated that free sewer was never on the table as an option. He stated that Federal Law prohibited you from waiving the treatment cost, for the good of everyone. He stated that he could not speak for the entire City Council, but when the easements were signed, there was no agreement to free sewer. Hebbard stated that he knew of monetary payments that were issued in some easements. Stephens stated that there might have been some easements granted with monetary payments, but it was very clear in those easements if that was the case.

Motion: Hoffman made a motion to start charging the residents of 8, 10, & 12 Dover Point Road for their sewer usage. Attorney Krans' legal opinion letter dated 3/7/2006 to be put in the file. Seconded by Andolina. Vote 5-1-1. Hebbard opposed. Belhumeur abstained.

- D. B. Discussion and vote to approve/deny a change of start time for DUC meetings.

There was some discussion.

Motion: Hofemann made the motion to keep the start time the same. Seconded by Andolina. Vote U/A.

5. NEW BUSINESS

Stephens expressed how ecstatic he was with the number of members that the board now had. He stated that at the next meeting, the board needs to have elections to vote on Chairman and Vice Chairman.

Hebbard requested a report on the meter replacement. Lucey stated that there were about 123 left, adding that there are 8,522 meters in place including memo meters. She stated that the crews are replacing the batteries and doing reprogramming right now, adding that the batteries last about 7-10 years.

6. ADJOURNMENT

Motion: Belhumeur made the motion to adjourn at 5:50 PM. Andolina seconded the motion. Vote U/A.

Respectfully submitted, *Jamie McCulloch*, Dover Utilities Commission