

**MINUTES**  
**Dover Utilities Commission**  
**Public Works Facility Conference Room – 271 Mast Road**  
**Monday, April 17, 2006 @ 4:15 p.m.**

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

**Members Absent:** Jay Stephens, Dan Ayer

**Staff Present:** Jamie McCulloch, DUC Secretary, Sharon Lucey, Water Meter Backflow Coordinator, Bill Boulanger, Utilities System Supervisor, Doug Steele, Community Services Director

**Others Present:** Residents William Hopkins and Robert Carrier

**1. APPROVAL OF MINUTES**

A. March 20, 2006

**Motion:** Belhumeur made the motion to approve the minutes. Hofemann seconded the motion. Corrections: Page 2, first sentence, the word “anyway” should read “any way”. Page 3, Item C’s motion, “Vote 6-1, Belhumeur abstained” should read “Vote 6-1-1, Hebbard opposed, Belhumeur abstained”. Vote U/A.

**2. ABATEMENT**

**A. Williams Hopkins – 51 Back River Road** - Hopkins was present to speak on the abatement. Hopkins stated the property in question is a 4-unit at 51 Back River Road, which is part of a 12-unit building. He stated that over the last 9-years, the average bill has been \$365.00. He stated that he received a bill for over \$3,000.00 and that is the reason why he is before the board. He stated that the meter was taken out and it tested out at 99.3% accuracy, adding that he cannot find a reason why this happened. He stated that 1-unit was vacant during that 90-day time period, so there was no full boat. He stated that the Water Department found a leaking toilet, and Hopkins immediately contacted the tenant who is a Dover Policeman who in turn stated that if there were leaks he would have contacted him. He stated that the Water Department lifted the lid of the toilet, bent something and said there was no way that could cause that high bill. He stated that there was another leaking issue, but you turned the knob and it stopped. He stated that he has used Soucy Plumbing for 30-years and they have only been called out to his units twice, and neither of which were for plumbing issues. He stated that he has no explanation as to why the meter tested out like it did, and the bills after this went back to normal.

Lucey stated that the Water employees went to the property on 11/23/2005 and found unit # 3 with a shower dripping and a toilet leaking. She reiterated that the meter tested out at 99.3% adding that the consumption from 11/23 to 11/30 was less than 1-unit. She stated that Bill Frank adjusted one of the toilets. She stated that the number one cause of a high water bill is a leaking toilet. She stated that unfortunately, the City cannot tell a property owner what was occurring inside their residence. Hopkins reiterated that they and the tenant have never noticed any leaks that could cause this high bill. Hopkins stated that all of the toilets in the units have been changed over to 1.6’s, and water savers were installed in each shower. Hoffman asked if there were any outside spigots. Hopkins stated that they have lawn care, but no sprinklers. Hoffman stated that looking at the total consumption, it would amount to 3-gallons a minute over a 90-day period, which is not a huge amount. Hebbard asked if the units were rented for only 2 out of the 3 months. Hopkins stated yes. Andolina asked Hopkins about vacancies. Hopkins stated that one unit was occupied for sure that he knew of and one was occupied for part of the month, and the other he was not sure about. He stated that they are usually racing to get the units ready as they are not vacant for long. He stated that if it was empty for 3-months he would be more nervous about making this presentation before the board, but we had respectable tenants living there.

There was some discussion.

Lucey, (referencing a report supplied to her that Bill Boulanger had left the meeting to generate), explained that an 1/8 size hole at 55 psi (per square inch) would amount to 2.38 gallons a minute. Hofemann asked if the tenants were elderly as if they were they might not have heard a leak due to their hearing. Hopkins stated no, they were a young couple.

There was some discussion as to the high usages/bills in single families versus multi unit buildings.

Hebbard asked Lucey how many meters over the last 10-years have failed, not including stopped meters. Lucey stated that there was only 1 that she knew of that registered higher than the actual usage. She explained the types of situations that are considered failures: A meter that tests outside the 97% - 103% range would be a failure; a discrepancy of significant value between the meter and remote would be a failure, even though the meter could be 100% accurate and the remote is a convenience device; a meter that stops would be a failure and the resident wouldn't complain unless they got a high estimated bill; a meter that freezes would be a failure.

There was some discussion on the outside and inside meter discrepancies and how the City used to have those problems in the past, but no longer have them.

Hopkins stated that the City should give the customer the benefit of the doubt and if their next bill was high, they would be responsible for that bill. He added that it wouldn't be unfair if the problem was brought to the property owner's attention. Hoffman stated that the City pays for the water to come from the ground and to treat it, and if we allowed people to waste 100's of gallons of water the rates would sky rocket. Andolina stated that for example, if 1-gallon of water passed through the meter for a 24-hour period, that is 1,440 minutes which would equal a bill in the amount of \$3,000.00 +/- . He stated that the City has not experienced any failing meters that they have had come in on the high side. He stated that the meter tested out at 99.3% accuracy, which certainly falls within the tolerance of the meter. He stated that he would perhaps make an adjustment to the sewer but not the water since it was used.

Hebbard asked how many toilets there were in Dover. Lucey stated that she would not have a way of determining that figure, adding that the population is about 28,000. Hebbard stated that if there are leaking toilets out there right now, why aren't people in here excited looking for abatements. Lucey stated that there are. Andolina stated that the board needed to look at the history, adding for example, he could blame the City for his neglect if he left his residence for a month. He stated that in 20-years of history, the meter hasn't gone forward more than once per Lucey.

**Motion:** Andolina made the motion to abate ½ the sewer usage.

Steele recommended that the board be cautious when abating sewer charges as it costs more to treat sewer than to create the water. Hebbard stated that the City has not shown the water was used. Hoffman stated that the meter test was within the tolerance. Andolina made a point of order that there was a motion on the floor. Belhumeur seconded the motion.

Discussion: Hoffman stated that he doesn't have a problem reducing the cost for Hopkins, but he would consider 25% off water and 25% off sewer, but he would not vote on just the sewer usage. Vote: 3-3 fails.

**Motion:** Hebbard made the motion to grant \$1,000 off of the water usage charges, which would equal to 80% of the water usage.

Motion failed due to the lack of a second.

**Motion:** Andolina made the motion to grant an abatement of 25% off sewer and 25% off water. Bowen & Belhumeur seconded the motion. Reason: Andolina stated that the abatement is in fairness to the applicant as there is some question as to where the large volume of water went, as they do not have a pool and it does not appear that the meter was faulty. He added that Hopkins does not seem to be a person who continually comes before the board for abatements. Vote 4-2, Hoffman and Hofemann opposed.

**Motion:** Hebbard made the motion to move to Item 5A as Mr. Carrier was waiting to be heard. Seconded by Andolina.

## 5. NEW BUSINESS

- A. Bob Carrier – 29 Hough Street – Request for a waiver of the water and sewer investment fees.

Bob Carrier was present to speak on behalf of his request. He stated that on November 30, 2005, he purchased the property at 29 Hough Street. He stated that it abuts his residence at 31 Hough Street. The building was an existing 3-unit property in much disrepair. He stated that it was his intention to fix the property up and create a nice living environment for those that rent and also for he and his wife as abutters. He stated that they only intended to make the building into a duplex. He stated that the building was a 3-unit property for at least 20-years. He stated that in the purchase process of the building they discovered that the existing property was zoned a single family and that the apartments were not sanctioned by the City, adding that they were illegal. He stated that they worked with Tom Clark to bring the property up to code and legal. He stated that in the process, they have been asked to pay a \$1,900.00 impact fee to the City. He stated that they did not feel that they should have to pay the fee as the impact started 20-years ago and there is no change in the impact to the City other than a lesser use. He stated that his request is for the board to waive the fees.

Hoffman stated that he had McCulloch check with the Legal Division on their opinion as to whether or not the board could waive investment fees, and they stated yes. He added that according to the Legal Division, the DUC's Rules & Regulations state that the board has the authority to grant or deny any variances or appeals. Hebbard asked if Carrier planned on selling his property. Carrier stated no, it is an investment property.

There was some discussion.

Hebbard stated that since the property is an investment property and not his own, that the request should be denied.

**Motion:** Hofemann made the motion to grant the waiver. Belhumeur seconded the motion.

Andolina asked what the basis for granting the waiver was. Hofemann stated that he believed it to be fair to grant the waivers. Andolina stated that he believed it was fair that the investment fees be required, adding that it was an illegal home that went from a 3-unit to a 2-unit and we recognize it as a single-family. Hofemann stated that he believed that Carrier got caught up in this situation unknowingly. Hoffman stated that he agreed with Hofemann. **Vote 4-2.** Andolina and Hebbard opposed.

## 3. REPORTS

### A. Utilities Report

Sewer: No violations at WWTP. Durham Road Sewer replacement has been awarded to Jamco Excavators for \$955,555. Varney Brook force main replacement bid is due this week. Ela and Pearl Street sewer replacement is out to bid. SCADA installation has begun at the WWTP. Received and reviewing draft NPDES Permit. (Enterococci, flow reporting)

Water: No bacteria problems. Contaminated soils near the Griffin Well have been removed. Monitoring wells will be installed this week. Flushing dead end water mains this week. Certified letters have gone out to residents with required meter change outs. Meeting with Aries Engineering this week regarding MtBE at Cummings Well. Bouchard Well and Treatment Plant out to bid this week. Preparing an RFP for water exploration at the Day property on outer Sixth Street.

**B. Abatement Review Team**

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

**4. OLD BUSINESS**

Steele stated that Karl Heller of Dover Point Road, (the situation that the board heard and voted on at a previous meeting) contacted him upset with the fact that he began being charged for sewer and wanted to come speak before the members. Steele stated that since he did not attend the meeting at which the board made the motion that the 3 residents in question start to be charged for sewer, he wanted to get their thoughts on Mr. Heller's concerns. Andolina stated that the board left it that the residents needed to bring the board evidence. Steele asked if the board's recommendation was to advise the residents to pursue court action. The consensus was that the residents would have to pursue court action if they believe they should not be charged for sewer usage.

**5. NEW BUSINESS – Continuation of new business per the agenda.**

Andolina suggested reminding residents that their plumbing problems or leaking toilets are not the City's responsibility, perhaps on the bill itself or in the Community Notes etc. Hebbard and Hoffman stated that the City does put that information in the Community Notes each year for memo meters, pools, etc.

**A. Elections: Nominations and vote for Chairman & Vice Chairman.**

**Motion:** Belhumeur made the motion to complete the elections at the next meeting when Chair Jay Stephens could be present. Seconded by Hofemann. Vote U/A.

**B. Board members to witness a meter test & view SCADA system.**

The official meeting ended as the members attended the meter test and had an overview of the SCADA system with Lucey and Boulanger.

**6. ADJOURNMENT**

**Motion:** Belhumeur made the motion to adjourn at 6:00 PM. Seconded by Andolina. Vote U/A.

Respectfully submitted, *Jamie McCulloch*, Dover Utilities Commission