



CITY OF DOVER

## DOVER UTILITIES COMMISSION ~ MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Conference Room – 271 Mast Road, Dover, NH 03820  
Meeting Date: **Monday, March 26, 2007**  
Meeting Time: **4:15 PM**

**Members Present:** Rick Hebbard, Donald Andolina, Art Hoffman, Patrick Bowen, Jay Stephens, Roland Hofemann

**Members Absent:** Roland Belhumeur, Gary Green,

**Staff Present:** Bill Boulanger, Utilities System Supervisor, Sharon Lucey, Water Meter/Backflow Prevention Coordinator, Doug Steele, Community Services Director, Jamie McCulloch, Secretary, Allan Krans, City Attorney

**Others Present:** Councilor, Catherine Cheney, Steven & Susan Osborne

### 1. APPROVAL OF MINUTES

#### A. February 26, 2007

**Motion:** Andolina made the motion to approve the minutes.

**Second:** Hofemann seconded the motion.

**Corrections:** Hoffman stated that on Page 3, Item C, the sixth and seventh sentences should read as follows: "It was mentioned that according to the Engineer's calculations, the project costs about \$1.9 Million, which would equal to \$75-\$80 dollars per ~~square~~ **linear** foot." "Hoffman explained that the dollar amount per ~~square~~ **linear** foot is determined by dividing the project cost by the number of lots not the frontage."

Hebbard asked that in all future minutes when a question is asked that individuals name be listed. Staff stated that the recording secretary was sick and unable to attend the last meeting and Lucey assisted her with taking the minutes the best she could while still participating in the meeting.

**Vote:** U/A.

### 2. ABATEMENTS

#### A. Steven & Susan Osborne – 12 Hamilton Street

Both Mr. & Mrs. Osborne were present to speak on the request.

Mr. Osborne stated that back in December 2006 they had a water leak in their front yard and the City's Utilities Crew did a great job in fixing it for them. He stated that they were there to dispute the billing. Ms. Osborne passed out a handout to go over with the board. (See file). Ms. Osborne went over her handout including the labor charges and disputed the amount she was charged versus the amount of time it took to complete the job, adding that the estimate was different than the amount invoiced. She noted that they figured out what should have been due and sent in a check for that amount to the City, but was still disputing the remaining balance.

Hebbard asked why the water service was changed. Boulanger stated that there was a leak from the curb stop to the house. He stated that the crew put in a new service line, adding that they pulled the old line instead of digging it out, which saved labor charges. He stated that he advises all of his customers to seek other contractors. He stated that when he wrote up the estimate, he was using an old spreadsheet with old rates. He stated the first day of work was 4 ½ hours for the new service, but the crew had to go back to fix the sidewalk. He stated that an estimate is an estimate. Andolina agreed that there is a difference between an estimate and a fixed rate. He asked Boulanger if the job took 7 hours. Boulanger stated close to it. Bowen asked what would happen if the job took 9 hours. Boulanger stated that they would have been charged the additional rates. He stated that at the bottom of the estimate it states that it is based on the entire time of the project. Stephens asked why the sidewalk was excavated, and if it was to get the line out. Boulanger stated yes, so the crew could work in that area. Hoffman asked about loaming and seeding. Boulanger stated that the loaming and seeding was already part of their bill but the crew will go back in the spring to do that.

**Motion:** Hebbard made the motion to abate ½ of the discrepancy.

**Second:** None, motion fails.

**Alternate Motion:** Andolina made the motion to deny the request.

**Second:** Hofemann seconded the motion.

**Discussion:** Andolina stated that the explanation given by the applicant in his view does not out way the explanation given by the people who did the work. He stated that unfortunately this is a case where the estimate was quite different than the final actual charge, but those things happen. Stephens stated that what was billed was less than the estimate. He stated that he was concerned that the bill was not significantly less where the hours were perceived to be considerably less. Hebbard stated that in the real world you have to go back on jobs, asking Boulanger if he charged the applicants the additional 2 hour minimum charge. Boulanger stated no, adding that the time was added to the existing time as it is not fair to keep hacking them with a 2 hour minimum every pop. Bowen suggested looking at a minimum and maximum option. Boulanger stated that they are looking to get out of the business of conducting contractor work for private services. Stephens stated that the explanation from Boulanger out ways the rationale outlined in the applicant's letter. Bowen asked Ms. Osborne why she chose to use the city versus a contractor. Ms. Osborne stated that Boulanger told her his estimate was on the high end.

**Vote:** 5-1 Hebbard opposed.

### 3. REPORTS

#### A. Abatement Review Team

None.

#### B. Utilities Report

See file for report.

Boulanger stated that the MTBE issue has not changed for better or worse, but that staff would have a report on it for the next meeting. He explained to the board that the Longhill Water Loop plans were on the table for their viewing. Hebbard asked Lucey if there were any problems with the radio reads. Lucey stated that not all are 100%, explaining that there are a few reasons why that could happen. She stated that the disc that is taken from Water & Sewer Billing with the residences on it could have missed a few properties during the loading process, batteries die, or they could be under water. She stated that the staff has stepped up efforts in keeping on top of these issues. Stephens asked about the Durham Road outage and the number of facilities affected by it. Boulanger stated that our phone company is Bayring, who uses Verizon for their lines. He stated that the lines coming into this building are 56K modum lines. He stated that Lowell Avenue and River Street are on the 56 K lines and those were lost, however, Griffin Well, which is on wireless was not lost. He stated that since no sewer alarms were able to come in, crews went out to River Street every hour to check on the status of the stations. Hebbard asked about going wireless to the other stations. Boulanger stated that it would be extremely expensive, adding that he has concerns about hackers getting into the water and sewer system. He stated that it will be looked at in the future as the technology advances as far as security is concerned. He stated that Steele submitted a bill to Verizon. Stephens stated that at the community meetings someone should be taking minutes. Boulanger stated that we generally hire an engineering firm and we will ask them to provide us with minutes in the future. Andolina asked if Earth Tech would have any information on the neighborhood meeting. Boulanger stated that he will ask them if they took any notes.

### 4. OLD BUSINESS

#### A. Investment Fees

Andolina stated that since the last meeting he and Green met with Krans and three things came out of that meeting.

1. The board needs to finish off the rules and regulations.
2. The board needs to finalize the Jeff Harrington algorithm on the \$1,900.00. He stated that it is in the City Manager's court right now.
3. The board needs to finalize the liens & investment fees.

He stated that the board cannot do anything until the basics are completed, meaning to get the rules and regulations going. He added that the board needs to understand the lien process, which involves the rules. Stephens stated that there is currently something in the rules for the water and sewer investment fees. Andolina stated that it needs to be removed from the text and presented as exhibits. Krans stated that he recommends the board engage in a complete review of all the rules, adding that in that process you will pick up any issue with the investment fees. Stephens stated that the board thought the investment fee portion could be worked out first.

Krans handed out two separate letters, one he wrote to members Gary Green and Don Andolina and one he wrote to Jay Stephens. (See file). He stated that the question is can we defend an investment fee against a legal challenge. He stated that the board needs to make sure the rationale is solid. He stated that the board should understand and review how it is calculated. He spoke to the rationale basis for the current \$800.00 for water and \$1,100.00 for sewer. He stated that a motel on the North end pays \$1,900.00 for investment fees and a single family in the North end pays \$1,900.00. He stated that he is aware that the board is working on adopting the State standards and that they need to be solid figures, which they probably are. He stated that the board should make sure that all the categories are fair to the single family and the hotels. He suggested that the board get all of this into the rules so everyone can understand them, adding that the current rules make sense to the DUC, not the general public.

There was some discussion on the lien list and that once citizens request a water and or sewer line and a lien is generated, the lien gets added to the list. There was some discussion on the fact that if the residence is within 100 feet of a sewer line the owner must hook up, unless a waiver is issued by the board. It was mentioned changing the wording in the regulations to read "assessment" not "lien". Krans stated that Gary Green brought to his attention that the rules state that if the lien exceeds the investment fee that the lien is waived. He stated waived as in the theory as they are the same thing, but according to Jeff Harrington he says no in his memo.

There was some discussion.

Krans stated that if there was anything he could do for the board to assist them to let him know. Boulanger stated that some research was done and the board has discussed the investment fees using the State guidelines/figures. Andolina asked if they would hold up in a court challenge. Boulanger stated that he believed they could as we would be using the State guidelines that are RSA numbers that were voted on by the Legislatures. He stated that four or five categories that the board has approved to be brought before the council should be enough to move forward and see how the council bites at that. He stated that that will give us more time to finish up the rest of the rules and city standards and move that through. Krans suggested that the board say in plain language what an investment fee is and to be sure to remove the \$800.00 & \$1,100.00 from the rules and regulations as with the new coming changes a large motel could look in the rules and think they is all they will owe. Andolina stated that he will take a shot at the definitions for an investment fee and bring his suggestions to the board next month. Steele suggested addressing the investment and lien fee together, adding that the wording needs to be changed in section 2-11 of the rules. Boulanger referenced the copies that were mailed to the board of rules and regulations dating back since the water company was started, adding that the terms have remained the same. Andolina stated that if the city is extending a line on Longhill Road because of a city requirement then all the rate payers should pay. Boulanger stated that the water main is going in for the good of the residents, stating that once the project is completed better fire protection will be a benefit to the North end residents. Stephens asked why the project couldn't go on the taxes verses the rate payers. Boulanger stated that for the water loop project, the liens are getting a little high, and suggested maybe a pro-rata share between the city and residents. Hebbard stated that part of this project is on the onus of the city, adding that the rate payers should pay a portion and the city should pay a portion.

Krans suggested that if you are going to create an exception to the Longhill Road situation, which may be a wise thing to do, is that the board should draft it very narrowly where we link it into the water pressure problem on the North side connected with the tower etc. He stated to narrowly craft the language so that the board is not put into a situation where they are granting waivers for the next 20-years based on what you do. He stated that it may make a lot of sense to relieve these people on this particular loop, but if we want to create another narrow exception 2-years from now let's do that, but let's do it on a case by case basis and make sure the rules allow us to do that. He stated that Boulanger makes a good point that we have been doing this for years and a lot of this is fire suppression related, which has benefits to the homeowner. Hebbard stated that it was clearly stated at a meeting here as well as other meetings that the fire flow is quite sufficient in that area. Steele stated that the intent to the loop project has been on the books for sometime.

There was some discussion.

Stephens stated that the board needs to find a way to proceed with this water loop project for the common good of the users.

Councilor Catherine Cheney stated that the spreadsheet is pretty clear (Andolina's spreadsheet on investment fees) adding that if the needed verbiage is changed even if it is not the absolute done rule, the figures are taken out and then someone could make a motion to say see spreadsheet pending council approval and get the rules to the council. She stated that if the board could just make a few changes to get the rules through the Council it would make a lot of people happy. Stephens suggested attaching the references to the State figures. He added that there are seven spots in the rules that must be changed to reflect the attached sheet with those figures. Andolina suggested getting the proposed rates in place and corresponding rules squared away. Hebbard stated that we agree a new water line will benefit the residents and the utility as a whole, and once it is determined to be a request or a necessity of the city you could break out the cost as follows:

City decides to put the line in:	City pays 60%	Utilities pay 30%	Abutters pay 10%
Abutters want the line put in:	City pays 60%	Abutters pay 30%	Utilities pay 10%

He stated that that was an example to think about.

Stephens stated that the only prorating that could be worked out is between the utilities and the users as there is no third party currently set up.

There was some discussion.

Stephens stated that he will sit down with McCulloch and go through the rules and regulations for liens and investment fee verbiage along with Boulanger. Steele stated that staff needs direction from the DUC on the Longhill Road project, as that bid will be going out next month and we would like to have a definite answer before the next neighborhood meeting. Andolina stated that a draft could be put together for the approval or amendment of the entire DUC and he would work on that. Stephens stated that the board has been trying for several months to get to the point where we could get it to the Council.

Krans stated that he had a few items to discuss with the board before he left. He stated that the city is standardizing the minutes for every board and he passed out a set of sample minutes to the members. He stated that the DUC minutes are the best in the city and he used those minutes to draft the example to go by for other boards. He wanted to give the board the handout just for their information. He also mentioned that according to the Right to Know law all meetings should be treated as a whole body meeting, adding that sub committee meetings require agendas and minutes just like a regular meeting. He recommended that all of the members sign up for city e-mail if they have computers at home. Hebbard asked if the e-mail could be used for items such as clarification of an issue. Krans stated no, it would be for mass e-mails regarding board issues, general notices, change of meeting date, those types of things. He stated that any other e-mails would be considered as conducting city business without public knowledge.

Krans stated that minutes should only be kept of officially posted meetings of the DUC and since the document presented by Rick Hebbard pertained to a neighborhood meeting conducted by staff, the Hebbard communication could be accepted as a "communication". Krans left at 6:15 PM. Stephens stated that Hebbard's communication will be placed on file.

**Motion:** Stephens made the motion to move the North end water item to next month's meeting.

**Seconded:** Hebbard seconded the motion.

**Vote:** U/A.

**5. NEW BUSINESS**

Hoffman stated that Boulanger's crew came out to check his sewer system on Ela Street and they did a great job and he wanted to praise them for a job well done.

Hebbard stated that he felt it was wrong that the map showing the prices that the engineer's estimated for the Longhill Road project was not brought forward, adding that it was lacking at the neighborhood meeting. Boulanger stated that staff has provided those figures and map to the DUC for their information and discussion prior to showing the public. He stated that we would be putting a number out there that may or may not be. Andolina suggested labeling those types of documents as materials for discussion, as a draft, or for discussion only/information. Stephens clarified that the figures were for the DUC to review but that the board has not come to an agreement yet. Boulanger stated that staff wanted the DUC to review it before it went to the public. Hebbard stated that the project went before the City Council and it was approved without the City Council having the figures. Hoffman clarified that no money has been appropriated yet for the project adding that the City Council could deny it. Boulanger stated that the project has been designed, the neighborhood meeting was held, it would be put out to bid and if the City Council says no, it's no. Stephens stated that the DUC hasn't made a decision as to how it should be broken out, adding that he did not have a problem with how it was going as of yet. Boulanger stated that if the DUC does nothing, those figures will probably go to the City Council.

**6. ADJOURNMENT**

**Motion:** Hofemann made the motion to adjourn at 6:30 PM.

**Second:** Hoffman seconded the motion.

**Vote:** U/A.

Respectfully submitted, *Jamie McCulloch*, Dover Utilities Commission