



CITY OF DOVER

## DOVER UTILITIES COMMISSION ~ MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Conference Room – 271 Mast Road, Dover, NH 03820  
Meeting Date: **Monday, May 21, 2007**  
Meeting Time: **4:15 PM**

**Members Present:** Acting Chairman, Gary Green, Donald Andolina, Art Hoffman, Patrick Bowen, Roland Belhumeur, Jay Stephens

**Members Absent:** Rick Hebbard

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

**Others Present:** Linda Merullo, William Christian, Leonard Small, Allan Krans, City Attorney

### 1. APPROVAL OF MINUTES

#### A. April 23, 2007

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

**Second:** Stephens seconded the motion.

**Corrections:** Green made the motion to strike the line from the wording on page 17 of the DUC Rules and Regulations where it states: **NOTE:** Payment of a lien supersedes the entrance fee, provided it is larger than the entrance fee as outlined in section 1-5, not to delete the wording all together.

**Vote:** U/A.

### 2. ABATEMENTS

#### A. William Christian – 40 Atkinson Street

Mr. Christian was present to speak on behalf of his request.

Mr. Christian stated that about one year ago we had the Mother's Day flood and just after that they received a letter asking permission to allow a City worker to change out their water meter or they would receive estimated bills. He stated that the portion of the meter with batteries was changed out so it could be read electronically. He stated that just after that the meter change he received a \$613.40 bill for almost 8,600 cubic feet of water. He added that exactly one year before their bills were for 3,900 cubic feet of water. He stated that he went to City Hall concerning the bill and the Water and Sewer Billing Office sent out two workers who checked the fixtures and found a slow drip in one of the toilets. He stated that he and the workers discussed the calculations and it came out that their normal usage was about 3,600 cubic feet with a toilet slowly leaking. He stated he went back 10 years and the property never went above 2,300 – 2,900 cubic feet as that was the average usage. He stated that he had the meter changed out and then he received the high bill.

Hoffman asked if the meter was bench tested. Lucey stated no, as the base was still in the home, adding that the initial installation was in 2003. Lucey stated that the floods shorted out the system but the base was still working properly. She stated that the meter had a brand new transponder that started out at zero. She stated that the number one cause of a high bill is a leaking toilet.

There was some discussion.

Mr. Christian stated that the last bill he received for the previous quarter was for 30 HCF (Hundred Cubic Feet). Andolina asked if the leaking toilet was in the unoccupied apartment. Mr. Christian stated no, it was in an occupied apartment. Andolina asked if only the transponder was replaced. Lucey stated yes and she proceeded to explain the meter base and transponder. Mr. Christian stated that he cannot explain how his bill would double for the first time in ten years with a meter being changed. Stephens stated that in the past we have always dealt with things that if the meter (inside mechanical portion) was functioning properly, regardless of what the transponder says, (this situation is not unlikely) and based on the information supplied to us that the water passed through the meter.

**Motion:** Stephens made the motion to deny the abatement.

**Second:** Hoffman seconded the motion.

**Discussion:**

Bowen asked if the employees that go into the homes only look at the meter. Lucey stated that they get the reading and make any notes of what they find and anything out of the ordinary, adding that they also survey the plumbing. Hoffman stated that after 7/27/2006 when the transponder was replaced the readings went from 29 to 65 so maybe the toilet did play a big role.

Green stated that he drove by Mr. Christian's house adding that his home is in the type of neighborhood that even if a hose was running someone would see it.

**Vote:** 3-3, motion fails.

Steele stated that the meter is the heart and soul of the Water Department and what we stand on. He stated that if the facts say the water went through the meter it went through the meter. Belhumeur asked if Bill Frank (meter employee) was a supervisor. Boulanger stated no. Belhumeur stated that the meter employees should not be making any accusations, adding that if a mistake was made we should give Mr. Christian the 80-units. Green explained to Mr. Christian that if the board denied his request his recourse would be to appeal it. Hoffman stated that the City Council would have to review what the board had done and then it would have to go to court. Boulanger stated that the bill in question was for a 50 day period which breaks down to 855 gallons per day or a ½ gallon a minute, which was over and beyond his normal usage. Mr. Christian stated that it is inconvenient that this high bill happened when the meter was changed. He stated that in 10-years the property never received a high bill and then the meter gets changed and the high bill comes.

There was some discussion.

**Motion:** Belhumeur made the motion to grant an abatement for ½ the amount due totaling \$307.74.

**Second:** Andolina second the motion.

**Vote:** 4-2 Hoffman & Stephens opposed.

#### **B. Leonard Small – On behalf of his daughter Jacquelyn – 18A Roberts Road**

Mr. Small was present to speak on behalf of the request.

Mr. Small explained that the water line broke between the meter and his house and he is looking for who is responsible. He stated that the home is owned by his daughter and she was unable to attend the meeting so he is speaking on her behalf. He gave the board the history on the situation. He stated that the water line to his house was installed in 1970 and it's a 1 inch and a quarter schedule 80 PVC pipe that is about 400 feet from the shut off to the house. He stated that an easement was granted under protest in 1979 to permit the City sewer to go through his property. He stated that the sewer line was installed in 1981-1982 in that time period. He stated that during the installation of the sewer line which went underneath the water pipe, the water pipe was broken along with the underground electric line. He stated that the electric line was broken again in 1987. He stated that the water lines second break was in the same exact spot as the first break and happened on January 26, 1995 and was repaired by the City. He stated that as everyone could picture, when you have the main sewer line going through in some places 12-feet deep, the driveway gets broken up. He stated that that was repaired just last year and the City shared ½ the cost of that installation. He stated that the third break was in the exact same spot as the first two and happened in May of this year.

Mr. Small showed samples of broken water pipe to the board. He explained that the line was broken by the installation of the sewer line and then patched. He passed out a handout to the board along with a picture. (See file) Green stated that he went to the property and took a picture to have Mr. Small show the board where the break was. Mr. Small stated that what it boils down to is who is responsible. He questioned if the sewer wasn't there would there be a break? Boulanger stated that the City does not use schedule 80 pipe (which is the pipe that Mr. Small had with him) in our system. He stated that Mr. Small put in schedule 80 and if that had been inspected it would not have been approved. He stated that the project was before his time, adding that schedule 80 is too flimsy. Boulanger stated that the last time this happened the City repaired the line and paid for ½ of the paving. He stated that since the City does not do contractor work anymore he advised Mr. Small to find a contractor to do the repair work, which he did. He stated that the line was fixed and he told Mr. Small to come before the DUC to request being reimbursed. Stephens made a point of order

and stated that since we had the City Attorney present he would ask if he was allowed to vote since he was involved with Mr. Small signing the easement. Krans stated that there was no issue with Stephens voting.

Stephens stated that he would made a motion to abate the cost of the repair and repairs to the driveway as a result of the work the City did down there ages ago and that Mr. Small should come back to the DUC in the future for further issues.

**Motion:** Stephens made the motion to reimburse Mr. Small for the cost of the repair and repairs to the driveway.

**Second:** Hoffman seconded the motion.

**Discussion:** Bowen asked what was put in for a water pipe. Boulanger stated that it was schedule 80 pipe, adding that it will break again because the same type of pipe was put back in again. Mr. Small stated that it cost \$1,550.00 for the water work not including the driveway. Boulanger stated that he would send someone to patch the area in question, but not the whole driveway. Andolina stated that he would like to make a point of order in that if you read through the May 22, 1995 letter from former Community Services Director Michael Bobinsky, the City made this payment already and the letter states that the City is done. He stated that he is against voting in favor. Mr. Small stated that he didn't agree with Bobinsky's letter at that time. Andolina stated to Mr. Small that he should have disagreed with the letter back then. He stated that if we approve this request, we are saying we are going to keep going back. Stephens stated that the letter doesn't say we "can't" fix it if a problem arises. Green asked who owned the pipe. Boulanger stated that Mr. Small owns from the house to the curb stop. Bowen asked if it was Mr. Small's daughter's house. Mr. Small stated yes, adding that he was the former owner. Boulanger stated that he feared that the pipe is going to break again perhaps outside of that trench. He stated at some point we need the DUC to instruct Mr. Small to replace the pipe with the correct pipe. Hoffman stated that the estimated cost of replacing the driveway and pipes would be about \$2,200.00, adding that the patch in the water line concerns him. Boulanger stated that he is concerned about using glue on a service due to the VOC's that could be a cross contaminate. He stated that in the future these costs are going to continue to go up and the issue needs to be resolved. He stated that Mr. Small should be instructed to replace the line with the proper pipe. Mr. Small asked if anyone could tell him if the pipe would not have failed if the sewer wasn't in there. Boulanger stated that the pipe broke because of the pipe as it is not made for underground utility work it is made more for inside plumbing. Hoffman asked if a sleeve could be slipped in there. Boulanger stated that it was possible but he thought that perhaps it would not go through the glued area. Andolina stated that the board is opening up a door and setting a precedent if this is approved, adding that owners are responsible from the house to the curb stop. Stephens stated that he was supporting this because it's once again where the sewer is. Boulanger stated that where the break was fixed was a mud hole according to the pictures. He stated that if the contractor did not put new materials in and just put the same stuff back into the hole it could settle and break again. Mr. Small stated that the contractor compacted the materials with a backhoe.

**Amended Motion:** Hoffman made the motion that at Mr. Small's cost, snake the line to see if an approved line of pipe can go inside so this will not happen again.

**Second:** Belhumeur seconded the amended motion.

**Vote on Amended Motion:** U/A.

**Vote on Motion:** U/A.

Mr. Small stated that he did not agree with the board's decision.

**Motion:** Andolina made the motion for reconsideration as the applicant is not happy with the decision.

**Second:** Hoffman seconded the motion.

**Vote:** 4-2 to reconsider.

Bowen asked Mr. Small if he still felt that it was the City's responsibility for the future problems. Mr. Small stated that it's the City's fault because of the sewer. Green referenced the May 22, 1995 letter once again. Andolina reiterated that as stated in the letter the City has re-numerated the issue. Boulanger stated that the pipe is not the type we use or carry and we feel that after we fix the driveway it is probably going to break again. He stated that the work performed this time was done by a contractor. He stated that if the City did sleeve the line, which is down about 7-feet more of the driveway will have to be dug up. He stated that the City needs some type of agreement with Mr. Small. He suggested voting on the issue at a later date and referring the matter over to the City Attorney to see how it should be handled.

**Motion:** Andolina made the motion to table the abatement until the next meeting.

**Second:** Bowen seconded the motion.

**Vote:** 4-2 Stephens & Hoffman opposed.

Green stated that Item 4A Old Business was to be discussed next as Attorney Krans was present to speak. Green thanked Attorney Krans for all of his efforts with the rules and regulations.

#### 4. OLD BUSINESS

##### A. Rules & Regulations/Investment Fees

Attorney Krans stated that the copy of the rules and regulations the board members had was a "draft" copy that has two big holes in it and he needs the boards help. He stated that the two areas for review were the definitions and pages 8 & 9, measurement and sealing of a meter. He stated that as a group we need to work on these rules. He suggested that the board form a sub-committee or have a special meeting to go over the rules and he would come back to the board next month. Andolina and Hoffman volunteered to be on the sub-committee. Green stated that he too would be part of the sub-committee, adding that the group of 3 would meet in a formalized fashion with a chairman, timeframe and mission. It was suggested that the rules be discussed at the July meeting to allow enough time for the sub-committee to meet and then get together with Attorney Krans.

Green asked Attorney Krans how to pursue on item 4B, the lien issue as there were four proposals on the table. Krans stated that the board should find out which lien proposal you want and go with it. Green stated that he discussed the Longhill Road project with Michael Joyal and he stated there would not be any liens on Longhill. Krans stated that the board needs to thoroughly review the issue and agree and then we can put it in the rules.

Belhumeur left the meeting at 6:07 PM.

#### 3. REPORTS

##### A. Abatement Review Team

None.

##### B. Utilities Report

See file for Utilities report.

**Motion:** Hoffman made the motion to approve the utilities report.

**Seconded:** Stephens second the motion.

**Vote:** U/A

#### 4. OLD BUSINESS

##### B. Liens

Boulanger went through the spreadsheet of options he submitted with the board's packets. He explained the following: (See file)

Option #1 is the charge if we do nothing.

Option #2 is the amount that the Sixth Street people are paying.

Option #3 is an old figure that he put in as an option.

Option #4 is the charge that he received by calling a few well drillers to see the cost of a well installation and it was between \$5,000.00 and \$7,000.00.

He stated that that additional benefit is that the City will run the line to the property line instead of the homeowner having to pay for it. Andolina stated he was opposed to liens. Green stated that he went to see Attorney Krans to discuss shifting the burden to the taxpayers from the rate payers and he suggested I see Michael Joyal. He stated that he met with Michael Joyal to discuss the topic and he said no. It was agreed that the lien options would be given to the sub-committee. Andolina stated that he was not in favor of Hebbard's proposal. Bowen stated that Hebbard should be present before the board makes a decision on his proposal.

**Motion:** Hoffman made the motion that since the Longhill Road project is a special construction project and 400 accounts are going to be affected and 44 people are going to be paying for it, that people be charged only the investment fee amount at the time they tie in and no lien.

**Second:** Andolina seconded the motion.

**Amended Motion:** Hoffman made the motion that concerning the Longhill Road Project only; the DUC recommends that that City Council waive the lien and only charge the Investment Fees at the time of tie in.

**Second:** Andolina seconded the motion.

**Vote on Amended Motion:** U/A.

5. **NEW BUSINESS**

**A. Michael Dwyer – 543 Sixth Street – Request for a sewer waiver.**

The applicant requested that he go before the board in June.

**B. Michael Hunter – 547 Sixth Street – Request to not have to use a City meter to measure his sewer usage.**

This matter was resolved by staff and no longer requires the applicant to come before the board.

6. **ADJOURNMENT**

**Motion:** Hoffman made the motion to adjourn.

**Second:** Bowen seconded the motion.

**Vote:** U/A.

Respectfully submitted, *Jamie McCulloch*, Dover Utilities Commission