



CITY OF DOVER

DOVER UTILITIES COMMISSION ~ MINUTES

Meeting Type: Regular Meeting
Meeting Location: Conference Room – 271 Mast Road, Dover, NH 03820
Meeting Date: **Monday, August 20, 2007**
Meeting Time: **4:15 PM**

Members Present: Chairman, Gary Green, Vice Chairman, Rick Hebbard, Roland Belhumeur, Don Andolina

Members Absent: Patrick Bowen, Art Hoffman, Jay Stephens

Staff Present: Bill Boulanger, Utilities System Supervisor, Doug Steele, Community Services Director, Jamie McCulloch, DUC Secretary

Others Present: George Maglaras, Allan Krans, City Attorney

1. APPROVAL OF MINUTES A. July 16, 2007

Motion: Belhumeur made the motion to approve the minutes.

Second: Andolina seconded the motion.

Amendments: Don Andolina was not present at the July 16, 2007, so the minutes should reflect his absence.

Motion: Andolina made the motion to move to Item 4A as George Maglaras was present.

Second: Hebbard seconded the motion.

4. OLD BUSINESS A. George Maglaras – Cocheco Street Properties

Boulanger stated that he wanted to do a smoke test and get up to date meter readings, adding that Maglaras' abatement application that staff has received will go through the Abatement Review Team for handling.

Applicant:

Maglaras stated that the water service operates a pair of boats. He stated that he has been under a cease and desist per the DES & EPA since 1980. He stated that there is a sewer line tied to the building, but it is not used and there is no plumbing in the building other than the water meter. He stated that the building was scheduled to be torn down but now it is not. He stated that the sewer dead ends in the building. He stated that he used about 50-units when the meter cracked, adding that it was not discovered for 2 or 3 days later. He stated that the sewer has never been used, and if the City smoke tests it, they will see its dead ended.

Staff & applicant discussion:

Green stated that the Community Services Department has the abatement in progress. Hebbard asked if there were any toilets or sinks in the building. Maglaras stated no, adding that the DES and EPA do not allow too many things. Maglaras stated that concerning the building at 33 Cocheco Street, it has been completely flooded twice by floods and that he would try to work on that but he couldn't guarantee anything. Hebbard asked who says that the Abatement Review Team has to see the abatements. Steele stated that it has been part of the past policy/procedures.

There was some discussion.

At Hebbard's request, McCulloch passed out copies of Maglaras' abatement application.

Maglaras stated that twenty years ago he tried to get a plumbing permit and was denied. Green asked the staff for a timeline as to when they could have an answer for Mr. Maglaras on his abatement. Boulanger stated that it would take about a month, adding that they will go through the abatement process and bring it back before the board. Green stated that the Abatement Review Team does the back investigation and research on abatements.

2. **ABATEMENTS**

None.

3. **REPORTS**

A. Abatement Review Team

There were no appealing abatements to report. There was some discussion on the role of the Abatement Review Team board, such as internal issues, water and sewer usage and meter readings.

B. Utilities Report

See file for Utilities report.

Motion: Belhumeur made the motion to accept the reports.

Second: Andolina seconded the motion.

Vote: U/A.

4. **OLD BUSINESS**

B. Rules & Regulations

Green explained the status of the sub committee regarding the rules and regulations. Green spoke to the memo he wrote to the board (see file) and reiterated that he would like to kick start the rules procedures and has asked for the staff & the boards concerns in writing for the next sub committee meeting.

Motion: Andolina made the motion adjourn the regular meeting and suspend the rules and go over Item 5B in Executive Session, per RSA 91-A:2 (c) consultation with legal counsel.

Second: Hebbard seconded the motion.

Vote: U/A.

Executive Session was over and the board resumed their regular meeting.

Belhumeur asked Steele if there were any new big expenses coming? Steele said no, adding that the Wastewater Treatment Plant may need to add another clarifier.

It was requested that an update on the Wastewater Treatment Plant be put on the September agenda.

The board discussed new projects and bank money, and asked what the conditions are in which we borrow money. The members asked for someone from Finance to come in and do a presentation on the financials. Staff will contact the Finance Department.

C. Leonard Small – 18 A Roberts Road – Update on the bid process.

Boulanger explained that the sleeving and paving went out to bid to 42 contractors.

D. Peter & Melissa Leblanc – 189 Central Avenue, Units A, B, C, D – Review of the letter from the City Attorney to the homeowners.

Green explained that all the members should have received a copy of the letter in their packet. He stated that he brought this item up for informational purposes to the board members. Andolina stated that he supported the conclusion. Hebbard read from the minutes dated 6/18/2007 "**Motion:** Andolina made the motion to recommend to the City Council that they approve the Leblanc's \$14,224.04 on the condition that the \$35,393.42 is the number that the insurance company has committed to". Green explained that all that changed at the July meeting. Krans stated that he believed the Leblanc's contacted him directly as it is not his past practice to write directly to a citizen. Hebbard told Krans that he was appalled the he sent that letter to the Leblanc's as it was wrong and he didn't have the authority. Green stated that the City Manager was involved with the situation also. Krans stated that he never writes a letter to a citizen without the City Manager reviewing those letters.

There was some discussion.

Krans asked Hebbard if the request from the Leblanc's was an abatement. Hebbard stated no. Krans stated that it was an insurance issue. Hebbard went through Krans' letter to the Leblanc's. Andolina referenced the 1997 resolution where the City Council granted the right to approve abatements. Green stated that in hind site the board should have told the Leblanc's that we could not hear their case.

E. Financial Information

The board went over the financial information they had received in their packets. Green stated that he would like to see the flow of the investment fees, such as when money is spent and the balances. He stated that he was going to look into getting that info from Finance if there was no objection from the board. It was requested that this item be put on the agenda for September and that the Finance Department do a presentation for the board. Green asked the members to send their questions to either him or McCulloch in advance so they could be forwarded to the Finance Director prior to the meeting.

5. NEW BUSINESS

A. Michael Dwyer – 543 Sixth Street – Request for a sewer waiver – staff stated that Mr. Dwyer was unable to attend the meeting and requested to be put on the September agenda.

B. Investment Fees

Motion: Andolina made the following motion for discussion: "The implementation of the increase of the water and sewer investment fee rates that were effective 5/9/2007 is delayed until 5/9/2008 for all projects approved by the Planning Board prior to 5/9/2007.

Second: Belhumeur seconded the motion.

Discussion: Andolina stated that he would need the Planning Board approved list including commercial, industrial and residential to vote on. He added that single families are not part of this unless they had an application prior to 5/9/2007. It was requested that the completed list be available for the next meeting.

Vote: U/A.

Motion: Hebbard made the motion that the Chairman and Vice Chairman be notified of all water and sewer breaks.

Second: Andolina seconded the motion for discussion.

Steele asked Hebbard why and when he wanted to know when there were water and sewer breaks, asking if he wanted to be contacted at 2 AM. Green stated that he did not want that. Hebbard said he didn't care. Boulanger stated that water and sewer breaks are for the staff to handle and he felt that he and his staff were not being trusted. Green moved the question. Andolina stated that at the time of the utility reports is the time for questions. Andolina stated that no one has really asked any real questions in the past about the report. Hebbard asked what the big deal was of not calling him to notify him of a water or sewer break. Boulanger stated that if Steele, Alonzi or himself are not here, the staff needs to solve the problem at hand and its not their job to contact board members, adding that the staff would run into trouble if one of the guys forgot to call. Green moved the question. Andolina seconded the question.

Hebbard left the meeting.

6. ADJOURNMENT

Motion: Andolina made motion to adjourn at 6:15 PM as there was no longer a quorum because Hebbard left the meeting.

Second: Belhumeur seconded the motion.

Vote: U/A.

Respectfully submitted, **Jamie McCulloch**, Dover Utilities Commission