



CITY OF DOVER

DOVER UTILITIES COMMISSION ~ MINUTES

Meeting Type: Regular Meeting
Meeting Location: Conference Room – 271 Mast Road, Dover, NH 03820
Meeting Date: **Monday, September 17, 2007**
Meeting Time: **4:15 PM**

Members Present: Chairman, Gary Green, Vice Chairman, Rick Hebbard, Don Andolina, Art Hoffman, Jay Stephens

Members Absent: Patrick Bowen, Roland Belhumeur

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

Others Present: Berch Willard, Leonard Small, Jacqueline Small, Dan Lynch, Finance Director

1. APPROVAL OF MINUTES

A. August 20, 2007

Motion: Andolina made the motion to approve the minutes.

Second: Hebbard seconded the motion.

Vote: U/A

Motion: Hoffman made the motion to suspend the rules and to go Item 6B since Mr. Willard was present.

Second: Andolina seconded the motion.

6. NEW BUSINESS

B. Berch Willard – 504 Sixth Street - Request for a waiver of sewer investment fees.

Gary Green stated that the board had a copy of Mr. Willard's letter and documentation and asked him if he had anything he wanted to add.

Applicant: Mr. Willard was present to speak on behalf of the request. He explained that back in 2000 Stabile Homes of Dover attached a sewer tap on the line that went along Cherrywood Drive at the time they were putting in their first development on the edge of Sixth Street at the edge of his property. He stated that at that point and time he did not have the money to go from his house to the sewer tap. He stated that it was his understanding that there might be a small investment fee if any because Stabile had it all taken care of. He stated that this past spring/ summer we decided we wanted to tie-in to the Dover sewer system and contacted Bill Boulanger and asked about the steps necessary to tie-in to the sewer line. He explained that Bill informed him that the first thing they needed to do was pay the current investment fee of \$5,100.00. He stated that that amount was higher than they thought it was going to be and they are asking that the investment fee move back to what it was at the time that they would have hooked onto the system, or the time that it was in place and the City accepted it.

Staff & applicant discussion: Andolina stated that how this works is you pay the investment fee when you decide you want water and or sewer service, and you pay the current rate at that time. Mr. Willard asked when the rates were raised. Green stated that they were changed in 2001 to \$1,100 and on May 9, 2007 to \$5,100. Green asked if there was sewer on Sixth Street at Mr. Willard's location. Boulanger stated no, not at that location. Boulanger added that Mr. Willard was not required to tie in since he is more than 100 feet from the line.

Motion: Andolina made the motion to deny based on facts and practice and that the investment fee is due at the time the service is requested.

Second: Hebbard seconded the motion for discussion.

Hebbard asked Mr. Willard when he made notification that he wanted to tie in. Mr. Willard stated probably sometime in June. Mr. Willard stated that they had begun work on another bathroom in February or March and got permits to put that in and that hasn't been quite finished, but when it was finished he was going to hook into the sewer. Mr. Willard stated that it did not occur to him that he should be looking into hooking up to sewer at that time. Hebbard asked if Mr. Willard made any inquiry to anyone at all. Mr. Willard stated nothing that he could recall. Stephens stated that the opportunity was there earlier and that was when you take advantage of that opportunity and the rates at that time.

Vote: U/A.

Motion: Hebbard made the motion to suspend the rules and go to item 5C.

Second: Hoffman seconded the motion.

Vote: U/A.

5. OLD BUSINESS

C. Leonard Small – 18A Roberts Road

Mr. Small & his daughter Jacquelyn Small were present to speak on behalf of the request. Mr. Small stated that he brought his daughter Jacquelyn, as she is the owner of the house. Green asked Boulanger if Mr. Small was aware that the board has bids in hand for his water line work. Boulanger stated no, he stated that he was informed by the board to go out and get bids to replace the water service by slip lining it in which the staff did and the board had those results. Mr. Small stated that at this time he did not have anything to add to his request.

Hebbard stated that he believes that back in July 2007 a motion was made and seconded that there were going to be three, Community Services, Doug or Bill were going to look into getting three not really quotes, but virtually quotes to find out a rough estimate of what was going to go on and that never happened and he wanted to know why that didn't follow through. Boulanger stated that the staff's direction was to get three prices, and since we knew it was over \$1,000.00 the best way to accomplish that was to put it out to bid to slip line it with fusion pipe and it was sent to all the local contractors that he knew of plus the list at City hall, for a total of 42 contractors and only two responded. Hebbard stated that that was not what the motion was made for nor was it what was agreed upon and talked about. Hebbard stated that staff was supposed to get three quotes, three estimates rather, so that the board would get an idea of a rough estimate of what that was going to cost and then we were going to go out for formal quotes. Boulanger stated that he does not remember that, adding that he gave a rough estimate to the city of what it was going to cost and this first bid comes in pretty close. Hoffman stated that he did not have an answer for Hebbard, adding that he thought the board gave direction to go out to bid. Boulanger stated that the best way for the city to do this is to get bids. Green stated that the in reviewing his notes from Mr. Small's paperwork, he noted on July 16, 2007, "will go out to bid to slip new water line" and the extra expenses of \$1,500.00 would be discussed when we made the decision on what would be done with the slip line. Boulanger stated the he didn't understand what the difference was. Hebbard stated that the board can move on, but if you read the minutes and the motion that is not what we were supposed to do at that time. Boulanger stated that the city sent out bid packages and had two respondents. Boulanger stated that the issue is does the board want to pay to do the whole line over. Green clarified that the difference between the two bids was \$6,200.00, with the bid difference being in the labor. Green asked Boulanger what he would look at as far as choosing a contractor. Boulanger stated that he would choose the low bidder as it falls in line with my quote of \$10-\$11,000.00. Steele stated that all proper bidding procedures were followed for conducting city business.

There was some discussion.

Steele asked the board if since this is not an actual abatement and this is out of the norm of what this boards generally directs, would you be making the recommendation that the city go forward with this? Steele stated that he obviously doesn't have this project budgeted so he would have to go to the Manager and try to find the money. Green stated that his recollection was that the board wanted an idea of how much it was going to cost and there was some discussion of 50% - 50% payments etc., adding that this would have to be a recommendation to Community Services on how we go about doing that. Green stated that the issue was given to the City Attorney to review and he has chosen to let the board decide what to make for a recommendation.

Hebbard stated that as he recalls it, he posed the question to Mr. Small and he refuted that and didn't want to pay half and I think we all collectively agreed that the city would pay for this. Andolina stated that his recollection was that back in the 1990's when Stephens was Chairman, Mr. Small came before the board and asked for relief and the repair of his driveway and that he was granted that relief with the provision that it would be the last time that the city would pay for any further damages or repairs. Andolina stated that here we are again talking about doing the same thing over again, adding that this needs to be brought to a closure.

Andolina stated that there has to be some point where we bring it to a closure and if we cannot, we should just deny it. Andolina stated that he was not at the last meeting when Mr. Small was here so he can't vote for it unless the board brings it to a closure, otherwise the board will continue to talk about this in the future as we cannot give anyone a blank check. Stephens stated that in recognizing that position earlier one of the comments that were made when this came up was that this looked like the way to get around having to deal with it in the future. Stephens stated that if you replace the line from end to end so that you didn't have joints going bad then that should resolve it, so that is why we were trying to get information and that was the goal behind going with the slip lining concept, to make it so that it wouldn't come back again. Stephens stated that his position is that while we know that the city caused the problem way back when, he thinks that it needs to be taken care of. Stephens stated that every few years the darn thing seems to go again, and he is in favor of anything that will make it not come back and this seemed like a reasonable way to help assure that. Andolina stated that he doesn't have any problem with that but he does not like and cannot agree with words like "it should", adding that this is it, if he votes for this he never wants to see it again and he is sure the Small's don't want to be here again. Andolina stated that in his view, the board can't be doing this every few years, so if the board votes for this it's the end and we need a sign off. Andolina stated that the Small's will have to sign off that they accept any future responsibility, adding that this shouldn't be a big issue as if the lines are being replaced end to end this should never be an issue.

Hebbard asked Stephens if the city was the last one to make a repair on that water service. Stephens stated that he believed they were, but he wouldn't be the person to ask. Boulanger stated that Frank Wentworth did the most recent repair. Hebbard stated that the repair before that, what happened was that the piece of pipe that they put in was significantly smaller and scheduled thickness than what was there originally. Hebbard stated that therefore if it wasn't done properly it's broken again and probably for that reason. Hebbard stated that he came up with an idea to utilize the water line that is there now and don't use that for the water line but use that as a sleeve and slide the new pipe into the sleeve and it would run end to end and there wouldn't be any joints in it and it should effectively, I think we all agreed on, for those of us in the business would agree that that should suffice for quite a long time if not forever, as it's plastic, one piece and it's designed for this. Andolina stated that he does not think that is unreasonable provided we get a sign off. Hoffman asked what liability does the city have if we go ahead and do this under a city bid, adding that he agrees with Andolina that some kind of sign off has to be done. Hoffman stated that he does not mind the trench patch, but he is not crazy about \$4,000. for a driveway overlay. Hebbard asked Mr. Small if he had any issue with the city patching that area there probably from the break out to the end of the road, just that section. Mr. Small stated that his driveway was new last year and there will be some kind of dip in the patch, and it would seem to him that it should be taken care of properly.

There was some discussion on the paving and the compaction.

Boulanger stated that all contractors have to abide by the city's Trench Rules.

Steele stated that we would insure proper inspections by Brian Alonzi or Alan Dews. Steele stated that if the contractor will allow us to dig up the trench patch, let it settle over the winter the overlay can be done next year. Hebbard asked Mr. Small if he understood this process. Mr. Small stated that he agreed with the discussion.

Motion: Hebbard made the motion to accept this bid from North East Earth Mechanics Inc., for renewal of Mr. Small's water service from the curb stop to the meter and advise the contractor to do the overlay next year and the city will have a representative inspect all trenches and backfill and make sure the contractor follows the Trench Policies. In return, the Smalls agree to hold harmless the city of any future damages to the water line.

Andolina stated that that would be contingent on the Smalls giving us a sign off forever. Hebbard stated that whatever is in the easement the city will take care of. Steele and Boulanger agreed that if there was a problem with the sewer easement the city would take care of it.

The DUC made the following recommendation:

Addition To Original Motion: Hebbard made the motion to accept the bid from North East Earth Mechanics Inc. for renewal of Mr. Small's water service from the curb stop to the meter and advise the contractor to do the overlay next year, and the City will have a representative inspect all trench backfill and make sure the contractor follows the Trench Policies, and in return you agree to hold harmless the City of any future damages to the water line.

Second: Stephens seconded the motion.

Vote: U/A.

Mr. Small stated that the problem with us signing off is that there are going to be at least three holes that are going to settle, questioning how much the water line can take. Hebbard stated that the pipe shouldn't break adding that he didn't believe the pipe would break. Stephens stated that the whole idea is to dig only at each end, which would avoid those three holes. Mr. Small stated that saying the pipe will never break, that's what he thought the last time. Boulanger stated that the manufacturer says it should last 20 years and it will be inside another pipe, so it won't be fully exposed. Green stated that there are no guarantees in life. Stephens stated that there is nothing else reasonable to do and he agreed that the issue will be resolved concerning the water line.

Motion: Stephens made the motion to reimburse Mr. Small for the repair bill from May 4, 2007 in the amount of \$1,550.00.

Second: Hebbard seconded the motion.

Vote: U/A.

Motion: Hoffman made the motion to suspend the rules and move to Item 6D.

Second: Stephens seconded the motion.

6. NEW BUSINESS

D. Presentation by the Finance Department on Water & Sewer Financials

Dan Lynch, Finance Director spoke to the board about the financials of the water and sewer funds. (See file for handout).

It was the consensus of the board that the Finance Department provide a quarterly report/summary of the water and sewer accounts including the revenue source, balances, and expenses.

2. ABATEMENTS

None.

3. REPORTS

A. Abatement Review Team

There were no appealing abatements to report. There was some discussion on Mr. Maglaras' abatement and the decision of the Abatement Review Team and whether or not there is any need for a memo meter since there are no fixtures inside the building and the sewer line has a plug in it. Staff stated that any other homeowner would have to have a memo meter in order to receive a sewer credit and they felt a precedent would be set by allowing Mr. Maglaras to continue to receive sewer credits without one.

Motion: Hoffman made the motion to accept the Abatement Review Teams decision as presented with the memo meter requirement.
No second.

Motion: Andolina made the motion to table the item.

Motion: Hebbard made the motion to make it a water only account and have it inspected on a yearly basis by the Plumbing Inspector.
No second.

Second to Andolina's motion: Hoffman seconded the motion to table the item.

Vote: 4-1 Hebbard opposed.

B. Utilities Report

See file for Utilities report.

Motion: Hebbard made the motion to accept the reports.

Second: Hoffman seconded the motion.

Vote: U/A.

5. OLD BUSINESS

B. Rules & Regulations

Green explained the status of the sub committee regarding the rules and regulations. Green stated that Attorney Krans has conducted his initial review of the rules. Green stated that the next meeting is scheduled for September 27th at 8:30 AM.

D. North End Water Pressure

Steele stated that the City is looking into purchasing land at this time.

Motion: Hebbard made the motion to table the item until the next meeting.

Second: Hoffman seconded the motion.

Vote: U/A.

6. NEW BUSINESS

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

Green informed the board that Mr. Dwyer removed himself from the agenda until the assessment/lien issues and DUC Rules and Regulations were completed and after that time if he still needed to come back before the board he would.

Steele stated that the property is within 100-feet of the sewer line and by State Law he is required to hook up. Andolina stated that there is a State Statute for those that do not abide by the RSA. Boulanger stated that if someone does not hook up the issue would be forwarded to the City Attorney.

Motion: A motion to table the item was made and seconded, but that motion was withdrawn.

Motion: Hebbard made the motion to contact the applicant and request that he attend the next meeting and provide the board with his septic report.

Second: Hoffman seconded the motion.

Vote: U/A.

C. The Abatement Review Team

Motion: Hebbard made the motion to table the item until the next meeting.

Second: Hoffman seconded the motion.

Vote: U/A.

E. Wastewater Treatment Plant Update

Steele stated that when the effluent discharged for a period of three consecutive months exceeds 80 percent of the 4.7 million gallons a day design flow, 3.76 million gallons a day, the permittee shall submit to the permitting authorities a projection of loadings up to the time when the design capacity of the treatment facility will be reached and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans. He stated that before the design flow will be reached, or whenever the treatment necessary to achieve permit limits cannot be assured, the permittee may be required to submit plans for facility improvements. He stated that he has put \$200,000 in the CIP six years out for an expansion at the plant.

Motion: Hebbard made the motion to purchase a digital recorder to record the meetings, that way the information could be e-mailed to the members.

Second: Andolina seconded the motion.

6. ADJOURNMENT

Motion: Hoffman made motion to adjourn at 7:00 PM.

Second: Andolina seconded the motion.

Vote: U/A.

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