

MINUTES  
Dover Utilities Commission  
Public Works Facility Conference Room – 271 Mast Road  
*Monday, October 17, 2005 @ 4:15 p.m.*

**Members Present:** Roland Hofemann, Arthur Hoffman, Dan Ayer, Patrick Bowen, Rick Hebbard

**Members Absent:** Jay Stephens, Roland Belhumeur

**Staff Present:** Doug Steele – Interim Director of Community Services, Sharon Lucey, Water Meter/Backflow Prevention Coordinator, Jamie McCulloch, DUC Secretary

1. **APPROVAL OF MINUTES**
  - A. August 15, 2005

**Motion:** Hoffman made a motion to approve the minutes. Hofemann seconded the motion.  
**Vote 5-1 (1 abstention).**

2. **ABATEMENTS**

**A. Daniel Sheehan – 109 Rutland Street** – The applicant was unable to attend the meeting, and requested that his abatement request be tabled until the November 21<sup>st</sup> meeting.

**Motion:**Hoffman made the motion to table the abatement until the November meeting. Seconded by Hofemann. **Vote U/A.**

**B. Mary Hebbard – 97 Spruce Lane** - Rick Hebbard stepped down for this abatement due to the conflict of interest. Mary & Rick Hebbard were present to speak on behalf of the abatement. (See file for notes submitted by Mary Hebbard)

Mary Hebbard referenced the DUC meeting minutes dated 11/16/2002, and read from her personal notes that were distributed to the board. She wished to have the handout as part of the official record for the 10/17/2005 meeting minutes. Mary Hebbard read from the 11/19/2002 minutes. She stated that at that time her husband was a standing member of the DUC. The minutes read “Hebbard stated that according to the PUC & DUC Rules & Regulations, the meter should either be changed or tested every ten years”, which was not done, adding that the City has a responsibility to make sure the meters are either tested or changed out.

Mary Hebbard also read from the 11/19/2002 DUC minutes, again where her husband was a sitting member. She stated that he, meaning Rick, stated that the DUC Rules and Regulations state that every 10 years the meter is to be taken out and or tested, adding that the board has received a number of cases where the meters have not been taken out or tested, and lastly added that this issues needs to be looked into and discussed.

Mary Hebbard stated that the water meter at her residence at 97 Spruce Lane was installed in 1962 and has not been touched since then, adding that it has been 43 years. She stated that the meter should have been changed out at least 3 times since then. She stated that without question, that is absolute negligence on the City's part. Mary Hebbard stated that what she meant by negligence is how Webster's defines it according to the law. She read the meaning of negligence from Webster's Dictionary “Failure to take reasonable care and responsibility”.

Mary Hebbard stated that according to the PUC Rules and Regulations, under section PUC 605.04 Test Schedule for Meters, part C it states, “A utility shall conduct tests on meters in service, according to the size of the meters in

inches, in accordance with the schedule". She stated that those rules and regulations go on to break down the schedule into the size of the meter as well as the maximum interval between tests.

Mary Hebbard stated that the size of their meter is a  $\frac{3}{4}$  quarter inch and the maximum interval between tests should be 10-years, which was certainly not done. She stated that their meter should have been changed out multiple times according to the State law. She stated that though not mentioned in the 11/19/2002 meeting minutes, Rick, as a sitting member of the board did recommend that the City identify the oldest meters first and change those out and then the next oldest and so on. Mary Hebbard stated that you would have thought that their meter would have been first on the list because it was so old and needed to be tested for so long. She stated that apparently there is no true program in place. Mary Hebbard asked Lucey if she brought the schedule, plan or program that the City has in place for removing or testing the meters. Lucey stated that she did not as there is no written plan for it, as the City has a procedure and a policy. She stated that she was kind of curious where Ms. Hebbard received her information, as her meter was changed out in 1981 and again in 1991 according to the City's records, which are the pages from the meter book. She stated that if she had received these questions prior to the meeting, she could have researched and had the requested information ready for Ms. Hebbard. Lucey stated that she could have gathered the meter change cards for 1981 as she only keeps those cards in her file for the last 10 years. She stated that she believes the City abides by the PUC's standards, but she is not sure that as a Municipality they are required to follow them by law. She added that she is not clear on the legal standpoint, but does believe that in the past it was discussed that a Municipality is not considered the same as a light company, or a gas company. She stated that the City's policy is to change or test or attempt to change or test meters every 10 years, but for a variety of reasons it doesn't happen. Ayer asked Mary Hebbard what the resolution was to her concern in her mind. Rick Hebbard requested that the board let Mary Hebbard finish.

Mary Hebbard spoke concerning the testing of meters and that the Rules and Regulations state that the customer shall be present during the test. She stated that again, there was no option there, even if you had an appointment and the customer did not show up, the testing should not take place until the customer is there so they can be privy to the test results. Lucey stated that the meter was stopped. She added that the City did call and try to set up appointments for Mary Hebbard to be present for the testing of the meter. Mary Hebbard stated that she was unable to attend the testing as she had a previously scheduled morning appointment that lasted all day.

Mary Hebbard referenced the DUC Regulations where it states, "If the meter is out of repair or fails to register, the customer will be charged at the daily average consumption as shown by the meter when in order." Lucey stated that the billing history indicates that it was. Mary Hebbard submitted a graph to the board members. (See file for graph). Rick Hebbard explained the graph to the board. He stated that the graph shows the estimates since 1998 right up through the present. He stated that it is obvious that the estimates are completely out of whack. Ayer asked what the red on the graph indicated. Hebbard stated that the red indicates the meter estimates. Ayer asked what the blue on the graph indicated. He stated that the blue on the graph represents the actual readings according to the City's information. Ayer asked if the blue noted estimates were estimates that Hebbard took? Hebbard stated no, it is based on the City's information. Ayer stated that since 9/20/2004, the red is estimated readings according to the graph. Hebbard stated yes. Ayer asked Lucey if since 1998 up through 2004 the City was conducting actual readings. Lucey stated that the City estimated every other meter reading since they went to quarterly billing. Ayer stated that it looks like in 2/2002 and 10/2002 the City took actual readings, and then it looks like it went every other from there. Lucey stated that looking at the meter page, when the meter was read on 3/2004, the remote meter read 857, and in 9/2004 it read 857. Ayer stated that when the City says an actual reading, that is from the remote meter?

Lucey stated yes, as the master meter is in a pit that is usually submerged. Ayer stated that the meter was changed out in 8/14/1992, so there had to be a reading at that change out. Lucey stated right. Rick Hebbard asked when the meter was changed prior to that date. Lucey stated 8/6/1981. Ayer stated that the next change out was 2005.

Rick Hebbard stated that even if the meter was changed out on the dates that Lucey stated, he was not aware of it, and that the law was still not followed, as the meter was not changed out within the 10-year period. Ayer stated that they are not arguing that, the board is just trying to arrive at what they think are facts. Rick Hebbard stated that that is a fact. Ayer stated that the fact is that it has been stated by the applicant's that their meter has not been tested in excess of 42 years, when our records show it was only 12 years one time, and 14 years another. He stated that the board is not going to get into a discussion of whether it was this side of the line, or that side of the line, they want to find out where that line is. Rick Hebbard stated that the line is pretty clear.

There was some discussion on the graph.

Ayer asked if the Hebbard's had additional information they would like to speak on. Mary Hebbard stated that the first estimate you see there for the 40-units is grossly over anything the City has estimated before, and then the next estimate is for 60-units, which is ridiculous based upon the history. Ayer stated that the board should move forward and come back and address these items of concern. Mary Hebbard stated that the DUC Rules indicate that you need to use the daily average consumption as shown by the meter when it is in order. She stated that she is curious where the justification is for those estimated charges. She added that she does agree that the word shall and having it in your rules means you need to comply with that. She stated that we rely on the City to do what is right, as the City supplies this service to us and we rely on you to do your part.

Mary Hebbard stated that since it was mentioned at the 11/19/2002 meeting by Rick Hebbard about the meters and needing to be replaced, and theirs was not, she feels it should have been done. She stated that they have no idea of knowing when or how the meter malfunctioned and she does feel it was negligence on the part of the City. She added that this also supports Rick Hebbard's contention at that 11/19/2002 meeting, that there is no plan in place to replace the meters, or a schedule of this meter is so old we need to replace it. She stated that the City couldn't prove the amount of water that went through our meter and feels that the City is responsible for those charges. Lucey asked Mary Hebbard if she is stating that the City is responsible for all of the charges for the whole time the meter was in place. Mary Hebbard stated for the time period when they had the estimates done.

Mary Hebbard lastly stated that the onus is on the City, not the customer, and under all of these conditions we respectfully ask that the Commission waive the charges. Ayer asked what charges Mary Hebbard was requesting be waived. Mary Hebbard stated that three estimates when the meter malfunctioned. Ayer asked if she had a charge, as he wanted himself and the board to be clear on her request. He asked if she was looking to have all of the estimated charges waived. Mary Hebbard stated that was correct. Ayer asked what charges she wanted to make made, and asked if she used any water during that time. Mary Hebbard stated that she would be happy to pay from when the meter was replaced June 2<sup>nd</sup> for those charges.

Rick Hebbard stated that they are only required to pay for the water that the City can prove went through the meter. He stated that whether or not any water went through that meter, he does not know, as it was not working. He stated that it is not their obligation to make sure the meter is working, so that the City can charge them, as that is the City's obligation and responsibility period, not theirs. He stated that the City had 2 ½ years, from when he sat on the board as a member and stated to the board that there was no plan in place to change out those meters. He stated that it was stated to him that there was a policy in place and he reiterated that there was not.

Hebbard stated that a story was made up about changing out the radio read meters. He stated that that will not hold water, as Lucey just stated that there is no actual policy in place. He asked where the written policy, adding that you need to have something in hand to show. He proceeded to ask Lucey if there was a policy, what date was his meter scheduled to be changed. Lucey stated that since 1997 the City has been leaving cards at every house in the City to change the water meters over to radio reads. Hebbard stated that he never received a card. Lucey stated that she would have to disagree with that statement, however she probably could not prove that

today, but if she knew she was going to be asked that question, she probably could have provided that information to the Hebbard's.

Lucey stated that for the last four years, every time they read a manual read meter, they leave cards on the door asking the resident to contact the office to schedule an appointment to change the meter. She stated that since 1997 the Water Division, on a daily basis, has been changing meters over to radio reads, adding that they have gone from 7,800 to less than 150 right now. Lucey stated that in the beginning they did target the oldest neighborhoods first, but the City is pretty much at the mercy of the homeowner as to whether or not they can get into the homes, so that is why we leave cards asking the homeowner to call us. Lucey stated that when the homeowner calls, they set up an appointment. She stated that sometimes we get to change out one that is 10 years old and sometimes meters that are very old. Lucey stated that the City tries to stick to a ten-year plan, but with limited resources of manpower and money, it doesn't work that way, but the City is less than 15 years in changing out meters, which they believe is pretty good.

Lucey stated that at this point and time we have 150 meters left (since the process began in 1997) that are less than 10 years old, out of 7,800 which she thinks is pretty good and feels the State would agree. Rick Hebbard asked Lucey to explain why in 2 ½ years his meter was not changed out. Lucey stated that she believes attempts were made, adding that his meter was not one of the oldest meters as it was changed out in 1992. She stated that they had other meters that were troublesome and needed to be changed out. Hebbard reiterated that it is not his responsibility. Ayer asked Hebbard if there was any indication in his research verifying that the City of Dover this Commission, or Water or Sewer has been accused of negligence in their exercise of their work from the NH Public Utilities Commission. Rick Hebbard stated yes, that it is quite clear, as Lucey just stated that the water meter was not changed. Ayer stated that what he was asking Hebbard was if to his knowledge, the City of Dover was ever cited by the PUC for negligence. Hebbard stated that he did not know. Ayer stated that he wanted to be sure that that did not come up. Ayer stated that the abatement discussion was kind of being held like a deposition, and he wanted to know what Hebbard was talking about, so the board can address the issues. Ayer stated that he does not want to be blind sided later on by Hebbard making a statement that the PUC might have sited the DUC for negligence, as he does not have any knowledge of that. Ayer asked if the board members had any knowledge of the City being charged with negligence and not one member stated yes. Ayer stated that these are all facts that should be considered in the case as the board is being charged with negligence. Hebbard stated that it is not his duty, or his problem to insure that the City has the funds, manpower, resources, meters, to change them out every 10-years. He stated that that is up to the board to challenge the City Council to make sure you get that job done in that amount of time, adding that that is not his problem. He stated that the State law states that you shall do this. Ayer stated that that is understood. Hebbard stated that once you go over that, in his belief, that is somewhat obvious, that it is negligence. He stated that in 2 ½ years for his meter to go is not reasonable; it's not proven and not close. Ayer stated that that is a consideration certainly because our records indicate that it has been 2 ½ years over the 10-year period. Hebbard stated that the 2 ½ years is from when he told the board that his meter had been in there way over what it should have been. He stated that whether or not he was correct with the exact date, right now, it seems kind of immaterial as it was well over 10-years.

There was some discussion.

Ayer stated that the correspondence he reviewed indicated that the meter actually had to be taken out of the pit that was covered in mud and water, and asked if that had happened yet. It was stated yes. Ayer asked if the meter was taken out and tested. Lucey stated that the meter was stopped. Ayer stated that the City has no assurance that the meter stopped on the day it was taken out, and that it could have been passing water for a considerable amount of time. Lucey stated that water can pass through the meter without it necessarily registering. Rick Hebbard stated that it also could also be obvious just as well that the City could have been overcharging him for those previous years. He stated that the City couldn't prove the meter was running at such

and such a figure. Ayer stated that this may not be a good analogy, but if the clock on the wall stopped at 4:45, we could presume that time lapsed until 4:45, and if we discovered sometime after 4:45, it could be an actual assumption to say that the clock recorded time until 4:45. Hebbard stated that Ayer was right, and if the law said that you were responsible for what you view on that clock, it moving, that is what you are responsible for, and that is what the law says that he is responsible for is the water that went through the meter, period. Ayer stated that that is the point he is making, which is actually in Hebbard's favor. Hebbard stated that he is willing to pay for the water that the City can prove went through the meter, period. Ayer stated that that it is a real consideration and he is just trying to get down to the facts so that the board can make a decision. Ayer stated that he sees Rick Hebbard's position is that he is willing to pay for the water that went through the meter until it stopped. Rick Hebbard stated that he is pretty sure they have already done that. Ayer stated that he does not know where that is in time. Hebbard stated that he does not know either, as it's ambiguous, it's between 6/13/2004, actually 3/3/2004, looking to Lucey for clarification. Lucey stated that the meter was taken out on 6/2/2005 and it had a reading of 1,002. She stated that from 1992 to 6/2/2005, 1,002 units registered before it stopped. Rick Hebbard asked if the meter could have gone around once. Lucey stated that she did not believe so, or it would be all zeros. Hebbard stated that from his graph it shows that the last actual reading before the meter was change out was on 3/3/2004. Ayer asked if in speaking of an actual reading, was that read from the master or the remote. Lucey stated that it would have been the remote.

Lucey stated that the remote meter stopped on 3/3/2004 and read 857 and on 9/2004 it read 857, adding that the master stopped at 1,002 units. Ayer stated that the master from the time of installation stopped at 1,002. Lucey agreed. Lucey agreed that that date was unknown. Ayer stated that the board can factually say, and he believes Rick Hebbard is agreeing, that that meter passed 1,002 units of water from the time it was installed until the time it stopped. Ayer stated that he took Hebbard's position as being that he will pay for that amount of water. Hebbard stated that he is pretty sure that it has already been paid for. Ayer stated that to clarify Hebbard's abatement, Hebbard is requesting an abatement from the number 1,002 until the estimated bill? Ayer stated that if today, the estimated reading for example, was 1,500 units, you choose not to be charged for the 498 units that may or may not have passed through the meter. Rick Hebbard stated that he does not know when the meter stopped. Ayer stated that they do not know what time the meter stopped, but they know it stopped at 1,002. Ayer stated that the total estimated readings as of the change out of the other meter was 1,000 units. He stated that he is trying to build a parallel between what the actual master meter read and stopped, and what the total of the estimates were. He clarified with Lucey that the master meter stopped at 1,002 units and the total estimates were stopped some time in March at 1,000 units. Lucey stated yes. Ayer asked how long after March the new meter was installed. Lucey stated June, adding that the June bill she believed was for 2 units. Rick Hebbard stated that he had to stop that discussion, as Ayer and Lucey were misconstruing the situation. He stated that the board is considering of the 1,002 is looking at the meter itself, he stated that the board cannot do that, as no one knew what the meter was, and the City is going by the 857 and should continue to go by that number, adding that you cannot swap highways in the middle of the going. Ayer stated that he is not trading highways he is trying to get to the facts. He stated that the facts of the matter are that the master meter recorded 1,002 units, adding that that is fact #1. He stated that fact #2 is that the board has always billed by the master unit, adding that when Hebbard sat on the board we billed by the master unit.

Ayer stated that fact # 3 is that the estimated units you were billed as of March totaled 1,000, which would indicate reasonable accuracy. Rick Hebbard stated possibly, asking what were the numbers when the meter was put in. He asked if the meter was zeroed out when the new meter was put in. Lucey stated yes. She went over her Excel spreadsheet explaining the readings and her findings. (See file for spreadsheet). Lucey stated that the Hebbard's are very consistent in their use, even going back to the old meter, going over the life of it knowing that we were probably averaging it over a time longer than when the meter actually stopped. She stated that it is very consistent. She added that looking at the billing history, there are a couple of highs, and a couple of lows but basically, running down through the history, you see readings of 22, 18, 35, 22, 4, 18,18, etc. She stated that they are pretty remarkably consistent. Rick Hebbard asked if the practice was that the City have someone go into homes and recalibrate or check the remote versus the master meter? Lucey reiterated that the City cannot do

that as often as they would like to, adding that they send cards out and leave cards for homeowners on their doors, asking them to verify the inside readings, as we would have an outside reading. She stated that where there are discrepancies we do try to get into the residences. She stated that the Hebbard's situation, understandably is a little different in that the City installed a meter in that pit with a thermostat wire running to the remote which is a standard installation in a house but not in a pit full of water. She added that the meter ran for 10 years.

Ayer stated that he is not arguing one way or the other, all he wants to bring out all of the facts as the board is going to make a decision based on the facts. He stated that the way he sees it is that we have a meter that stopped at 1,002 units. We have a total of estimated bills as of March of 1,000 units, adding that as he previously stated, the City seems to be reasonably close. He stated that he is kind of at a loss now as to what the Hebbard's want to be abated for. Rick Hebbard stated that under the new circumstances that have been brought out, it seems as though the regular meter has quit at some point and time and we don't know when. He reiterated that all he is willing to pay is for the water that went through the meter, as that is all he is responsible for. Ayer clarified 1,002 units? Rick Hebbard stated that if that is all that has gone through. Ayer stated that the estimated units are 1,000 units. Lucey stated that she believes in June they received a bill for 2 units, which would bring it to 1,002.

Ayer stated that if we bring the timetable up to June 2005, we have a meter that's reading 1,002 and a bill of 1,000 units. Ayer stated that that was probably an actual reading, and Lucey clarified it was. Rick Hebbard stated that he doesn't have from the point and time that that quit, until the time they put that one in. Ayer stated that we have a master meter that registered 1,002 units up until some point and time, and we have estimated bills that run up in time, and as of March they were 1,000 units. He added that then in June the meter was changed and it read 1,002, which would make us 2 units off. He stated that City then billed you for those 2 units based on the master meter. Ayer stated that they do not know if the meter stopped a week, a year, or five years before, but the fact is that every drop of water that came through the meter after it stopped was not billed, it was free water. Hebbard asked where it showed that. Ayer stated that let's say the meter stopped the day it was taken out and you didn't receive any free water, adding that he thinks he and Hebbard both know that it stopped before that. Ayer stated that what he is saying is that from the time it stopped, until the time it was taken out, or until the time the new meter was put in, the Hebbard's received free water, adding that that is the way he sees it.

Hebbard asked if he was not charged for that usage during that time. Lucey stated that the Hebbard's were only charged up to what the meter actually read when we pulled it out of the pit, which was on the June bill, that was 2-units. Hebbard asked if the new meter started at zero and Lucey stated yes. Lucey added that 39 units registered on the meter in four months.

Mary Hebbard asked what happens with the interest due on the bill in question. Hoffman stated that the interest from the date the abatement application was filed until the DUC meeting date, the interest is waived. Lucey stated that the interest may show up on the bill, until the Billing Office receives the information from the DUC. Ayer stated that that is applicable to an abatement, and he does not know yet what the Hebbard's are asking for in an abatement, as they have been charged for 1,002 units and billed for 1,002 units, and then the new meter went in. Ayer stated that whenever the meter stopped, whether it was the day it came out, or sometime previous to that, from that time, until the new meter was put in, the Hebbard's received free water. Hoffman stated that they have two options, if they withdraw their request, there is a chance the interest could be applied, but if the board makes a motion to deny the request, based on the information brought out, they might have a chance of not having to pay the interest.

**Motion: Hoffman made the motion to deny the request based on the information provided, and that any interest from the date of the application to the DUC meeting date of 10/17/2005 be waived.**

Rick Hebbard stated that if Hoffman withdrew his motion, he could ask additional questions that he had.

*Hoffman withdrew his motion.*

Rick Hebbard asked about the red lines on his graph, which represents the estimated readings, he would like to know why they are so far out of whack as they should not be. He stated that the estimates should be based on what the amount is when the meter was in working condition. Lucey stated that the estimates are calculated in the Finance office, and she does not know specifically what their formula is. Rick Hebbard stated that they couldn't have a formula, as the formula has to be according to the law, that an estimate is the customer's average usage. Lucey stated that she does not know if the computer calculates the estimates, as she does not do that, they are completed by the Finance Office. Ayer stated that he does not want to confuse the two issues. Hebbard asked if he should bring that issue up after. Ayer stated yes. Ayer stated that the board should obtain the motion to the time that the meter was changed out. Rick Hebbard asked if they could still obtain the 80-unit abatement. Ayer stated that that depended on the generosity of the board. Ayer wanted to clarify for the board that Hebbard and the board were on the same page and that master meter read 1,002 and they were billed 1,002. He stated that therefore, no abatement would be necessary, however the board is denying the abatement. Ayer asked Hoffman if his motion reflect that time frame, and then the board can go into a second red line. Hoffman stated that his motion is based on the readings on the meter. Ayer clarified that the motion is based on the fact that we have a meter reading of 1,002 and a billing of 1,002 and the motion is to deny any abatement request. Ayer asked if everyone was clear on that.

**Motion: Hoffman made the motion to deny the request based on the information provided, and that the interest from the date of the application to the DUC meeting date of 10/17/2005 be waived. Seconded by Hofemann.**

Discussion: Hoffman stated that he had not given any thought to the 80-unit abatement allowed by the City Council until it was mentioned, asking if that is something that is applicable in this situation. Ayer stated he was thinking that it might work into the next phase, as he understands that Hebbard has a question as to the red part of the graph, which is estimated billings on the old meter. Hoffman stated that perhaps the question on the estimated readings is something that should be brought up under new business, or directed to Finance. Ayer stated that is just trying to separate so he does not get apples and oranges in one bag. He stated that the board has a meter reading of 1,002 and a billing of 1,002, abatement denied. He added that there is a seconded to the motion, and asked if there was further discussion. Lucey stated that when the meter was changed, there was a discrepancy of 143-units, regardless of what had been estimated the physical discrepancy was 143-units.

**Amended motion: Hoffman made the amended motion to deny the abatement with the consideration of 80-units being abated. Seconded by Hofemann.**

Discussion: Hoffman asked Lucey if when a meter was changed out, and there are discrepancies, the City Council approved to authorize the Abatement Review Team to abate up to 80-units, how was that derived at. Lucey stated that that was a breakeven point from the time that it took for City employees to go out and testing the meter and removing it. Ayer asked if there was further discussion. He reiterated that there is a motion to deny with the exception of an 80-unit abatement as is the boards policy.

**Vote: U/A.**

Ayer stated that there is some question as to how the latter estimates were made. Hebbard made a point of order and asked if he was back in as an active member. Ayer stated no. He stated that he was looking for a motion to table the question on the estimates (red line on the graph) until the next meeting.

Mary Hebbard took a moment to thank the board because she came into the meeting with a certain belief and understanding and information base, which she is passionate about and hopefully put forward in that manner.

She stated that through discussion and back and forth, she is leaving with a different reference than she did coming in here. She thanked the board for walking her through all of it. Rick Hebbard stated that he seconded Mary's statement. Ayer thanked Mary Hebbard and added that as a board, they try to convey trust and honesty and when we get that back, there is a meeting. He stated that they do not always get that back, adding that he appreciated Mary Hebbard's thought and thanks. He stated that through discussion these things are brought up. Mary Hebbard stated that education is always a great thing.

**Motion: Hoffman made the motion to table Rick Hebbard's question on the read area of Hebbard's graph as to how estimated readings are determined until the next meeting. Seconded by Bowen. Vote U/A.**

Ayer stated that in terms in meeting the requirements of the law, he finds Lucey honest in saying we all tried. Hebbard stated that there is no question about that. He added that Lucey should approach the City Council.

### **C. Robert Gosse – 10 Royer Lane**

Mr. Gosse was present to speak on behalf of his abatement.

Mr. Gosse stated that his sewer line failed after six years, four feet off the edge of the road. He stated that he believes the sewer was not installed properly and if the City inspected it, the installation should not have been allowed. He added that no sand was used to backfill the pipe. He stated that the pipe was installed over a hump, which created stress cracks and the City should assume some responsibility.

Ayer asked if the bill in question was for the repair by Bill Boulanger's crew to the original work that was done. Gosse stated yes, adding that he bought the house and the sewer hookup as a package. He stated that he is willing to pay half of the bill in question if the City would be willing to pay the other half. Ayer asked Mr. Gosse if it was his contention that since he did not hire the contractor that did the faulty work, and he assumed that a permit was pulled and a faulty inspection was completed by the City, he would still be willing to pay half of the cost? Gosse stated yes, adding that he was very happy with the City's response to his sewer problem. Ayer asked if there was any recourse with the contractor who completed the work. Gosse stated that he probably would not go after the contractor due the small amount.

Hoffman asked if it was a lateral installation. Gosse stated that he believed they forced the pipe down and made it into an egg shape. Ayer noticed the two different colors of sewer pipe, stating that the sewer line was probably stubbed at the lot and the contractor went to the stub.

Gosse stated that originally the contractor went to the main, broke it and Bill Boulanger's crew fixed it and installed a Y. He stated that the contractor put the line in from the Y to the house.

**Motion: Hofemann made the motion to have the City pay half of the bill in question leaving the owner responsible for the other half of \$318.87. Seconded by Bowen.**

**Amended motion: Ayer made the motion to have the City pay half of the bill in question leaving the owner responsible for the other half of \$318.87, adding that any further future problems or concerns with the owners sewer lateral service he not return to the City for recourse. Bowen seconded the amended motion. Vote U/A.**

## **3. REPORTS**

### **A. Utilities Report**

**Sewer:** No violations at the WWTP. Charles Street Pump Station upgrade on schedule for December 31<sup>st</sup> completion. Had a raw discharge at the Charles Street Station on 10/15 due to heavy rains. Varney Brook force

main easements have been approved by council. River Street Pump Station VFD and electrical upgrade design complete.

**Water:** No bacteria problems. Bouchard Well and Treatment Plant design plans 95% complete and being reviewed by staff. Annual hydrant flushing ongoing.

**B. Abatement Review Team**

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

**4. OLD BUSINESS**

**5. NEW BUSINESS**

Ayer stated that there will be an item on the next agenda as to Rick Hebbard's concern on estimates. Rick Hebbard stated to Lucey specifically that the statements he made earlier in the abatement request were nothing personal and that he knows the Water employees do a fantastic job and they are way under the gun. He added that he agrees that the Water Division needs more resources and his earlier statement he meant that they need more resources and that they pursue that through the City Council. Lucey thanked Hebbard. Ayer added to that statement that Rick Hebbard being a member of board would push in every direction he can to get that done.

**6. ADJOURNMENT**

**Motion:** Hoffman made the motion to adjourn at 6:00 pm. Seconded by Hoffmann. Vote U/A.

Respectfully submitted,

*Jamie McCulloch*

Dover Utilities Commission