

**MINUTES**  
**Dover Utilities Commission**  
**Public Works Facility Conference Room – 271 Mast Road**  
**Monday, November 21, 2005 @ 4:15 p.m.**

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

**Members Absent:** None.

**Staff Present:** Doug Steele – Interim Director of Community Services, Jamie McCulloch, DUC Secretary

1. **APPROVAL OF MINUTES**
  - A. October 17, 2005

**Motion:** Hoffman made a motion to approve the minutes. Bowen seconded the motion. There was some discussion.

Hebbard stated that he would like to see the minutes consist of the gist of the meeting, or verbatim. Ayer stated that not every word was reflected in the minutes, but he feels comfortable with them. Hebbard mentioned that if someone was to take their abatement to the next level, they would want both sides of the request to be displayed in the minutes. Bowen asked Hebbard to meet McCulloch half way, asking him to go through the tape of the October meeting and give any changes/additions he had to her. Ayer agreed that not every word that was spoken at the meeting was typed. Hebbard stated that he does not know what is missing, but that things are missing from the minutes. Stephens stated that the normal practice is that if a member has changes to the minutes, they present specific changes at the meeting. Stephens recommended tabling the minutes until the December meeting. Ayer had some question as to the situation between a board member versus an applicant speaking on minutes. Ayer suggested voting on the minutes excluding Hebbard's concerns, and requested that the board receive legal direction as to what is required as far as the proper edict on minute taking and attachments submitted.

There was some discussion.

**Amended Motion:** Ayer made the motion to approve the minutes excluding item 2B, and to table section 2B until the December meeting. Bowen seconded the motion. Vote 5-0. *Stephens and Belhumeur abstained, as they were not at the October meeting.*

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 January 16<sup>th</sup> meeting.

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

**B. Bert Spiller – 60 Stark Avenue** – Mr. Spiller was present to speak on behalf of the abatement.

Mr. Spiller stated that his request was cut and dry. He stated that his wife's parents are going through a financial hardship at this time, and the other siblings are unable to assist them, so he took out a second mortgage and built an apartment in their home for his in laws to live in. He stated that in his immediate family, is a total of three. He stated that his in laws would be living with them, but separate. He referred to a document he had with him that would change the deed to his home making it revert back to a single family home once his in laws were no longer living there. He stated that the apartment would be hooked up to his water and sewer and that no new pipes would be installed. He stated that it is basically a separation of space. He stated that the only investing he is doing is in his home.

Ayer asked if the apartment had a kitchen? Mr. Spiller stated yes. Ayer asked if the Building Inspector sees the apartment as a unit? Mr. Spiller stated that he could not answer that, as he was not sure. Ayer stated that if the apartment is a complete unit by itself, it makes it difficult for the board. Hebbard asked Mr. Spiller who told him he had to due up the deed

document he referenced. Mr. Spiller stated that it had to be written up in order to have the school impact fees waived, since the property will be bound by lawful deeded restrictions on occupancy by senior citizens age 62 or over for a period of at least 20 years.

Stephens explained investment fees.

Ayer stated that he believed that Mr. Spiller should go before the City Council with his request as the DUC Rules and Regulations do not recognize his situation. Stephens read from a copy of a City Council resolution regarding investment fees and stated that the board would be happy to send a memo to the City Council stating that they sympathize with Mr. Spiller's situation. Stephens stated that as long as the Building Inspector considers the apartment a separate dwelling unit, those investment fees should be paid.

**Motion: Ayer made the motion to deny the request adding that the board would write a memo to the City Council stating that the situation is not recognized in the DUC's Rules and Regulations. Ayer added that the DUC as a body is not in a position to govern on the request, adding that they sympathize with Mr. Spiller, but their hands are tied. Hoffman seconded the motion. Vote U/A.**

### 3. REPORTS

#### A. Utilities Report

**Sewer:** There was one weekly average fecal coliform violation at the WWTP. The Charles Street Pump Station upgrade is on schedule for a December 31<sup>st</sup> completion.

**Water:** There were no bacteria problems. Annual hydrant flushing was completed in October.

#### B. Abatement Review Team

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

### 4. OLD BUSINESS

None.

### 5. NEW BUSINESS

Hebbard spoke on the testing of meters. He stated that the meter is supposed to be tested in front of the customer, which is not always the case. Stephens stated that the customer is asked to attend the testing, and they elect to show up or not. Hebbard suggested having a waiver sent out and signed by to the customer, so that there is no question. He added that if the customer chose to, they could send a proxy in their place to witness the testing.

**Motion: Hebbard made the motion to have waivers sent out and signed by to the customer anytime a meter is tested, so that there is no question, and if the customer chose to, they could send a proxy in their place to witness the testing. Bowen seconded the motion. Vote U/A.**

The board read through the memo from the Water & Sewer Billing Office regarding their procedures for determining estimated bills.

Hebbard (referencing the graph showing his water readings, that was submitted at the October meeting for Mary Hebbard's abatement) stated that the estimates obviously were not taken properly. He stated the he wanted to bring to light the situation for the board and the people estimating. Hoffman stated that the DUC as a body has no say, as Finance has control of the Billing. Hebbard stated that the board as a body needs to send a letter to the City Manager, City Council and Mayor. Stephens stated that if the board usually comments via a memo to the Finance Department if they see a discrepancy.

Ayer stated that he felt that Finance was making a good faith effort to do what they could to estimate the bills. Ayer questioned how you could average previous months if the meter was not working properly. Hebbard stated that the example (the graph of water usage/estimates for his property) could be an anomaly, but it could be used as an example anyhow.

Hebbard suggested the possibility of discussing a meeting start time of 5:00 PM instead of 4:15 PM to give more time to employees and members who work other jobs. He stated that it was food for thought for the next meeting. It was agreed that the topic would be put on the agenda for the next meeting.

Hebbard handed out a copy of a letter that he wrote to Jay Stephens, DUC Chairman, to the members. (See file.)

Hoffman suggested that the doorknockers that are left on customers doors should perhaps be a carbon copy. Hebbard asked how many times notices are left at a residence? Steele stated that there have been instances of notices being left several times. Hebbard suggested that after three cards are left at a residence that the homeowner receive a certified letter stating that the water will be shut off if arrangements are not made.

It was mentioned that out of town homeowners are not receiving the cards that are being left at rental properties.

## 6. ADJOURNMENT

**Motion:** Belhumeur made the motion to adjourn at 5:51 PM. Hoffman seconded the motion. Vote U/A.

Respectfully submitted,

*Jamie McCulloch*

Dover Utilities Commission