



CITY OF DOVER

DOVER UTILITIES COMMISSION ~ MINUTES

Meeting Type: Regular Meeting
Meeting Location: Conference Room – 271 Mast Road, Dover, NH 03820
Meeting Date: **Monday, November 17, 2008**
Meeting Time: **5:30 PM**

Members Present: Chairman, Gary Green, Rick Hebbard, Jay Stephens, Otis Perry, Mark Moeller, Marty Coyle

Members Absent: Michael Earley

Staff Present: Shari Bullen, DUC Secretary, Doug Steele, Community Services Director, Bill Boulanger, Utilities Supervisor, Allan Krans, City Attorney

1. ROLL CALL

Michael Earley was absent and two new members were confirmed; Marty Coyle and Mark Moeller

2. REVIEW OF AGENDA

Item 5B., Mackey was resolved and will not be heard by the DUC.

3. APPROVAL OF MINUTES

A. September 15, 2008 Minutes

Motion: Perry motioned to approve the minutes.

Second: Hebbard seconded the motion.

Stephens indicated there was a typo in item 5A where the second word 'on' should be 'one'. He also noted that it was stated there was no way to meter sewer usage which is not true. After some discussion, it was agreed that although it was misstated, it was appropriately recorded, as stated. Hebbard indicated that under item 9. Concerns, he would like the minutes to be more specific regarding DUC regulation 3.5.1 which he passed out and would like the record to reflect why he passed them out.

Motion: Perry motioned to accept the minutes, as amended.

Second: Hebbard seconded the motion.

Vote: U/A.

B. October 20, 2008 Minutes

Item 7C. Stephens indicated the monies in the CIP for the North End Water Pressure were in there to perhaps identify and purchase property but he wanted to be clear that there was no commitment to building a water tower at this time. Steele indicated that of the 4 million dollars, 1.6 is in the CIP to build the tower. Stephens said this is a place holder not a commitment to build. Steele said the City can purchase the property without moving forward to build the tower. Green said the land could be used for another purpose or it could be sold. Perry felt the minutes were accurate as discussed at the October meeting but that they could defer until the audio tape of the meeting had been reviewed.

Motion: Hebbard motioned to defer approval of minutes until the tape was reviewed.

Second: Perry seconded the motion.

Vote: 3 in favor, 1 opposed, 2 abstained.

4. Citizens Forum – Citizens Forum was opened and closed as there were no residents wishing to speak to the commission.

5. **Abatement Requests**
5A. **Water/Sewer Investment Fee Waiver Request**

Green introduced Attorney Anthony McManus who appeared on behalf of SGI Realty, LLC. Dr. John Hopkins, Principal/Owner of Bellamy Fields on Garrison road was also introduced.

McManus stated the new facility on Watson Road was to be very similar to Bellamy Fields on Garrison Road. They are in receipt of a bill for investment fees which has an inaccurate bed count. They were billed for 56 beds where the facility will only house 54 beds; 24 doubles and 6 singles. McManus would at least like a waiver for the 2 beds but beyond that he feels the system is discriminatory to the applicant. Appendix B of the DUC Regulations shows a single family home being charged based on number of bedrooms, not beds. A multi-family is based on 3 dwelling units where there could be more beds per unit. Hotels are charged based on beds where there is no actual relation to usage or the number of people using a bed. McManus feels the units should be the same but the charges vary based on usage type. Further he felt there was no congregate care category but that hospitals or other than nursing homes might apply where the formula is 135 per bed. Nursing homes are 1475/unit, hospitals are 1967/unit and hotels are 1967/unit and congregate care is paying more than hospitals or hotels. Minimums also varied by property type and again reflect no relationship to actual usage.

McManus continued by saying this new facility will provide a great service to the elderly, the community and that this is an unfair fee where they are already paying for the extension of the lines.

Hebbard interjected that McManus has represented Hebbard but that he felt there was no conflict. McManus agreed that it had been over a year, or close to it, since he represented Hebbard.

Green indicated that water flows were provided by the State. McManus said Dr. Hopkins could provide usage figures from Bellamy. Green indicated that the fees are for a buy-in to the system and the infrastructure. Moeller asked what a developer gets for these investment fees. Green said the developer gets the right to tie in. Boulanger said that debt and depreciation are included in the fees and the charges are based on what the State would use in order to design or approve a design of a leech field for this facility. 4 beds = 1 dwelling unit of flow. Stephens said we do not use different measurements; we use the benchmark the State does and that we are consistent with the State. This is not new. Moeller asked what McManus is asking for. McManus indicated that he would like the number of beds to be reduced to 54 beds or 30 rooms. Perry didn't feel we have enough information. Applicant should bring more information and a proposal, in writing. Green wants to see the State flows. There was discussion about fees for their first building but the fee scale was different at that time and they paid the \$1,900 per connection.

Motion: Perry motioned for the request to be re-submitted in writing with flows and specifics about what they feel a fair settlement would be and refer it to the next meeting, December 15, 2008.

Second: Stephens seconded the motion.

Vote: U/A.

Motion: Hebbard motioned to suspend the rules and move to item 8A.

Second: Perry seconded the motion.

Vote: U/A.

8. **New Business**

8A. **Acceptable Use Policy, Allan Krans, City Attorney**

Krans passed out a letter from the City Manager thanking everyone for their service. Krans introduced the policy and asked the committee to consider signing the policy so that they can use the City server (e-mail) to conduct their business. The policy was introduced to keep City business separate from their personal business and to capture communications and the need to be an open and transparent government was discussed. There were questions about who would be able to read e-

mails, right to know requests and privileged communications. Perry indicated he already has an address and signed and turned in his paperwork. Krans indicated the policy works best if they agree to adopt as a commission. Green, Hebbard, Moeller and Coyle felt there were some questions about how it would work. Perry felt it was a good idea; safe and preferred.

Motion: Moeller motioned to adopt.
Second: Perry seconded the motion.
Vote: 2 in favor (Moeller/Perry), 4 opposed; motion failed 4 to 2.

6. Reports

6A. Abatement Review Report

Boulanger reviewed the Abatement Review Team report. #1. Hebbard disagreed with the Shrewsbury decision. Hebbard motioned this incident come before the DUC. Failing to receive a second, the motion failed. #2. Hebbard said it was not fair to investigate Thurber. Green thought it was proposed to have the DUC review ART decisions before they were final. Green said maybe in the April packet he reviewed the ART goals and he will redistribute this packet. Hebbard says no resolution or ordinance is in place to authorize ART. Perry feels he sponsored a resolution to Council giving ART their authority. #3. 61 Emerald Lane - members want more information; Steele said we would provide more details in future reports. It was discussed and agreed that ART should meet after DUC, not before.

6B. Utilities Report

The Utilities Report was reviewed and there was some discussion.

6C. Finance Report

The Finance Report was reviewed and there was some discussion.

Motion: Perry motioned to accept the reports.
Second: Hebbard seconded the motion.
Vote: U/A.

7. Old Business

7A. Small Case

Steele indicated that the contractor is scheduled to begin work tomorrow. Jackie Small signed the agreement and Steele has been staying in contact with her but the contractor is behind. The contractor may patch the driveway now and overlay in the spring.

7B. Plumbing Code for Booster Pumps

Steele spoke to the concerns about which RSA requires we not allow booster pumps. The EPA sets the rules and the states are allowed to adopt and run their own. New Hampshire has the right to run municipal and private systems (>25 people) under State jurisdiction. Perry indicated there is a conflict between the plumbing code and the State. The DUC can recommend changes but the Planning Department and the City Council need to make and adopt these changes. There are good reasons to disallow booster pumps. Steele will get with Chief Plummer and Boulanger. Stephens indicated the DUC can send something to Council. Perry said Planning is responsible but we can do it. Green asked why Council doesn't make this happen. Background was given to the new members. Steele indicated the CIP will be approved around mid December; there will be one workshop, a public meeting and then a vote. Green said he wants the individual areas affected and Steele said there's more to it than that so it should go on the next agenda. Perry wanted to know what is the desired pressure and how much of Dover meets this level of service. Steele indicated we are providing acceptable but not desirable service. Boulanger said the new tank would be 15-20' higher and that 2.31' = 1 psi. Green asked what we want on the next agenda. Boulanger said we can't pick out individuals, but it must be areas affected. Steel said the tower is more than just a pressure solution. Garrison Hill provides all the pressure for Dover and it is not safe to operate without a backup. This will be put on the next agenda.

9. Areas of Concern

Hebbard expressed a concern that the minutes did not use a consistent naming convention when referring to attendees and it was discussed that it would be preferred to always use last names. He also indicated he would prefer more detail in the minutes and no reference to 'some discussion occurred'. Green indicated that historically it has always been acceptable.

Hebbard asked if there are currently 2 alternates (the new members) or if Perry was an alternate too. Perry indicated that he was indeed a full time member as of his re-appointment.

Hebbard asked about Joyce Mackey's relief valve blowing on Dover Point Road and whether there was any correlation to high pressure in this region. Boulanger indicated that this was just a valve that failed and had nothing to do with water pressure. Hebbard thought it should have been better investigated. He indicated he went to her home to investigate and realized there was a crawl space where the water could have leaked out.

Hebbard brought up questions which arise in prior meetings not being brought back and answered. Green feels it is his responsibility to follow up.

Councilor Callaghan asked if he might make some comments to the DUC. He appreciates everyone's hard work and appreciates the volunteers. He indicated minutes should be accurate but not 100% complete as the audio recording is the full record. Councilor Callaghan indicated that the Council does not direct Planning that the City Manager does. He also noted that Steele is on the right track going to Chief Plummer and thanked him. Green thanks Councilor Callaghan for his comments.

10. Adjournment

Motion: Stephens made the motion to adjourn at 8:10 PM.
Second: Hebbard seconded the motion.
Vote: U/A.

Respectfully submitted, *Shari Bullen*, Dover Utilities Commission

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