



CITY OF DOVER

DOVER UTILITIES COMMISSION ~ MINUTES

Meeting Type: Regular Meeting
 Meeting Location: Conference Room – 271 Mast Road, Dover, NH 03820
 Meeting Date: **Monday, February 9, 2009**
 Meeting Time: **5:30 PM**

Members Present: Chairman, Gary Green, Otis Perry, Marty Coyle, Michael Earley, Mark Moeller, Jay Stephens, Ed Spuler

Members Absent: Ted Mortner

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

1. ROLL CALL

The meeting was called to order at 5:35 PM.

2. REVIEW OF AGENDA

3. APPROVAL OF MINUTES

Green indicated the date on page 2 under Old Business should be February 13, 2008. In the next paragraph, third line, it should read billing instead of invoice.

Motion: Perry motioned to approve the minutes.

Second: Moeller seconded the motion.

Vote: U/A

4. CITIZEN'S FORUM

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

5. ABATEMENT REQUESTS

The SGI investment fee waiver request has been postponed until the March 16, 2009 meeting. Perry indicated he reviewed the State list and found some odd definitions and that the basis being dwelling unit or bedrooms was somewhat inconsistent. He went on to explain that the State's single family dwelling fees vary and this may be the reason Attorney McManus was trying to point out when he called the rules unfair. Perry noted two things:

1. Some State definitions do not make sense.
2. We base our comparison on the number of meters and the users can vary tremendously.

Perry feels we need to look at the system more carefully but that in his investigations he has not come up with a lower rate, just better justification for the rate. Green mentioned that some of the newer members might want to review the rate schedule with Boulanger. Earley wants 2 proposals in advance of the next meeting where the first shows the current calculation and the second shows the proposed. Perry said this fee discussion has nothing to do with SGI and was only for critiquing and future modifications to the investment fee calculations. Coyle asked if we would be clarifying the State's definitions and Perry answered that his expectation is that most categories are fine with the exception of item 1 and 2 in Appendix B where they maybe should have used bedrooms in both cases.

Green indicated that a special meeting on the 30th of March was being scheduled to go over the North End Water Pressure Study and felt that we might include this review of the rates on the same night. Earley would like to see the calculations for SGI. Steele asked who would be interested in attending. Moeller, Coyle and Spuler indicated they would like to attend. Over three attendees would necessitate we post a subcommittee meeting. Krans said we should just post it; that we are trying to comply with the law, not get around it. Stephens said 3 bedrooms is the standard for a State house and that bedrooms make sense. Perry said their design is based on peak flows but we have better data than that. Green said it sounds like there should be a special meeting. Coyle wondered if other municipalities have had similar issues.

6. REPORTS

6A. Abatement Review Team

On the James Lynch abatement, Green didn't understand why the Abatement Review Team mentioned he might be eligible for future abatement. Perry didn't think it was wise to advise him that he may be eligible for future abatement but rather to tell him in the letter to fix the leaky toilet. Steele agreed that we should have been more careful in how we worded it.

Green passed out a flow chart of the complaint process for water and sewer bills. Green suggested that the abatement application be part of the DUC packet. Perry asked why the DUC would need it.

6B. Utilities Report

The Utilities report included in the packet was submitted by Boulanger but Steele would answer any questions about it. Stephens explained how he appreciated the Water Department's efforts, especially after he had a shut off valve blow in his basement. Stephens went into the details of the flooding, 911 call and response of the Fire and Water Departments. There was some discussion about who was responsible for it and how long the water ran.

In the last sentence of the sewer portion of the report, it was asked why sewer was hauling compost. Steele indicated that the hauler was backed up and we were using the material as ground cover out on Tolend. Green wanted to know what line item it was being charged to and the answer was sewer as the compost material is a by-product of the Wastewater Treatment Facility. The River Street 90% plan was discussed. Wright-Pierce is designing the upgrade and it should be ready by mid March to go out to bid. Steele added that the project may be eligible for stimulus money and staff is looking into this. Green asked for clarification on the drainage from Robbins Auto. Steele said that the sewer is tied into the drainage and this spring we will have to tie in into the sewer.

6C. Finance Report

Green and Earley spoke before the meeting and Earley agreed to be the financial spokesperson for the DUC. Earley indicated that he's looking for a P&L with Capital Expenditures at the bottom and handed out a spreadsheet he had made in summary of the detailed financial reports in the packets. Earley was not sure how the budget was derived so he used actuals divided by twelve and multiplied by the number of months completed. He asked what the Operating Transfer Out line item was for. Steele indicated that this \$450,000.00 is transferred out annually. Steele deferred to the Finance Department for the specifics. Steele will forward Earley's spreadsheet to the Finance Department. The members agreed that a quarterly reporting would be fine.

Motion: Perry motioned to accept the reports.

Second: Moeller seconded the motion.

Vote: U/A.

7. NEW BUSINESS

7A. New Member Orientation

City Attorney Allan Krans was introduced and welcomed by Green. Krans started by stating the City of Dover gets its power from the State of New Hampshire. New Hampshire is not a home rule state; we only exercise power given to us under State Statute. He reminded all members of the DUC that they have taken an oath of office which upholds this State Statute. Ethical obligations were discussed. A conflict of interest focuses on financial where the financial interest is different from a regular citizen. Council can vote on taxes because they have the same financial interest as the citizens. To determine a conflict of interest you have to have a different interest than the average citizen. Remember that gifts are limited to \$25.00 each and to \$100.00 from the same source. Members were cautioned about accepting gifts. If a conflict exists it is best to identify (disclose) early, providing the reason for the conflict, then physically remove yourself from the discussions.

The Right to Know Laws, RSA 91-A embraces an open and transparent government. We get 50 to 60 right to know requests per year. Non-Public matters are related to personnel matters and matters which might adversely affect the reputation of a non-member. There is an obligation to take minutes. We are moving towards the members using the city server for e-mail communications. Coyle asked if there was a charge for right to know responses and Krans indicated there is not, unless photocopies are required and we do charge fifty cents per page for those. Krans continued that people have the right to inspect. Boulanger and Steele are technical advisers. The DUC is given its power by the Council and there are 2 functions:

1. Advisory Committee – advisory role on policy decisions with a broad view for setting policies. Details are the administration's responsibility.
2. DUC Rules – quasi judicial role which resembles a judge when abatement is denied. The DUC must hear both sides in an unbiased manner and make a decision after openly discussing. Planning, Zoning and DUC all have judicial roles.

Moeller questioned how they should respond if someone seeks them out individually and Krans answered that all work should be done as a commission. No member should go out, scout or have direct contact with anyone filing abatement. There was some discussion about what disclosure is required of members of the DUC when they speak. Members can speak out at any time.

7B. Nominations for Vice Chairman of the DUC

Stephens nominated Earley for the Vice Chair position. Earley wanted clarification on the responsibilities of the role. Some discussion ensued.

Motion: Stephens motioned to close nominations.
Second: Perry seconded the motion.
Vote: U/A.

Motion: Stephens motioned to appoint Earley as Vice Chair of the DUC.
Second: Perry seconded the motion.
Vote: U/A.

8. NEW BUSINESS

Steele said a chemical has been found in monitoring wells between Madbury Metals and the Griffin Well. The chemical, 1,4 Dioxane, is found in antifreeze and cleaning solvents. Dean Peschel, Environmental Project Manager and Attorney John Peltonen are going to DES tomorrow to find out how we should proceed. This chemical is not petroleum based, like MBTE. It has only been found in the monitoring wells, not in the Griffin Well. There could be something about this in the paper and Steele will continue to keep the DUC apprised of the situation.

9. AREAS OF CONCERN

Perry received a 3 month bill with no meter read date. He needs the readings to evaluate his new lo-flush toilet.

Green said the DUC used to meet at 4:15PM and now meets at 5:30PM. He asked for comments on the time. Earley can be stuck at work. Green asked if 6PM would be easier. Coyle and Moeller were flexible, Stephens prefers it earlier, Spuler comes from Wells so later is probably better. Earley thinks 6 is better. Green decided to try 6PM starting at the March 16 meeting to see how it goes.

10. ADJOURNMENT

Motion: Perry made the motion to adjourn.
Second: Stephens seconded the motion.
Vote: U/A.

Respectfully submitted, *Shari Bullen*, Dover Utilities Commission

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