



CITY OF DOVER

DOVER UTILITIES COMMISSION - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Conference Room – 271 Mast Road, Dover, NH 03820
Meeting Date: Monday, October 19, 2009
Meeting Time: 6:00 pm

Members Present: Chairman Gary Green, Mark Moeller, Marty Coyle, Otis Perry, Jay Stephens, Ed Spuler, Alternate Ted Mortner

Members Absent: Mike Earley

Staff Present: Bill Boulanger, Superintendent of Public Works and Utilities, Allan Krans, City Attorney, Jennifer Bretz, DUC Secretary, Shari Bullen, DUC Secretary

1. CALL TO ORDER

The meeting was called to order at 6:02 PM.

2. REVIEW OF AGENDA

Item 5C will not be heard tonight.

Item 7A should be under Old Business.

3. APPROVAL OF MINUTES

September 21, 2009 Minutes

Motion: Perry made the motion to accept the minutes, Coyle seconded.

Corrections

Need to review tape of what Stephens stated starting at the bottom of page 1. At the top of the next page, it needs to be noted that Stackpole is the downstream property owner from Willand Pond. On page 2, last paragraph, there are sentences out of order and need to be corrected.

Motion: Perry made the motion to accept the minutes with corrections, Coyle seconded. Vote: 5 in favor, Moeller abstained.

4. USER'S FORUM

User's Forum was opened and closed as there was no one present to speak.

5. ABATEMENT REQUEST

A. 23 Riverside Drive

Susan Wright, applicant, stated that she has been a customer for 10 years. When she received her bill, she thought that it was a mistake. She contacted the billing department and asked what the procedure was. She was told to hire a plumber to verify that there wasn't anything wrong. She took off of work two times. The Water Dept. told her to have her meter read. The billing department calculated the usage. Her average bill is \$60. She had applied for an abatement. She was told that it was denied because she wouldn't cooperate and have her meter tested. She has had four plumbers who have told her there was nothing wrong.

Green asked what the procedure is when a meter test is requested.

Boulanger stated that when someone files an abatement, a meter test is done to test the efficiency of the meter. If the meter falls into the 98-103% range, the meter is good. To do that, the owner needs to witness the test. There has been an issue before when the customer was not present to witness the test and accusations were made against Staff.

Green asked what kind of communication was done.



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Boulanger stated when there is a high reading, Staff notifies the customer that they are going to receive a high bill and that they should check their toilet, faucets, etc. to make sure they are not running or leaking. A letter was sent to Ms. Wright. Standard procedure is that they react after they've received an abatement request. He asked Ms. Wright to come to the water dept. so they could test her meter. Due to her work schedule, an appointment couldn't be made for her. When the Abatement Review Team reviewed her request, a meter test hadn't been done which is why it was denied.

Coyle stated that her bill averages \$72. In September 2008, the bill was \$292. In December 2008, the bill was \$449. He asked the applicant if she had contacted someone.

Wright stated that when she looked at the bill, she realized that there was a mistake. Four plumbers have stated that there is nothing wrong.

Coyle asked how the meter fixed itself.

Wright stated that she doesn't know. City staff came to her house to see if the toilet was running or if the pipes were leaking.

Green asked Boulanger how often the meters are tested.

Boulanger stated that a meter is supposed to be replaced every ten years. It's something that the department is currently working on. The reason for testing the meter is to prove its efficiency at this time. If the meter reading was below or above the average, they would be crediting the applicant and changing the meter. Without a test, there is no means of determining if the meter is bad.

Green asked how old the meter was.

Boulanger stated that it is 18 years old.

Moeller asked if a meter is not working correctly, are there months where it's high and then it starts to work properly.

Boulanger stated that the meter will go dead. The meters are radio read. The system currently in place will register a no read. Staff has to enter the basement and replace the battery on the reader. It's not the meter that is going bad; it's the electronic reader that sends it out to the crews in the truck. Generally, you don't receive a high read for a faulty meter.

Perry stated that the meter wasn't replaced and he's struggling with fact that in last quarter the bill went back down to \$60. Something had to happen to cause the high and something had to happen to reverse that.

Coyle noted that there was an invoice from New England Wiring Service regarding a leaky toilet repair. He stated that when he had a leaky toilet, he could hear it going on and off by itself. His bill went up to \$400 as a result.

Wright stated that when City staff came to her home, she was forthright in telling them that she had a leaky toilet in the past. When she heard the water run, from the toilet, she turned her water off and had it addressed within 24 hours. That was January 10, 2008.



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Stephens asked if anyone had checked the inside reading against the reported number. He's seen the meter stop working but he has never seen a meter reverse itself.

Green suggested that they grant some relief from the plumbing expenses.

Stephens stated that the rules are very specific and your meter read is what you are billed with. There is no verification that the meter is reading fast. He would vote against an abatement of all of the other charges. Nothing has been presented to show that there isn't anything wrong with the meter.

Motion: Perry made the motion to deny the abatement request, Moeller seconded. Vote: 5-1; Mortner opposed.

B. Patriot Drive

Attorney Jim Schulte represents the applicant, Mike Patenaude of River Valley Development. He stated that Patriot Drive is a 12 unit project consisting of 6 office units and 6 residential units. They obtained a Special Exception from the Zoning Board of Adjustments to allow a multi-family development project. With the Special Exception they went before the Planning Board and were approved as a multi-family project. Due to the recent zoning changes, in the B-3 zone, to have a multi-family project, you have to have commercial use on the ground floor. Early on, in the process, Patenaude met with Boulanger. At that time, it was figured out what the impact fee would be. The table (in file) shows what the fee should be. Instead of receiving a bill for \$17,000, for water and sewer fees, they received a bill for \$37,000. They are being charged for 5 new residential units as well as the commercial units on the first floor. He continued to go over his letter dated September 29, 2009. (In file)

Green stated that he had called the W/S billing dept. to ask why they would bill at the old rate on September 14, 2009. The rate is based on the Building Permit. The \$1600 is the correct amount; it is a question of how it is applied.

Stephens stated that in Boulanger's memo, it was noted that the calculations were based on the fact that each residence had a separate entrance.

Boulanger stated when he had met with Patenaude, prior to the project going to the Planning Board, Patenaude had stated that he would retain ownership of building. There wasn't a townhouse category in Appendix B which is why Boulanger treated them as apartments. Patenaude had said that he would be using them as apartments. The issue that has come up since then is the Building Department has noted that there is a separate entrance for each unit upstairs, which is why they are being treated as a dwelling unit and not an apartment. Each unit, upstairs, is supposed to be treated as a single family unit.

Perry stated that he has made constant complaints about multi family dwellings not being treated the way they should be.

Boulanger stated that if Patenaude had put a separate service in for each unit, he would have treated them differently. He's not selling any of the condos. He's going to retain ownership.

Schulte stated that the financing realities of today are that it is difficult for end users to get financing to buy condominiums.



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Boulanger stated that he had calculated it as all of the six units and commercial space as one unit.

Atty. Schulte stated that the zoning ordinance treats them as a single multi family project. The only place where there is any distinction at all is within the City's impact fees. For purposes of permitting and site review, it is a multi family project.

Green stated he agrees with that. He has no problem calling them two multi family buildings.

Motion: Stephens made the motion to treat them as two multi family buildings and billed appropriately, Moeller seconded.

Motion: Perry amended the motion to have them billed for \$16,030 for water and sewer investment fees, Stephens seconded. Vote: U/A.

C. Arbor Woods

This item will not be heard tonight.

6. REPORTS

A. Abatement Review Team Report

The report was discussed and some clarification provided by staff.

B. Utilities Report

The report was discussed.

C. Finance Report

Perry explained that he had typed up a list of things that the Board may want in the Utilities Report. He handed it out to the Board. (In file)

Motion: Perry made the motion to approve the reports, Stephens seconded. Vote: U/A.

7. NEW BUSINESS

A. Clerk Appointment

Green appointed Jennifer Bretz as DUC clerk.

8. OLD BUSINESS

A. Tolend Road Sewer Project

Boulanger stated part of the landfill project is that they have to pump and treat the landfill. A discharge point, for the water coming out of the landfill, has to be found. Preliminary paths were put together so that the water would come down Tolend Rd and eventually end up on Emerald Lane than gravity down to Crosby Rd and down into the system. They didn't want to reconstruct Tolend until the landfill project was done because Tolend Rd is on a CIP project for reconstruction. After discussing it, they had suggested asking Tolend Rd residents if they would want to tie into the line as it's going down the road. They sent out a survey to the residents; 102 notices were sent out. So far, they have received 66 responses. 31 residents will tie on as soon as it's available, 22 will connect when their system fails and 13 will not connect.

Perry asked if the water coming out was receiving industrial pretreatment.

Boulanger stated the water is being treated at the landfill.



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Discussion ensued regarding the water pretreatment.

9. AREAS OF CONCERN

Stephens stated that Susan Wright is being charged interest at this point. Normally when the motion is made, it's stated that there is not interest up to the date of the hearing. It was not put into the motion. She is currently being charged interest on her bill.

Motion: Stephens made the motion to reconsider the motion for Susan Wright, Coyle seconded. Vote: U/A

Motion: Perry made the motion to deny abatement and suspend the interest charge until the billing cycle starting Nov. 1, 2009, Moeller seconded. Vote: U/A

10. ADJOURNMENT

Motion: Perry made the motion to adjourn at 7:17 pm, Moeller seconded. Vote: U/A.