



CITY OF DOVER

DOVER UTILITIES COMMISSION - MINUTES

Meeting Type: Regular Meeting
Meeting Location: 271 Mast Road, Dover, NH
Meeting Date: **Monday, April 16, 2012**
Meeting Time: **6:00 pm**

Members Present: Chairman Otis Perry, Vice Chair Jay Stephens, Dennis Munson, Mark Moeller

Alternate Member Present:

Members Absent: Chris Berg

Staff Present: Doug Steele, Community Services Director; Bill Boulanger, Superintendent of Public Works and Utilities; Jennifer Bretz, Recording Secretary.

1. Call to Order

Meeting was called to order at 6:02 pm

2. Approval of Agenda

3. Next meeting

May 21, 2012

4. Approval of Minutes of January 30, 2012

Motion: Stephens made the motion to approve the minutes, Munson seconded.

Amendments: Stephens stated that he has found two problems with number 6 (abatement requests) which stated, "Staff took the toilet covers off and noticed that the water line was different which "equaled" a running toilet. It should say "indicated" a running toilet.

Stephens stated that there was no motion indicated for the abatement. He believes that the board denied the abatement.

Boulanger stated that there was no vote. The applicant was before the board representing himself and not the condo association.

Perry stated we decided we couldn't deny it.

Boulanger stated that that is correct.

Stephens stated that it didn't clearly state that in the minutes. The minutes need to end clearer.

Motion: Stephens made the motion to table the minutes, Leggett seconded.

Vote: U/A

5. User's Forum

N/A

6. Abatement Requests

A. 4 Cailey Anna Lane

Tim Paiva, applicant, stated that the process started in December 2011. He had received a letter, from the City, indicating that there was an abnormality within his water and sewer bill. He didn't realize what the abnormality was until he received his bill. At that time, he spoke to the Water and Sewer department and decided to file an abatement. The abatement was filed because they do feel that they used the water. The water came through their house and went into the lawn. It did not go into the



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sewer system. Their contention is that there was large leak in the sprinkler system. Once they had the sprinkler system turned off, their water/sewer usage fee went back to normal. In March, the ART reported back to the applicant that their abatement request had been denied due to section 2-9 and 2-10 of the DUC Rules and Regulations. After reading the entire Rules and Regulations, they did not see a section that stated, "Thou shall install a meter if you are doing sprinkler work or things of that nature." The applicant was told by a City employee that the problem would have been detected back in the June timeframe and not delayed until the September bill if the City hadn't been changing over to a new finance system at that time and readings had not been done. The applicant would have seen the spike in June and fixed it at that time.

Boulanger stated for the Board's information, the applicant indicated that the abatement was for the water side but it's supposed to be the sewer side. According to the DUC Rules and Regulations, 2.2.9 does explain the definition of a memo meter and 2.2.10 explains the definition of a meter.

Stephens stated that it does not say that you are required to put in the memo meter. If you want the credit, you have to put in the meter. If you read the rules, it says that we are going to charge you on your water meter. Then it reads ways of not charging you i.e. a memo meter as a way we will use to determine that the water did not go through the system.

Boulanger stated that the applicant is correct. There is a period where the City did do estimations on the water/sewer bills. It probably occurred during the applicants leak. The ART denied the abatement based on the information provided. If the Board feels that the applicant is entitled to some money back, that's up to the Board to decide.

Stephens stated that due to the fact that he is upset when the billing office does these types of things, he would be inclined to some sort of reduction. Even if the leak had been caught at the right time, it would have only been one billing cycle not two.

Moeller stated the Board spells out and defines what a memo meter is but doesn't look like there is a provision that clearly states that you should get a memo meter. There should be some sort of provision indicated in the Rules and Regulations that says what people have to do if they have a swimming pool or a sprinkler system. He would be inclined to grant the abatement because the rules are not clear and because of the billing glitch.

Stephens stated that the one of the reasons it was never put into the Rules and Regulations that you had to put in a memo meter was because there was an allowance for people with pools. The cost of the meter didn't justify having the memo meter full time for everything.

Perry stated the Moeller is not suggesting that the Board requires a memo meter but just something that clearly states how to deduct your sprinkler system or pool, you would need a memo meter to prove that you had actually dumped the water into the ground rather than the sewer. He's not sure if it is explicit in the rules.

Motion: Moeller made motion to abate the sewer portion of the fee and the amount requested because the rule is not clear and specific. Also for the billing glitch that occurred.



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Vote: motion failed.

Stephens asked how many billing cycles were in the time frame.

Boulanger stated two but the June reading was estimated. He then received the December bill. If it was leaking during that time. The leak could have occurred after he received the estimated bill.

Leggett asked the applicant if, prior to the leak, if he typically had a higher bill in the summer months.

Applicant stated that they use the irrigation system sparingly in the summer. They also have an inground pool which has caused them to file abatements in years past due to having to refill the pool. Looking at the history, the bill goes up slightly in the summer.

Leggett stated that her concern is that the Board is being consistent with other applicants. She agrees that one of the billing cycles could have been avoided.

Motion: Leggett made the motion to abate half of the requested amount since one of the billing cycles could have been avoided, Stephens seconded. \$582.91

Vote: Passed 4-1; Mortner, Munson, Leggett, Stephens, Perry voted in favor, Moeller opposed.

7. Reports

A. Abatement Review Team Report

The report was reviewed and discussed by Staff.

B. Utilities Report

The report was reviewed and discussed by Staff

C. Finance Report

The report was reviewed and discussed by Staff.

Motion: Munson made the motion to approve the reports, Moeller seconded.

Vote: U/A

8. New Business

A. Water & Sewer Budget

Steele stated he has provided the Board a handout with the bulk of what he'll be discussing at the City Council meeting. Steele proceeded to go over the handout.

9. Old Business

Perry asked Steele for an update on the discharge permit.

Steele stated that there really has been no change since the last meeting. Dean Peschel is continuing to attend meetings. The suit did come out.

Mortner asked about fluoride in the water.

Steele stated that one of the City Councilors brought the issue up; asking how fluoride could be removed from our drinking water. The City Manager explained that there has to be a petition to get it on a ballot. The residents have to vote to have it removed. It would save the City approximately



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\$23,000.00 per year to have it removed. Also, Staff wouldn't have to handle it. It's a dangerous chemical. There are some people in town that will try to move forward with it.

Boulanger stated that he sits on the NH Water Board of Directors for the water board. An issue has come up that the Board wants to put on water bills that it's a cancer causing agent for young infants. It's costs money to put it on the bill. We would rather put it in the Consumer Confidence Report that we put out every year. The lobbyist that the Board hires is fighting putting it on the bills at the State House.

Moeller asked what the trend for communities is.

Boulanger stated that the communities that have it are keeping it and the communities that don't have it are not even looking at it. Someone would have to put a petition together to get it out of the water.

10. Areas of Concern

Moeller stated he would like the Rules and Regulation to have a clear statement about memo meters. It will protect the Board from people coming back. There will be more people coming before the Board with the same issue.

Perry stated that he thinks it is a good idea too. It should say something to the effect that a memo meter is necessary in order to receive a credit on your sewer bill for not putting water into your sewer. The intent there but it's not clearly stated.

Boulanger stated the Board has the right to amend the rules but they would have to send it to City Council for their approval.

Boulanger asked if board thinks it's time to review the Rules as a whole. If they are going to revise the Rules he would rather they do it as a packet instead of a little at a time.

11. Adjournment

Motion: Munson made the motion to adjourn at 7:04 p.m., Moeller seconded.

Vote: U/A