



TOWN OF HUDSON

Water Utility Committee



Jeff Rider, Chairman

Nancy Brucker, Selectman Liaison

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Meeting minutes of February 15, 2012

I. CALL TO ORDER

The meeting was opened by Chairman Leo Bernard at 5:00 PM in the Board of Selectman's conference room at Hudson Town Hall.

II. ATTENDANCE

Committee Members present:

Chairman Leo Bernard
Vice -Chairman Jeff Rider
Member Bernie Manor
Member David Jelley
Recorder David Shaw

Staff present:

Water Utility Clerk Valerie Marquez
Town Engineer Gary Webster

Absent:

Selectman liaison Ben Nadeau
Alternate Member Derrick Chaisson

III. PUBLIC INPUT – No input from the public was received

IV CONSENT ITEMS

A. Acceptance of Minutes

- 1.) Minutes of Water Utility Committee from January 18, 2012

B. Financial Status

- 1.) Treasure's Report and cash flow, December 2011
- 2.) Expenditure report, January 2012
- 3.) Check register for January 2012

C. Operations Report (PWW)

- 1.) November 2011 and December 2011

Motion by Jeff Rider to pull item B2 (January expenditure report) for review.

Motion by David Jelley to accept the remaining consent items (B1, B3 and C1)
Seconded by Bernie Manor. Motion passed unanimously (5-0).

Consent items:

B2 (January expenditure report) –

- Account number 03-3402-4391-000-000 (Rental fee – Public Hydrant)
Only 36% collected vs. 60% for most other fees in the report, including private hydrant fees.
Valerie Marquez to investigate.
- Account number 03-4332-5591-201-000 (Water – Admin, Property and Liability insurance)
- Account number 03-4332-5591-272-000 (Water – Admin, Interfund fees)
100% of the funds have been used on both of these accounts.
Bernie Manor stated these expenditures were probably billed as a lump sum.
- Account number 03-4332-5592-210-000 (Water – Oper./Maint, Natural Gas)
- Account number 03-4335-5593-210-000 (Water – Supply, Natural Gas)
The \$500 allotted for *Water – Oper./Maint., Natural Gas* has not been used (0%) ,
whereas the 90% of the \$2500 allotted for *Water - Supply, Natural Gas* has been used (\$2263.19).
Gary Webster explained that most of the pump stations are heated by natural gas (Wason road is diesel) while the well stations are heated by propane gas. Natural gas is also used for the fire pumps and Gary anticipated a large annual NG expenditure due to the Halloween 2011 power outages

Motion to accept consent item B2 made by David Shaw. Motion seconded by Bernie Manor
Motion passed unanimously (5-0).

V. OLD BUSINESS

A.) Election of new officers

- Motion to elect Jeff Rider as WUC chairman made by David Jelley
Seeing no further nominations, one (1) ballot was cast for Jeff Rider.
Motion to elect Jeff Rider as WUC chairman passed unanimously (5-0).
- Motion to elect Bernie Manor as WUC vice-chairman made by Jeff Rider
Seeing no further nominations, one (1) ballot was cast for Bernie Manor.
Motion to elect Bernie Manor as WUC vice-chairman passed unanimously (5-0).
- Motion to re-elect David Shaw as WUC Clerk / Secretary made by Bernie Manor
Seeing no further nominations, one (1) ballot was cast for David Shaw.
Motion to re-elect David Shaw as WUC Clerk / Secretary passed unanimously (5-0).

B.) Review Abatement W-UTL-10-34

The committee reviewed abatement W-UTL-10-34 (93 River Road) in the amount of \$ 729.30
Included in this review were the customer's perspectives, water account history, correspondences between the customer and the town as well as comments / concerns made by the Board of Selectmen on 01/24/12.

Based on the supplied BOS meeting minutes, the customer was made aware of an undiagnosed water problem (water percolating up through the soil) in August 2011 and at that time had apparently received two "high water bills", which would indicate the water pipe had been leaking for some time. The BOS minutes also indicate that the landlord was made aware of the leak issue on two separate occasions.

According to the water utility billing notes, the customer did not contact the water utility clerk regarding the abnormally high water bills until Nov. 17th, 2011 and at that time was advised to check for leaks. The customer updated the water utility later that same day claiming he had found a leak in his yard.

By combining the information presented, the committee concluded that the elbow section of pipe probably started leaking as early as June 2011 and that both the customer and landlord were made aware of the leak in August 2011. Unfortunately, the customer waited an additional three (3) months to raise the issue with the town (November 2011)

While the committee is empathetic to the customers' situation, the facts presented did not merit a change in the initial recommendation made to the Board of Selectmen to deny the abatement. The committee feels the landlord was negligent in making the necessary repairs in a timely fashion after being contacted twice in August 2011 and suggests the customer pursue reimbursement from the landlord instead of the town.

VI. NEW BUSINESS

A.) Abatement # W-UTL-12-02: for 61 Lowell Road in the amount of \$1587.50.

The property owner, Mr. Donald Dumont was present at the abatement discussion.

The committee reviewed the following pertinent documentation:

08-31-11: Pennichuck invoice to Hudson for the 8/209/11 repair work in the amount of \$4,481.27

08-31-11: McCarthy Plumbing & Heating invoice to Don Dumont in the amount of \$987.50 for the following:

- Remove broken fitting from underground shut-off valve.
- Replace water line from town shut-off to building.
- Install new water shut-off valve to property.

10-11-11: KR Lavigne Landscaping invoice to Don Dumont in the amount of \$600.00 for the following:

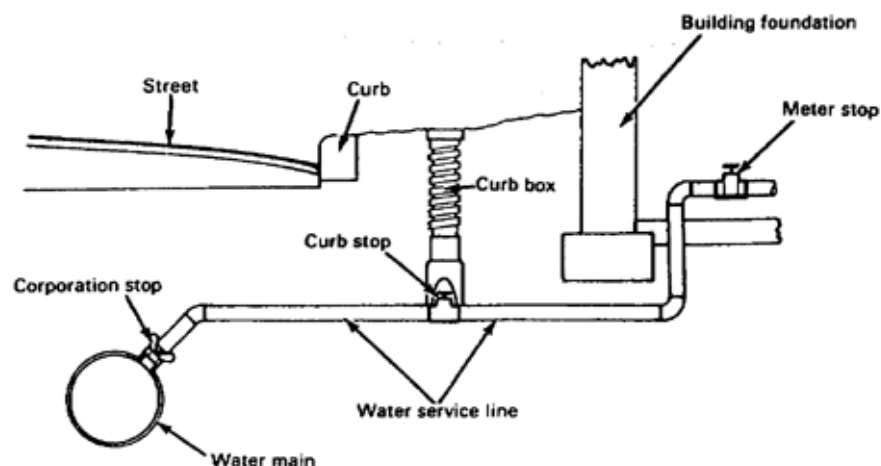
- Dig 25 foot trench.
- Deliver / spreads 2 yards sand.
- Fill trench / clean up.

10-21-11: Inter-office memo from Town Engineer Gary Webster to the Hudson WUC.

10-12-11: Follow-up letter from Don Dumont to Gary Webster

10-18-11: E-mail correspondence from Highway supervisor Jess Forrence to Town Engineer Gary Webster

02-12-12: Hudson Water Utility Abatement form (W-UTL-12-02) in the amount of \$1587.50



In summary, the water main located in front of 61 Lowell Road began leaking on 8-29-11. Pennichuck Water Works (PWW) was tasked with locating and repairing the leak, which resulted in the water supply being shut-off while PWW installed a new corporation and curb-stop. However, Pennichuck was unable to reconnect the existing service line to 61 Lowell Road. The applicant is looking to recover the \$1587.50 he spent replacing the service line and associated landscaping costs.

Don Dumont stated the town shut off water disrupted to several Lowell Road residents while repairs were being made. With no water service the following day, he contacted the town and was told the service pipe to his property had broken at the foundation. He claims the service pipe was damaged by the town, referencing the following description of work by McCarthy Plumbing & Heating (edited for grammar):

*Remove broken fitting from underground shut-off valve.
Replace water line from new town shut-off valve to building that appears to have been broken and stubbed off when the town made repairs to the main water line break.
Installed new water shut-off valve to property.*

Mr. Dumont also stated that he had water service both prior to and during the main water leak, implying the service pipe was in functional condition. In addition, he feels that approving this abatement would not set a precedence (as indicated in the 10/21/11 inter-office memo from town engineer Gary Webster) due to the uniqueness of this situation.

Town Engineer Gary Webster stated the applicants service pipe was in such poor condition that it could not be reconnected, referencing the e-mail from Jess Forrence (edited for grammar):

The main leak was from the corporation, which had broken off from the main. Pennichuck replaced the corporation and ran new service to the curb-stop that had been broken off at ground level. When they tried hooking up the house service, the line was in such bad shape that Pennichuck could not hook the service back up.

Valerie Marquez reminded the committee that existing conditions in consumer's pipes were the responsibility of the customer, referencing section D4 of the Hudson Water Utility Rules and Regulations:

The Hudson Water Utility assumes no liability for conditions, which exist in consumer's pipes and cause trouble coincident to or following the repairs of any main pipe, service pipe, meter or other appliance belonging to the Hudson water Utility.

Jeff Rider inquired as to the service line material, but the pipe had apparently been removed by the town. The applicant stated the service pipe is not visible unless it is dug up, so determining the true condition prior to the leak is circumstantial at best. In addition, the town provided no evidence to support the claim that the service pipe was damaged and reiterated that he had water before the leak.

Gary Webster explained that the applicants' corporation broke and that the town replaced the main corporation, water service line to the curb-stop and the curb-stop. The pipe connecting from the curb-stop into the applicants' property was deteriorated due to old age and could not physically be reconnected.

Bernie Manor closed the discussion by stating the applicants' service line was simply too old and that it would have functioned (allowing water to flow unimpeded) even in a slightly deteriorated state. The town abided by the policy put in place by the Water Utility Committee and approved by the Board of Selectman.

Motion by Bernie Manor to recommend the Board of Selectmen (BOS) deny abatement # W-UTL-12-02 in the amount of \$1587.50. Motion seconded by David Jelley.
Motion passed 3-1-1, with David Shaw opposed and Chairman Leo Bernard in abstention.

B.) Abatement # W-UTL-12-01: for 16B Tammy Court Road in the amount of \$947.10

Valerie Marquez explained the requested abatement was due to a switched meter. When the tenant at 16A moved out, the meter information was crossed between 16A and 16B. An abatement to correct for 12 months prior to discovery has already been granted (WUTL-10-33, in the amount of \$201.30) This abatement corrects readings from 8/02/06 to 7/23/10. Motion by David Jelley to recommend the Board of Selectmen (BOS) approve abatement W-UTL-12-01 in the amount of \$947.10. Motion seconded by Bernie Manor. Motion passed unanimously (5-0)

C.) Water main acceptance – Oak Ridge Condominiums

Town Engineer Gary Webster summarized the work completed and a quick review of the WUC acceptance policy. A motion was made by Bernie Manor to recommend changing the policy to an electronic format for future “as-builts”. The motion was seconded by Jeff Rider. Motion passed unanimously (5-0)

A motion to recommend acceptance of the Oak Ridge Condominium water main was made by Jeff Rider. The motion seconded by Bernie Manor. Motion passed unanimously (5-0)

VII. OTHER BUSINESS

A.) Abatement # W-UTL-12-03: The committee agreed to review this abatement for 17A Chandler Court in the amount of \$148.50. Valerie Marquez explained the requested abatement was due to a data error. The previous owner (Mr. Damon Williams) had a usage of 1 unit when he moved out in January 2012. The account was then transferred to Kathleen Kurdzo and the new meter reading should have matched the previous reading of 278. However, the reading was recorded as 233, giving an erroneous usage of 45 units. Motion by Jeff Rider to recommend the Board of Selectmen (BOS) approve abatement W-UTL-12-03 in the amount of \$148.50. Motion seconded by David Jelley. Motion passed unanimously (5-0)

B.) The chairman asked that the committee list be updated to reflect the new election results. Seeing no issues, the request was approved.

VIII. REMARKS BY COMMITTEE MEMBERS

Chairman Leo Bernard: Congratulated the new WUC officers.

Vice-Chairman Jeff Rider: None

Recorder David Shaw: None

Member David Jelley: None

Member Bernie Manor: None

IX. REMARKS BY SELECTMAN & STAFF

Gary Webster updated the committee as follows:

Weinstein well – Work started, but will need easement to complete new well (land owned by Nash)

New water – A new site located on 950 acres on Old Derry road (also Nash owned) has been tested.
Results are 125 GPM, which could yield 180,000 GPD.

Route 102 expansion – Negotiated easement for Village Shops.

Valerie Marquez updated the committee as follows:

- Valerie is working on proposing a policy change to allow water shut-offs all year long, based on the warm weather experienced this winter.
Gary Webster stated the WUC does not have to follow PUC guidelines.
- Valerie also brought a problem account to the attention of the WUC. The customer has been shut-off since November 2010 but is apparently still getting water although no public water usage has been recorded. The customers' neighbors have not seen a usage increase, which indicates no water transfer. Gary Webster suggested gaining access to the property to pull the meter (since it is no longer in use) in addition to shutting the water off at the corporation. PWW has checked the curb-stop valve and found no issues. Gary also suggested performing a leak test on the corporation.
- As a final issue, Valerie alerted the committee to a recent abatement rejection that was scheduled to be decided by the Board of Selectman's (BOS), but was preemptively questioned by Kathy Carpentier for "legal reasons". The customer initially claimed medical reasons which were not satisfactorily supported by her physician. Water service was then scheduled for shut-off due to no received payment plan. The customer applied for bankruptcy and now has a new water account, which is \$400 in arrears (no payments to date). Valerie feels this customer will once again attempt to claim medical issues once a formal shut-off notice is received and reiterated that the WUC can shut-off water service even in an emergency if there is no payment plan. Jeff Rider suggested that the abatement denial and shut-off be put through the normal process, adding that it is the decision of the BOS.

X. NEXT MEETING March 21st, 2012 in the BOS meeting room @ 5PM

XI. MEETING ADJOURNMENT

Motion by David Jolley for adjournment. Motion seconded by David Shaw
Motion passed unanimously (5-0). Meeting adjourned at 6:16 PM.

David Shaw
WUC recorder