

**Water & Sewer Commission Minutes**  
**Thursday, February 20, 2020 3:00 PM**

**Members Present:** Normand Houle, Chair, Damon Frampton (Selectman Officio), John Ireland, Walter Liff, Richard White, Steve Tabbutt (PW Supr.), Carl Roediger(Alt)

**Also in attendance:** Ben Jankowski, DPW, Christiane McAllister, Dave McGuckin.

Chair Houle opened the meeting at 3:00 PM. Voting members: Chair Houle, Damon Frampton, John Ireland, Walter Liff, Richard White.

**1. Public Questions: None.**

**2. Individual Applications/Petitions:**

Chair Houle asked Mr. Tom Smith to present his petition to the Commission. He is asking for relief regarding his December 19, 2019 Sewer bill from the Town. The property in question is Secret Pond, owned by Mr. Smith and Ken McDonald.

Mr. Smith summarized his Emails regarding this matter, and noted he had additional supporting documentation, including six months of usage showing average billable units as 2-4 units per month on average. He provided the following introductory summary:

The reason for my request is that I'm asking the 12/20/19 Sewer Bill for account **81/77** be reviewed as it's my position we did not consume the number of units reported by Portsmouth during that period. The bill indicates 30 units whereas I believe the correct number should be 15 units. My explanation includes the attached excel sheet showing monthly amounts billed by Portsmouth, a graph from Portsmouth showing daily readings, a letter from our plumbing contractor J Golter Plumbing & Heating, Inc, along with the following:

Over the past couple of years we've built a permitted detached accessory dwelling unit to house Ken's parents as they no longer would make their yearly migration south for winters. They moved into the completed ADU on August 26th, having lived in their RV for the four months prior. As noted below, we turned on the 1" underground water system on July 3rd but had no idea of any problem until September 12th, the arrival of the first high water bill.

After going through a chronology of what efforts were made to determine a plausible cause for the increase in units usage, Mr. Smith's request is that a credit of 15 units be given to his account, as he believes that looking at past history, he believes the correct usage for the months of July through October were three months at 4 units and one month at 3 units. Mr. Smith's complete package will be attached to the minutes. It should be noted that his plumber did put a check valve on, and when that was done, the readings went back to normal. The plumber determined there were no leaks. He also conferred with the City of Portsmouth, who maintains that water did go through the meters. Mr. Smith claims the water did not go through the meters. His sewer bill was 30 units, when normal usage is 15 units.

Dick White asked about location of the check valve going to the ADU (Accessory Dwelling Unit) and upon learning it was placed after the meter, asked more questions about the backflow of water. The check valve only applies to the ADU, not the main house. Further discussion ensued about the backflow, and Mr. Smith also stated there were no leaks found by his plumber. Numerous concerns were expressed but the Commission could not point to a rationale which would warrant a determination that the water did not go through the meter. The City of Portsmouth stated that their meters are not faulty. Steve Tabbutt stated he spoke with Portsmouth's Al Pratt who confirmed that the meters in Portsmouth are accurate.

Chair Houle provided his own analysis of the facts as presented. Noting that the Commission has an obligation to the ratepayers and needs to be consistent to keep ratepayers whole. He had some questions about landscaping on the property so he spoke with the City of Portsmouth. Mr. Siegel confirmed that the meters capture the water flowing both ways. After his discussion with Mr. Siegel, Chair Houle stated he has no choice but to accept the readings as accurate, and that there was no abnormal activity recorded. He believes the reading that 30 units went through the meter. Use of the garden hose as described by Mr. Smith reflected actual use to the ADU. He explained some options for Mr. Smith in terms of forgiveness of some of the billing. Mr. Smith disagreed with the Commission's analysis, and maintained that the water did not go through the sewer, and that his situation is unique. Carl Roediger suggested that Mr. Smith arrange to have the meter tested and find out if it is functional and accurate. Unfortunately this can't be done in place but would have to be pulled at Mr. Smith's expense. Steve Tabbutt suggested that he request a new meter, as did John Ireland.

After further discussion Chair Houle outlined the options available for the Commission to consider: 6 units could be forgiven (\$112.00) or forgive the New Castle overhead charge. Chair Houle will not agree to the ratepayers having to pick up the cost, which would be \$13.77 per unit. He could look at 4 months subsequent to the issue (5,4,4, and 4 units)) which would be 17 units. The Commission could forgive 13 units or \$244.14. As previously stated, another option is to forgive the overhead for 13 units. At a cost of \$5.01 per unit, the forgiveness amounts to \$65.13. After weighing in on the various options outlined, Chair Houle concluded that the most amount of forgiveness would be the overhead charge of \$65.13. The meters are accurate and read both ways. Dick White suggested that Mr. Smith contact Portsmouth and have them pull the meter and test it. He explained that the Commission simply could not determine a factual reason for the situation, which would warrant agreement with the petitioner's request.

Chair Houle called for a vote of the Voting Members to offer the petitioner the sum of \$65.13 representing 13 units at \$5.01 per unit. The vote was unanimous. After expressing his total dissatisfaction with the outcome as described by Chair Houle, Mr. Smith stated he would not burden the Select Board with an appeal, but would accept the offer of \$65.13. Although he feels this is a matter of economic waste and is an unacceptable result.

Chair Houle brought up the issue of cross connections, under backflow prevention in the ordinance, and asked if ADU'S should be inserted to require that they have to have check valves installed. Dick White suggested that discussion on this matter be postponed to the future discussion of backflow prevention.

### **3. Underwood Engineering**

#### **a. ESR 13 ( Sawtelle bridge Sewer Line status request)**

Chair Houle recognized Andy Sharpe of Underwood Engineers for his presentation.

Mr. Sharpe had concluded that the two breaks last year were the result of pressure from the new sewer pumps. Chair Houle stated his disagreement, as he believes the break on the Portsmouth side was due in part to traffic loading. Mr. Sharpe explained he hadn't considered that and gave his reasons why. He had spoken with Steve, and understands now how that could be a contributing cause.

Mr. Sharpe summarized events leading up to this meeting, referring to last summer's presentation by, Ransom from UE before the Commission and discussed options on the pipe type and size for the replacement. Discussion was around whether to replace the line or line it in place or do we pull a smaller diameter HTPPE line through the force main. There would also have to be changes to the approach to the bridge. Chair Houle noted that the Commission decided to go with the slip line which is recorded in both the minutes of UE as well as the Commission.

Mr. Sharpe reported that UE I December removed and replaced the rusted hangers and spoke about the subcontract with Evrocs and Granese. UE was able to get under the bridge and observe the force main. Mr. Sharpe had forwarded the photos. And asked about any questions. There were none. Chair Houle noted that the line under the bridge should be inspected every five years, and made a note to the accountant to assure this would be done and included in the budget.

Mr. Sharpe stated the record drawings for the force main done in the 70's show 4 expansion joints on the force main. He noted that none of them are there now and wondered why not. He talked about there being an asbestos cement pipe in existence which has the ability at every joint to expand and contract, as there is a double O-ring. It will not expand as much as ductile iron.

Chair Houle directed the conversation to focus on what the Town is not getting as a result of the ESR, and specifically questioned Mr. Sharpe about the deliverables. A visual inspection over and under the bridge was in effect a modification to the ESR. Also a design plan was required, and given that over \$7,000 has already been expended, Chair Houle asked for an explanation of when we could expect these two items to be dealt with. Mr. Sharpe noted there are conceptual design drawings which are marked up in red. Final, engineered -signed design plans are confirmed as a deliverable under the ESR.

Dick White was asked to weigh in by Chair Houle, and he emphasized the need for the “under the bridge work” and questioned how an inspection could be done without a full design plan. This is a red flag to him. He feels UE underestimated the cost of this project.

Mr. Sharpe noted he would need to back to Keith at UE and point out that the scope of work is not consistent with an \$8400 fee. Right now \$7400 has been spent. After further discussion back and forth over the design plans and what is worth spending additional money on, Chair Houle agreed with Dick White that a closing document and a proposed design is required, and advised Mr. Sharpe that a formal memorandum is needed with annotated drawings. He noted that handwritten is acceptable. UE needs to make additional changes to the existing design drawing to clean it up. At least there will be something to refer to in the future.

Mr. Sharpe also spoke of the desirability of by-pass structures at both ends of the bridge. Steve and Ben concurred. He will address this in a technical memorandum and include a cost breakdown. This memorandum will build on the ESR 13. Chair Houle asked Mr. Sharpe to confirm that the by-pass proposal will be included within the \$8400. Mr. Sharpe said he would have to check with Keith of UE. If there is going to be an additional cost, he will provide a breakdown of these costs to the Commission.

**b. Discussion: sewer line Sawtelle Bridge to Pierce Island**

Mr. Sharpe spoke of the 50-50 cost sharing agreement between New Castle and Portsmouth regarding the water main. There was brief discussion on adding the sewer line to this phase of the project, however Mr. Sharpe pointed out that there are new permitting requirements from NHDES in addition to regular wetlands permits which would make adding on the sewer line with the water line at this time problematic.

**4. Approve minutes of January 16, 2020.**

After review, John Ireland made a Motion to Approve the minutes of January 16, 2020, as amended. Damon Frampton seconded, and the Motion carried unanimously.

**5. Financials.**

**a. Review, Approve and Sign checks.**

After review, Walter Liff made a Motion to Approve the checks as written and presented. John Ireland seconded, and the Motion carried unanimously.

**b. Accountant's Report.**

**Water:**

**Checking Account: \$207,390.35**

**Sewer:**

**Checking Account: \$311,095.77**

Christiane explained that the new accounting assistant will be checking the commitments figures, so John Ireland is relieved of that task for now. She indicated Chris is doing a great job.

She went on to explain the Water and Sewer Department Budget figures. She first addressed the Water Fund.

Her proposed new water rate would be \$7.50, which is a decrease from last year, and is based on her calculations. Chair Houle would like to keep \$7.98 as the rate in order to beef up the trust funds. The Commission agreed to keep the rate at \$7.98.

The proposed new sewer rate would increase from \$18.78 to \$18.95. Discussion ensued about how flow charges from Portsmouth drive the bottom line and the rate. Christiane gave a detailed presentation on her rate setting process, supported by documentation. She talked about the problems with billing cycle changes, Portsmouth billing system, and errors from Portsmouth.

Using the \$675,963 Sewer budget figure, with \$15,000 in the capital reserve, the Commission agreed to set the sewer rate of \$18.95. This is a 17-cent increase. Units metered versus units purchased is the driving force behind this rate setting, according to Christiane, and she is comfortable with these proposals.

Because the Water Budget will have to be adjusted from the figure presented in order to arrive at an agreed upon rate of \$7.98, John Ireland made the following Motion:

***To Authorize the Accountant to adjust the capital reserve line in the proposed FY 21 Water Budget of \$171,596 in order to support the agreed upon water rate of \$7.98 per unit.***

Dick White seconded, and the Motion carried unanimously.

After further discussion Dick White made the following Motion:

***To Adopt the proposed FY 21 Sewer budget \$675,963 resulting in a sewer rate of \$18.95 per unit.***

John Ireland seconded, and the Motion carried unanimously.

**6. Selectman's Report: None at this time.**

**7. Continuing Business: None**

**a. FY 21 Budget Build: Tabled**

**b. Backflow prevention: Tabled until next meeting.**

**8. New Business. None**

**9. Any other Business for the Board.**

**Reminder:** Chair Houle asked that the January 28, 2020 Memo from the Water and Sewer Commission to the Select Board in support of full funding for the Water Project be incorporated as an attachment to these minutes.

Chair Houle said there would need to be an ordinance change to reflect the new quarterly billing system.

**10. Adjourn.**

There being no further business to come before the Commission, Walter Liff made a Motion to Adjourn. Dick White seconded, and the Motion carried unanimously.

Respectfully submitted,

BJ Riordan  
Recording Secretary

Attachments:

1. January 28, 2020 Memo to Select Board
2. Supporting documentation for T. Smith Petition

Attachment 1:

28 January 2020 From: Chairman, Water & Sewer Commission  
To: Town of New Castle Select Board

Subject: The Water Line Improvement Project Funding Shortfall  
Gentlemen:

Subject was discussed at the 16 January 2020 Water & Sewer Commission (WSC) meeting. In short, the commission is concerned that, with the construction bids exceeding the

engineering estimates, the Town will be unable to deliver all that was “promised” at the May 2018 Town Meeting. This memorandum summarizes the commission’s best understanding and recommends the development of a supplemental warrant article for the May 2020 Town Meeting to fully fund the originally expected deliverables.

At Town Meeting 2018, voters approved a warrant article for \$5,050 000 to fund the entirety of the water line improvement project to include not only the main line under Route 1B from Shapleigh Island to Wentworth Rd./Main St., but also to include several strategically located loops in neighborhoods (four on the north side and three on the south side served by the Portsmouth water utility), which would improve flows for fire fighting and improve water quality. We trust the amount of the warrant was based on Underwood Engineering’s best cost estimates. As we understand, unfortunately, all bids exceeded available funding, including the selected low bid from N. Granese. While a change order was developed to reduce some expense, we understand that there is still a funding shortfall (exact amount unknown), and that as a result it is possible that not all the loops will be implemented.

The WSC is recommending that you consider the development of a supplementary warrant to cover the shortfall. We believe that Town leadership can explain to the voters that, through no one’s fault, our best engineering estimates came up short; that construction costs to all municipalities have increased substantially; and to deliver what we originally expected will require additional funding.

While it would not likely be sufficient, the commission notes the availability of ~\$146,000 in the water trust fund controlled by the Select Board, which could be applied to the shortfall. We recommend applying ~\$111,000 to the shortfall leaving \$35,000 in the fund. Together with the \$15,000 in the WSC water trust fund, we would have a total of ~\$50,000, the minimum trust balance the WSC recommends for unanticipated emergencies/contingencies.

Finally, we understand there are negotiations underway with the City of Portsmouth to establish an equitable cost share regarding a

possible option to replace the eight-inch water line from the Sawtelle Bridge to Peirce Island with a 12-inch one, early on identified as "Section 4" and currently equivalent to drawings C1, C2 and C3 in the engineering documentation and identified as Schedule 3 or Bid Alternative #1 in the UE Bid Tabulation of 16 August 2019. We

would prefer to maximize as much as possible the water flow coming from Peirce Island. We recommend that the warrant article allow for sufficient funds to cover the entire cost of this section of 12" pipe should you be unsuccessful in negotiating a firm, guaranteed cost share with Portsmouth.

Respectfully,

Normand A. Houle Chairman, WSC

cc: Tom Smith, New Castle Budget Cmte. Chair