

Town of Hillsborough Water & Sewer Commission
May 12, 2016 Meeting Minutes

Meeting called to order 6 pm. Present were Commissioners Peter Mellen, Herm Wiegelman, and Chris Sieg; and, Penny Griffin, Administrator.

Attorney Greg Michael entered the meeting. Commissioner Mellen stated that Attorney Michael had been invited to the meeting to discuss potentially representing the Hillsborough water and sewer commission in the Weatherstone negotiations. Mellen explained the commission was seeking counsel for representation as their usual counsel is the owner of the property upon which the Weatherstone development is proposed. Commissioner Wiegelman asked Attorney Michael if he has had municipal experience. Attorney Michael affirmed that he has provided legal counsel for Merrimack Village water District, New London/Springfield Water, and has been special counsel for developers with towns as well. Commissioner Mellen gave Attorney Michael a brief overview of the role and powers of the water and sewer commissioners in the Town of Hillsborough. The Commissioners gave a history of the proposed development as it pertains to the water and sewer commission. Attorney Michael asked if the development has planning approval. Commissioner Wiegelman stated that they have conceptual approval from the planning department. Attorney Michael stated he will need to know who the Weatherstone project parties are in order to eliminate the possibility of any conflict of interest.

6:15 pm Michael Black of Saxon Partners entered the meeting.

Commissioner Mellen introduced Mr. Black to Attorney Michael and explained why they were meeting with him. Mr. Black stated that his legal counsel is Attorney Jim Callahan.

Attorney Michael stated that his rate per hour for municipalities is \$160 - \$190. He advised the Commissioners that nothing they had told him surprised him and provided there are no conflicts of interest, which he will check for, he will forward them a proposal for services. The Commissioners thanked him for meeting with them.

6:30 pm Attorney Greg Michael left the meeting.

The Commissioners asked Mr. Black how things were going on his Weatherstone project. Mr. Black stated that they are moving forward. Mr. Black stated that he was there to request a "can and will serve" letter from the commission as it would help him in negotiations with potential tenants. He also stated that in his negotiations he has found that each building will require its own water meter rather than the single master meter at the entrance to the property as the commission had earlier requested. Commissioner Mellen stated that all water provided to the development would need to be metered, including any irrigation. He explained that in order to do that when individual meters are installed, the service line feeding the irrigation would need to be fed from within the nearest building to ensure its water usage is captured as well. A discussion was held regarding what billing would look like for the property. The Commissioners explained that bills are sent to property owners. It was agreed that if individual meters are installed to each building, the property owner will receive the bill, not the tenant. They did explain that they can request bills to be sent to a care of (c/o) address but the bill must remain in the property owners name as they are ultimately responsible. Commissioner Wiegelman asked if he has decided what he needs to apply for. Mike Black stated that he has not. Commissioner Mellen suggested Mr. Black consider submitting a permit application, applicable fees, and plans for buildings as he needs them. Mr. Black agreed that it seems to be a viable option. Commissioner Mellen stated that construction standards are the concern for the sewer as they are always working on eliminating infiltration into the system. He also explained that addressing hydrant flushing within the development will be a concern. Mr. Black stated that the attorneys involved will figure all that out in negotiations. Commissioner Mellen asked if it had been decided if they were going to need a water storage tank for their system or not. Mr. Black stated that they will be requiring

a tank for fire flows and first flush in the morning. Commissioner Mellen stated that is another concern of the project that will need to be reviewed when the application and plans are submitted. Mr. Black stated that he will begin his application and plans for submittal for the first building in the near future.

7 pm Mike Black left the meeting.

The list of spare parts for the water plant UV system submitted by Cody Boisvert of WSO Plus was discussed and reviewed. Penny will contact Cody to coordinate ordering.

Commissioner Mellen stated that in follow up to the item of Bridge Street sewer repair discussed at the Selectmen's group meeting, he would like to schedule a meeting with Cole Melendy of Underwood Engineers, to discuss the potential project. All agreed that this was the logical next step. Commissioner Mellen will contact Cole.

The legal opinion of the general services contract for Underwood Engineers was reviewed. Commissioner Sieg will review the attorney's suggestions and the Commissioners will continue discussions at the next meeting.

Commissioner Sieg stated that he has completed reviewing the sewer use charge ordinance for restaurants and current restaurants. Both Commissioner Wiegelman and Mellen thanked Commissioner Sieg for tackling this daunting task. Commissioner Sieg stated that there was a lot of data to review. He stated that for each food preparation site he reviewed water usage, number of seats, number of employees and current number of units charged. Commissioner Mellen asked how he arrived at the number of seats for each site. Commissioner Sieg stated that he was able to obtain some numbers from the fire chief and he physically counted the one's he did not have. A discussion was held regarding the best way to calculate the actual number to use. Occupancy loads are calculated by the fire department under the provisions of RSA 153:5 and Life Safety Code 101 by the State of New Hampshire Department of Safety Division of Safety Services Office of Fire Marshal. The Commissioners reviewed the sewer ordinance 181-51 A (4). All agreed that the occupancy load takes standing space into consideration which would not be included in ordinance 181-51 A (4) as it states "seats". A discussion was held how to best obtain an accurate set count for all locations. The Commissioners agreed to split the list of sites between the three (3) of them and for each to physically visit each site for counting verification. The Commissioners will continue their review when they have collected the seat information for each site.

Commissioner Sieg stated that in his review, which was spurred by a request from the owner of the Sausage Source, he did not see any way calculated that the Sausage Source should be billed more than one (1) sewer unit for his business. Therefore, Commissioner Sieg motioned to change the current number of sewer units being charged to the Sausage Source restaurant from three (3) to one (1) and to abate \$180 from the 2016 2nd issue sewer bill which is the equivalent of two (2) sewer units. The total number of sewer units for the property for future billings will be two (2) – one for the UPS Store and one for the Sausage Source. Commissioner Wiegelman seconded the motion. Commissioner Sieg and Wiegelman voted yes; Commissioner Mellen voted no. Motion passed 2-1. Commissioner Mellen explained that he voted in the negative as he does not believe that the sewer ordinance includes a provision for waiving any of its requirements.

The Commissioners discussed the schedule of the Henniker Street sewer main lining project. Ted Berry is scheduled to begin the project on Monday May 16. Penny advised the Commissioners that police coverage is needed in the area of the project and Ted Berry Company has tentatively scheduled coverage for two (2) officers for seven (7) twelve (12) hour days. If coverage is needed for all hours stated the police detail cost will be \$10,920. Commissioner Mellen asked Penny to keep a record of costs paid for all police coverage for 2016 for both water and sewer departments.

The Commissioners reviewed and authorized April 26, 2016, meeting minutes; AP vouchers number 9 for water in the amount of \$21,247.47 and sewer in the amount of \$21,719.93; 2016 2nd issue water warrant – Hillsborough in the amount of \$157,957.74, 2016 2nd issue water warrant – Deering in the amount of \$2,023.47, and 2016 2nd issue sewer warrant in the amount of \$155,378.87; and, time cards.

Commissioner Wiegelman motioned to adjourn the meeting. Commissioner Sieg seconded the motioned. All voted in favor. Meeting adjourned 9:15 pm

Respectfully submitted,

Penny Griffin, Administrator

Water and Sewer Commissioners Meeting Minutes Approved by:
Date:

Peter Mellen, Chairman

Herm Wiegelman

Chris Sieg
Water and Sewer Commissioners
Town of Hillsborough