

**MINUTES OF THE WATER & SEWER COMMISSION MEETING**  
**WEDNESDAY, OCTOBER 11, 2017**  
**3:00 P.M.**

**Members Present:** Walter Liff, Chair, Damon Frampton, Ex-Officio Select Board, Steve Tabbutt, Supervisor of Public Works, John Ireland, Member, Richard White, Member, Normand Houle, Member, Chet Fessenden, Alternate, Clint Springer, Alternate

**Members Absent:** none

**Also Present:** Christiane McAllister, Accountant, Anne Miller, Secretary

**Public Present:** Edmund Tarbell, Mike Geanoulis, Andy Schulte, David McGuckin

**1. Public Questions**

Mr. Walter Liff called the meeting to order at 3:00 p.m. and opened the meeting for public questions.

Water Quality

Mr. Edmund Tarbell, 96 Portsmouth Avenue, asked about the water quality. Mr. Tabbutt described the test results that were communicated via the **Letter to New Castle Water Users of Violation Levels – QIII**. The tested water exceeded the total trihalomethane (TTHM) threshold of .080 mg/L set by NH DES. TTHMs result from the reaction of chlorine with organic matter. At the suggestion of the engineering consultants, the Town aggressively flushed 85,000 gallons of water prior to testing, but without the desired result. The most recent TTHM results were the highest to date, .143 mg/L. TTHM levels at Shapleigh Island measured .114 mg/L where the water entered the town from the City of Portsmouth. Beyond flushing, the Town has no ability to affect the water quality.

Mr. Tarbell asked whether water consumers should be tested. Mr. Tabbutt, who qualified his response by noting that he does not have a medical or chemistry background, indicated that it is his understanding that studies are not definitive, but it is believed that TTHMs are linked to cancer over a lifetime of elevated use. Mr. David McGuckin, 141 Cranfield Street, recalled an EPA statement that reported a 10% increase in cancer risk based on consumption of 2 gallons/day over 70 years. TTHMs differ from Perfluorooctanoic acids (PFOAs), which, he believes, are more definitely linked to cancer. The City of Portsmouth, which provides the Town water, is currently adding an aeration system, which, it is hoped, will solve the problem.

Mr. Mike Geanoulis, 78 Portsmouth Avenue, wondered whether the elimination of the Methyl Tertiary Butyl Ether (MTBE) line item on the water quality reports is because the levels are safe. Members did not know.

Non-Public Session

Mr. McGuckin objected to the invocation of RSA 91 A.3.c (non-public session) by Alternate Member, Clint Springer, at the September 13, 2017 meeting of the Water & Sewer Commission, noting that an Alternate Member does not have such standing unless he is acting as a Voting Member. Mr. Springer indicated that he did not invoke the non-public session, but requested and received unanimous approval for the session from the Commission. Mr. McGuckin reiterated his objection, and admonished the Commission not to repeat the infraction.

**2. Review, Approve and Sign Checks**

The current sewer bill from the City of Portsmouth totals \$34,744.65.

A \$3,666.88, Underwood Engineering (UE) invoice, is believed to be the current, final, payment on the \$10,250 contract for the sewer pump upgrade engineering work.

Mr. Normand Houle moved to accept the checks as called out. Mr. John Ireland seconded. The motion was approved, unanimously.

**3. Account Balances**

Ms. Christiane McAllister read the account balances as of September 30, 2017.

Water

Checking Account Balance: \$148,408.84  
Trust Fund Balance: \$130,648.49

YTD revenue collection: \$57,966.78  
- Collected about 33%. Coast Guard revenue was slightly lower than projected..

Current month expenditures: \$10,775.00

YTD expenditures  
- Expended about 21% of budget v. 25% target

Sewer

Checking Account Balance: \$319,961.43  
Trust Fund Balance: \$39,257.52

Most recent billing collected: \$150,849.54  
YTD revenue collection: \$239,529.83  
- Collected about 23% of budget v. 34% target

YTD expenditure: \$135,159.36  
- Expended 27% of budget v. 25% target

**4. Review and approve Minutes of the September 13, 2017 Meeting**

Mr. Ireland moved, and Mr. Richard White seconded, to accept minutes as written. Motion carried, unanimous.

## 5. Old Business

### A. Update Water and Sewer Ordinance

#### Pending Ordinance Revision

Mr. Ireland reported that he revised the proposed ordinance to reflect the requested spelling and name changes for the Commission's approval prior to submitting them to the Select Board. This version of the proposed revised ordinance will increase the penalties for violation.

Mr. Liff suggested and Members agreed to sign the ordinance. Members signed the signature page. Mr. Ireland will forward the document to the Select Board and provide copies to Commission Members.

#### Ordinance Rewrite

Mr. Houle circulated work in progress, and solicited Commission feedback on the draft pages 1 through 4, specifically calling out issues, including:

- Proposed striking the reference to RSA 31:139 (Utility Districts) noting that New Castle Water & Sewer is not, by definition, a Utility District. Members agreed.
- Proposed codifying the current practice of permitting the Superintendent of Public Works to authorize up to \$5,000 in emergency spending. Members agreed.
- Questioned whether to retain the existing language that provides for the possibility of arrest as penalty for malicious damage to equipment and infrastructure. Members agreed to consult the town's Chief of Police and to consider adding the word, *trespass* in the ordinance.
- Questioned whether the existing policy regarding the appointment and authority of a Hearing Board should be retained. Members agreed it should.

The Commission will continue to review small sections of the draft document at subsequent meetings. Next meeting will focus on the items common to Water and Sewer.

Mr. Houle identified a potential conflict between the current Water and Sewer Ordinance and the Town's newly revised Accessory Dwelling Unit (ADU) ordinance. He will seek input from Planning Board Chair, Darcy Horgan.

Mr. Tabbutt expressed concern that the draft ordinance incorrectly requires the sewer connection to be located below the cellar floor elevation (in the case of a basement foundation), but should be required to be above the floor elevation in order to prevent or detect any illegal drain or sump pump tie-ins. Mr. Tabbutt and Mr. Liff will work with Mr. Houle to insert the necessary language.

Additionally, Mr. Tabbutt will speak with the Building Inspector to ensure the inspections are implemented.

### **B. 17 Walton Road**

Mr. Houle read a proposed change to the draft response to the customer at 17 Walton Road, supplied by legal counsel, to add notification that the letter will be filed with the property card at Town Hall. Members were polled and unanimously agreed to the letter as amended. Mr. Liff will sign the letter for immediate dispatch with copies to the Select Board and Tax Collector.

### **C. Update Water & Sewer**

#### Sewer

Mr. Tabbutt described that the pump upgrade project start date will likely be in March, 2018. The 10-week turnaround time for the NH DES-approved pumps extends to the latter part of November. The contractor and Mr. Tabbutt prefer not to conduct the work in the winter due to the higher potential for problems and cost overruns.

Once the work and payment dates are finally revised, the Commission will relook at whether budget adjustments are necessary.

#### Water

Mr. Frampton reported that the Select Board does not plan to schedule a Special Town Meeting but will propose a plan to move forward with the town-controlled portion of the water infrastructure project at Town Meeting in May, 2018.

Mr. White observed that if the infrastructure project is, as expected, proposed as a taxpayer project, then the cost of any engineering and legal services in support of preparation for Town Meeting should also be taxpayer, not ratepayer, funded. No such funding is earmarked in the FY18 Water budget. Ms. McAllister noted there is a remaining, non-lapsing appropriation of approximately \$50,000 in the General Fund, that may be used in the current year for engineering services. Mr. Frampton will invite Mr. Bill Stewart to the November Commission meeting to address questions about planned and proposed funding. Mr. Houle suggested that all three Select Board Members attend.

## **6. New Business**

### **A. Response to Public Survey of Water and Sewer Rates**

The NH DES and the NH Environmental Finance Center are surveying municipalities to collect water and wastewater rates to make them free and publically available in an interactive, online Rates Dashboard as a public service to consumers. Ms. McAllister asked for permission to share the Town's rates. On balance, members believed the database to be beneficial and the Town rates to be defensible.

Mr. Ireland motioned to give Ms. McAllister permission to share the Town's rates. Mr. White seconded. Motion carried unanimously with one abstention.

## **B. Sewer Hookup Policy**

Mr. Springer read a July, 1980 letter from then-Select Board Chair Peter Gamester:

“We agree to abate the need for you to hook up ...as long as you do not have a pollution problem. The abatement will be reviewed regularly. You will not be allowed to make any repairs to your present system except for regular pumping and if a problem arises, you must hook up to the public sewer. In the interim you will be charged the minimum sewer charge of \$xxx.”

Mr. Houle noted that, having deliberated the issue, the Commission had agreed that residences proximal to the sewer line who presently utilize a private system may continue until that system fails, at which point sewer line hookup is required.

In the future the Commission will need to decide whether those customers who initially forewent hookup, but later do hookup, should pay a betterment fee to do so. Mr. White noted that because New Castle’s sewer infrastructure cost was borne by the taxpayers, not the ratepayers, the non-users already paid their share and should not be re-assessed upon hookup.

## **7. Adjourn**

Mr. Houle moved to adjourn. Mr. Ireland seconded. Motion carried unanimously.

Meeting adjourned at 4:40 p.m.