

**Utility Advisory Board
June 13, 2016 5:30 P.M.
City Hall Council Conference Room**

MEMBERS PRESENT

Dan Peterson, Chairman

Shawn Libby

Thomas H. Willis, Jr

OTHERS PRESENT

John B. Storer, PE Director of City Services

Richard Drapeau – Representing 15 Madison

David Maxfield – Representing Wilford Larochelle

Larry Lane, McDonald's

Darell Hall, McDonald's

MINUTES

1. Call to order:

Chairman Peterson called the meeting to order at 5:30 PM.

2. Appeals -

2.1 15 Madison Avenue, Stephanie Beauregard - Owner

The appellants are living in Florida, her father in-law Mr. Drapeau attended in her absence. Mr. Drapeau stated that his son and daughter in-law rent this property and that their tenants moved out in December and did not pay the Utility Bill. He stated that when they received notice for water shut off due to non-payment they decided to let it get shut off and did not winterize the property. Mr. Drapeau stated that the realtor went to the property and found a frozen broken or burst pipe. He stated that repairs were made and that he is seeking abatement on both water and sewer charges. He stated that the City was supposed to have turned off the water. There was discussion amongst the Board as to the homeowner's responsibility to winterize the property and that without someone being present at the home the City would not be able to confirm if the property was on or off if there was a malfunctioning valve. Chairman Peterson stated that as the water did pass through the meter they could not abate that portion of the bill.

Mr. Willis made a motion to abate 443 Units of Sewer at \$6.24 for a total of \$2,764.32, plus accrued interest charges. Mr. Libby seconded the motion. The motion passed unanimously.

Mr. Drapeau asked if it would be possible to reconsider abating the water as he believed that the City was partially at fault and should split the costs with the homeowner. Mr. Willis read a specific article from the City of Rochester Ordinance

(17.28) that states that the DPW will not be held liable for damages resulting from leakage escaping from any part of the owners system.

2.2 42 Main Street East Rochester – Mr. Wilford Larochelle

The appellant Mr. Larochelle was not present. His son in-law Steve Maxfield attended in his absence. Mr. Maxfield stated that his in-laws had spent the winter months in Florida and a pipe had frozen and burst while they were away. He stated that they were fortunate that it was found rather quickly. Mr. Maxfield stated that he realizes that they would need to pay the water portion and stated he is seeking a sewer credit on their behalf.

Mr. Willis made a motion to abate 17 units of sewer at \$6.24 each, for a total of \$106.08, plus all accrued interest. Mr. Libby seconded the motion. The motion passed unanimously.

2.3 161 Wakefield Street – McDonald's

Mr. Lane and Mr. Hall addressed the board as the Managers of the McDonald's Restaurant. Mr. Lane stated that the property has a clear and consistent consumption history and that they noticed a spike on their February invoice that was more than double their normal consumption. February's bill had 94 units, and by the March bill an additional 605 units had passed through the meter. He stated that they had found that a valve had been left on to the outside spigot and that the water was leaking on that line and was coming up undetected under a pile of snow. He stated that repairs have been made and they were seeking an abatement of water and sewer and now realize that it is only sewer that can be abated. The original recommendation was to abate the sewer portion of the March bill but after discussion of this being a monthly account, the board stated that the appeal was filed quickly and they would also consider the above average consumption in February. The average monthly consumption was determined to be 38 Units. ..

Mr. Willis made a motion to abate 623 units of sewer charges at \$6.24 each for a total of \$3,887.52 plus any accrued interest. Mr. Libby seconded the motion. The motion passed unanimously.

2.4 55 Main Street - East Rochester Library

Ms. Schmalzl spoke for the Rochester Library Association. She stated that she had believed that the basement had been kept warm enough for the meter but apparently it was cracked and that it had leaked. She stated that this first abatement was for the fees associated with the meter change out. The total invoice for parts and labor was \$215.09. The board reviewed the charges and discussed the City of Rochester Ordinances 17.9 & 17.11. These ordinances state that the property owner must keep the meter protected from frost, and that the property owner is responsible for replacement if the meter freezes and breaks. Mrs. Schmalzl stated with the limited budget at the Library the repair costs and the usage are more than the budget can

afford. The board discussed their limited ability and made the following motion.

Mr. Willis made a motion to reduce the invoice by the materials mark up amount, stating they will invoice cost and labor only for this non-profit, City subsidized agency. Mr. Libby seconded the motion. The motion passed unanimously.

2.5 55 Main Street - East Rochester Library

Ms. Schmalzl spoke for the Rochester Library Association. She stated that she had believed that the Library basement was kept warm enough for the meter but apparently it was cracked and that it had leaked. She stated that this second abatement was for the fees associated with the additional water & sewer consumption costs. She stated that typically they get billed the minimum use for water and sewer as they do not consume more than a 1 unit every cycle or two. The Board stated that they could credit sewer only as the water did pass through the meter and as discussed previously the property owner is responsible for the charges. The following motion was made and the board recommended Mrs. Schmalzl see the City Manager to discuss any additional abatements.

Mr. Willis made a motion to abate \$20.07 in sewer charges. This abatement amount will reduce the sewer charges to the minimum sewer use charge of \$29.85 as is the typical amount billed for this location. Mr. Libby seconded the motion. The motion passed unanimously.

2.6 32 Lowell Street – Geoffrey Betts

The appellant was not present. Mr. Peterson stated that this appeal was due to broken hot water heater and that it was first presented in December and tabled for two quarters to establish a consumption history on this new property owner. The history has been established and 7 units was consistent for both the December and the March billings. As the appeal was filed promptly and the appellant was not aware of what normal use should have been, the board agreed with the DPW Director to look at the previous quarter's (42 days) use as well and made the following motions.

Chairman Peterson made a motion to abate \$39.50 units of sewer at \$6.24 for a total of \$246.48, plus accrued interest. Mr. Libby seconded the motion. The motion passed unanimously

2.7 31 Chestnut Street – Nahla Abounaja

The appellant was not present. Chairman Peterson stated that the appeal does not give any explanation for the high consumption and without any additional information he does not feel the board can grant any abatement.

Chairman Willis made a motion to deny the appeal. Mr. Libby seconded the motion. The motion passed unanimously

2.8 12 Front Street – East Rochester - Randolph

The appellant was not present. Chairman Peterson stated that this Board had denied this appeal in September of 2014 because it had been filed after the acceptable date per ordinance. Mr. Libby stated that the actual high bill was more than two years

ago. Mr. Willis stated that this appellant had called him at home and was hopeful that the Board would hear the appeal again and not knowing the facts he too believes that it is too late for this Board to consider this abatement. The Board suggested that Ms. Randolph contact the City Manager's office to request and abatement.

Chairman Peterson made a motion to deny the appeal. Mr. Libby seconded the motion. The motion passed unanimously

3. Approval of the May Meeting Minutes

Chairman Peterson requested an action on the minutes from last meeting.

Mr. Willis made a motion to accept the May 9, 2016 meeting minutes as presented. The motion was seconded by Mr. Libby. The motion passed unanimously.

4. Financial Reports – The Board reviewed the reports.

5. Water & Sewer Rate Discussion

Mark Sullivan from the City Finance Department gave a brief description of the financial state of both the water and sewer enterprise funds. The Board members and Mr. Sullivan discussed the ups and downs of consumption and use along with the City's debt service for both water and sewer. He discussed the effects of current projects, upcoming projects and the debts that will be retired in the upcoming years. The Board discussed the Sewer Fund increase and they were comfortable with the recommended increase. Mr. Sullivan explained that the water fund is more concerning. Mr. Sullivan stated that it would be a Council decision as to any increases and determine if it is necessary to make transfers to fund the expenses. He stated that the finance department will continue to keep them informed as the decisions are made. Mr. Willis asked Mr. Sullivan to run the Water Fund scenarios using a 10% increase for each of the next two years. Mr. Sullivan stated he would forward that information. Chairman Peterson stated that this would be discussed again next month with the additional information.

6. Adjournment:

Chairman Libby made a motion to adjourn at 8:54 PM. The motion was seconded by Mr. Willis. The motion passed unanimously.

Minutes respectfully submitted by Lisa Clark, City of Rochester Office Manager.