

## **UTILITY ADVISORY BOARD MEETING**

**January 11, 2017, 5:30PM**

**Council Chambers Conference Room**

### **MEMBERS PRESENT**

Shawn Libby – Chairman

Thomas H. Willis

Eli M. Barnes

Raymond Turner

### **MEMBERS ABSENT**

Ralph Saunders

### **OTHERS PRESENT**

John Storer, Director of City Services

Lisa Clark, Utility Billing Office Supervisor

Rob Partridge, Goodfellas Pizzeria 66 Washington Street - Tenant

Ronald Long, 9 Lincoln Street, Owner/Landlord

## **MINUTES**

Mr. Libby called the Utility Advisory Board (UAB) Meeting to order at 5:30 PM.

### **1) Rob Partridge – Goodfellas Pizzeria, 66 Washington Street**

Mr. Partridge asked to speak to the Board. He stated that he would like this Board to support him and work to change the ordinance regarding invoicing only property owners for water and sewer. He stated that he had spoken to Councilor Lachapelle and was referred to this Board. Mr. Partridge explained his situation to the Board and his reasons for wanting separate billing. He stated that the City Staff has been courteous, but that they are following ordinances that he would like changed. Mr. Partridge explained that he leases the space for his business and that there are also 2 residential apartments in the building. He noted that per his lease agreement, he is required to pay 80% of the Water and Sewer bill and the landlord is supposed to pay the other 20%, but often does not. He stated that when the City Technicians come out to shut the water off they let him know in advance so that he can run down and pay the bill prior to being shut off, and he later works out the money exchange with his landlord. He stated that it isn't that he can't get the money back; it's that he feels he should be able to be invoiced directly. Ms. Clark explained that a copy of the invoice can be sent to him directly as the billing system will accommodate a copy to the tenant in these situations. Mr. Partridge stated that if the water was turned off because he wasn't there at the time the technicians came by; this would have impacts on his ability to open the business and earn a living. Mr. Partridge also discussed the twice yearly backflow requirement. He stated that as the pizzeria is a commercial business there is required testing and at this location it is twice a year. Mr. Partridge stated that as his landlord was not in compliance and the

technicians recently came to turn him off. Mr. Partridge, the Board and Mr. Long discussed the following options.

- Mr. Partridge suggested a second connection for his section of the building for Water & Sewer. Mr. Storer explained that the reason for the section of the ordinance that pertains to one property and one connection is due to the additional infrastructure necessary to support additional connections.
- Mr. Partridge suggested liens be used as leverage for non-payment. Ms. Clark stated currently liens are instituted for any past due accounts over \$500. She stated some of those accounts are off and vacant and others are still on with long term payment arrangements. It was discussed that if this were considered there would have to be a point of shut off. It would have to be dollar value or period of time of nonpayment. Mr. Storer stated that he worked in a community in Maine that allowed for tenants to have services in their own names, provided they make an advance security deposit to cover a future quarterly billing, but as this is a multi-unit building this account would still have to be in one person's name and the bill would have to be paid in order to avoid being turned off.
- Mr. Long suggested that the City track landlords or property owner accounts that have more than a couple of shut off notices in a certain period of years and required them to put sufficient security deposits down to protect the tenants from being shut off.

Mr. Barnes suggested that the billing office ensure that all of the tenants in the building are notified when we tag the buildings 10 days in advance. Ms. Clark stated that for now she would have him added as a second billing so that he will get a copy of the bill and he would also receive a 14 day notice by mail of the City's intent to turn off. She stated that all doors will be tagged with the 10 day advance door tag notice. Mr. Libby suggested that this sounded like an isolated issue between landlord and tenant and that paying the invoice in full and deducting the landlords 20% from the rent as suggested would solve the problem. Mr. Partridge did not agree, stating that there must be other people with the issue. Ms. Clark confirmed that there have been other instances, but that the situations have resolved themselves. Mr. Willis stated that this board would not normally have any direct contact with the City Council and suggested this matter be discussed at a Finance meeting, as it has to do with Business Office matters, and as Councilor Lachapelle didn't think it was ready to go to his Codes and Ordinance Committee. The Board was in agreement.

***Mr. Willis made a motion to have the minutes sent with a request to add the subject to the next Finance Committee agenda to discuss the possibility of lien vs. turnoffs for non-payment and the other suggestion of security deposits for negligent landlords. The motion was seconded by Mr. Libby. The motion passed unanimously.***

2) **9 Lincoln Street Appeal – Ronald Long**

Mr. Libby excused himself from proceedings as he has a family relationship to Mr. Long. Mr. Long was present for the meeting. The Board reviewed this previously tabled appeal. Mr. Storer stated that he had recommended last month for this appeal to be tabled in order to gather additional information from staff. He stated that his recommendation this month is to abate the sewer portion of the most recent invoice. Mr. Long stated that he was requesting water and sewer abatement for 3 quarters as he believed that the City's equipment had failed. He specifically noted the meter bottom plate. Mr. Storer stated that the meter plate had eroded and it was likely due to the environment where the meter was sitting in a damp, dirt space. Mr. Long stated that there was an abatement given of over five thousand dollars by the City Manager last month and he thought his situation was similar, as the City's equipment had failed. The board discussed the appeal and time frame. Mr. Willis noted that the average use for 3 years was 22 units and that the previous cycle had 46 units.

***Mr. Willis made a motion to abate 24 units of sewer at \$6.24 per unit for a total of \$149.76, plus all accrued interest. Mr. Barnes seconded the motion. The motion passed unanimously.***

3) **42-44 Lafayette Street – Eric Goucher**

The appellant was not present for the meeting. Mr. Storer stated that he had recommended tabling the appeal until February's meeting in order to process the next quarter's bill and to provide the board with a recommendation that would capture all of the above average use. He stated the property owner is using the one time in a ten year period abatement per the Water and Sewer Adjustment Policy.

***Mr. Willis made a motion to table the appeal until the February 13, 2016 meeting. Mr. Barnes seconded the motion. The motion passed unanimously.***

4) **36 Highland Street – Tonia Chase**

The appellant was not present for the meeting. Mr. Storer stated that he recommends an abatement per the Policy on Water & Sewer Adjustments as the fittings on a hose let go when the homeowner was away.

***Mr. Willis made a motion to abate as recommended the 83 units of sewer at \$6.24 per unit, which amounts to \$517.92 and 41.5 units of water at \$4.81, which amounts to \$199.62, for at total credit of \$717.54, plus all accrued interest. Mr. Willis stated that he would like the motion to include that the decision letter note that the appellant should install a sewer deduct meter for irrigation and that the note on the property account state abatement is for once in a ten year period. Mr. Barnes seconded the motion. The motion passed unanimously***

5) **22 Chestnut Street – Donna Leonard**

The appellant was not present for the meeting. Mr. Storer stated that this leak was large and does qualify for a once in ten year period adjustment based on the Policy on Water & Sewer Adjustments. He stated that the leak is likely to go into the next period billing and that he has recommended tabling

the appeal until the February meeting in order to capture all of the above average use.

***Mr. Willis made a motion to table the appeal until the February 13, 2016 meeting. Mr. Barnes seconded the motion. The motion passed unanimously.***

**6) 32 Adams Avenue – Janice Melanson**

The appellant was not present for the meeting. Mr. Storer stated that based on the information supplied his recommendation is to deny the appeal. He stated that the appellant gave no explanation for the leak, and that the consumption does not meet the minimum threshold for the Policy on Water & Sewer Adjustments.

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

**7) Acceptance of the December 12, 2016 Minutes**

Mr. Libby asked for a recommendation for the minutes of the December 12, 2016 meeting.

***Mr. Willis made a motion to accept the minutes as presented. Mr. Barnes seconded the motion. The motion passed unanimously.***

**8) Finances**

The committee reviewed the year to date reports as submitted.

**9) Adjourn**

***Mr. Willis made a motion to adjourn at 6:50pm. The motion was seconded by Mr. Turner. The motion passed unanimously.***

*Minutes respectfully submitted by Lisa J. Clark, Administrative and Utility Billing Office Supervisor.*