# COLUMN SELECTION SELECTION

### CITY OF CONCORD

#### NEW HAMPSHIRE

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Carlos P. Baía Deputy City Manager Development

> Utility Appeals Board Meeting January 26, 2011 5:30 PM Council Chambers Minutes

In attendance: Councilor Dick Patten

Tom Arnold Carlos Baía

Absent: Elizabeth Campbell

Staff: Jeff Hoadley, General Services Department (GSD)

Theresa Segalini, GSD Patricia Juranty, GSD Rob Young, GSD

Appellants Present: Jeffrey Snow, 50 Jackson Street

Deb Cuddahy, Penacook Community Center

Richard Jacques, 18 & 20 Penacook St. (Penacook Comm. Ctr. Case)

Steve Shurtleff, Penacook Community Center Board of Directors

Meeting was called to order at 5:35 p.m.

#### Review of the October 28, 2010 Meeting Minutes

Motion to approve by Tom Arnold; seconded by Dick Patten

No changes were cited.

Approved 3-0

#### Case #UAB2010-002: 50 Jackson Street—Jeffrey Snow

Mr. Snow indicated that he owned a multifamily house at 50 Jackson Street and that he has a tenant who lives alone. He expressed that his water/sewer bills would historically run about \$65 and never more than \$95. However, he observed that over the summer of 2010 he incurred bills that steadily increased to the point where he was paying over \$300.

Mr. Snow noted that the house's pipes had frozen the winter before so he assumed that the water meter had been damaged during that incident and was now reading incorrectly. He had a city inspector come out to the property. The meter was found to be working accurately.

Mr. Snow indicated that the tenant had a garden and had been using a "soaker hose" during the summer of 2010. She had told him that it was being used about twice a week for up to an hour.

Mr. Snow did acknowledge that the account's bills have since come down to pre-summer levels. He informed the Board that he has since paid the bills in question but was hoping that the Board might consider crediting his account for the sewer portion.

Mr. Baía noted that the Board had received an updated account history for the property which clearly showed that the spike was isolated to the summer months.

Mr. Arnold expressed that this case was "cut and dry."

Councilor Patten asked Mr. Snow if he acknowledged that, based on the facts provided, it appeared to be the irrigation that was to blame for the spike. Mr. Snow agreed that it did seem to be the irrigation although he did not expect that the bills would have been as high.

Councilor Patten motioned that Mr. Snow's appeal be denied. Mr. Arnold seconded. There was no further discussion.

Motion passes 3-0.

## Case #UAB2010—004: 18 & 20 Penacook Street, Penacook—Penacook Community Center

Mr. Baía thanked the appellants for their patience in coming back a second time due to the lack of quorum at the December meeting.

Ms. Cuddahy explained that the Penacook Community Center had been awarded a grant to install the irrigation system for a community garden. The garden has operated for two years. The first year was very wet so that the cost to irrigate was not as noticeable. In

2010, however, the dry conditions led to more watering resulting in a significant bill, stemming in large part to the sewer portion which Ms. Cuddahy felt was not being used.

Ms. Cuddahy indicated that they were not using the water to irrigate a lawn but rather to grow vegetables for the people in need in the community.

Mr. Jacques, the property owner, stated that he had worked with the community center in his role as President of the Penacook Historical Society. He mentioned that he was aware of the possibility of an irrigation meter but questioned the impact on his property and its marketability in the future.

Mr. Arnold asked Mr. Jacques and Ms. Cuddahy what they planned to do for 2011 relative to the irrigation and the water account. Mr. Jacques stated that presently the plan was to continue as was done in 2009 and 2010.

Mr. Baía asked Mr. Young with GSD to explain the applicability of the irrigation meter in this case. Mr. Young explained that an enclosed irrigation system was necessary and that the piping would not have to be as deep as Mr. Jacques assumed. Mr. Young did state, however, that in the past non-profits have been treated as "commercial" meters which would result in the charging of a water investment fee for the meter of over \$600. Mr. Baía felt that the Board could recommend that this meter be deemed residential due to the unique circumstances of the case.

Mr. Jacques explained that he had already paid the bills to the City and been reimbursed by the Center so if the Board were to provide a credit, he would like it applied to the Center's account not his.

Mr. Jacques concluded his remarks by stating that the Center is funded by City and that he felt that if the Center had to pay the amount in question, the dollars would be taken from that funding.

Ms. Cuddahy expressed that if the Center decides—in cooperation with Mr. Jacques—to install an irrigation meter, the money in question in this appeal could be used to off-set that expense.

During the deliberative phase, Mr. Arnold stated that he could find no reason to grant this appeal other than pure charity due to it being a non-profit.

Mr. Baía noted that 26% of the City's taxable value is exempt as it belongs to government or non-profits and that Concord has a very high number of non-profits due to its status as the state capital. Mr. Baía also referred to Mr. Jacques' earlier point about the funds potentially used to pay for the sewer charges coming from the city funding. Mr. Baía clarified that the City did, in fact, provide \$28,000 in funding this past year to the Penacook Community Center but that the water/sewer consumption is a separate water fund issue supported by the users of the system not the taxpayers.

Mr. Arnold asked if the Board could consider waiving a percentage of the sewer portion in question or whether it would set a precedent. Councilor Patten stated that it would set a precedent as other non-profits would expect the same.

Mr. Arnold motioned to deny this appeal. Councilor Patten seconded.

In discussing the motion, the Board decided to add a recommendation to the City's General Services Department that if an irrigation meter is installed for the Penacook Community Center's gardens at this location that it be considered residential in light of the circumstances of this case.

Motion passes 3-0.

Mr. Arnold explained to the representatives of the Community Center that these decisions are difficult for the Board. He elaborated that the Community Center is one of many cases the Board has heard and will continue to hear that have compelling circumstances which the Board needs to weigh while at the same time protecting the interests of all the users of the water fund.

Meeting was adjourned at 6:10 P.M.