

**BOARD OF SELECTMEN MEETING**  
**Minutes of 10-19-09**  
**5:30 p.m.**

*Selectmen:*

*Peter F. Brothers, Chairman*  
*Miller C. Lovett, Vice Chairman*  
*Robert C. Flanders*  
*Charles G. Palm*  
*Colette Worsman*

*Town Manager:*

*Phillip L. Warren*

*Recording Clerk:*

*Karin Landry*

Call to Order: Chairman Peter Brothers called the meeting to order at 5:30 p.m. He introduced the Board and Town Manager, and made announcements pertaining to fire exits, listening assisted devices, the use of microphones, and cell phones.

**ACCEPTANCE AND/OR CORRECTION OF MINUTES:**

**09-52 Minutes of the September 28 and October 5 Workshops and Regular Meeting, and the October 5 Non-Public Meeting.**

*Selectman Flanders motioned to accept the minutes of the September 28 and October 5 Workshops and Regular Meeting, and the October 5 Non-Public Meeting. Seconded by Selectman Worsman. 5-0. All in favor. Motion passed unanimously.*

**TOWN MANAGER'S REPORT:**

- A walk-through of the Annex project was held today. The interest was greater than the first time the project went out to bid, with 12 firms participating. No significant issues were raised. It is hoped that the Town will be provided with a comfortable, responsible bid. The goal is to get the project underway before frost settles into the ground.
- A number of firms participated in a walk-through of the Prescott Park project. Some additions that may need to be made to the plan are being addressed. The goal is to get the project underway before frost settles into the ground.
- With the direction given the Town Manager at the workshop prior to this meeting, the budget process will now begin. Mr. Warren expects to report back to the Board on budget proceedings in the near future.

**VISITOR'S AND RESIDENT'S COMMENTS:**

Resident Jim Hughes of Waukewan Street inquired if the Lake Waukewan boat ramp will be fixed this winter or held over to the spring. The Town Manager told him that it is scheduled to be repaired in the spring. Mr. Hughes will be leaving to winter in Florida, returning in the spring. The Chair encouraged him to contact him by telephone if he has questions or comments while he is away.

**SELECTMENS' COMMENTS:**

Selectman Lovett reported on the Capital Improvement Committee. The Committee will come before the Planning Board on Tuesday, October 27, at 7 p.m. in Room C of the Community Center. The final presentation of the capital improvement budget will be presented to the Planning Board at that time. Residents are encouraged to keep informed on this major part of the budget. Additional information is available on the website, or by contacting any member of the Committee.

Selectman Worsman reported that a group including Selectmen Lovett and Worsman, Parks & Recreation Director Vint Choiniere, and resident Mrs. Carpentier, recently met with Executive Councilor Ray Burton to discuss Meredith Center issues at Childs Park. During the meeting, Mr. Burton spent a significant amount of time on the phone with the Department of Transportation, trying to get the project off the ground. Mrs. Carpentier has made a tremendous effort in moving the project forward. It is not known at this time whether the project will be funded.

**NEW BUSINESS:****09-53 Public Hearing – Water & Sewer Ordinance Update**

*Selectman Palm motioned to open the public hearing on the Water & Sewer Ordinance Update at 5:40 p.m. Seconded by Selectman Lovett. 5-0. All in favor. Motion passed unanimously.*

The Town Manager opened with a summary of the formation of the Water System Committee and its charge. The Committee completed an emergency investigation of the water system, its capability compared to demand, made a comprehensive assessment of the treatment plant, and analyzed usage peaking factors, unaccounted for losses, and long term demand. In 2008, an apparent access fee inequity was brought to the attention of the Planning Board by an applicant, and the Committee began reviewing the Ordinance. The Committee reported their findings to the Board in a series of five reports. In short, the Water & Sewer Ordinances were found to be cumbersome; it was hard to identify how charges were established, and the rationale behind them. The Committee applied a unit table established by the DES, and rational fees that are tied to actual costs, to the Ordinances. Although the DES table used to establish units may seem artificially high, the key to the table is the incremental difference between different uses. He noted that the fees are access fees as opposed to usage fees, and will only affect those hooking up to the system from this point forward. The documents will be edited for spelling, grammar and formatting when the document is finalized.

Mr. Warren complemented the quality and scope of the work performed by the Committee. Copies of the Ordinances were available for the public's review. He reviewed the substantive changes to the Water Ordinance:

**Article I: Definitions.**

104. "AVAILABLE SPARE CAPACITY". This language reflects a true and accurate available spare capacity.

115: "CONNECTION FEE". This language is the logical next step.

135: "UNIT". This is one of the major changes to the Ordinance. It includes language stating that we will use the New Hampshire Department of Environmental Services Unit Table as the basis for determining units. The estimated usage of a single family, two-bedroom dwelling is considered one unit, and other units are based on that increment. Any changes made to the Table by the state will come before the Board of Selectman for approval before they are incorporated in the Access Unit Fee Schedule.

**Article II: Service Connections and Meters**

237: This section reflects a change to the assessment of fees for units. The past language reduced the fee for more than one unit.

**Article III: Use of System**

322a: This language defines a Net Available Spare Capacity Report and allows for changes in the determination of allocation for each use category by the Water Department.

**Article V: Water Rates Defined**

505: The language of 505 adds connection fees.

505A: The addition of 505A makes clear that user charges and connection fees are for capital charges, not for the operations and maintenance of the system.

523: This section addresses how the new Ordinance will be applied to projects in the pipeline. An accepted project can use the old Ordinance and rates or the new Ordinance and rates within a certain timeframe.

The Access Unit Fee Schedule, page 32 of the Water Ordinance and page 35 of the Sewer Ordinance should be amended to read: 1 Bedroom or Studio - .750 per apartment.

An access fee of \$4,000 was determined to be a fair and equitable interim rate based on a non-statistical calculation of the system. There are future plan to fully capitalize the system and

determine its value, at which time the access fees will be readdressed. The connection fee of \$100 is based on the cost to the Town of the work that is done.

The Chair opened the hearing for public comment.

Selectman Lovett inquired when the new Ordinance will go into effect. Article VIII, Page 27, Section 804 indicates that the Ordinance shall be in effect thirty days after acceptance. The Town Manager will amend Section 804 to read: Following a duly noticed public hearing, the amendments to this Ordinance were adopted by the Meredith Board of Selectmen on October 19, 2009. The ordinance shall be in effect at the time of hearing.

The Town Manager reviewed the posting process for the public hearing. He explained the rationale for choosing the DES Equivalent Unit Table. Calculating gallonage uses for different categories of property fall within the expertise of the DES. The index is widely published and accepted, and used by cities, towns and private developers within the state.

On behalf of Hidden Green Properties, Dale Pancas, told the Board that he is responsible for bringing the inequities in the unit tables to the Town's attention a year ago, and appreciates all the work that is being done to address the inequities. Hidden Green is hopeful that the proposed Ordinance will be approved and they can commence work on their project immediately.

The Chair summarized by saying it became clear that the Ordinance was antiquated and needed to be looked at in depth so it is purposeful, deliberate, and justifiable in relationship to the users. It is hoped that the new Ordinance will be more meaningful and defensible.

The Town Manager reviewed the substantive changes to the Sewer Ordinance

#### **Article I: Definitions**

Section 100.1: A definition was added for "Access Fee".

The word "Commission" is changed to "NHDES" throughout the document because the Commission no longer exists.

Section 108.1: A definition was added for "Connection Fee".

Section 122: A definition was added for "NHDES".

Section 148: The definition of "Unit" was changed to mirror the definition of Unit in the Water Ordinance.

"Town Engineer" is changed to "Water and Sewer Superintendent" throughout the document.

#### **Article IV: Building Sewer and Service Connections**

Section 432: This section clarifies connection fees.

Section 436: This section refers to the Sewer Fee Schedule for access fees per equivalent unit and the Equivalent Unit Chart to determine equivalent units for each use specified.

Section 437: This language mirrors the language in the Water Ordinance pertaining to how the new Ordinance will be applied to projects in the pipeline. An accepted project can use the old Ordinance and rates or the new Ordinance and rates within a certain timeframe.

### **Article 5: Use of Public Sewers**

503: This section more clearly defines what can't be put in the sewer system.

The definition for "WRBP" (Winnepesaukee River Basin Project) must be added to Article I.

The Fee Schedule, Sewer Service Permit, Assessment Formula, and Access Unit Fee Schedule are attached to the Ordinance. The miscellaneous fees are based on the actual cost to the Town.

Resident Jim Hughes inquired whether Article II, Use of Public Sewers Required, Section 201, applies to the use of manure by the agricultural community as a fertilizer. The Town Manager told Mr. Hughes that the wording of the statute does not state what waste is, but allows the Town to make regulations for the prevention and removal of nuisances. Mr. Edgar told Mr. Hughes that there will be subsequent opportunities to change the wording, if it is found appropriate to do so.

Selectman Palm suggested that the same wording used in the Water Ordinance, Page 3, Section 135, setting forth changes to the DES Administrative Rule are subject to the approval of the Board of Selectmen be included on Page 5 of the Sewer Ordinance. There was a consensus among the Board that the change should be made.

Water System Committee Chairman David Thorpe clarified that the Town produces the Equivalent Unit Tables from the DES daily flow chart. There is ample reference in the Ordinance that the Tables are created in that way.

*Selectman Palm motioned to close the public hearing portion of the meeting at 6:35 p.m. Seconded by Selectman Lovett. 5-0. All in favor. Motion passed unanimously.*

Selectman Palm served on the Water Study Committee, and is hopeful that everybody will vote in the affirmative and get the Ordinances adopted. It is prudent to get this portion in place because it will correct many things that were not right in the old system. There will be additional updates dealing with other issues.

The Chair commended all those involved in the process and appreciates the time and effort spent on the Town's behalf.

*Selectman Worsman motioned to approve the Water and Sewer Ordinances as amended, printed, and discussed at this meeting. Seconded by Selectman Flanders. 5-0. All in favor. Motion passed unanimously.*

**Development Agreements:**

The Board had the opportunity to review two Development Agreements in the Workshop prior to this meeting, one for Hidden Green Properties, LLC and one for LRGHealthcare. The Agreements detail the water and sewer connection and access fees for parcels of land located on Reservoir Road and US Route 3. The Town Manager recommends that the Board approve the Development Agreement with the caveat that the maximum day demand will be rerun sequentially for the projects, with the Hidden Green project being calculated first, and the Planning and Water Departments can issue service permits for Water & Sewer forthwith.

*Selectman Flanders motioned that the Board approve the Development Agreement for Hidden Green Properties, LLC with the caveats that the maximum day demand will be run sequentially for the projects, and the Planning and Water Departments can issue Service Permits for Water & Sewer forthwith. Seconded by Selectman Worsman.*

The Chair pointed out that time is of the essence so the projects can commence before there is frost in the ground. The Agreements will be approved subject to the changes proposed in the workshop.

*5-0. All in favor. Motion passed unanimously.*

*Selectman Lovett moved that the Board approve the Development Agreement for LRGHealthcare with the caveats that the maximum day demand will be run sequentially for the project, and the Planning and Water Departments can issue Service Permits for Water & Sewer forthwith. Seconded by Selectman Palm. 5-0. All in favor. Motion passed unanimously.*

**OLD BUSINESS:**

None

**ADJOURNMENT:**

*Selectman Flanders motioned to adjourn the meeting at 6:35 p.m. Seconded by Selectman Worsman. 5-0. All in favor. Motion passed unanimously.*

Respectfully submitted,

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Phillip L. Warren, Town Manager

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Peter F. Brothers, Chairman

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Karin Landry, Recording Clerk

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Miller C. Lovett, Vice Chairman

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Robert C. Flanders

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Charles G. Palm

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Colette Worsman