

Town of Hillsborough Water & Sewer Commission
October 10, 2024 Meeting Minutes

The meeting was called to order at 6:00 p.m. Present were Commissioners Dave Lewis and Dana Clow; and Penny Griffin, Water and Sewer Administrator.

Also in attendance was Leigh Bosse.

1. Leigh Bosse approached the Commission to further discuss the possibility of connecting both municipal water and sewer to his proposed detached condominium housing Preston Street development that he had previously met to discuss with the Commission in February 2024. Mr. Bosse stated there are two items he would like to discuss:

- a. The fees charged to connect to water and sewer. Leigh stated that if the infrastructure was already installed on the site and he only had to install individual water and sewer service lines to each home, he would have no issue paying the fees. However, he will need to install the main line infrastructure on the property to connect the service lines to and is hoping that the Commission will take into consideration the cost to do so and waive the hookup fees.

Commissioner Dave Lewis stated that he is not in favor of waiving all fees. He explained that there is a fee structure in place, and it wouldn't be fair to others on the system having to pay the fees. Leigh countered that those others are not installing a system. Commissioner Dana Clow acknowledged that another developer has recently voiced the same sentiments as Mr. Bosse. Commissioner Clow then explained that as a practical matter, the existing sewer system does not need more system, the existing system needs to be fixed and that is what those fees have been established for. The Commissioners went on to explain that new infrastructure being added to the existing systems takes away from the little remaining sewer capacity available. Waiving fees for these connections reduces the amount of funds available to continue replacing the old leaky system. Replacement of leaky mains creates more capacity by removing the inflow and infiltration. The Commissioners agreed that projects like Leigh's are a definite benefit to the community as a whole but unfortunately, they do not benefit the sewer system which is funded fully by user fees and not taxes.

- b. Mr. Bosse would also like to discuss the possibility of installing the infrastructure in sections, ie) a section of 6 houses at a time. A discussion ensued regarding what is needed to determine what kind of improvements will be needed to service the area. The Commission agreed that once the plans are submitted and can be reviewed, they will be able to have more constructive conversations regarding his request. Commissioner Lewis asked when he thought he would have plans to submit and Mr. Bosse stated he was hoping within the next month.

6:30 pm Leigh Bosse left the meeting.

2. Commissioner Dana Clow suggested that the Commission should think about renaming the System Development Charge (SDC). He explained that the perception that the name “System Development Charge” gives is that the Commission is charging for the development of the system which is not the intention of the Commission or what the definition of the System Development Charge is in the sewer ordinance. The SDC ordinance reads:

§ 181-6 B. A System Development Charge (SDC) for new users and expanded service will be paid at the time of application for service. The charge will be \$6.71 per gallon per day (gpd) of estimated flow for the specific use or expansion proposed as listed in Table 1008-1, Unit Design Flow Figures, in Section Env-Wq 1008.03 (c) and (d), of the New Hampshire Code of Administrative Rules, Chapter Env-Wq 1000, Subdivision and Individual Sewage Disposal System Design Rules, effective 2-9-08, or as revised. The SDC for expanded service shall be calculated based on the difference between the existing estimated flow and the expanded estimated flow as listed in Table 1008-1. The owner(s) or his agent shall make application on a special form furnished by the HW&SC at least 30 days prior to said service connection. The permit application shall be supplemented by any plans, specifications, or other information (including pollution prevention studies) considered pertinent in the judgment of the HW&SC. In addition to the SDC, an inspection fee of \$100.00 for new service connections shall be paid to the HW&SC at the time the application is filed.

Commissioner Dave Lewis suggested adding information to the Commissions website to help educate people about the reasoning behind the fees and what they will be used for.

Commissioner Dana Clow noted that he has seen the fee called an “I/I Fee” for other systems

The group agreed to continue discussions on proceeding with changing the name of the current SDC to better reflect why these fees have been implemented.

3. A discussion was held regarding the progress of the USEPA’s Lead and Copper Rule Improvements (LCRI) and Lead and Copper Rule Revisions (LCRR). Penny Griffin advised that Hazen and Sawyer engineering consultants are still working to finalize the complete inventory list of Hillsborough’s water system that is due to NHDES by October 16, 2024. The group discussed how to best provide information to the community members.

Penny stated that Commissioner Peter Mellen has suggested that the group meet with the Selectmen prior to the customer notification letters being mailed to educate them on the new regulations and what the Commission needs to do to comply. All agreed that informing the Selectmen is important as they may receive calls from the community as well. The group will continue discussions and preparations at the next meeting

4. Water and Sewer New Service applications for 173 Henniker Street were reviewed.

The Water New Service application was conditionally approved as submitted pending the receipt of the \$7,500 permit fee.

The Sewer New Service application was reviewed. The Commission determined the proposed use category on the Table 1008-1, of the New Hampshire Code of Administrative Rules, Chapter Env-Wq 1000 to be "Service Station – 75 GPD per Island plus 10 GPD per employee".

Per the application:

- # of Islands 0 x 75 GPD = 0 GPD
 - # of employees – 1 x 10 GPD = 10 GPD
- TOTAL projected flow = 10 GPD

The Commissioners determined the total proposed new use to be 10 GPD and calculated the SDC to be \$67.10. The Sewer New Service application was conditionally approved pending the receipt of the System Development Charge (SDC) and inspection fee. A total of \$167.10 due.

Each application also noted that the applicant will need to contact the water and sewer commission office to schedule the tapping of the water and sewer mains.

5. The group discussed the NHDES comments on the Dredge and Fill application for the Park and Whittemore Road Reconstruction project.
6. Commissioner Dave Lewis stated that he will be stopping at the NH National Guard Armory on West Main Street to discuss the location of the sewer easement of their property as it appears they may have built a fence across on the easement which may impede access to the infrastructure for maintenance and/or repair.
7. Penny Griffin advised the Commissioners that Greg Gillett, owner of a home at 44 Boulder Road, visited the office to have her listen to a voicemail from the Nick Taffe, Town Assessor, regarding Mr. Gillett's request to have the in-law apartment removed from his tax record in response to the Commissions procedure to remove a second unit of sewer billed to a property. Mr. Taffe's voicemail stated that as there is no other reference to an in-law apartment (such as an extra kitchen) on his tax record other than the word "in-law apartment" in the description, he will remove those words. Penny reported that Mr. Gillett believes once the words are removed from the tax record description, the Commissioners should be able to adjust the number of sewer units being charged to his property from 2 to 1. Penny stated that she asked Mr. Gillett if the building inspector or Town Assessor had visited his property to verify that the kitchenette had been removed. Mr. Gillett stated they had not. Penny Griffin told Mr. Gillett that she will follow up with the Town Assessor.

Penny Griffin reported voicemails have been left for the Building Inspector, Mike Border, but she has not heard back from him yet. Penny stated that she was able to contact Nick Taffe, Town Assessor, and discuss the issue with him. The Assessor confirmed that he had not

gone to the site to verify there was no kitchen area in the space. He stated that the “in-law apartment” wording in the description had been added to the tax record long before he began working for the Town and as there was no other reference to it, he was going to just remove the words in the description. Penny Griffin explained that there are documents in the file from the original apartment application in 2005 from the Selectmen specifically referencing the kitchen and the apartment and requested the assessor review them prior to making changes. Nick Taffe agreed to complete a site visit to verify what is actually there, and if the kitchen facilities still exist, he will require that the plumbing for such be removed as has been required at other sites in the past. The assessor will schedule a site visit for Wednesday, October 16, and report his findings to Penny Griffin.

8. The Commissioners discussed the status of the restaurant/café at 17 West Main Street that was conditionally approved at the September 10 meeting pending the payment of the SDC and inspection of the grease trap. Penny Griffin reported that she emailed notification of the conditional approval on September 11 to the applicant and then again on October 8 requesting receipt confirmation. To date no response has been received.

Penny Griffin reported that Paul Dutton, Wastewater Operator, visited the site to inspect the newly replaced grease trap and noted that it is a non-compliant device as the replacement device is a manual device and not an automatic as required by the Commission. He advised the business owner that the device will need to be replaced with an automatic device.

A draft letter to the property owner addressing the non-compliant grease trap and the outstanding SDC was reviewed. The Commissioners agreed to hold off sending the letter at this time to give the applicant time to reply to the most recent correspondence. The Commission will revisit the status of the issue at the next meeting.

9. Penny Griffin reported that she had been contacted by Riché Colcombe inquiring about the grease trap requirements and what gives the Commission the authority to make such requirements. Penny advised that she provided the following information to Ms. Colcombe:
 - a. The Town Code regarding grease traps:
Town Code 181-14. C. Grease, oil, and sand interceptors shall be provided at the owner's expense when, in the judgment of the HW&SC, these devices are necessary for the preliminary treatment of wastewater containing excessive amounts of grease and oil or sand, except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the HW&SC and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at the user's expense. The owner shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and means of disposal, which shall be subject to periodic review by the HW&SC. Any removal and hauling of the collected materials shall be performed by currently licensed waste disposal firms.

The policy of the automatic grease trap requirement has been in place since October 24, 2006. The excerpt from the meeting minutes from that date regarding the decision to require automatic grease traps is as follows:

The Commissioners held a discussion regarding grease traps. The Automatic Grease Interception grease traps appear to efficient, and Paul Dutton told the Commission that he learned in his training courses that a lot of towns require this type of grease trap. The Commissioners voted unanimously to make an Automated Grease Interception grease trap mandatory for all new or failed systems.

It is noted that there are a few businesses with manual devices that are grandfathered until the device fails. When the device fails, an automatic grease trap is the required device to replace it.

The automatic grease trap requirement was put in place due to the lack of maintenance of manual grease trap devices which contributed to significant grease within the sewer system which causes sewer overflows and backups and is very costly to remove and maintain. Since the implementation of the automatic grease trap requirement, there has been a significant decrease in the amount of grease within the system.

- b. Regarding the authority of the Commission to make rules, Penny provided the following information:

The establishment of the Commission was voted in at Town Meeting in 1984 effective with the Town elections in 1985. The link to the Town Code regarding that: <https://hillsboroughnh.org/wp-content/uploads/2024/10/Chapter-82-Water-and-Sewer-Commissioners-Board-of.pdf>

The Commissioners are governed by NH Statutes Chapter 149-I: SEWERS. <https://gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-X-149-I.htm> and Chapter 38: MUNICIPAL ELECTRIC, GAS, OR WATER SYSTEMS <https://gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-III-38.htm>

Excerpts from those statutes regarding bylaws and ordinances for the sewer and water systems state:

149-I:6 Bylaws and Ordinances. –

1. In municipalities where the sewage is pumped or treated, the mayor and aldermen may adopt such ordinances and bylaws relating to the sewage system, pumping station, treatment plant or other appurtenant structure as are required for proper maintenance and operation and to promote the objectives of the sewage system.

38:26 Bylaws and Ordinances. –

I. In municipalities with public water systems the governing body, or the board of water commissioners, if any, may adopt such ordinances and bylaws relating to the system or structures as required for proper maintenance and operation.

10. The Commissioners reviewed and authorized the following:
- a) 2024 AP Voucher #19 W= \$ 101,357.84 S= \$ 16,012.18
 - b) Timecards
 - c) 9/24/2024 Meeting Minutes

Commissioner Dana Clow motioned to adjourn the meeting. Commissioner Dave Lewis seconded the motion. All voted in favor.

Meeting adjourned at 8:00 pm.

Respectfully submitted,

Penny Griffin, Administrator

Water and Sewer Commissioners Meeting Minutes
Approved by:

Date:

Dana Clow

Dave Lewis
Water and Sewer Commissioners