

**Utility Appeals Board
November 4, 2020
Virtual Meeting via Zoom Platform
Draft Minutes**

In attendance:

Representing the Board:

Councilor Brent Todd, Deputy City Manager Carlos Baía

Absent: Tom Arnold

Representing the Staff:

Adam Clark, Teresa Segalini, Jeff Hoadley

Meeting called to order at 5:30 p.m.

1. Reading of Instructions & Roll Call Attendance

Mr. Baía read the instructions in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04. Roll call was taken noting that both Mr. Baía and Councilor Todd were in attendance representing the committee.

2. Approval of the Minutes from August 12, 2020

Mr. Baía moved approval. Councilor Todd seconded. A roll call vote was taken, 2-0 in favor of approving the minutes.

3. Case 2020-002: 83 Pembroke Road (Appeal by Dhan Timsina)

Mr. Dhan Timsina stated his case. He questioned why he was not told that one of the bills he received from this past summer was estimated. He also asked for clarification on how the estimating process works. Mr. Timsina also questioned why his meter was exchanged if there was nothing wrong with it as claimed by the City.

Mr. Baía remarked that notes in the record for this case were confusing relative to a potential leak. It was unclear if the City had conducted a leak inspection or not and it seemed like the appellant claims there are no leaks.

Mr. Clark explained that a request was made of the City to have a technician visit 83 Pembroke Road due to concerns about a high water bill. While the technician was there he noticed that there was continual water usage which led him to suspect that there might be a leak but the technician's log noted that he did not conduct the leak inspection because no one in the home at the time spoke English.

Mr. Rudra Timsina (brother of Dhan Timsina) asked why the lack of English would have led the technician to not do the inspection. Mr. Clark speculated that the technician may not have felt comfortable moving around the house to carry out the inspection when he wasn't able to effectively communicate.

Mr. Baía suggested that the City coordinate with the Timsina family to have a leak inspection done as soon as possible to shed more light on this case. He felt that until such time as we had this information it would be difficult to render a decision.

Councilor Todd agreed. He explained that the Board has limited discretion in these appeals and the rules are clear that if the water is used, it needs to be paid for. Mr. Baía agreed with Councilor Todd but added that depending on the circumstances of each individual case, the Board sometimes comes to a modified ruling but will typically stay within the parameters laid out by the utilities' governing rules.

Mr. Clark explained that it is the City's policy when a technician visits a property for leak detection, for example, that the meter is examined and if it is of older stock, it is replaced on the spot. He noted that older meters tend to underreport water usage. Mr. Clark confirmed that the meter that was removed was tested and was found to be within all acceptable AWWA standards.

Mr. Hoadley explained that the estimated bill was standard practice when a meter is changed. The first bill after a new meter is installed is estimated based on past usage. In this case, the meter was changed after high bills had been registered and so the estimate was high. Once the first full reading was made off the new meter, the usage was noted to be less and the bill was adjusted down via a credit to the account.

Mr. Clark noted that the usage in this case spiked over the summer and then came down as it did to a lesser extent in 2019. He stated that this would lead him to believe that the water bills were due to higher summer usage rather than solely attributable to a possible leak.

Mr. Hoadley observed that despite this year's drought, the Timsina flower garden was very vibrant which may have required some higher watering. A sibling of Mr. Timsina noted that the flowers in the garden are marigolds which don't require much watering.

Mr. Baía moved that the water utility staff be directed to place a hold on the accrual of late penalties and/or late fees on the Timsina account pending a subsequent revisiting of this case by the UAB in a recessed hearing. Prior to the case being brought back to the UAB, an inspection of the property for leaks shall be conducted by the City. This inspection shall be scheduled within 2 weeks of today's date. The information from that inspection shall be shared with Mr. Timsina and the UAB for consideration at the recessed hearing.

Councilor Todd asked Mr. Dhan Timsina if he understood and agreed with the motion. Mr. Timsina stated that he did.

Councilor Todd seconded the motion. Roll call vote was taken and the motion passed unanimously.

4. Other Business

Councilor Todd recognized and thanked former UAB member Beth Campbell for her many years of service.

5. Adjournment

Mr. Baía moved to recess the meeting to a date to be specified; Councilor Todd seconded the motion.
Roll call vote was taken and the motion passed unanimously.

Meeting recessed at 6:15 p.m.

Respectfully submitted,

Carlos P. Baía