



**Cogswell Spring Water Works
Water Commission Meeting
Tuesday, November 16, 2021**

Members Present: Jerry Gilbert, Chairman; Bill Hall, Commissioner; Jeff Connor, Commissioner;

Guests: Ryan Bumford, Chief Operator; Lorin Mulligan

Recording Secretary: Kelly McCutcheon

Review minutes:

Commission Hall moved to approve the October 19th minutes as amended. Commissioner Connor seconded motion carried 3-0.

Chief Operator Report for November Meeting:

- State Requirements
 - Monthly bacteria test was negative
 - We are chlorinating from both of Davison tank and Building 1 Pump house
- Truck
 - Spoke with Dennis from Hillsboro Ford and he have me the attached Estimate of \$64,474. This price is dependent on what he still has on site when an order gets placed
- Extractions
 - I did three extractions of meters due to customer concerns on water used
 - 134 Western Ave
 - 72 Fairview
 - 198 Depot Hill
- Budget
 - I spoke with Russ and had had worked up a draft budget
 - I took his draft budget and compared it to the budget I have been working on. This is why there are two separate budgets being presented
 - General Linen
 - Waiting for call back
- Final Reads- 5
 - 19 Hall Ave
 - 315 Rush Rd
 - 388 Western Ave Building E3
 - 217 Hillside Drive
 - 30 Bennet Rd
- Dig Safe - 2
 - The State refreshed all their job sites
 - Pole Replacement on Foster Road

The Truck estimate included the plow, rack and same style body for longer tubes and ladders. The truck estimate is not included in the budgets presented tonight. Chair Gilbert asked if the estimate included the plow package. Operator Ryan confirmed the estimate included the plow package and that the estimate is based on what is available at the dealership now and the price is subject to changed.

Extractions- Chief Operator Ryan Bumford explained how he preforms extractions and using the data of graphs to identify patters of shut off times and average consumption to determine if the meter is working correctly, then determine high usage. He stated one property did have an irrigation system that could be from high usage and Fairview is not satisfied with their results, Operator Ryan is waiting to hear back from them.

Chief Operator Bumford stated Western Ave had bought in Hilltop Heating, the meter was working then a 20-gallon leak started. Hilltop Heating disconnected the meter and the meter showed water was running despite the meter being shut off. Chief Operator Bumford removed the meter and has sent it out for testing. This customer had a meter that was not working properly, a new one was installed, the new meter did not show a leak, and with the old meter reading water when disconnected it is likely a bad meter.

198 Depot Street is satisfied with their extraction information and have not been heard from.

Budget- Part time employee needed to be adjusted to cover for the year, traffic control was not listed on Russ's budget nor was training & licensing which were misfiled under dues and memberships. Office supplies have increased to cover what was spent the previous year and look to increase from last year at next meeting.

Outside lab is listed on Financial Director Russ' budget for more than is normally spent. Commissioner Hall stated the change in PFAS sampling has reduced the majority of the cost. Chief Operator Bumford confirmed the PFAS waiver has decreased the overall cost. He stated he is projecting at least 5 water meters from the 0 listed in the budget. Chair Gilbert confirmed they need to begin planning water meter rotations. Chief Operator has decreased consultant fees by \$1,000. Chair Gilbert stated his concern that it may be needed for surveying or engineering of future projects. Commission Hall agreed and the consultant fees will remain the same. Commissioner Hall asked what is in the 2021 budget for legal fees; \$2,280.

Appointments: Lorin Mulligan

Lorin Mulligan presented the commission with three packets and a copy of her letter. She stated the packets contain her property deeds, her neighbor's property deeds, the lawsuit against the Cogswell Springs Water Works, the deed attorney research from the lawsuit including her deed, and the Chase deed.

She started to read the letter and regretted not having the picture of her in the filled cistern at what she calls the Claire and Skadony Property. She stated the first package is the one that Katie Baroff, a deed researcher hired by Lorin's attorney, had done and was submitted for the trial and that Baroff research spelled out what is in Lorin's deed and the chain of events. In the first packet there are two deeds at the

end; One says LEVI on the side and is Lorin's deed that only gives her the right to dig a ditch. The second deed is the Chase/Claire/Skadony deed giving land for clearing, digging up stones, and Lorin guessed at one time a pipe went from the well up the Claire property and stated the pipe is still up there. Chair Gilbert stated there is an old cistern that goes to Patterson.

Lorin stated in the second package, 4th paragraph down in the letter to the Commission, and on the 4th line down, is where any reference to land rights to Cogswell's was omitted of land and water rights were bought from Chase's deed and created in the new deed. Lorin stated Katie Baroff stated land rights were omitted from the survey but water rights were included, and the tax map on the survey addresses the water rights subject to easements granted of Henniker Spring Water Company; wells and aqueducts.

Lorin wanted to point out that if you read through the letter that she really walks through everything pretty clearly and provided the deeds. The last packet Lorin stated she is addressing lot 389A 389B and Skadony's property and driveway that was used to fill in the cistern in 1991. Lorin stated that is where they went in at Skadony's, and didn't go across Kristin's pasture land, and giving history and the fact that once the right of way is in the deed and that property can be subdivided many times the right of way stays in the property. Since Skadony and Claire's property are part of the original deed their properties cannot be excluded.

Lorin stated she went to Merrimack County and pulled all the deeds from the Chase deed onward. John Chase sold to Dolittle (mentioned in that deed), then Dolittle sold to Claire and that is where any mention is removed, then Claire selling to Skadony. Lorin stated the last thing in the 3rd packet is the view easement Skadony got from Claire.

Lorin stated she felt that in a very short period of time information was lost and it is very upsetting, and she was very close to Mr. & Mrs. Chase in and spoke with them a lot. When the well was filled in Mr. Chase told Lorin to go ride her horse back there and check it out, and stated the thing most important to know is that Katie Baroff mention in second packet, that there is land that has been deeded where the well is, so the water department does own it and just need to go back in time and read the deed to see what the department owns.

Lorin stated she was concerned when she came to the meeting and there was discussion the department did not own the land the well is on or have a deeded right of way. She stated the guys who created the deeds were not stupid, and created them with intent and knowing what they were deeding. She stated it would be very disrespectful to them if ignored what they done and to the water user. Lorin reiterated she was just joking when saying the department should buy her easement too since Claire's easement was created at the same time.

Lorin stated she was not sure if the Commissioners had any questions and thought it was pretty self-explanatory.

Commissioner Hall stated the information is very valuable and they will turn the information over to their attorney to see if the department does or does not own the tank site. Commissioner Hall stated the department has been told they have right to cross the Claire property but Commissioner Hall is concerned about the survey plan. Commissioner Connor confirmed if the department wanted to put a fence up around the tank the original survey is not clearly defined. Lorin stated she has the same problem but back then they did not have surveyors to do deeds. Commissioner Hall stated the

Commission wants to bring it into the 21st century and pin down an easement and then the Commission needs to nail down where the access way to the tank will be, reiterating it will not be a road but an access for the department to reach the tank more easily.

Lorin stated she had asked her attorney during the trial how property was determined when there were no surveyors. Her attorney stated it had to be reasonable access and that it had to be reasonable for everyone. Lorin stated she had hoped in the last 5 years that would have happened. She stated she dealt with Comcast today from when the department had communication equipment up there, and the point is that it has to be reasonable accesses, have to do it, and she recommended the department look at not only Kristin Claire's property but also Skadony's property.

Commissioner Connor stated the Skadony property is not reasonable access because of the hill. Commissioner Connor stated at the Skadony driveway the department goes straight following the ridge line and turning down the very steep hill. In terms on putting in an accessway, it would need to start at Skadony's driveway cutting the access way on the side, creating an unreasonable path and that will have to cut into the slope. Lorin asked where the logging road is. It is unknown where the old logging road is.

Commissioner Connor stated access at the Claire property would be less expensive to build instead of Skadony. Lorin stated as a property owner she thinks Skadony's is less intrusive. Chair Gilbert stated the Commission has already spoke to Kristin Claire Patenaude about it and have come a long way in their discussions. Lorin asked what the Commission plans to do.

Commissioner Hall stated the Commission will review the material and think it is a great source to pass along and until they have had a chance to discuss and an attorney has reviewed the material to determine ownership of the tank. Commissioner Connor thanked Lorin for the documents and stated it was very nice of her to bring them and provide copies.

Lorin asked where the department was with the communication line. Chief Operator Ryan stated when he has spoken with her on the phone she requested it be removed in coordination with her. Lorin asked how long it would take to get the electrical equipment out. Chair Gilbert stated the power company needs to come in and cut the power and the line will also have to be disconnected at the pole before the Water Commission can cut it.

Lorin stated Chief Operator Ryan also mentioned radio service and asked what happened with the radio. The radio will need to be established. Lorin stated it seems like a long time it's been five years and it seems like a long time.

Commissioner Hall clarified that the department is not using any resources up on the site to control the tank or telemetry, and the power company can get out this week the lines could be cut and done. At this time the tank is being remotely operated and the whole system is being controlled from the Davison Road Office.

Lorin stated her concern because of water used that might not have electricity to use that tank and why the Depot Hill Tank is not being used? Commissioner Hall stated the department has been working on system since 1984 to control the system with hydraulics from Depot Hill. The Davison Road Tank was installed in the 2000's and over the last four or five months the department is running the entire system off of the Davisson Road Tank. Commissioner Hall stated if power is cut at Lorin's property it will not

affect the function of the tank and that the town will not run out of water because Lorin requested the power cut and communication removed.

Lorin asked what if something happens to the Davison Tank. Commissioner Hall stated that tank is much newer and it would be easy to string and lay wire across the ground from the tank to the Office if needed. It is a risk but not a major risk unless a meteorite falls through and collapses the tank.

Lorin stated if there is no negative impact, she would like to see what they got for scheduling. Commissioner Connor confirmed Lorin wants the physical items removed. Lorin stated the power pole may stay. Commissioner Connor confirmed Lorin wants the Water Departments equipment removed and the ground nice and smooth. Lorin stated she is not that picky and need to move forward on and there is electric there and comcast came to take stuff out and it would be one less headache if that is removed. She stated it has been there long enough a few more months is not horrible but they should start moving forward on it if there is no negative impact or adverse impact.

The Commissioners thanked Lorin for coming in.

Old Business:

WSO contract- Term date December 21, 2022

Commissioner Hall asked if per month would be better than year contract. The cost per month is \$300 totaling \$4,800 for a 16-month contract. Chair Gilbert asked what becomes of the contract when a new hire is bought on. Commissioner Hall read the contract and it will be null and void when:

A)both parties terminate

B)one party terminates in writing to the other party, and will be terminated 60 days after delivered .

Commissioner Connor confirmed paying for 2 months after termination. Based on the contract language the company is entitled to payments or partial payments two months after termination. Commissioner Connor stated he liked the layer & retainer of extra help and bodies and it can be added as a line item under contractor services.

Commissioner Hall moved to accept and sign the contract with WSO for contract dated August 21, 2021 effective date. Chair Gilbert seconded. Motion carried 3-0.

Broken Boat Farm- 2022 Davison Tank clean up.

The estimate for maintaining the Davison Tank was \$450 monthly with the livestock coming in for a week once a month. Chief Operator Ryan stated he did not believe the livestock needed to come in monthly and that the end of the year cleanup they did was great if they could come in at the end of each season and clear it. The Commissioners agreed they did a great job on the clean up and that per diem maybe better than monthly.

Budget- 2022 Budget

Chief Operator Ryan spoke with Financial Director Russ and in 2020 the department bought in \$576,019; gross to date is \$539,805 so under projection and something to keep an eye on. The approved budget does not show revenue bought in or what was spent. In 2020 reported \$576,019 in addition to final reads and there is interest income as well.

The budget approved \$10k more than it took in last year and used \$157K more than budgeted and was in the red \$157k for 2020. The 2020 budget was approved for \$515,000 and \$491,000 in 2019. Chief Operator Ryan stated there is still \$170k left in this years budget, however not all the bills have been paid through the end of the year.

It was asked if \$539k is what the department is available. \$539,805 is gross bill and bill numbers are fluid being based on water usage. Bill numbers change every year and \$170k is available in the budget of 2021 with two months left in the year.

Commissioner Connor asked if the Highway Department has shared their projects for next year. Chief Operator Ryan stated Road Agent Leo Aucoin is hard to track down but if the Highway Department breaks it, they are responsible to fix it. A culvert is to be installed on Liberty Hill and the Highway Department would like the Water Commission to change out the water line. Chief Operator Ryan suggested shooting under instead of a new main. It is not recommended because of the 6inch line on Liberty now and it would be better to shove under 202 to the Oaks. Chief Operator Ryan stated he will call EJP and get thoughts and present in December. Commissioner Connor stated they are only looking at 100 ft for the brook crossing.

Bonds being paid are listed and debts paid off are not listed. Chief Operator Ryan will find out what has been paid off.

It was asked if a motion will be made on the truck or tabled for the next meeting. Commissioner Hall stated they need to finalize the budget for next meeting. The truck estimate is \$64,474 depending on what is available when the order is placed and stated it will be March before they can do anything. There is \$170k not fully utilized in the budget for 2021, the truck estimate is depending on what is available when the order is placed, and inflation needs to be accounted for.

Chief Operator Ryan stated the 2020 budget call for \$18k into the capital reserve. Previously the department was putting \$30k into the capital reserve and asked if the Commission would like to return to \$30k into the capital reserve or maintain \$18k to keep budget. Commission Hall stated to leave at \$18k since a truck needs to be purchased and they will increase the capital reserve to \$30k in 2023.

New Business:

Chair Gilbert's father had asked about Scott Dias's property and putting a septic line that close to a well field. Chief Operator Ryan stated there is an apartment building at the junction and there are other systems around within a 500ft radius, and that the concerns are if the property is upstream and gravel packed.

Commissioner Connor stated the brook is where ground water breaks the surface, the ground recharges the brook and if the water is going through the ground, it purifies the water. The State requires 400ft as was needed at The Oaks.

Commissioner Concerns:

Commissioner Hall asked who was up next for election. It is unknown. Commission Hall is considering not running. Chair Gilbert will find out who is next up for election.

Commissioner Connor asked about the bill from Connor Backhoe from the Rush Road Job to bill the Rush Road client for the difference. Chief Operator Ryan stated yes and he is waiting for a bill from WSO and will need to have the commission review. He stated he made sure everyone was paid including Connor Backhoe and at this he is waiting for a bill from WSO.

Next Meeting:

December 14th 4pm

Adjourn:

Commissioner Hall moved to adjourn. Commissioner Connor seconded. Motion carried 3-0.

Adjourned at 6pm.