



**Town of Henniker  
Water Commissioners  
Tuesday, November 19, 2019  
Cogswell Spring Water Works**

**Members Present:** Jerry Gilbert, Chairman; Jeff Connor, Commissioner; Bill Hall, Commissioner; Norm Bumford Superintendent

**Also Present:** Ryan Bumford, Chief Operator

**Recording Secretary:** Kelly McCutcheon

**Guests:** Leo Aucoin, Highway Supervisor; Lori Mulligan

**Review previous minutes:**

**Commissioner Hall moved to accept as amended. Commissioner Connor seconded. Motion carried 3-0.**

**Appointments: Lorin Mulligan**

Letter to commissioner's

"Dear Commissioners,

As you are aware, in June, 2015 the lawsuit I brought forth regarding inverse condemnation of my property was awarded on my behalf.

Since that time, I have permitted the communication line to remain on my property with the understanding that when access was obtained, the communication line would be relocated.

As you are also well aware, legal deeded access was through Claire and Skalongy property based on the original deeds and was the access point even in the 1990's and beyond. I am inquiring as to the current status to secure access to the tank on Depot Hill.

Last year, I attended a CSWW meeting where discussion was considered through the college property on Depot Hill around my property to the tank. The original access off Locust Lane is approximately a 1000' and the access off Depot Hill is over 3000'.

As I have, and as of this writing, I am continuing to grant permission for the communication line to go through my property with the understanding I can rescind that permission at any time.

As a consideration, I would like to be kept updated as to the current and future plans of other access to the tank.

Thank you,

Lorin D. Mulligan"

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Lorin came before the Commissioners regrading her letter and her intent to log the property right of way. Lorin asked for an update on access to the tank on Depot Hill and reminding the Commissioners that it is on her property and she won the court case in 2015, but she has kept the lines for communication open. Commissioner Gilbert stated the new property owner has been unreachable for over 3 months and assumed to be away on business and the Commissioners will speak with them when they return.

Lorin stated she has been out to the right of way and that the terrain is really bad and she is surprised the town is taking on the burden financially of building a 3000ft road compared to a 1000ft road. She stated Bruce Trivellini had brought up it was 3000ft over the historical 1000ft, and she heard the terrain is easier on the 1000ft. She stated she was out there with the county forester and can't believe the town is putting a road there [3000ft] and thinks it is a lot of money on tax payers and water users when there is another way [assume 1000ft].

Lorin stated the minutes with Bruce said something to the effect that after figuring out what the cost to build the road on Depot Hill for the route, see Lorin and she could probably beat the price by half. Norm asked Lorin to further explain. Lorin stated that if it cost \$100,000 to build the road, she would consider selling the right of way for \$50,000, but she thinks it will cost more than that and that the wording is in the previous minutes of July 17, 2018:

"Ms. Mulligan stated that she was interested in selling her property to the Water Department if the cost of building the road was comparable to the cost of buying her property. She would like to be kept informed... Ms. Mulligan asked the Board of Water Commissioners to supply her with a cost of three other routes including one across Ms. LeClaire's property. Commissioner Damour replied that when the time comes they will look at her request."

Norm Bumford asked if Lorin would say the same today about selling her property. She stated she would consider it, in addition to letting the Commissioners know they can go up there, just to call her before hand and she stated she would grant the Water Commission permission since she is not an "asshole".

Norm stated the judgement of the Judge was to stay off the property. Lorin stated what the Judge said was the inverse condemnation of property meaning the jury made the ruling which basically meant the Water Commissioners can't continue to come on the property and build the road or do improvements; however, it doesn't mean she needs to go back to Judge to allow the Commissioners on. She has kept open the communication line and knew not having access would cause a burden and a hardship. She is open to options and mentioned a leasing possibility and different easements. Commissioner Gilbert appreciated Lorin attending and thanked her for her time.

The Commissioners discussed the access and the complications with the original deeds and land being subdivided and new deeds written with no right of way access. Discussion of the price to

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purchase Lorin's land and speaking with current land owners for an alternative route were also discussed.

### **Visitors: Leo Aucoin, Highway Supervisor**

Leo wished to update the Commissioners on upcoming road projects in 2020 in order to plan projects together.

1. Depot Hill Road starting at the 5 way – drainage and culvert work
2. Union Street – grind and resurface, no drainage
3. Gould Street – grind and resurface, no drainage
4. Patterson Hill - drainage
5. Western Ave from Cote Hill to the Town line
6. Fairview -overlay and heavy shim

The Water Commissioners asked Leo to postpone Depot Hill Road since they are planning to replace the water main on Depot Hill after completing the 202/9 watermain project in 2020. Leo will reshim Depot Hill in the spring.

### **Superintendents Report:**

1. The Water main on Western Ave in the area of the new box culvert has been replaced. The original plan was to deepen the water main and go under the new box culvert. When the contractor uncovered the water main it was discovered that it was in the way of the new box culvert. Chief Operator Bumford met with the contractor. The decision was made to go over the new box culvert and insulate the new water main. The new main has approximately four feet of cover over the pipe insulation between the pipe and the top of the culvert.
2. Depending on the weather Connor Backhoe and the WSO crew will be on Lower Prospect Street installing a tap on the water main for the new house located on the corner of Maple Street and Lower Prospect.
3. The monthly bacteria sample taken for November was bacteria free. The Davison Rd tank is still being chlorinated and the chlorine has been added to the pump station on Weare Rd.
4. Foster Road Well still remains off line and are waiting for the electrician to replace the failed components.
5. Ryan and Norm met with Mr. O'Donnell from District Five and Steve Connor from Connor Backhoe in regards to the plan that was discussed a while ago to fill in the area of the west bound ramp of 202 and 9 where the material slid out last spring. When the plan was turned in it was rejected by the boss. The new plan consists of leveling the bottom of the hole and putting down cloth then rip rap and topping it with loam. We are waiting for the boss's approval on the second plan. At this time nothing will be happening until spring 2020.

Superintendent Norm asked for clarification on the water meters since there have been two concerns brought to Chief Operator Ryan. One resident had rusty water and was told to run her water till it came out clean, and does not feel she should have to pay for the that water since

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she was told to run it. The Commissioners agreed that property owners are responsible for their water usage, including flushing their lines.

Norm is also due for his job review.

### **Old Business:**

Permit for Boring a new water line under 202 and 9

The permit has been secured, test boring still need to be completed. It is unknown how deep the main on 202/9 is, although it is believed to be 30ft or less and will be reviewed more and discussed further at the next meeting.

Still trying to get the waterline in with an estimate of \$179,000 without hitting ledge and the estimated dirt and pipe being \$175,000. The biggest concern with bonding the project is if a boulder or the ledge is struck being that it is unknown what is underground. The bid will need to be prequalified given the scope of the project. Aside from bonding the other option would be a warrant article for about \$300,000 to be modified once a solid price and contractor have been selected.

The Commissioners agreed to pursue a warrant article and are moving forward with drafting the legal notice for the prequalified bidding.

### **New Business:**

Highway Superintendent Aucoin to discuss 2020 Highway Dept. projects

Already discussed under visitors.

### **2020 CSWW Operating Budget Items**

- Estimated start number for warrant article \$350,000
- Norm will inventory the junk trailer and go over projects and order the required materials
- Overages will have a sheet explaining why there is an overage
- Hall Ave came in \$22,000 under budget although final payment has not been made yet and not all of the work was completed under the TAP program
- Repair maintenance and chemicals have been over
- Gate repair/replace- HPD told CSWW not to shut the gate so HPD can preform nightly building checks
- Communication between building one and two either needs to bury new cables or another solution needs to be found
- All gas storage needs to be removed from the field

### **Commissioners' Concerns:**

The person who cleans the other municipal buildings is not interested in adding the CSWW Davison Rd building and the search for someone else continues.

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**Next Meeting:**

December 17, 2019 at 1500 hours

**Adjourn:**

**Commissioner Gilbert moved to adjourn. Commission Hall seconded. Motion carried 3-0.**

**Adjourn at 1700 hours.**