

These minutes of the Franconia Water Department have been recorded by its Office Administrator. Though believed to be accurate and correct they are subject to additions, deletions, and corrections by the Board of Commissioners of the Water Department at its next meeting when the Board votes its final approval of the minutes. They are being made available at this time to conform to the requirements of New Hampshire RSA 91-A:2.

Franconia Water Department Meeting

Thursday April 8, 2021

ZOOM Meeting 5pm

In Attendance: Water Commissioners Kevin Johnson & Jeff Bartlett, Sandy Kellogg, Water Department Office Administrator, Pete Hilton, Water Operator/Lakes Region Water Co, Ian Kasowitz, Stiles Co, and Cathy Conway, Horizon Engineering.

Kevin motions to open the meeting at 5:05pm. Jeff seconds and the meeting begins.

Approval of Past Meeting Minutes:

Motion to accept the minutes of the March 11th 2021 meeting was made by Kevin, seconded by Jeff, and approved unanimously.

Approval of YTD Financial:

Motion to accept the YTD Financials was made by Kevin, seconded by Jeff and approved unanimously.

Badger Meter Update:

Ian from Stiles Co updated the Commissioners on 2022 anticipated changes to cellular networks that will affect the communication of meter endpoints with the Beacon AMA monitoring system. Badger is anticipating the CDMA network will be shut down as soon as January 2022 which means that the endpoints currently in use will need to be upgraded with endpoints that will work the new cellular system. Badger is offering to discount the new endpoints from \$122 each to \$60 each. Badger will be sending us a quote; we will need to replace approximately 214 endpoints. Ian will put together a quote for the installation cost of this replacement project.

Motion was made by Kevin to move on this as soon as possible. Sandy to forward estimates to the Commissioners for their review as soon as received.

Update on NBRC grant application:

Cathy Conway from Horizons Engineering gave an update on the 2021 NBRC grant process. She will be helping us to submit an application for this round. She spoke to the new opportunity of receiving a waiver of the usual 50% match which NBRC is offering due to the COVID-19 pandemic.

Action: Sandy to reach out to Michelle Moren-Gray with regards to the COVID waiver to get her thoughts on whether or not FWD will qualify.

Motion made by Kevin and seconded by Jeff to put together an RFQ for engineering firm for the Main Street Project. Passed unanimously.

Motion: To authorize Kevin Johnson to act as signature for 2021 grant applications including the 2021 NBRC grant. Motion made by Kevin and seconded by Jeff, passed unanimously.

Water Use Restriction Ordinance:

Commissioners reviewed the draft of the Water Use Restriction Ordinance for Franconia. After some discussion on the details of each level it was determined to include the various levels as proposed and to include the details for each level as options for inclusion based on each circumstance. A discuss on penalties then ensued; what is reasonable, what is enforceable. It was determined that penalties would be \$500 and/or discontinuance of water service.

Motion made by Jeff to approve the Water Use Restriction Ordinance as amended, seconded by Kevin and approved unanimously. Approved Ordinance attached to these minutes.

Sandy's Update:

- **Delinquent Accounts:**
 - \$12,000 of the \$15,000 in delinquent accounts have been collected.
 - FVS paid in full and is now current.
 - 9 accounts still outstanding and certified letters will go out next week if payments have not been made.
- **Cross Connection Program** – This is still underway and all progressing well, just one account still remains incomplete.
- **Consumer Confidence Reports** – Who is doing these? Sandy or LRW... Sandy to investigate as it would be good to include them in the May billing.
- **Old Fire Station** – Sandy had heard that this building may be torn down or returned to the State as it is no longer being used as the lease initially intended, as a fire station. It was confirmed that the Water Department does need and utilize it's portion of the building and it would be problematic to lose access to this location.

Pete's Update:

- **Meter Bypass** – Discussed the request from contractor at Franconia Ski Club Performance Center for a meter bypass. Commissioners confirmed that this would not be permitted and that an inspection after installation should be made to ensure that one was not installed after the meter installation.
- **Road to Well on Mittersill Slope** – Peter reiterated that Presby will need to do more repair work to put this important access road back into passable condition.
Action: Kevin said that he would contact Thad and meet him onsite to review and discuss.
- **PH Testing** – Pete indicated that another round of testing would be taking place next week. NHDES has asked LRW to increase the amount of chlorine and neutralizers. If this does not work, then a temporary building with an additional treatment may need to be installed. Pete also suggested that we may want to look into whether it is feasible to bring Well 6 back online and if the water would be enough and usable.
Action: Sandy to add this to the “Old Business” so that we will remember to consider moving forward with this in the future. Kevin asked Pete to bring an estimate to the Commissioners for their further consideration on this matter.
- **Gale Well Sump Pump** – Pete has electrician lined up and this work should be completed next week.

- **Howe Tank Inspection** – Underwater Solutions was up and inspected the Howe Tank cover that was damaged when a tree fell on it. Damage to hatch & to the rubber membrane only. Underwater Solutions was getting a quote together for this repair work.
Action: Pete will touch base with them and get this scheduled.
- **Mittersill Roof & Tank Inspection:** Is being scheduled and Pete will have them install the new mixer that was sent as original mixer was still under warranty when it stopped working.
- **Contact JD:** Pete asked Sandy to contact JD at Cannon to see if he would be OK with LRW using the second lot in Mittersill for storing materials during the Mittersill Project.
- **Meter Calibrations:** Meters need to be calibrated. Pete is working with Ian at Stiles to get this maintenance work completed.
- **Spring Flushing:** Pete will let Sandy know so that she can get the notice in the paper.

Physical Security of the Plants – Kevin expressed his concern at having the key to the pump station in a magnetic box. Kevin suggested getting a lock box that would be permanently attached to the building.
Action: Kevin said that he would see to the purchase and installation of two boxes, one for each pump station.

Backflow Devices on Fire Suppression Systems – How is the water protected from going back into the system from the sprinkler system? The businesses may be: Best Western, Franconia Market & Deli, Lafayette Regional School, Lafayette Center, FSC Performance Center. Sandy can check files from the original inspections to see if any notes were made at that time.
Action: Send letter to the above businesses that requests proof of backflow prevention on fire suppression systems by a certified inspection. Give 30 days and then if not received within the 30 days that FWD will have this inspection completed at their expense.

Office Admin Hiring – Sandy has not yet heard back from Rachel Pluchino with the offer of employment.
Action: Sandy to reach out to Rachel again to be certain she received the offer and if leaving a message let her know that we need to hear from her by Monday.

Decommissioning of Fire Hydrants – We budget for the decommissioning of 3-5 hydrants and Commissioners would like Pete to start with this project. Best Western would be a good place to start as this one has not worked for several years. The one at the Nursing Home and the one on Dow Field across from Joel Peabody, also the one on Harvard St might be a good candidate for removal. Public meeting on this not necessary at this time as we are not decommissioning the entire system, just some of the redundant and non-functioning hydrants.
Action: Pete to use his best judgement and to proceed with 3 to start.

Motion made by Kevin to adjourn the meeting at 6:43pm and seconded by Jeff.

FRANCONIA WATER DEPARTMENT

WATER USE RESTRICTIONS ORDINANCE

I. PURPOSE

The purpose of this ordinance is to ensure the use of water is regulated in a manner the Franconia Water Department deems to be in the best interest of the Town of Franconia. The Franconia Water Department may use reasonable means to protect, preserve and maintain the public health, safety, and welfare when a water supply shortage exists.

II. AUTHORITY

The Franconia Water Department adopts this Ordinance under its authority to regulate public water systems under RSA 38:26.

III. APPLICABILITY

The requirements of this section shall apply to all water users with connections receiving water from the Franconia Water Department.

IV. DEFINITIONS

- A. **Person:** Any individual, corporation, trust, partnership, joint stock company, association, state, municipality, commission, United States government or any agency thereof, political subdivision of the State or any interstate body, or other entity.
- B. **Water supply shortage:** A situation when insufficient water is available to meet the present or anticipated needs of the municipality/village district. A water supply shortage usually occurs due to drought or a major infrastructure failure.

V. REQUIREMENTS

Upon declaration of a water supply shortage or other water emergency, the Franconia Water Department shall be authorized to determine and implement a certain restriction necessary to conserve and maintain adequate reserves of the public water supply. Provided there is a declaration as noted above, the following levels of restriction will apply immediately after the public notification period specified in Section VI.

- A. **If Franconia Water Department issues a Level 1 restriction, then**
 - i. The public is requested to refrain voluntarily from landscape watering and to limit the amount of water used outdoors for other purposes.
 - ii. Landscape watering shall not occur between the hours of 8AM and 7PM.
- B. **If Franconia Water Department issues a Level 2 restriction, then**
 - i. Landscape watering by odd numbered addresses is allowed on odd numbered days.
 - ii. Landscape watering by even numbered addresses is allowed on even numbered days.
 - iii. Landscape watering shall not occur between the hours of 8AM and 7PM.

C. If Franconia Water Department issues a Level 3 restriction, then

- i. Landscape watering by odd numbered addresses is allowed on Mondays and Thursdays.
- ii. Landscape watering by even numbered addresses is allowed on Tuesdays and Fridays.
- iii. Landscape watering shall not occur between the hours of 8AM and 7PM.

D. If Franconia Water Department issues a Level 4 restriction, then

- i. Landscape watering is prohibited.

The following additional restrictions may be added to any level as deemed necessary by a vote of the Commissioners.

- i. The filling of swimming pools is prohibited.
- ii. Use of automated landscape sprinkler systems is prohibited.
- iii. Washing of streets, driveways, sidewalks or other impervious areas is prohibited.
- iv. Washing of cars and boats at a non-commercial facility shall be restricted to odd/even days by address as described above.
- v. Washing of cars or boats at a non-commercial facility shall be prohibited.

VI. PUBLIC NOTIFICATION OF A WATER SUPPLY SHORTAGE

Notification of intent to implement water use restrictions by the Franconia Water Department due to a water supply shortage shall be posted in two public locations and published in a newspaper of general circulation within Franconia or by such other means reasonably determined to notify all affected water users.

VII. TERMINATION OF A NOTICE OF A WATER SUPPLY SHORTAGE

Upon a determination that the water supply shortage no longer exists, the governing body of the Franconia Water System may terminate a State of Water Supply Shortage. Public notification of the termination of a State of Water Supply Shortage shall be given in accordance with Section VI.

VIII. EXCEPTIONS TO RESTRICTIONS

- A.** Hand irrigation of crops used for food by residents at a residential property shall not be restricted.
- B.** Water to sustain animal life shall not be restricted.
- C.** Despite the authority granted by Section II of this Ordinance, orders imposing water use restrictions shall not apply to uses that obtain water from sources other than the public water supply, unless it can be clearly demonstrated that the use of such water directly affects the public water supply. Note: Municipalities or village districts have the authority to implement lawn watering restrictions in accordance with RSA 41:11-d applicable to all water users (including residential wells and other water users on private wells) under state declared drought conditions. See NHDES guidance in “Restricting Residential Lawn Watering During State or Federal Declared Droughts.”

IX. PENALTIES

Any person failing to comply with the restrictions imposed pursuant to this Ordinance shall be subject to a fine and/or be subject to imposition of civil penalties pursuant to RSA 38:26, not to exceed \$500 per day of such violation. Recovered penalties shall be used as the board of water commissioners may direct. In addition to the foregoing penalties, the Franconia Water Department is authorized to discontinue the furnishing of water where orders and restrictions have been violated. Such discontinuance shall be made pursuant to RSA 38:31 and may be continued so long as there is evidence that the violations will continue.

First violation: Warning.

Second violation: \$100 fine.

Third violation: \$500 fine and/or discontinuance of water service. A reactivation fee of \$150 will be charged before water service is restored.

Appendix A

AUTHORITY FOR ALL PUBLIC WATER SYSTEMS TO IMPOSE RESTRICTIONS

Env-Dw 503.19 Short-Term Water Supply Inadequacies

(a) *Whenever it appears that demand will exceed supply on an emergency or short-term basis, the water system owner shall take appropriate action(s) to reduce nonessential demand.*

(b) *Reduction of demand shall be considered as an emergency response achievable by directive from the water system to its customers.*

(c) *The water system shall define “nonessential demand” in the rules adopted pursuant to Env-Dw 503.08.*

(d) *A water system owner shall inform the department of any action(s) taken or directed to reduce customer demand on a short-term or emergency basis within 3 working days of taking or directing such action(s).*

(e) *If a water shortage necessitating the reduction of nonessential demands occurs on an annual basis, the shortage shall not be considered an emergency situation that can be addressed under this section.*

Env-Dw 503.09 Termination of Service

(a) *For purposes of this section, “termination of service” means the suspension of service until such time as the underlying reason for the suspension has been corrected or otherwise resolved.*

(b) *Subject to (g), below, the water system owner may terminate a customer’s service for cause as specified in the water system’s rules.*

(c) *If the water system has not adopted rules covering termination of service, the owner shall terminate a customer’s service for cause only as provided in this section.*

(d) *In the absence of system-specific rules, any of the following shall constitute cause for termination of service:*

(1) *Failure to pay a bill that is not being disputed under applicable legal procedures;*

(2) *Misappropriation of water by the customer;*

(3) *Refusal by the customer to give reasonable access to the customer’s premises for necessary inspection of water system property;*

(4) Failure by the customer to address a condition that could contaminate the water system;

(5) Failure by the customer to repair or replace customer-controlled equipment that is allowing water to flow when such flow is not intended;

(6) Violation of water use bans imposed by the water system, including but not limited to, exterior water use when a use restriction has been imposed by the water system;

(7) Violation of formally adopted water system rules provided that the rules identify service termination as a penalty for violation; or

(8) Tampering with water system property.

AUTHORITY THAT ALLOWS THE ADOPTION OF WATER USE RESTRICTIONS AND/OR BYLAWS BY WATER SYSTEMS OWNED BY MUNICIPALITIES OR VILLAGE DISTRICTS

RSA 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.

II. Any person who violates any ordinance or bylaw adopted pursuant to paragraph I of this section shall be subject to a civil penalty not to exceed \$10,000 per day of such violation.

AUTHORITY FOR WATER UTILITIES REGULATED BY THE PUBLIC UTILITIES COMMISSION TO RESTRICT WATER USE

Puc 604.07 – Shortage of Supply

(a) The utility shall furnish a continuous and adequate supply of water to its customers and to avoid any shortage or interruption of delivery thereof except when prevented from doing so by emergencies the effect of which prudent planning would not have avoided.

(b) If a utility finds that it is necessary to restrict the use of water it shall give the commission and its customers' written notice, except in emergency conditions, no less than 24 hours in advance, before such restriction becomes effective.

(c) Such notifications shall specify:
a. The reason for the restriction;

- b. The nature and extent of the restriction, such as restrictions on outdoor use of water or use by certain classes of customers;*
- c. The date such restriction is to go into effect; and*
- d. The probable date of termination of such restriction.*

(d) During times of threatened or actual water shortage each utility shall equitably apportion its available water supply among its customers with due regard to public health and safety

Penalties or other enforcement actions must be in accordance with the company's tariff, PUC rules or as otherwise approved by the PUC. For more information, contact PUC at: 21 South Fruit Street, Suite 10 Concord, NH 03301-2429; Phone: (603) 271-2431; Fax: (603) 271-3878.

Approved: April 8, 2021