



TOWN OF SUNAPEE
Water and Sewer Commission

P.O. Box 347, Sunapee, NH 03782-0347
(603) 763-2115

Board of Commissioners Meeting
May 8, 2023, 5:30 p.m.
Sunapee Town Office Meeting Room

1. Call to order
2. New London/Sunapee Joint Quarterly Meeting
January 26, 2023 Joint Meeting Minutes
2023 Draft Discharge Permit Acceptance
Wastewater Treatment Highlights
3. Forms for approval
March 30, 2023 Meeting Minutes
March Sewer Purchase Journal
March Water Purchase Journal
March Income Statements
1st Billing Warrants 2023
4. Water Treatment Highlights
5. Old & New Business
Fuss & O'Neill Invoices
Ordinance Revision Hearing
6. Next Monthly Meeting May 25, 2023
7. Adjourn



**TOWN OF SUNAPEE
WATER & SEWER COMMISSION**
P.O. Box 347, Sunapee, New Hampshire 03782-0347
(603) 763-2115

**New London/Sunapee Water & Sewer Commission Joint Quarterly Meeting
January 26, 2023
Sunapee Town Offices Meeting Room**

PRESENT: Theodore Gallup-Chairman, Richard Curtis, Wayne Stoddard, Douglas Gamsby.
Also present: Holly Leonard, David Bailey, New London Selectmen- Janet Kidder, Nancy Rollins and William Helm, Kimberly Hallquist-New London Town Administrator.

The Chairman called the meeting to order at 5:31 p.m.:

1. September 27, 2023 Joint Meeting Minutes: Richard C. made a motion to accept the joint minutes of September 27, seconded by Nancy R. Sunapee voted in favor of approving the minutes, New London voted in favor of accepting the minutes, so declared by the Chairman.
2. Wastewater Treatment Highlights: Dave B. reported that the Wastewater Treatment Plant is running great and that there has been a lot of snow. He stated that toxicity testing is being done this week and that Arthur Mitts and Brian Deschamps went to Boston representing the Wastewater Plant to accept the award from EPA yesterday. He stated that the plant is running in winter-time mode and that things are going well.
3. Wastewater Treatment Plant / Town Forest Warrant Article: Dave B. stated that Sunapee is looking to take the Wastewater Treatment Plant out of Town Forest designation and explained why. He stated that with the new discharge permit to be issued soon there may be new limits that could require expansion of operations and that in order to be ready for this possibility the section needed would need to not be in Town Forest. Theodore G. explained what had happened and what is being presented to Sunapee voters for deliberation at the upcoming deliberative session and then for vote in March.

New London departed the meeting at 5:39 p.m.

Submitted by Holly Leonard.



TOWN OF SUNAPEE
WATER & SEWER COMMISSION
P.O. Box 347, Sunapee, New Hampshire 03782-0347
(603) 763-2115

Board of Commissioners Meeting
March 30, 2023
Sunapee Town Office Meeting Room

PRESENT: Theodore Gallup – Chairman, Jimmy Williams, Richard Curtis, Wayne Stoddard, Douglas Gamsby, Jeffrey Reed.

Also present: Holly Leonard, Aaron Cartier and David Bailey.

The Chairman called the meeting to order at 5:31 p.m.

1. Forms for Approval:

February 23, 2023 Meeting Minutes: Douglas G. made a motion to accept the February 23rd meeting minutes, seconded by Jimmy W. voted unanimously in favor, so declared by the Chairman.

February Sewer Purchase Journal: Douglas G. made a motion to accept the February Sewer Purchase Journal, seconded by Jimmy W., after some discussion regarding Reed Truck Services and the Freightliner, voted unanimously in favor, so declared by the Chairman.

February Water Purchase Journal: Douglas G. made a motion to accept the February Water Purchase Journal, seconded by Jimmy W., after some discussion regarding the backhoe and how the repairs had come out, voted unanimously in the affirmative, so declared by the Chairman.

Sewer Income Statement for January & February 2023: Douglas G. made a motion to accept the income statement for the Sewer Department, seconded by Jimmy W., voted unanimously in favor, so declared by the Chairman.

Water Income Statement for January & February 2023: Douglas G. made a motion to accept the water income statement for February, seconded by Jimmy W., voted unanimously in the affirmative, so declared by the Chairman.

2. Wastewater Treatment Highlights: Dave B. reported that the Wastewater Treatment Plant has been running pretty good as it always does. He stated that sludge went to Merrimack today and that they have been trying to get the solids out of the ditch. Dave B. stated that Bob Harrington in New London had asked about a proposed 60 unit development being proposed in New London, there was some discussion regarding the development and what else might be coming down the line as far as development in the two towns.

Dave B. stated that there have been a few more bids received for doing the manhole on Garnet Hill Road and that Daniels had given the price of \$45,500 in the fall and when asked had agreed to hold that price until spring. He stated that United had given a bid of \$19,496 and that this included paving in around the manhole and that K.A. Stevens had said that they would do it for \$18,750 not including any paving. Aaron C. explained that Stevens had said that they would take \$1,500 off the price if the hammer is not needed. There was some discussion regarding the 3 quotes and that Daniels had not included any backfill and paving in their quote, and what amount of time would be required to perform the work. Douglas G. made a motion to accept Josh Steven's bid for performing the sewer manhole replacement on Garnet Hill Road, seconded by Jimmy W., voted unanimously in the affirmative, so declared by the Chairman.

3. Water Treatment Highlights:

Dave B. stated that the water filtration plant has been running well and he stated that he had just received the results of testing for PFOA's and that there were none detected in either system. He stated that they are going to clean out the concrete tank at Harbor Hill and that with the UV system running he is unsure as to whether there is any need to have the concrete tank in use, so he is considering leaving it off-line if this is fine.

Dave B. reported that Barrie Miller had come to the well site and that they had pulled pump number one out of the well. He stated that the pump is not in great condition and that the representative from Miller had said that it needs to be replaced. There was a proposal from Barrie Miller of \$22,200 to cover the work they have already performed, replace the pump and replace the piping in the well with stainless steel instead of galvanized. There was some discussion regarding the extra \$6,000 to use stainless steel pipe instead of galvanized and where the funds for this replacement could come from and if there is enough money to cover this expense in the budget. Douglas G. made a motion to take up to \$30,000 from the Capital Improvement Capital Reserve to replace Pump #1 and change the piping to Stainless Steel, seconded by Jimmy W., voted unanimously in the affirmative, so declared by the Chairman. There was some discussion regarding what the pipe that was removed from the well had looked like and Aaron C. passed around pictures of it.

Dave B. reported that meters have been read and that there are a few to be redone.

4. Old & New Business:

Fuss & O'Neill invoice: After some discussion regarding the projects, Douglas G. made a motion to approve payment of the invoice for \$5,101 to Fuss & O'Neill, seconded by Jimmy W., voted unanimously in favor, so declared by the Chairman.

Holly L. presented that Dave B. has been invited to speak with the Selectmen at a future meeting and that she has done a spreadsheet of the Local Fiscal Recovery Funds that have been received by the Town and after the disbursements that they have agreed to utilize for different things there is approximately \$160,000 remaining. She has questioned Dan Monet as to the cost of the engineering for the water main replacements on Central Street, High Street and 103B that he had quoted last summer and he had stated that the cost has gone up approximately 5% since then. Adding 5% to the proposal will make it approximately \$131,600. Holly L. asked if this is something Dave should ask the Selectmen about again. The Commission would have Dave B. get a new proposal from Dan Monet and move forward with requesting that the Selectmen allocate those ARPA funds toward furthering the progress on the Route 11 crossings and water main replacement project.

Plodzik & Sanderson Audit Questionnaire: Holly L. read the responses to the Audit Questionnaire that she has proposed. Douglas G. made a motion to approve the answers presented for the questions posed and authorize the Chairman to sign on behalf of the Commission, seconded by Wayne, voted unanimously in favor, so declared by the Chairman.

Holly L. questioned if the Commission would entertain holding the next meeting on May 8th instead of April 27th as she will be away on vacation and will not have time to get the billing warrants prepared in time for the end of April usual meeting date. It was agreed that the next meeting will be moved to May 8th.

Non-Public Session: At 6:46 p.m. Douglas G. made a motion to enter nonpublic session pursuant to RSA 91-A:3 Par II Sec(a) to perform the Superintendent's Review,, seconded by Jimmy W., polled unanimously in favor.

Douglas G. made a motion to return to public session, seconded by Jimmy W., polled unanimously in favor. The Commission returned to public session at 7:13 p.m.

While in non-public session the Commission performed the Superintendent's annual review and approved a merit increase for him.

Dave B. stated that the Energy Committee had disbanded and that maybe Bette Nowak would be interested in pursuing the idea of a solar array now that the wastewater treatment plant property has been partially removed from Town Forest designation. Theodore G. thinks that it is Town property and that the Town will need to decide if a solar array is something they wish to pursue.

The next monthly meeting is scheduled for May 8, 2023.

7:19 p.m. Douglas G. made a motion to adjourn, seconded by Wayne S., voted unanimously in the affirmative, so declared by the Chairman.

Sunapee SEWER Department
Purchase Journal
For the Period From Mar 1, 2023 to Mar 31, 2023

Filter Criteria includes: 1) Includes Drop Shipments. Report order is by Date. Report is printed in Detail Format.

Date	Account ID Account Description	Invoice/CM #	Line Description	Debit Amount	Credit Amount
3/2/23	53090P Outside Lab Services 202000 Accounts Payable	123010977	NELSON ANALYTICAL LAB	30.00	30.00
3/2/23	56140P Breakroom Supplies 202000 Accounts Payable	17720654 022823	CRYSTAL ROCK LLC	52.97	52.97
3/2/23	56230C Pump Station Maint. Supply 202000 Accounts Payable	2975478	BELLETTETTES	1.50	1.50
3/2/23	54200P Heating Fuel Expense 202000 Accounts Payable	4892314-4944558	IRVING OIL CORP	2.26	2.26
3/2/23	56240P Auto Fuel Expense 202000 Accounts Payable	87672207	WEX BANK	14.00	14.00
3/6/23	53094P BIOS HANDLING 202000 Accounts Payable	12144	Town of Merrimack	1,897.89	1,897.89
3/6/23	53030P Telephone 53030C Telephone 53031C Alarms 202000 Accounts Payable	2/23	CONSOLIDATED COMMUNICATIONS	192.61 45.50 429.95	668.06
3/6/23	56220C Sewer Line Maint. Supply 202000 Accounts Payable	30979934	QUILL CORPORATION	64.97	64.97
3/6/23	53070P Maintenance Service 202000 Accounts Payable	3870	G.K. Stetson Blacksmiths	200.00	200.00
3/6/23	51100C Full Time Labor 51100P Full Time Labor 51300C Overtime Pay 51300P Overtime Pay 52100C Life & Disability Expense 52100P Life & Disability Expense 52200C FICA/Medicare Expense 52200P FICA/Medicare Expense 52300C Health Insurance Expense	55		8,620.97 25,574.08 200.00 1,142.29 105.58 327.82 674.80 2,021.63 3,964.99	

Sunapee SEWER Department Purchase Journal

For the Period From Mar 1, 2023 to Mar 31, 2023

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Date	Account ID Account Description	Invoice/CM #	Line Description	Debit Amount	Credit Amount
	52300P Health Insurance Expense			12,309.91	
	52400C Retirement			1,240.23	
	52400P Retirement			3,715.57	
	52600C Worker's Comp. Expense			981.87	
	52600P Worker's Comp. Expense			3,048.39	
	53030C Telephone			14.45	
	53030P Telephone			14.45	
	53041C Office/Computer Service			101.12	
	53041P Office/Computer Service			101.25	
	56120C Postage Expense			34.89	
	56120P Postage Expense			34.89	
	57100C Perkins Pond Bond Payments			32,597.16	
	58100P WWTP Upgrade Loan Payme			60,333.14	
	55100P Property Insurance			5,529.89	
	55100C Property Insurance			3,709.42	
	202000 Accounts Payable		TOWN OF SUNAPEE		166,398.79
3/6/23	54200C Heating Fuel Expense	639808		310.18	
	202000 Accounts Payable		IRVING OIL CORP		310.18
3/7/23	53070P Maintenance Service	027992		929.80	
	202000 Accounts Payable		A/D INSTRUMENT REPAIR, INC.		929.80
3/9/23	56210P Maintenance Supply	22000		529.15	
	202000 Accounts Payable		HOME DEPOT CREDIT SERVICES		529.15
3/9/23	56210P Maintenance Supply	8342058		129.00	
	202000 Accounts Payable		HOME DEPOT CREDIT SERVICES		129.00
3/9/23	56210P Maintenance Supply	8766221		349.00	
	202000 Accounts Payable		HOME DEPOT CREDIT SERVICES		349.00
3/9/23	56210P Maintenance Supply	9012368		600.79	
	202000 Accounts Payable		HOME DEPOT CREDIT SERVICES		600.79
3/13/23	53090P Outside Lab Services	257112		129.50	
	202000 Accounts Payable		EASTERN ANALYTICAL, INC.		129.50

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Purchase Journal
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Date	Account ID Account Description	Invoice/CM #	Line Description	Debit Amount	Credit Amount
3/13/23	54100P Electricity Expense 202000 Accounts Payable	3/23	EVERSOURCE	4,772.98	4,772.98
3/16/23	56260P Uniform Expense 56260C Uniform Expense 56250P Building/Custodial Expense 202000 Accounts Payable	1070208684	UNIFIRST	70.68 28.00 72.08	170.76
3/16/23	56260P Uniform Expense 56260C Uniform Expense 56250P Building/Custodial Expense 202000 Accounts Payable	1070211247	UNIFIRST	70.68 28.00 74.81	173.49
3/16/23	56230C Pump Station Maint. Supply 202000 Accounts Payable	2993272	BELLETTETTES	2.44	2.44
3/16/23	56210P Maintenance Supply 202000 Accounts Payable	2994896	BELLETTETTES	98.71	98.71
3/16/23	56210P Maintenance Supply 202000 Accounts Payable	919752	SANEL NAPA	35.98	35.98
3/21/23	54200C Heating Fuel Expense 202000 Accounts Payable	250260	IRVING OIL CORP	266.52	266.52
3/21/23	56100C Office Supplies 202000 Accounts Payable	31228425	QUILL CORPORATION	27.99	27.99
3/21/23	56150C OFFICE EQUIPMENT 56150P OFFICE EQUIPMENT 202000 Accounts Payable	31238668	QUILL CORPORATION	70.00 70.00	140.00
3/21/23	53030P Telephone 53030C Telephone 202000 Accounts Payable	9929558213	VERIZON WIRELESS	104.18 104.18	208.36
3/22/23	56290P Chemical Expense 202000 Accounts Payable	290214389	HARCROS CHEMICALS INC.	1,122.75	1,122.75

Sunapee SEWER Department
Purchase Journal
For the Period From Mar 1, 2023 to Mar 31, 2023

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Date	Account ID Account Description	Invoice/CM #	Line Description	Debit Amount	Credit Amount
3/22/23	54200P Heating Fuel Expense 202000 Accounts Payable	347958	IRVING OIL CORP	345.55	345.55
3/22/23	55220P Training/Education 202000 Accounts Payable	5-9-23	GRANITE STATE RURAL WATER	90.00	90.00
3/23/23	53090P Outside Lab Services 202000 Accounts Payable	257519	EASTERN ANALYTICAL, INC.	70.00	70.00
3/23/23	54100C Electricity Expense 202000 Accounts Payable	3-23 C	EVERSOURCE	1,393.25	1,393.25
3/23/23	56210P Maintenance Supply 202000 Accounts Payable	3003445	BELLETTETTES	4.89	4.89
3/23/23	56210P Maintenance Supply 202000 Accounts Payable	3008650	BELLETTETTES	25.70	25.70
3/23/23	53050C Auto Repair/Service 202000 Accounts Payable	436856	LEBANON FORD	90.33	90.33
3/23/23	53050C Auto Repair/Service 202000 Accounts Payable	920999	SANEL NAPA	5.69	5.69
3/30/23	56260P Uniform Expense 56260C Uniform Expense 56250P Building/Custodial Expense 202000 Accounts Payable	1070213157	UNIFIRST	62.99 28.96 74.81	166.76
3/30/23	56260P Uniform Expense 56260C Uniform Expense 56250P Building/Custodial Expense 202000 Accounts Payable	1070215095	UNIFIRST	62.99 28.96 74.81	166.76
3/30/23	56220C Sewer Line Maint. Supply 202000 Accounts Payable	304301	STILES COMPANY	266.80	266.80
3/30/23	56240C Auto Fuel Expense 56240P	341465		373.43 256.46	

Sunapee SEWER Department
Purchase Journal

For the Period From Mar 1, 2023 to Mar 31, 2023

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Date	Account ID Account Description	Invoice/CM #	Line Description	Debit Amount	Credit Amount
	Auto Fuel Expense 202000 Accounts Payable		TREASURER STATE OF NH		629.89
3/30/23	56150P OFFICE EQUIPMENT	CW-56374	Lenovo Computer	642.00	
	56150C OFFICE EQUIPMENT			321.00	
	202000 Accounts Payable		CCI Managed Services		963.00
				183,546.46	183,546.46

Sunapee WATER Department
Purchase Journal
For the Period From Mar 1, 2023 to Mar 31, 2023

Filter Criteria includes: 1) Includes Drop Shipments. Report order is by Date. Report is printed in Detail Format.

Date	Account ID Account Description	Invoice/CM #	Line Description	Debit Amount	Credit Amount
3/1/23	530400 Computer Software Support 202000 Accounts Payable	80119911	BADGER METER INC.	57.44	57.44
3/1/23	202010 A/P Due to General Fund 202000 Accounts Payable	Jenkins WLR 78	TOWN OF SUNAPEE	242.40	242.40
3/2/23	530900 Outside Lab Services 202000 Accounts Payable	123010975	NELSON ANALYTICAL LAB	45.00	45.00
3/6/23	530300 Telephone 530310 Alarms 202000 Accounts Payable	2/23	CONSOLIDATED COMMUNICATIONS	74.51 202.00	276.51
3/6/23	562200 Distribution Supplies 202000 Accounts Payable	30979934	QUILL CORPORATION	64.98	64.98
3/6/23	511000 Full Time Labor 513000 Overtime Pay 521000 Life & Disability Expense 522000 FICA/Medicare 523000 Health Insurance Expense 524000 Retirement 526000 Worker's Comp. Expense 530300 Telephone 530410 Office/Computer Service 561200 Postage Expense 572000 1997 Water Bond Payments 551000 Property Insurance 202000 Accounts Payable	55	TOWN OF SUNAPEE	13,005.73 1,541.04 180.49 1,112.83 6,777.36 2,045.28 1,678.33 14.46 101.25 34.89 41,769.38 4,295.41	72,556.45
3/6/23	542000 Heating Fuel Expense 202000 Accounts Payable	640866	IRVING OIL CORPORATION	473.88	473.88
3/6/23	562100 Maintenance Supply 202000 Accounts Payable	918772	SANEL NAPA	11.69	11.69
3/6/23	562100 Maintenance Supply 202000	918773	SANEL NAPA	2.94	2.94

Sunapee WATER Department
Purchase Journal
For the Period From Mar 1, 2023 to Mar 31, 2023

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Date	Account ID Account Description	Invoice/CM #	Line Description	Debit Amount	Credit Amount
	Accounts Payable				
3/6/23	552100 Dues & Publications 202000 Accounts Payable	PW 2023	NHPWMAP	25.00	25.00
3/7/23	530900 Outside Lab Services 202000 Accounts Payable	123030089	NELSON ANALYTICAL LAB	60.00	60.00
3/9/23	530600 Equipment Repair 202000 Accounts Payable	005609	DYER'S WELDING & UPPER VALLY LINE-X	166.02	166.02
3/13/23	530300 Telephone 202000 Accounts Payable	03/01/23	COMCAST	134.89	134.89
3/13/23	541000 Electricity Expense 202000 Accounts Payable	3/23	EVERSOURCE	1,476.84	1,476.84
3/16/23	562600 Uniform Expense 202000 Accounts Payable	1070208684	UNIFIRST	24.87	24.87
3/16/23	562600 Uniform Expense 202000 Accounts Payable	1070211247	UNIFIRST	24.87	24.87
3/21/23	542000 Heating Fuel Expense 202000 Accounts Payable	234511	IRVING OIL CORPORATION	477.80	477.80
3/21/23	561000 Office Supplies 202000 Accounts Payable	31228425	QUILL CORPORATION	27.99	27.99
3/21/23	561500 OFFICE EQUIPMENT 202000 Accounts Payable	31238668	QUILL CORPORATION	69.99	69.99
3/21/23	542000 Heating Fuel Expense 202000 Accounts Payable	341734	IRVING OIL CORPORATION	0.31	0.31
3/21/23	542000 Heating Fuel Expense 202000 Accounts Payable	837059	IRVING OIL CORPORATION	287.80	287.80
3/21/23	530300 Telephone 202000 Accounts Payable	9929558213	VERIZON WIRELESS	104.17	104.17

Sunapee WATER Department
Purchase Journal

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Date	Account ID Account Description	Invoice/CM #	Line Description	Debit Amount	Credit Amount
3/22/23	562900 Chemical Expense 202000 Accounts Payable	290214388	HARCROS	1,638.00	1,638.00
3/23/23	530500 Auto Repair/Service 202000 Accounts Payable	436856	LEBANON FORD	90.34	90.34
3/23/23	530500 Auto Repair/Service 202000 Accounts Payable	920507	SANEL NAPA	9.29	9.29
3/24/23	552200 Training/Education 202000 Accounts Payable	4-25-23 Turner	TREASURER, STATE OF NH	100.00	100.00
3/30/23	562600 Uniform Expense 202000 Accounts Payable	1070213157	UNIFIRST	28.87	28.87
3/30/23	562600 Uniform Expense 202000 Accounts Payable	1070215095	UNIFIRST	28.87	28.87
3/30/23	562100 Maintenance Supply 202000 Accounts Payable	1151327	FERGUSON WATERWORKS	166.42	166.42
3/30/23	562200 Distribution Supplies 202000 Accounts Payable	1326	UNITED CONSTRUCTION CORP.	136.15	136.15
3/30/23	561400 Breakroom Supplies 202000 Accounts Payable	17720654 03282	CRYSTAL ROCK	86.95	86.95
3/30/23	530900 Outside Lab Services 202000 Accounts Payable	256726	EASTERN ANALYTICAL, INC	270.00	270.00
3/30/23	530900 Outside Lab Services 202000 Accounts Payable	257814	EASTERN ANALYTICAL, INC	270.00	270.00
3/30/23	530300 Telephone 202000 Accounts Payable	3/16/23	COMCAST	197.61	197.61
3/30/23	562100 Maintenance Supply 202000 Accounts Payable	3016612	BELLETTETES	9.99	9.99
3/30/23	562200 Distribution Supplies	304301		226.80	

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Date	Account ID Account Description	Invoice/CM #	Line Description	Debit Amount	Credit Amount
	202000 Accounts Payable		STILES COMPANY		226.80
3/30/23	562400 Auto Fuel Expense 202000 Accounts Payable	341465		374.36	
			TREASURER STATE OF NH		374.36
3/30/23	530500 Auto Repair/Service 202000 Accounts Payable	37538		357.75	
			Sunapee Street Auto Works		357.75
3/30/23	530400 Computer Software Support 202000 Accounts Payable	80122639		57.44	
			BADGER METER INC.		57.44
				80,660.68	80,660.68

Sunapee SEWER Department
2022 Income Statement
 For the Three Months Ending March 31, 2023

	Current Month Actual	Year to Date Actual	Annual Budget	Year to Date Unspent
<u>REVENUES</u>				
SRB Checking Interest Earned	\$ 290.72	\$ 672.36	\$ 0.00	(672.36)
Capital Improvement Interest	184.61	422.45	0.00	(422.45)
SRB Plant Replacement Interest	177.95	408.12	0.00	(408.12)
SRB Collection Replacement Int	122.13	280.10	0.00	(280.10)
Discounts Taken	1.34	2.71	0.00	(2.71)
New London Quarterly	0.00	139,915.85	0.00	(139,915.85)
Sewer User Fees	0.00	480.00	0.00	(480.00)
Attachment Fees Rec'd	0.00	3,000.00	0.00	(3,000.00)
Septic Receiving	0.00	2,242.00	0.00	(2,242.00)
Total Revenues	776.75	147,423.59	0.00	(147,423.59)
<u>EXPENDITURES</u>				
Full Time Labor	8,620.97	8,620.97	115,610.00	106,989.03
Full Time Labor	25,574.08	25,574.08	267,600.00	242,025.92
Overtime Pay	200.00	200.00	6,750.00	6,550.00
Overtime Pay	1,142.29	1,142.29	10,800.00	9,657.71
Commission Pay	0.00	0.00	1,000.00	1,000.00
Commission Pay	0.00	0.00	1,000.00	1,000.00
Unused Sick Leave Pay	0.00	0.00	2,500.00	2,500.00
Unused Sick Leave Pay	0.00	0.00	3,000.00	3,000.00
Total Wages	35,537.34	35,537.34	408,260.00	372,722.66
Life & Disability Expense	105.58	105.58	2,335.00	2,229.42
Life & Disability Expense	327.82	327.82	4,820.00	4,492.18
FICA/Medicare Expense	674.80	674.80	8,885.00	8,210.20
FICA/Medicare Expense	2,021.63	2,021.63	20,405.00	18,383.37
Health Insurance Expense	3,964.99	3,964.99	45,850.00	41,885.01
Health Insurance Expense	12,309.91	12,309.91	92,575.00	80,265.09
Retirement	1,240.23	1,240.23	18,360.00	17,119.77
Retirement	3,715.57	3,715.57	38,800.00	35,084.43
Unemployment Expense	0.00	0.00	110.00	110.00
Unemployment Expense	0.00	0.00	220.00	220.00
Worker's Comp. Expense	981.87	981.87	1,620.00	638.13
Worker's Comp. Expense	3,048.39	3,048.39	3,730.00	681.61
Total Payroll Benefits	28,390.79	28,390.79	237,710.00	209,319.21
Auditing	0.00	0.00	2,000.00	2,000.00
Auditing	0.00	0.00	1,500.00	1,500.00
Legal/Engineering Fees	0.00	268.75	4,500.00	4,231.25
Legal/Engineering Fees	0.00	268.75	5,000.00	4,731.25
Telephone	164.13	417.99	2,350.00	1,932.01
Telephone	311.24	712.14	4,000.00	3,287.86
Alarms	429.95	859.82	5,600.00	4,740.18
Computer Software Support	0.00	0.00	1,500.00	1,500.00
Computer Software Support	0.00	0.00	615.00	615.00
Office/Computer Service	101.12	101.12	1,500.00	1,398.88
Office/Computer Service	101.25	682.65	3,000.00	2,317.35
Office Rent	0.00	0.00	2,500.00	2,500.00
Office Rent	0.00	0.00	2,500.00	2,500.00
Auto Repair/Service	96.02	145.09	3,500.00	3,354.91

For Management Purposes Only

Sunapee SEWER Department
2022 Income Statement
 For the Three Months Ending March 31, 2023

	Current Month Actual	Year to Date Actual	Annual Budget	Year to Date Unspent
Auto Repair/Service	0.00	1,684.52	2,000.00	315.48
Maintenance Service	1,129.80	3,495.83	22,000.00	18,504.17
Sewer Line Maint. Service	0.00	2,300.00	4,000.00	1,700.00
Pump Station Maint. Service	0.00	0.00	17,000.00	17,000.00
Manhole Contract	0.00	0.00	20,000.00	20,000.00
Outside Lab Services	229.50	2,413.50	15,000.00	12,586.50
BIOS HANDLING	1,897.89	5,464.12	64,000.00	58,535.88
BIOS Lab	0.00	0.00	12,000.00	12,000.00
Total Purchased Prof & Tech Services	4,460.90	18,814.28	196,065.00	177,250.72
Electricity Expense	1,393.25	4,219.60	24,410.00	20,190.40
Electricity Expense	4,772.98	14,047.22	63,500.00	49,452.78
Heating Fuel Expense	576.70	3,399.64	15,000.00	11,600.36
Heating Fuel Expense	347.81	1,938.17	12,750.00	10,811.83
Total Purchased Property Services	7,090.74	23,604.63	115,660.00	92,055.37
Property Insurance	3,709.42	3,709.42	5,000.00	1,290.58
Property Insurance	5,529.89	5,529.89	7,310.00	1,780.11
Travel Expense	0.00	0.00	75.00	75.00
Travel Expense	0.00	65.00	150.00	85.00
Dues & Publications	0.00	0.00	75.00	75.00
Dues & Publications	0.00	0.00	150.00	150.00
Training/Education	0.00	75.00	500.00	425.00
Training/Education	90.00	210.00	1,500.00	1,290.00
Employee Testing	0.00	0.00	75.00	75.00
Employee Testing	0.00	0.00	50.00	50.00
Total Other Purchased Services	9,329.31	9,589.31	14,885.00	5,295.69
Office Supplies	27.99	41.49	700.00	658.51
Office Supplies	0.00	40.48	910.00	869.52
Postage Expense	34.89	34.89	950.00	915.11
Postage Expense	34.89	34.89	515.00	480.11
Billing Expense	0.00	0.00	400.00	400.00
Breakroom Supplies	0.00	0.00	250.00	250.00
Breakroom Supplies	52.97	174.91	425.00	250.09
OFFICE EQUIPMENT	391.00	391.00	700.00	309.00
OFFICE EQUIPMENT	712.00	712.00	600.00	(112.00)
Safety Supplies	0.00	0.00	2,000.00	2,000.00
Safety Supplies	0.00	533.42	3,500.00	2,966.58
Maintenance Supply	1,773.22	18,820.96	16,000.00	(2,820.96)
Sewer Line Maint. Supply	331.77	764.24	7,000.00	6,235.76
Pump Station Maint. Supply	3.94	189.44	6,000.00	5,810.56
Auto Fuel Expense	373.43	860.12	4,000.00	3,139.88
Auto Fuel Expense	270.46	603.06	3,600.00	2,996.94
Building/Custodial Expense	296.51	945.23	3,260.00	2,314.77
Uniform Expense	113.92	775.63	1,800.00	1,024.37
Uniform Expense	267.34	1,499.76	3,500.00	2,000.24
Lab Supplies	0.00	6,527.42	22,700.00	16,172.58
Lab Equipment	0.00	0.00	8,800.00	8,800.00
Chemical Expense	1,122.75	24,349.09	85,000.00	60,650.91
Total Supplies	5,807.08	57,298.03	172,610.00	115,311.97
Coll. Replacement Fund	0.00	0.00	27,307.00	27,307.00
Plant Replacement Fund	0.00	0.00	55,975.00	55,975.00

For Management Purposes Only

Sunapee SEWER Department
2022 Income Statement
 For the Three Months Ending March 31, 2023

	Current Month Actual	Year to Date Actual	Annual Budget	Year to Date Unspent
Total Replacement Fund	0.00	0.00	83,282.00	83,282.00
Total Perkins Pond Misc	0.00	0.00	0.00	0.00
TOTAL OPERATING EXPENDITURES	\$ 90,616.16	\$ 173,234.38	\$ 1,228,472.00	1,055,237.62
<u>MISCELLANEOUS EXPENSES</u>				
Perkins Pond Bond Payments	\$ 32,597.16	\$ 32,597.16	\$ 42,517.96	9,920.80
23 ARTICLE 33 MANHOLE	0.00	0.00	45,000.00	45,000.00
WWTP Upgrade Loan Payment	60,333.14	60,333.14	81,697.28	21,364.14
Total Bond Payments	92,930.30	92,930.30	169,215.24	76,284.94
Total Warrant Articles	0.00	0.00	0.00	0.00
TOTAL MISC. EXPENDITURES	\$ 92,930.30	\$ 92,930.30	\$ 169,215.24	76,284.94
<u>OTHER EXPENSES</u>				
Total Replacement Expenses	0.00	0.00	0.00	0.00

Sunapee WATER Department
2022 Income Statement
 For the Three Months Ending March 31, 2023

	Current Month Actual	Year to Date Actual	Annual Budget	Year to Date Unspent
<u>REVENUES</u>				
SRB Checking Interest	\$ 138.72	\$ 666.24	\$ 0.00	(666.24)
Capital Improvement Interest	3.69	10.30	0.00	(10.30)
SRB Replacement Fund Interest	407.99	790.63	0.00	(790.63)
Discounts Taken	0.10	1.59	0.00	(1.59)
State Grant Funds Rec'd	8,392.23	8,392.23	0.00	(8,392.23)
Total Revenues	\$ 8,942.73	\$ 9,860.99	\$ 0.00	(9,860.99)
<u>EXPENDITURES</u>				
Full Time Labor	\$ 13,005.73	\$ 13,005.73	\$ 147,596.00	134,590.27
Overtime Pay	1,541.04	1,541.04	13,500.00	11,958.96
Commission Pay	0.00	0.00	1,000.00	1,000.00
Unused Sick Leave Pay	0.00	0.00	3,000.00	3,000.00
Total Wages	14,546.77	14,546.77	165,096.00	150,549.23
Life & Disability Expense	180.49	180.49	2,655.00	2,474.51
FICA/Medicare	1,112.83	1,112.83	11,130.00	10,017.17
Health Insurance Expense	6,777.36	6,777.36	48,185.00	41,407.64
Retirement	2,045.28	2,045.28	19,120.00	17,074.72
Unemployment Expense	0.00	0.00	200.00	200.00
Worker's Comp. Expense	1,678.33	1,678.33	2,135.00	456.67
Total Payroll Benefits	11,794.29	11,794.29	83,425.00	71,630.71
Auditing	0.00	0.00	1,000.00	1,000.00
Legal/Engineering Fees	0.00	537.50	10,000.00	9,462.50
Telephone	525.64	1,473.46	4,500.00	3,026.54
Alarms	202.00	404.00	2,500.00	2,096.00
Computer Software Support	114.88	172.32	7,000.00	6,827.68
Office/Computer Service	101.25	101.25	2,000.00	1,898.75
Office Rent	0.00	0.00	2,500.00	2,500.00
Auto Repair/Service	457.38	457.38	3,000.00	2,542.62
Equipment Repair	166.02	2,603.82	2,000.00	(603.82)
Maint.Repair/Service	0.00	0.00	15,000.00	15,000.00
Outside Lab Services	645.00	880.00	5,500.00	4,620.00
Total Purchased Prof & Tech Services	2,212.17	6,629.73	55,000.00	48,370.27
Electricity Expense	1,476.84	4,776.11	21,000.00	16,223.89
Heating Fuel Expense	1,239.79	3,272.54	13,000.00	9,727.46
Total Purchased Property Services	2,716.63	8,048.65	34,000.00	25,951.35
Property Insurance	4,295.41	4,295.41	5,675.00	1,379.59
Travel Expense	0.00	0.00	150.00	150.00
Dues & Publications	25.00	225.00	200.00	(25.00)
Training/Education	100.00	437.00	1,500.00	1,063.00
Employee Testing	0.00	0.00	50.00	50.00
Total Other Purchased Services	4,420.41	4,957.41	7,575.00	2,617.59
Office Supplies	27.99	39.97	600.00	560.03

For Management Purposes Only

Sunapee WATER Department
2022 Income Statement
 For the Three Months Ending March 31, 2023

	Current Month Actual	Year to Date Actual	Annual Budget	Year to Date Unspent
Postage Expense	34.89	34.89	1,000.00	965.11
Billing Expense	0.00	0.00	600.00	600.00
Breakroom Supplies	86.95	86.95	600.00	513.05
OFFICE EQUIPMENT	69.99	69.99	600.00	530.01
Safety Supplies	0.00	0.00	750.00	750.00
Maintenance Supply	191.04	4,917.63	9,000.00	4,082.37
Distribution Supplies	427.93	674.80	14,000.00	13,325.20
Meter Supplies	0.00	0.00	15,000.00	15,000.00
Hydrant Replacement	0.00	3,742.03	4,000.00	257.97
Auto Fuel Expense	374.36	785.73	4,000.00	3,214.27
Building/Custodial Expense	0.00	0.00	500.00	500.00
Uniform Expense	107.48	727.60	1,650.00	922.40
Lab Supplies	0.00	0.00	3,500.00	3,500.00
Lab Equipment	0.00	0.00	1,500.00	1,500.00
Chemical Expense	1,638.00	2,260.35	7,875.00	5,614.65
Total Supplies	2,958.63	13,339.94	65,175.00	51,835.06
Water Replacement Fund	0.00	0.00	69,165.00	69,165.00
Total Replacement Fund	0.00	0.00	69,165.00	69,165.00
TOTAL OPERATING EXPENDITURES	\$ 38,648.90	\$ 59,316.79	\$ 479,436.00	420,119.21
<u>MISCELLANEOUS EXPENSES</u>				
1997 Water Bond Payments	\$ 41,769.38	\$ 41,769.38	\$ 88,643.98	46,874.60
DWSRF Loan Repayment	0.00	0.00	13,518.43	13,518.43
LOAN PAYMENT-LAKE AVE	0.00	0.00	46,120.18	46,120.18
Total Bond/Interest Payments	41,769.38	41,769.38	148,282.59	106,513.21
Total Warrant Articles	0.00	0.00	0.00	0.00
TOTAL MISC. EXPENDITURES	\$ 41,769.38	\$ 41,769.38	\$ 148,282.59	106,513.21
<u>OTHER EXPENSES</u>				
Total Replacement Expenses	0.00	0.00	0.00	0.00
Total Unbudgeted Expenditures	0.00	0.00	0.00	0.00
TOTAL OTHER EXPENSES	\$ 0.00	\$ 0.00	\$ 0.00	0.00



FUSS & O'NEILL, INC.

Remit to: For EFT/ACH:
 Fuss & O'Neill, Inc. Bank of America
 P. O. Box 412889 ABA 011900254
 Boston, MA 02241-2889 Acct 385016029253
 † 860.646.2469 FEIN: 06-0845648
 accounting@fando.com
 (Invoice # Reference Required)

INVOICE

Dave Bailey
 Town of Sunapee, NH
 Sewer and Water Commission
 PO Box 347
 Sunapee, NH 03782

Invoice Total \$525.20

April 11, 2023
 Invoice No: 0249646

A/R over 60 days:
 Project Manager Daniel Monette
 Purchase Order: 31526

Project 20211335.A10 Sunapee, NH-Lower Street Water Line Replacement
Professional Services through April 1, 2023

Task	000001	Field Investigation & Survey		
Total Fee		21,400.00		
Percent Complete		95.40	Total Earned	20,415.60
			Previous Fee Billing	20,415.60
			Current Fee Billing	0.00
			Total Fee	0.00
			Total this Task	0.00

Task	000002	Schematic Design & Permitting		
Total Fee		10,100.00		
Percent Complete		67.00	Total Earned	6,767.00
			Previous Fee Billing	6,241.80
			Current Fee Billing	525.20
			Total Fee	525.20
			Total this Task	\$525.20

Task	000003	Design Development		
Total Fee		8,400.00		
Percent Complete		0.00	Total Earned	0.00
			Previous Fee Billing	0.00
			Current Fee Billing	0.00
			Total Fee	0.00
			Total this Task	0.00

Total this Invoice \$525.20

Services Provided: Schematic Design, DOT Schedule for Test Pits

Net 30 days unless otherwise agreed-1.5% service charge on invoice balance over 30 days (18% per year). All applicable sales tax included.



FUSS & O'NEILL, INC.

Remit to: For EFT/ACH:
Fuss & O'Neill, Inc. Bank of America
P. O. Box 412889 ABA 011900254
Boston, MA 02241-2889 Acct 385016029253
t 860.646.2469 FEIN: 06-0845648
accounting@fando.com
(Invoice # Reference Required) INVOICE

April 12, 2023
Invoice No: 0249654

Dave Bailey
Town of Sunapee, NH
Sewer and Water Commission
PO Box 347
Sunapee, NH 03782

Invoice Total \$3,003.50

A/R over 60 days:
Project Manager Daniel Monette
Purchase Order:

Project 20211335.A20 Sunapee, NH- Water Main Design
Lower Main Street

Professional Services through April 1, 2023

Task 000001 Field Investigation & Survey
Subtask 00000A Kickoff Internal

Total Fee 3,587.00
Percent Complete 100.00
Total Earned 3,587.00
Previous Fee Billing 3,587.00
Current Fee Billing 0.00
Total Fee 0.00
Total this Subtask 0.00

Subtask 00000B Field Survey

Total Fee 29,609.00
Percent Complete 100.00
Total Earned 29,609.00
Previous Fee Billing 29,609.00
Current Fee Billing 0.00
Total Fee 0.00
Total this Subtask 0.00

Subtask 00000C Drafting EC Plans

Total Fee 15,204.00
Percent Complete 100.00
Total Earned 15,204.00
Previous Fee Billing 15,204.00
Current Fee Billing 0.00
Total Fee 0.00
Total this Subtask 0.00
Total this Task 0.00

Task 000002 Design & Permitting
Subtask 00000A Schematic Design

Net 30 days unless otherwise agreed-1.5% service charge on invoice balance over 30 days (18% per year). All applicable sales tax included.

Total Fee	18,400.00				
Percent Complete	100.00	Total Earned	18,400.00		
		Previous Fee Billing	16,560.00		
		Current Fee Billing	1,840.00		
		Total Fee		1,840.00	
			Total this Subtask		\$1,840.00

Subtask	00000B	Shoreland Permitting			
Total Fee	7,300.00				
Percent Complete	40.00	Total Earned	2,920.00		
		Previous Fee Billing	2,920.00		
		Current Fee Billing	0.00		
		Total Fee		0.00	
			Total this Subtask		0.00

Subtask	00000C	NH DOT Coordination/Excavation Permit			
Total Fee	4,300.00				
Percent Complete	0.00	Total Earned	0.00		
		Previous Fee Billing	0.00		
		Current Fee Billing	0.00		
		Total Fee		0.00	
			Total this Subtask		0.00

Subtask	00000D	Bid Plans			
Total Fee	18,500.00				
Percent Complete	4.00	Total Earned	740.00		
		Previous Fee Billing	0.00		
		Current Fee Billing	740.00		
		Total Fee		740.00	
			Total this Subtask		\$740.00
			Total this Task		\$2,580.00

Task	000003	Specifications & Opinions of Cost			
Total Fee	12,100.00				
Percent Complete	18.50	Total Earned	2,238.50		
		Previous Fee Billing	1,815.00		
		Current Fee Billing	423.50		
		Total Fee		423.50	
			Total this Task		\$423.50
			Total this Invoice		\$3,003.50

	Current	Prior	Total
Billings to Date	3,003.50	69,695.00	72,698.50

Outstanding Balances as of Invoice Date

Number	Date	Balance
0248939	3/11/2023	5,101.00
Total Outstanding		5,101.00

Holly and Dave:

Good morning. To try and make things a little easier, we did a document comparison of the current ordinances with the proposed ordinances (see attached).

BACKGROUND

In 1901, a special act of the Legislature authorized the establishment of a "water-works in the Town of Sunapee." The special act also authorized the Town to place the water works "under the direction and control of a board of water commissioners." Thereafter, the Town evidently (although we do not know precisely when) established a board of water commissioners. In 1970, the Town voted to establish a sewer commission, apparently in accordance with RSA 252:19 (since reenacted as RSA 149-1:19). Following the 1970 vote, the Town had a water commission (existing under the 1901 law) and a sewer commission (existing under what is now RSA 149-1:19). This was changed by a 1973 special act of the Legislature, which merged the two commissions into a single commission – the present water and sewer commission (the "Commission"). Interestingly, the Town also appears to have voted to approve the merger of the water and sewer commissions in 1973. Because the Commission draws its authority from a combination of general and special legislation (all of which must be read together and harmonized if possible), there is not always a simple answer to questions about allocation of authority among the selectmen, the Commission, and the voters of the Town. Accordingly, these questions must be addressed on a case-by-case basis.

The current issue concerns how the Water and Sewer Ordinances may be amended.

WATER ORDINANCE

In terms of making changes, the "Ordinance Establishing Water Rates, Rules, Regulations & Water Attachment Fee" ("Water Ordinance") states that: (1) "Rates, Rules and Regulations are subject to change without notice, including additions to and/or deletions from this publication" (Section I, A); and (2) "The Water & Sewer Commission of the Town of Sunapee may amend any portion of this Ordinance for any reason deemed necessary" (Section VIII, E). As I understand it, NHDES has questioned whether the Commission may make changes without notice. **However, these are not new provisions, but rather are part of the current Water Ordinance.** (Note the Water Ordinance states that it is "based on" RSA 485; RSA 485:60 states that "Nothing in this chapter shall repeal any special act applying to cities and towns.")

SEWER ORDINANCE

The "Sunapee Municipal Sewer System Sunapee Sewer Ordinance Rules and Regulations" (the "Sewer Ordinance") note that they have been adopted and ordained pursuant to RSA 147 and RSA 149-1. The Sewer Ordinance does not seem to have a provision regarding amendments. However, the Sewer User Charge Ordinance states that the Commission "may amend any portion of this Ordinance for any reason deemed necessary."

RSA 147:1, I states that the "health officers of towns may make regulations for the prevention and removal of nuisances, and such other regulations relating to the public health as in their judgment the health and safety of the people require, which shall take effect when approved by the selectmen,

recorded by the town clerk, and published in some newspaper printed in the town, or when copies thereof have been posted in 2 or more public places in the town.”

RSA 149-I:6, I states: “In municipalities where the sewage is pumped or treated, the mayor and alderman [but omits town governing body] 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 objective of the sewage system.” RSA 149-I:6, I-a states: “In municipalities where stormwater is collected and discharged, the mayor and alderman or town governing body may ... adopt such ordinances and bylaws as are required for the proper maintenance and operation of the stormwater system or stormwater utility and any appurtenant structures, and to promote flood control and erosion control, water quality management, ecological preservation, management of annual pollutant load contained in stormwater discharge, and municipal compliance with applicable state and federal stormwater laws and regulations.” *See also* RSA 149-I:8 (noting that “the mayor and alderman may establish a scale of rents to be called sewer rents”).

NEXT STEPS

As I understand it, the Commission intends to give notice of changes to both the Water and Sewer Ordinances. As such, whether notice is required as to the Water Ordinance need not be determined (though it seems likely as a matter of general municipal law) and, since the provision is already in place, it need not be removed (even if not followed), particularly given the severability provision. The Commission may want to add an amendment procedure to the Sewer Ordinance that is similar to what is set forth in the Sewer User Charge Ordinance. Alternatively, the Commission may want to set forth with greater specificity how the Water and Sewer Ordinances may be amended.

Bill

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Good morning. To try and makes things a little easier, we did a document comparison of the current ordinances with the proposed ordinances (see attached).

BACKGROUND

In 1901, a special act of the Legislature authorized the establishment of a "water-works in the Town of Sunapee." The special act also authorized the Town to place the water works "under the direction and control of a board of water commissioners." Thereafter, the Town evidently (although we do not know precisely when) established a board of water commissioners. In 1970, the Town voted to establish a sewer commission, apparently in accordance with RSA 252:19 (since reenacted as RSA 149-1:19). Following the 1970 vote, the Town had a water commission (existing under the 1901 law) and a sewer commission (existing under what is now RSA 149-1:19). This was changed by a 1973 special act of the Legislature, which merged the two commissions into a single commission – the present water and sewer commission (the "Commission"). Interestingly, the Town also appears to have voted to approve the merger of the water and sewer commissions in 1973. Because the Commission draws its authority from a combination of general and special legislation (all of which must be read together and harmonized if possible), there is not always a simple answer to questions about allocation of authority among the selectmen, the Commission, and the voters of the Town. Accordingly, these questions must be addressed on a case-by-case basis.

The current issue concerns how the Water and Sewer Ordinances may be amended.

WATER ORDINANCE

In terms of making changes, the "Ordinance Establishing Water Rates, Rules, Regulations & Water Attachment Fee" ("Water Ordinance") states that: (1) "Rates, Rules and Regulations are subject to change without notice, including additions to and/or deletions from this publication" (Section I, A); and (2) "The Water & Sewer Commission of the Town of Sunapee may amend any portion of this Ordinance for any reason deemed necessary" (Section VIII, E). As I understand it, NHDES has questioned whether the Commission may make changes without notice. **However, these are not new provisions, but rather are part of the current Water Ordinance.** (Note the Water Ordinance states that it is "based on" RSA 485; RSA 485:60 states that "Nothing in this chapter shall repeal any special act applying to cities and towns.")

SEWER ORDINANCE

The "Sunapee Municipal Sewer System Sunapee Sewer Ordinance Rules and Regulations" (the "Sewer Ordinance") note that they have been adopted and ordained pursuant to RSA 147 and RSA 149-1. The Sewer Ordinance does not seem to have a provision regarding amendments. However, the Sewer User Charge Ordinance states that the Commission "may amend any portion of this Ordinance for any reason deemed necessary."

RSA 147:1, I states that the "health officers of towns may make regulations for the prevention and removal of nuisances, and such other regulations relating to the public health as in their judgment the health and safety of the people require, which shall take effect when approved by the selectmen,

recorded by the town clerk, and published in some newspaper printed in the town, or when copies thereof have been posted in 2 or more public places in the town.”

RSA 149-1:6, I states: “In municipalities where the sewage is pumped or treated, the mayor and alderman [but omits town governing body] 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 objective of the sewage system.” RSA 149-1:6, I-a states: “In municipalities where stormwater is collected and discharged, the mayor and alderman or town governing body may ... adopt such ordinances and bylaws as are required for the proper maintenance and operation of the stormwater system or stormwater utility and any appurtenant structures, and to promote flood control and erosion control, water quality management, ecological preservation, management of annual pollutant load contained in stormwater discharge, and municipal compliance with applicable state and federal stormwater laws and regulations.” *See also* RSA 149-1:8 (noting that “the mayor and alderman may establish a scale of rents to be called sewer rents”).

NEXT STEPS

As I understand it, the Commission intends to give notice of changes to both the Water and Sewer Ordinances. As such, whether notice is required as to the Water Ordinance need not be determined (though it seems likely as a matter of general municipal law) and, since the provision is already in place, it need not be removed (even if not followed), particularly given the severability provision. The Commission may want to add an amendment procedure to the Sewer Ordinance that is similar to what is set forth in the Sewer User Charge Ordinance. Alternatively, the Commission may want to set forth with greater specificity how the Water and Sewer Ordinances may be amended.

Bill

TOWN OF SUNAPEE

WATER AND SEWER COMMISSION
P.O. BOX 347, SUNAPEE, NH 03782
(603) 763-2115

Ordinance Establishing Water Rates, Rules, Regulations & Water Attachment Fee

SECTION I - GENERAL

A. INTRODUCTION

This publication of Rates, Rules and Regulations is effective as of this date and supersedes all previously published schedules governing the provision of water service to the customers in the Town of Sunapee, New Hampshire, in the county of Sullivan.

Rates, Rules and Regulations are subject to change without notice, including additions to and/or deletions from this publication.

The material contained herein is published for the information, guidance and compliance for all property owners within our municipal system. This revision is based on the Safe Drinking Water Act, RSA 485, as it may be amended from time to time.

B. DEFINITIONS

‘AWWA’ means the American Water Works Association, the professional association of organizations and individuals concerned with water supply, treatment and distribution.

‘COMMERCIAL UNIT’ means any retail store, restaurant, office building, laundry, and other business or service establishment.

‘COMMISSION’ means the Sunapee Water & Sewer Commission

‘CUSTOMER’ means an individual, corporate body, governmental unit, business enterprise, or other legal entity furnished services by the Water Department.

‘DEPARTMENT’ means the Sunapee Water & Sewer Department.

‘DEVELOPER’ means a person(s) requesting installation of service to a real estate development.

‘MAIN’ is the Water Department's primary water distribution system, normally installed underground, from which individual service connections are made to furnish water to customers.

‘NHDES-Water Division’ means the New Hampshire Department of Environmental Services- Water Division, a regulatory body of the State of New Hampshire charged, among other responsibilities, with Implementation of Safe Drinking Water Act and those laws and regulations pertaining to the supply, treatment and distribution of potable water.

‘OPERATION & MAINTENANCE’ means those functions that result in expenditures for materials, labor, utilities and other items, which are necessary for managing water facilities. The term ‘operation & maintenance’ includes replacement as defined herein.

‘REAL ESTATE DEVELOPMENT’ means a group of adjacent units of occupancy prepared by a single developer.

‘REPLACEMENT’ means expenditures for obtaining and installing equipment, accessories or appurtenances, which are necessary during the useful life of the water system to maintain the capacity and performance.

‘RESIDENTIAL UNIT’ means one room or rooms connected together, constituting a separate, independent housekeeping unit established for owner occupancy, rental or lease, and containing independent cooking, sleeping, and sanitary facility. Any residential unit that has 5 or less bedrooms is considered a single unit. Any residential unit containing more than 5 bedrooms shall be treated as two units.

‘SERVICE CONNECTION’ means valves, pipe and ancillary items installed from a main to a customer's premises or point of water consumption.

SECTION II - ADMINISTRATION

A. COMMISSION

The Water Department is governed by a seven member Water & Sewer Commission, elected pursuant to law.

The Commission directs the affairs of the Department in accordance with authority conferred by law.

The Commission is responsible for the establishment of water rates to be charged to customers, for preparation and submission to the voters of an annual budget, and for the conduct of all business for the department in accordance with good business practice, laws and regulations.

B. SUPERINTENDENT

The Superintendent is appointed by the Commission and charged with day to day operations of the facilities of the Department. He/she is also responsible to the Commission for the performance of subordinates and the technical aspects of the water supply, treatment and distribution system.

SECTION III - SERVICE

A. PROVISIONS OF SERVICE

A customer desiring to have water service connected or disconnected or inspection shall give the Department a minimum of 48 hours notice and shall pay the applicable service charge (see schedule of rates and fees). A customer on regular service may request that service be disconnected and re-connected, during normal work hours once each calendar year without being charged. All requests must be scheduled through the Water and Sewer Office at 603-763-2115.

Customers who require service after regular working hours, including turn-on or turn-off curb stops, shall be subject to overtime charges rather than the standard service charge.

B. RESPONSIBILITIES

The customer is responsible for all cost involved for the installation of water connections from the municipal system to the property line/curb line.

Installation of the water line, from the municipal system to the property line/curb line, shall be completed by the Department. The property owner shall be responsible for the continuation of the service to the building, which shall be inspected by the Department prior to back fill. The department requires 48 hours notice for all inspections. The service should be five and one half feet (5 1/2') deep or have sufficient insulation. Services shall be bedded in a minimum of 6" (six inches) of sand and covered with a minimum of 1' (one foot) of sand.

The customer is responsible for the repair of the service from the building to the property line/curb line. If any necessary repairs are not made in a timely manner, the Department may shut off the water to that property. The Department will perform any repairs from the main to the property line/curb line. The customer shall be liable for all costs of the total repair from the Department main to the customer's premises.

C. REAL ESTATE DEVELOPMENTS

A real estate developer may request water service to a development. The developer shall provide, to the Commission, a complete set of detailed plans and specifications prepared by a New Hampshire state-registered engineer, for review and comment. After approval by the Commission, detailed plans and specifications will be sent to the NHDES-Water Division for review, comment and approval. If the Commission requires assistance from the Commission consulting engineer to review the plans for the development, the cost will be charged to the developer.

If larger mains are required to serve the development, the cost will be charged to the developer. If the mains need to be extended to serve the development, the cost will be charged to the developer. No installation of water shall be allowed to commence until all agencies have approved the plans. All materials and installations shall meet AWWA, NHDES-Water Division and local standards, and when necessary, a qualified resident engineer may be required to oversee the project at the expense of the developer. The resident engineer must be approved by the Commission.

D. NEW SERVICES

Applications for new water connection shall be made to the Department in writing on a Permit Application form by the customer or authorized agent.

A deposit for the estimated cost of the service connection and any attachment fees (see Appendix A) will be required at the time of application. If additional costs are incurred, the customer will be billed accordingly. If the cost of the service connection is less than the deposit, the customer will be refunded the difference.

Prior to service activation, there shall be a final inspection by the Department.

E. TYPES OF SERVICE

Year round service shall be provided where water mains are determined by the Department to be frostfree.

Seasonal service will be provided from May 15 through October 15. Seasonal service lines are not frostfree and shall be shut off at the main during the cold season. After service has been shut off, it is the property

owner's responsibility to be sure that any valve to the property is kept shut. The Department will not be liable for any damage done from flow through an open valve subsequent to reinstatement of service.

SECTION IV - METERING

A. USE OF METERS

It is the Commission's intention that all water sold by the Department be based upon metered volume sales in accordance with a rate schedule established by the Commission.

B. TEMPORARY METERS

Temporary meters shall be procured from the Department for the purpose of measuring the volume of water used in construction. There shall be a setup fee for installation of the meter and back flow preventor. Usage will be charged at the current Metered Water Rate.

C. SIZE OF METERS

The size of the meter shall be determined by the Department after a review of the information submitted on the service application form. The cost of the meter, and installation shall be borne by the person(s) requesting service. The meter and outside reader shall be the property of the Department.

D. NUMBER OF METERS

The Department's policy concerning the number of meters at any premises is as follows:

1. For single units, residential or otherwise, or for multiple units such as townhouses or duplexes which have their own cellar or first floor space, each unit will have its own water service and meter.
2. For apartment type units or shared buildings which are conversions, the owner can choose to either service each unit on an individual water line or serve multiple units from one service. In the former, a meter will be set for each service and an account will be established for that meter. In the latter, one or more meters can be set according to the owner's wishes. If one meter is desired, one account will be established for the premises. The owner is not precluded from installing the owner's private meters downstream from the Department's meter for the purpose of splitting the usage among tenants, but the Department will not provide individual billing. If a meter is desired for each tenant, the plumbing must be arranged so that the meters are installed in parallel. Meters in series will not be accepted. Multiple billing accounts will be established for the premises.
3. When a customer fails or neglects to furnish a suitable location for a meter inside the customer's building or where, for other reasons, it is necessary or expedient to locate the meter in an underground box or vault, the customer shall bear the expense of same. Any relocation of such underground box or vault shall be at the customer's expense.

E. METER SETTING

The customer shall provide a clean, dry and warm place, always free from debris, for the installation of the meter. The location shall be the point of service entry and easily accessible by a person in an upright position for reading, maintaining and changing. The general arrangement shall be in accordance with any directions, either special or general, given by the Department or its duly authorized agent, with reference to the security, safety, or necessary accessibility of the same.

1. The Customer shall purchase the meter from the department. The installation is the responsibility of the customer and must be inspected by the department.

2. The customer shall provide a meterhorn setting for meters of one inch (1") size to five-eighths inch (5/8") size and a back flow dual check valve. The meterhorn and check valve may be purchased from the Department.
3. Meters one and one-half inch (1 1/2") and larger shall be installed according to a sketch of typical installation, which may be obtained from the Department. A properly valved and sealed bypass shall be provided around all meters 1 1/2" and larger.
4. All customers shall be required to have a radio transmitter for their meter which shall be installed at a place on the premises acceptable to the Department. The customer shall be responsible for repairs or replacement of damaged readers. The Department shall bill for labor, equipment, and materials for repair or replacement.
5. Meter repairs or replacements necessitated by ordinary wear will be paid for by the Department. In the event that a meter freezes and is damaged due to the customer's negligence or other cause, then an additional charge, plus the actual cost of meter parts, shall be made to the customer to cover cost of removal, thawing, repair, testing, re-installation and meter reading.

F. METER TAMPERING

If meter tampering is discovered, the customer shall be charged for unmetered water based upon the rate schedule. This charge will be for the entire period, from last verification to discovery of tampering. An additional fee will be charged to cover the cost of reading, resetting, re-sealing, re-billing, etc.

G. BACKFLOW TAMPERING

It is a violation to tamper with or bypass the back flow dual check valve.

H. METER TESTING

Installed meters shall be tested upon the customer's request, at an additional fee to the user. If the meter is malfunctioning the cost will be borne by the Department. Tested meters registering within one percent (1%) plus or minus shall be considered correct. All meter testing and repair charges for meters over one inch (1") size shall be charged to the customer at actual costs plus fifteen percent (15%). Thereafter, all meters will be tested in accordance with AWWA standards on meter testing frequency.

SECTION V - BILLING

A. RATES

All services will be charged an annual user fee as established in the rate schedule. This fee includes a base rate that cannot be prorated. These rates are determined yearly by the Commission.

All services will be charged an annual water bond fee as established in the rate schedule. The water bond fee is for the cost of capital improvements which require funding through bonds. This fee cannot be prorated. These rates are determined yearly by the commission, based on the number of equivalent single units.

Any residential unit that has 5 or less bedrooms is considered a single unit. Any residential unit containing more than 5 bedrooms shall be treated as two units.

B. ABATEMENTS

Abatement of the annual user fee is available where there was NO use of the water system for the year billed. If a customer believes that there has been an error in billing, a certified written request for abatement should be sent to the Commission. All requests for abatements, rebates or billing errors will be reviewed only back to the previous billing year.

If there are any changes to the property that would affect the annual charge, it is the responsibility of the user to notify the Department immediately. A visual inspection of the property by the Department may be necessary.

C. ATTACHMENT FEES

It is regarded as inequitable to finance future capital improvements to the municipal water system solely through water user rates. Therefore, attachment fees are due when a person attaches to the water system. (see Section VIII).

D. RESPONSIBILITY FOR CHARGES

All users are responsible to pay all fees within the time allowed. All payments shall be made to the Department.

All users shall be billed in installments, determined yearly by the Commission when setting rates. Users will be notified in the first billing of the annual fees and their breakdowns.

Any payment not received within thirty (30) days of the billing due date shall be considered delinquent and appropriate action will be taken. When an account is overdue, interest will be added at an annual rate of twelve percent (12%). Interest is calculated on a monthly basis and a statement will be mailed upon request. Any payment made after the billing due date must include interest. Subsequent statements will show interest as a past due amount.

When any billing (including interest) remains unpaid at the end of a calendar year, such bill shall be provided by Warrant, to the Tax Collector and recorded in the land records of the Town of Sunapee, by the Tax Collector, which constitutes a lien on the property in accordance with RSA 38:22, as it may be amended from time to time. The outstanding amount is then paid to the Water Department by the Tax Collector and becomes a debt to the Town of Sunapee.

Any customer whose premises are served by the Town of Sunapee Water System, who knows of the service and who does not receive a bill for the annual usage fee and who does not notify the Water & Sewer Commission within ninety (90) days of when the bill for the fee is usually and customarily mailed, shall be considered a theft of service in accordance with RSA 637:8, as it may be amended from time to time.

SECTION VI - CONSTRUCTION & MAINTENANCE

Any individual, corporation, partnership, governmental agency or other legal entity seeking to dig, excavate, construct or otherwise disturb the existing ground surface lying within a public right-of-way located within the Town's boundaries, shall obtain the Department's concurrence prior to initiating the proposed action.

All construction and maintenance shall be in accordance with AWWA, State, Federal and local standards. Service connections shall be installed with type K copper pipe or CTS polyethylene pipe. All pipes must have a minimum pressure rating of 200 PSI.

Each service connection shall have a corporation stop, curb stop and a service box located on the property, accessible to the Department at all times. Should the service box be obstructed, the customer will be charged for removing the obstruction.

Customers shall maintain plumbing and fixtures, within their property, in good working order and shall make repairs at their expense to prevent leakage. No cross connection between the municipal system and any other water supply shall be permitted.

Customers shall provide a proper back flow preventor in their supply lines to prevent damage to hot water tanks and property.

The customer shall assume all risks and cost to their property. The Department is not responsible for damage or inconvenience caused by reasons beyond their control.

No other utility connections will be combined in the same trench with water and sewer lines. It is recommended, wherever practical, that water and sewer lines should be installed in separate trenches. Written request must be made to the Department prior to lines being installed in the same trench.

No service connections will be installed after November 1st or before frost conditions permit in the spring. Only emergency repairs will be made during the winter months.

SECTION V11 – CROSS CONNECTION CONTROL

A. Purpose

Cross-connections between water supplies and non-potable sources of contamination can represent one of the most significant threats to health in the water supply industry. This program is designed to maintain the safety and potability of the water in Sunapee's water systems and to prevent the contamination of public drinking water by the backflow of any substance other than water from the intended source of supply.

B. Authority

This program derives its enforceability from New Hampshire Administrative Rule Env-Dw 505 (Backflow Prevention) and The Sunapee Water Department rules and regulations.

C. Requirements

The Water Superintendent shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to backflow of contaminants through the water service connection. An approved backflow prevention device is required at the water service connection to any Sunapee water customer's premises for the safety of the water system. Water service shall not be provided to any premises unless such a device has been properly installed.

D. Definitions

1. Approved – Accepted by the Water Superintendent as meeting an applicable specification stated in the regulations, or as suitable for the proposed use.
2. Auxiliary Water Supply – Any water supply available to a premises other than the approved public potable water supply.
3. Backflow – The flow of water or other fluids, mixtures or substances into the distributing pipes of a public water supply system from any source other than the intended approved source of supply.

4. Backflow Preventer – A device or means designed to prevent backflow or back-siphonage.
5. Backpressure – A condition in which the owner's system pressure is greater than the supplier's system pressure.
6. Back-siphonage – The backflow of water or other fluids into the distribution pipes resulting from negative or less than atmospheric pressure in the water supply system.
7. Containment – A method of backflow prevention which requires a backflow prevention device at the water service entrance.
8. Contaminant – Any substance that will impair the quality of the water to a degree that it creates a health hazard to the public.
9. Cross-connection – Any actual or potential connection between the public water supply and a source of contamination.
10. Fixture Isolation – A method of backflow prevention in which a backflow preventer is located to correct a cross-connection at an in-plant location rather than at a water service entrance.
11. Owner – Any person who has legal title to, or a license to operate or inhabit a property upon which a cross-connection inspection is to be made upon which a cross-connection is present.
12. Water Service Entrance – The point in the owner's water system beyond the sanitary control of the water supplier. This will ordinarily be at the outlet of the water meter and always before any unprotected branch.
13. Water Supplier – The public water supply system.

E. Administration:

1. The Sunapee Water Department will operate a cross-connection control program, including keeping the necessary records, which fulfills the requirements of the Commission's rules.
2. The owner shall allow his property to be inspected for possible cross-connections and shall follow the provisions of the Sunapee Water & Sewer Commission's rules.
3. If the Sunapee Water Department requires that the public supply be protected by containment, the owner shall be responsible for the water quality beyond the outlet end of the containment device and should utilize fixture outlet protection for that purpose.
4. The Sunapee Water Department shall conduct premise inspections to determine the nature of any existing hazards and corrections to be made. Initial focus will be on high hazard commercial premises.

F. Owner's Responsibility:

1. The owner shall be responsible for the elimination or protection of all cross-connections on his premises.
2. The owner, after having been informed by a letter from the Sunapee Water Department, shall at his expense, install, maintain, and have inspected and tested all backflow preventers on his premises.
3. The owner shall correct any malfunction of the backflow preventer which is revealed by periodic testing. This shall include the replacement of parts or the replacement of the entire backflow preventer if deemed necessary by the Superintendent.
4. The owner shall inform the Superintendent of any proposed or modified cross-connections and also existing cross-connections of which the owner is aware of, but has not been found by the Sunapee Water Department.
5. The owner shall not install a by-pass around any backflow preventer. Owners who cannot shut down operations for inspecting and testing the device(s) must supply additional devices necessary to allow inspecting and testing to take place.
6. The owner shall only install backflow preventers approved by the Sunapee Water Department and the Commission. These must be installed in a manor and location approved by the Sunapee Water Department.
7. The owner shall be responsible for the payment of all fees for annual or semi-annual device inspections and tests, re-testing in the case that a device fails to operate correctly, and second re-inspection for noncompliance with the Sunapee Water & Sewer Commission's or NHDES requirements.

G. Degree of Hazard:

The Sunapee Water Department and Commission recognize the difference in the threat to public water systems arising from different types of cross-connection. These may be classified as Follows:

1. Low Degree of Hazard – If backflow were to occur, the resulting effect on the water supply would be a change in its aesthetic qualities. The foreign substance must be non-toxic to humans and non-bacterial in nature.
2. Moderate Degree of Hazard – If backflow were to occur the resulting effect on the water supply would be significant changes in aesthetic qualities. The foreign substance must be non-toxic to humans and non-bacterial in nature.
3. High Degree of Hazard – If backflow were to occur, the resulting effect on the water supply could cause illness or death if consumed by humans. The foreign substance may be toxic to humans either chemically, bacteriologically, or radiologically. The effects of the contaminants may result from short or long term exposure

H. Existing in-use Backflow Devices:

Any existing backflow preventer shall be allowed to continue in service unless the Sunapee Water Department determines that the degree of hazard is such as to supercede the effectiveness of the present backflow preventer, or result in an unreasonable risk to the public health.

I. Periodic Testing:

1. The time interval for testing of backflow devices shall be determined by the Sunapee Water Department.
2. The inspections shall be preformed by a certified inspector or his delegated representative. The inspections and testing shall be at the owner's expense.
3. Any backflow preventer which fails during and inspection will be repaired or replaced immediately. The Commission requires that repair parts be ordered within 24 hours and that shipment by the fastest means available will be secured. Any delay of more than 7 days shall require discontinuance of service to insure protection of the public water supply. In the case of a high degree of hazard situation, the owner shall be responsible for the provision of spare parts and have a supply on hand.

SECTION VIII - MISCELLANEOUS

- A. State and Federal regulations prohibit water service connections to the municipal system with less than thirty-five (35) pounds pressure at the foundation sill.
- B. When necessary to conserve water, the Commission may restrict or prohibit the use of water, including hoses, sprinklers and irrigation devices. The Commission may take whatever action is necessary to conserve water and protect the integrity of the water system. Customers shall take all reasonable steps to prevent waste of water.
- C. The Department may disconnect, upon 72 hours written notice, for any violation of Department Rules and Regulations or nonpayment of fees or charges.
- D. Employees of the Department, with proper identification, shall have access to all premises supplied with municipal water service, during normal business hours, for the purposes of inspection of plumbing and fixtures, to install, read or remove meters, to determine the quantity of water used and the manner of use, and the determination of compliance of these rules and regulations. The customer will be notified and he/she or a designated representative, must be present when access is necessary.

- E. The Department shall not be held responsible for damage or inconvenience caused by a water main break, cleaning or flushing of water mains, hydrants and reservoirs, opening and closing gates, valves, and hydrants, curb shut off for repairs and maintenance, or for any occurrence beyond their control.
- F. Hydrants, gates, valves, curbstops and other control devices are the property of the Department and shall not be operated, or tampered with by anyone other than authorized employees of the Department. In case of fire, Fire Department personnel may operate the fire hydrants.
- G. If it becomes necessary to shut off water to all, or a portion of the system for repairs and maintenance, the Department will be held harmless or any damages resulting from shut down of the system or recharging the system. Users will be notified before the system is shut down except in case of emergency.

The Department telephone number is 763-2115. In an emergency call Police Dispatch at 763-5555.

SECTION V1111 – WATER ATTACHMENT FEE

In order to more appropriately allocate the costs of constructing, maintaining and paying off capital debt and interest incurred in constructing and maintaining the water system of the Town of Sunapee, the Sunapee Water and Sewer Commission, pursuant to RSA 38:26; RSA 38:27; RDS 38:28; Chapter 197, Section 4, NH Laws 1901, as they may be amended from time to time, and other provisions of law, ordains as follows:

- A. Water Attachment Fee. In addition to charges for use of the water system and charges to cover the labor and material costs associated with connecting thereto, the owner of improved property shall be liable for a one-time water attachment fee, due and payable at the time of approval and connection of the property to the water system. The water attachment fee shall be computed as follows:

Commercial-Industrial: \$9.24 per gallon per day.
 Residential/Apartment: \$2,000 per single family housing unit.

The daily flow rate for Commercial-Industrial customers shall be determined by using half of the gallonage calculated in accordance with Table 1008-1, Unit Design Flow Figures, from the ‘Subdivision and Individual Sewage Disposal Rules, Chapter Env-Ws 1000, NH Department of Environmental Services, Water Division, Latest Edition. (Table 1008-1 shows maximum flow rates). The daily flow rate so determined shall be multiplied by \$9.24 to determine the water attachment fee.

The water attachment fee is separate from, and in addition to, charges made by the Town of Sunapee to cover labor and material costs associated with physical connection to the system.

- B. Penalties and Remedies for Non-Payment of Fees. In the event an owner fails or refuses to pay the water attachment fee, such unpaid charges shall result in a lien on the property in accordance with RSA 38:22, as it may be amended from time to time. Interest at the rate of 1% per month computed monthly (12% per annum), from and after the date fees are assessed by the Commission, shall be charged on all fees which remain unpaid 30 days after notification by the Commission. The person against whom fees are assessed shall be responsible for all costs of collection, including reasonable attorney fees.
- C. Severability. If any provision of this section of the ordinance or any application of it to any person or

TOWN OF SUNAPEE

WATER AND SEWER COMMISSION
P.O. BOX 347, SUNAPEE, NH 03782
SULLIVAN COUNTY, NH
(603) 763-2115

Sunapee Municipal Sewer System Sunapee Sewer Ordinance Rules and Regulations

The Rules and Regulations, herein set forth for the maintenance and operation of the Sunapee Municipal Sewer System, established by the Selectmen of the Town of Sunapee, as necessary or desirable for the efficient operation of said Sunapee Municipal Sewer System and for accomplishing the purposes of RSA 149-I, as it may be amended from time to time, and for the protection of the health and safety of the people and for accomplishing the purpose of RSA 147, as it may be amended from time to time.

On March 10, 1970, the Town of Sunapee, in Town Meeting assembled, adopted, through Article 23, the election of a Water & Sewer Commission who, through the authority of Chapter 149-I of the Revised Statutes of the State of New Hampshire, is authorized to act in place of the Selectmen on all matters of construction and completion of sewer facilities. The Water & Sewer Commission hereby adopts and ordains the following rules and regulations pursuant to RSA 147 and RSA 149-I, as they may be amended from time to time.

ARTICLE I

Definitions

Section 1.01. Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this ordinance shall be as follows:

- A. 'Biochemical Oxygen Demand (BOD)' shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C expressed in milligrams per liter.
- B. 'Building Drain' shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- C. 'Building Sewer' shall mean the extension from the sewer drainage system of any structure to the lateral of a sewer.
- D. 'Domestic Wastewater', or 'Sanitary Sewage' shall mean normal water-carried household and toilet wastes or waste from sanitary conveniences, excluding ground surface or storm water.
- E. 'Easement' shall mean an acquired legal right for the specific use of land owned by others.

- F. 'Floatable Oil' is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- G. 'Garbage' shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- H. 'Improved Property' shall mean any property located within the Town of Sunapee upon which there is erected a structure intended for continuous or periodic occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial waste shall be or may be discharged.
- I. 'Industrial Establishment' shall mean any room, group of rooms, building or other enclosure used or intended for use in the operation of one (1) business enterprise for manufacturing, processing, cleaning, laundering or assembling any product, commodity or article or from which any process waste, as distinct from sanitary sewage, shall be discharged.
- J. 'Industrial Wastes' shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary waste.
- K. 'Interference' shall mean a discharge by an industrial user which, alone or in conjunction with discharges by other sources, inhibits or disrupts the POTW (Public Owned Treatment Works), its treatment processes or operations, or its sludge processes, use or disposal and which is a cause of a violation of any requirement of the POTW's NPDES permit including an increase in the magnitude or duration of a violation.
- L. 'Lateral' shall mean the part of the sewer system extending from a sewer to the curb line or, if there shall be no curb line, to the property line or, if no such lateral shall be provided, then 'Lateral' shall mean that portion of, or place in, a sewer which is provided for connection of any building sewer.
- M. 'May' is permissive (see 'Shall').
- N. 'National Categorical Pretreatment Standard' or 'Categorical Pretreatment Standard' shall mean any regulations containing pollutant discharge limits promulgated by the US EPA in accordance with Section 307(b) and (e) of the Clean Water Act (33U.S.C.1347) which applies to a specific category of industrial users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- O. 'Natural Outlet' shall mean any outlet into a watercourse, pond, ditch, lake or other body or surface of groundwater.
- P. 'Owner' shall mean any person vested with ownership, legal or equitable, sole, or partial, or possession of any improved property.
- Q. 'Pass Through' shall mean the discharge of pollutants through the POTW into navigable waters in quantities or concentrations, which, alone or in conjunction with discharges from other sources, which cause a violation of any requirements of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of applicable water quality criteria.

- R. 'Person' shall mean any individual, partnership, company, association, society, corporation or other legal entity.
- S. 'pH' shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH of 7 and a hydrogen-ion concentration of 10^{-7} .
- T. 'POTW' shall mean Public Owned Treatment Works.
- U. 'Properly Shredded Garbage' shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.
- V. 'Public Sewer' shall mean a common sewer controlled by a governmental agency or public utility.
- W. 'Sanitary Sewer' shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- X. 'Sewage' is the spent water of a community. The preferred term is 'wastewater'.
- Y. 'Sewer System' shall mean all facilities, as of any particular time, for collecting, pumping, transporting, and treating of sanitary sewage and industrial wastes, situated in the Town and owned, maintained and operated by the Town of Sunapee. It shall not include the system of storm sewers in use in the Town of Sunapee prior to March 10, 1970.
- Z. 'Shall' is mandatory (see 'May').
- AA. Significant Indirect Discharger. An indirect discharger that meets one or more of the following criteria established by the DES:
- a. Is subject to national categorical pretreatment standards under 40 CFR 403.6;
 - b. Discharges an average of 10,000 gallons per day or more of process wastewater;
 - c. Discharges a process wastewater which contributes 5 percent or more of the hydraulic or organic loading to the wastewater treatment plant;
 - d. Discharges medical/infectious waste, pharmaceutical waste, or radiological waste; or
 - e. Is designated as such by the municipality as having a reasonable potential for adversely affecting the POTW's operation or performance or for violating any pretreatment standard or requirement.

- BB. 'Slug' shall mean any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation or which shall adversely affect the collection system and/or performance of the wastewater treatment works.
- CC. 'Storm Sewer' shall mean a drain or sewer for conveying storm water, groundwater, subsurface water, or unpolluted water from any source.
- DD. 'Superintendent' shall mean the superintendent of wastewater facilities of the Town of Sunapee, or his authorized deputy, agent or representative.
- EE. 'Suspended Solids' shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in 'Standard Methods for the Examination of Water and Wastewater' and referred to as non-filterable residue.
- FF. 'Town' shall mean the Town of Sunapee, Sullivan County, New Hampshire, a municipality of the State of New Hampshire, acting through it's Board of Water & Sewer Commissioners.
- GG. 'Unpolluted Water' is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- HH. 'Wastewater' shall mean the wastewater of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.
- II. 'Wastewater Facilities' shall mean the structures, equipment, and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.
- JJ. 'Wastewater Treatment Works' shall mean the arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with 'waste treatment plant' or 'wastewater treatment plant' or 'water pollution control plant'.
- KK. 'Watercourse' shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

ARTICLE II

Use of Public Sewers Required

Section 2.01. Pursuant to the provisions of RSA 147 and 149-I, as they may be amended from time to time, and any other authority thereto enabling the Owner of any improved property benefited, improved, serviced or accommodated by any sewer, or to which any sewer is available, shall connect such improved property therewith, in a manner acceptable to the Town to make such connection, for the purpose of discharge of all

sanitary sewers and industrial wastes from such improved property into the sewer system, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by the Town of Sunapee from time to time. Each Owner shall connect directly with the proper public sewer in accordance with the provisions of this ordinance within one year after date of official notice to do so provided that said public sewer is within three hundred (300) feet (93 meters) of the said house or building.

The Commissioners, at their discretion, can extend the connection time up to three years, provided proof is presented that the existing septic system meets the current State standards, is less than three (3) years old, and is in good working condition. However, if there is either a change of use or a change of ownership, the connection will have to be made immediately.

Section 2.02. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer as required under 2.01, shall be conducted into a sewer, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by the Town of Sunapee, from time to time.

Section 2.03. No person shall place or deposit or permit to be placed or deposited upon public or private property within the Town of Sunapee, any sanitary sewage or industrial wastes in violation of Section 2.01.

No person shall discharge, or permit to be discharged, to any natural outlet within the Town of Sunapee, any sanitary sewage or industrial wastes in violation of Section 2.01, except where suitable treatment has been provided which is satisfactory to the Town of Sunapee and the New Hampshire Department of Environmental Services-Water Division.

Section 2.04. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used and maintained at any time upon any improved property which has been connected to a sewer or which shall be required under Section 2.01 to be connected to a sewer.

Section 2.05. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a sewer.

ARTICLE III

Building Sewers and Connections

Section 3.01. Each improved property shall be connected separately and independently with a sewer. Grouping of more than one (1) improved property on one (1) building sewer shall not be permitted except under special circumstances and for good sanitary reasons or other good cause shown, but then only after special permission of the Town of Sunapee, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by the Town of Sunapee.

Section 3.02. During the construction of the originally planned sewer system, the Town of Sunapee will, at its expense, initially construct each building sewer to the curb or property line (where the lateral ends). All cost and expense of construction of the remainder of the building sewer, including connection to the structures served, shall be borne by the Owner of the improved property to be connected, and such Owner shall indemnify and save harmless the Town of Sunapee, its officers and agents, from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building sewer on his premises or its connection to the lateral sewer. The Owner shall thereafter be obligated to pay all cost and expense of

construction, operation, repair and maintenance and of reconstruction (if needed) of both building sewer and lateral sewers beginning at the street sewer and ending at the building.

Section 3.03. A building sewer shall be connected to a lateral at the place designated by the Town of Sunapee and where the lateral is provided. The invert of a building sewer at the point of connection shall be at the same or higher elevation than the invert of the lateral. A smooth, neat joint shall be made and the connection of a building sewer to the lateral shall be made secure and watertight and acceptable to the Town of Sunapee.

Section 3.04. If the Owner of any improved property located within the Town of Sunapee and benefited, improved, served or accommodated by any sewer, or to which any sewer is available, fails to connect such property to such sewer, after ten month's notice from the Town of Sunapee in accordance with Section 2.01, shall be subject to the actions and penalties prescribed in the RSA 147 and RSA 149-I, as they may be amended from time to time, and regulations issued pursuant thereto; or the Town of Sunapee may make such connection and may collect from such Owner the costs and expense thereof by such legal proceeding as may be permitted by Law. The Town of Sunapee shall have full authority to enter the Owner's property to do whatever is necessary to properly drain the improved property into the lateral sewer.

Section 3.05. No person shall uncover, connect with, make any opening into or use, alter or disturb in any manner any sewer or any part of the sewer system without first obtaining a permit, in writing, from the Town, and paying to the Town any tapping fee charged and imposed by the Town against the Owner of each improved property who connects such improved property to a sewer.

ARTICLE IV

Rules and Regulations Governing Building Sewer and Connections to Sewers

Section 4.01. No building sewer shall be covered until it has been inspected and approved by the Water and Sewer Commission or its authorized agents. If any part of a building sewer is covered before being so inspected and approved, it shall be uncovered for inspection and all expenses shall be paid by the Owner of the improved property to be connected to a sewer. The department requires 48 hours notice for all inspections. All requests must be scheduled through the Water and Sewer Office at 603-763-2115.

Section 4.02. Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the Owner of the improved property.

Section 4.03. Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and other public property disturbed in the course of repair or maintenance of a building sewer shall be restored, at the cost and expense of the Owner of improved property being served, in a manner satisfactory to the Town.

Section 4.04. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are discharged into the system, shall notify the Commission at least 60 days prior to the proposed change or connection. A permit application must be submitted to the Water and Sewer Commission. Proposed new discharges from residential or commercial sources involving loading exceeding 50 population equivalents (5,000 gpd), any new industrial discharge, or any alteration in either flow or waste

characteristics in industrial discharge must be approved by the New Hampshire Department of Environmental Services (DES).

Section 4.05. If any person shall fail or refuse, upon receipt of a written notice of the Town of Sunapee, to remedy, within 30 days, any unsatisfactory condition with respect to a building sewer, the Town may collect from the Owner the cost and expense thereof by such legal proceedings as may be provided by Law. The Town shall have full authority to enter on the Owner's property to do whatever is necessary to remedy the unsatisfactory condition.

Section 4.06. The Town reserves the right to adopt, from time to time, additions, rules and regulations as it shall deem necessary and proper relating to connections with a sewer and the sewer system, which additional rules and regulations, to the extent appropriate, shall be a part of these regulations.

Section 4.07. All connections must be inspected and approved by the Commissioners or their agents before work is covered over and sewer use is begun.

Section 4.08. Time allowed for completion of hook-up will be one year subsequent to the readiness of the sewer facility. Exceptions to this time limit can be granted only by the Commission after written application showing good cause.

Section 4.09. Recommended and approved guidelines for hook-ups are as follows:

- (a) Gravity lines must not be smaller than 4" I-D, and should have a minimum pitch of 1/4 inch per foot. Materials can be PVC, SDR 35 for gravity lines and SDR 21 or HDPE 3408 SDR 7.3 through SDR 32.5 for pressure lines. The most important requirement is that it be free of leaks that would allow sewage to escape or storm water and ground water to enter the system. All lines must be bedded on a minimum of 6 inches of 1 1/4" or smaller crushed stone and covered by a minimum of 12" of sand. Pressure lines must be bedded on a minimum of 12" of compacted sand and covered by a minimum of 12" of sand.

Pressure systems:

1. Tanks are to be water tight.
2. Wet or dry pits may be used.
3. Check valves and curb stops are required.
- 4.a Sufficient horsepower motor to pump waste 10' above the total head into a gravity sewer.
- 4.b Pumping into a pressure system requires specific specifications from the Department.
5. A pump failure alarm system is recommended.

Systems to be used in the winter months should be covered to a depth sufficient to prevent freezing of discharge at any time. Questions on depth can be referred to the Commission for advice. Other approved materials will be considered.

- (b) Existing septic tanks, cesspools, and similar private wastewater disposal facilities shall be emptied and cleaned of sludge and filled with suitable material.
- (c) The Commission reserves the right to inspect any improved property, at any time, to be certain that the above regulations are adhered to by the user.
- (d) No other utility connections will be combined in the same trench with water and sewer lines. It is recommended, wherever practical, that water and sewer lines be installed in separate trenches. Written request must be made to the Department prior to lines being installed in the same trench.

Section 4.10. Exceptions to the requirements, in any part of this Ordinance, may be referred, in writing, to the Commission for consideration and disposition.

Section 4.11. For your protection we suggest a back flow valve be inserted in gravity systems.

Section 4.12. The decision of the Commission is final.

ARTICLE V

Powers of Assessment and Collection

Section 5.01. The assessment and collection of the expense of construction and maintaining the sewer system shall be governed by the provisions of the Sunapee User Charge Ordinance and RSA 149-I inclusive, and any other applicable general laws. The Water & Sewer Commissioners of the Town shall have all the powers granted to boards of mayor and alderman thereunder with reference to establishing and assessing sewer charges and/or rentals.

ARTICLE VI

Sewered Waste Restrictions

Section 6.01. No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, ground water, roof runoff, subsurface drainage, non-contact cooling water, or unpolluted industrial process waters to any sanitary sewer.

Section 6.02. Storm water and all other unpolluted drainage shall be discharged to storm sewers, if available, or to a natural outlet approved by the Town. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Town, and the Department of Environmental Services (DES) to a storm sewer, if available, or an approved natural outlet.

Section 6.03.

- A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass-through or interference, or has an adverse effect on the receiving stream. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, State, or local pretreatment standards or requirements.
- B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, gas, solid, or any substance that may generate or form any flammable, combustible or explosive substance, fluid, gas, vapor or liquid when combined with air, water or other substances present in sewers, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
 2. Wastewater having a pH less than 5.5 or greater than 9.5, as measured at the point of connection to the sanitary sewer or other available monitoring location, or otherwise causing corrosive structural damage or hazard to the POTW equipment, or personnel, or with alkalinity in such quantities that the pH of the influent to the POTW is caused to exceed 8.0;
 3. Solid or viscous substances including water or wastes containing fats, wax, grease, or oils, whether emulsified or not, or containing substances that may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees (0-65 degrees C), in amounts that will cause obstruction of the flow in the POTW resulting in interference;
 4. Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), or chlorine demand requirements released in a discharge at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, will cause interference with the POTW, constitute a hazard to humans or animals, create a public nuisance, exceed any national categorical pretreatment standard, cause process upset, loss of treatment ability or cause pass through;
 5. Wastewater having a temperature greater than 150°F (65°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater that causes the temperature at the introduction into the POTW treatment plant to exceed 104°F (40°C);
 6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through;
 7. Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 8. Trucked or hauled pollutants, except at discharge points designated by the Superintendent; and
 9. Any medical/infectious wastes, pharmaceutical waste, or radiological waste except as specifically authorized in a discharge permit;

10. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent or sludge to fail a toxicity test;
11. Household hazardous wastes including but not limited to paints, stains, thinners, pesticides, herbicides, anti-freeze, transmission and brake fluids, motor oil and battery acid.
12. Any hazardous waste listed or designated by DES under Env-Hw 400.
13. Wastewater that imparts color that may not be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently may impart color to the treatment facility's effluent, thereby violating the [City/Town]'s NPDES permit;
14. Noxious or malodorous liquids, gases, solids, or other wastewater that, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
15. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or federal regulations;
16. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, or otherwise unpolluted wastewater;
17. Sludges, screenings, or other residues from the pretreatment of industrial wastes unless specifically authorized by the [Superintendent] in a wastewater discharge permit;
18. Detergents, surface-active agents, or other substances that may cause excessive foaming in the POTW;
19. Wastewater causing a reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 10 percent (10%) of the Lower Explosive Limit of the meter;
20. Garbage that has not been properly shredded (garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers);
21. Any quantities of flow, concentrations, or both that constitute a "slug" as defined in Section 1.01 of this Ordinance;
22. Waters or wastes that, either singly or by interaction with other water or wastes in the POTW, release dangerous or noxious gases, form suspended solids that affect the operation of the collection system, or create a condition deleterious to structures and treatment processes; or
23. Any materials that exert or cause unusual concentrations of inert suspended solids (such as, but

not limited to, Fullers earth, lime, slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

Section 6.04. No person shall discharge or cause to be discharged the following described substances; materials, waters or wastes if it appears likely, in the opinion of the Town, that such wastes can harm either the sewers, wastewater treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming such opinion as to the acceptability of these wastes, the Town will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the wastewater treatment, plant, and other pertinent factors. The substances prohibited are:

- (a) Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
- (b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/L.

Section 6.05. If any waters or wastes are discharged, or proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 6.04 of this Article, and which, in the judgement of the Superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving water, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (a) Reject the waste.
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers.
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover the added cost of handling and treating the wastes.

If the Town permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment facilities shall be subject to the review and approval of the Town and the NHDES, and subject to the requirements of all applicable codes, ordinances and laws. A 60-day review period is required for this process. Such facilities shall not be connected until said approval is obtained in writing. Such approval shall not relieve the Owner of the responsibility of discharging treated waste meeting the requirements of this ordinance. Plans and specifications for a proposed pretreatment facility shall be the result of the design of a professional engineer.

All Significant Indirect Dischargers must receive DES approval for any new industrial discharge, or any alteration in either flow or waste characteristics, in accordance with the Town's NPDES permit. Upon receipt of a complete New Hampshire Industrial Wastewater Indirect Discharge Request (IDR) by the user, available from the DES, the IDR will be submitted by the Town to DES on behalf of the user. All applicable DES review fees shall be provided by the user.

Section 6.06. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, required by plumbing code, or when they are necessary for the proper handling of liquid wastes containing floatable oil or grease in excessive amounts, or sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the Owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject of review by the Superintendent. Any removal and hauling of the collected materials not performed by Owner or personnel must be performed by currently licensed waste disposal firms.

A Dental practice which manages dental amalgam shall install and maintain an amalgam separator in accordance with federal and/or state regulations.

Section 6.07. All industrial waste shall be pretreated in accordance with Federal and State regulations and this ordinance to the extent required by applicable National Categorical Pretreatment Standards, State pretreatment standards or standards established by the Superintendent, whichever is more stringent. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be installed and maintained continuously in satisfactory and effective operation by the Owner at the Owner's expense.

Section 6.08. When required by the Town, the Owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Town. The manhole shall be installed by the Owner(s) at his expense, and shall be maintained by him so as to be safe and accessible at all times.

All industries discharging into a public sewer shall, at the industry's expense, perform such monitoring as the Board of Water & Sewer Commissioners or duly authorized employees of the Town may reasonably require including installation use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Board. Such records shall be maintained for a period of at least five (5) years and made available upon request by the Board to other agencies having jurisdiction over discharges to the receiving waters.

Section 6.09. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of 'Standard Methods for the Examination of Water and Wastewater', published by the American Public Health Association or with the EPA approved methods published in the Code of Federal Regulations, Title 40, part 136 (40 CFR 136), and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole to the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

The Superintendent may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

- (a) Wastewater discharge peak rates and volume over a specified time period.
- (b) Chemical analyses of wastewater.
- (c) Information on raw materials, processes, and products affecting wastewater volume and quality.
- (d) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- (e) A plot plan of sewers on the user's property showing sewer and pretreatment facility location.
- (f) Details of wastewater pretreatment facilities.
- (g) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Section 6.10. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, provided that such agreements do not contravene any requirements of existing Federal or State laws, and/or regulations promulgated thereunder, are compatible with any User Charge System in effect, and do not waive applicable National Categorical Pretreatment Standards.

Section 6.11. Septic tank waste (septage) will be accepted into a designated receiving structure within the treatment plant area, and at such times as are established by the Superintendent, provided such wastes do not contain toxic pollutants or materials, and provided such discharge does not violate any other special requirements established by the Town. Permits to use such facilities shall be under the jurisdiction of the Board of Commissioners.

Section 6.12. It shall be illegal to meet requirements of this Sewer Ordinance by diluting wastes in lieu of proper pretreatment.

Section 6.13. An Industrial Discharge Permit shall include such conditions as are deemed reasonably necessary by the Superintendent to enforce this Ordinance, prevent pass through or interference, protect the quality of the water body receiving the treatment facility's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Industrial Discharge Permits for significant indirect dischargers shall contain:

1. Indirect discharger name, street address, mailing address, and daytime telephone number;
2. Dates of issuance and expiration;
3. The general and specific prohibitions from the sewer use ordinance which apply to the discharge;

4. A list of pollutants, allowable parameters, and discharge limits;
5. Identification of applicable EPA categorical standards;
6. A list of pollutant to be monitored and the monitoring requirements applicable thereto;
7. Sampling frequency, techniques, and locations;
8. Special conditions of the state IDR approval;
9. Reporting requirements;
10. Inspection requirements;
11. Notification requirements, including for:
 - a. Slug loading;
 - b. Spills, bypasses, and upsets;
 - c. Changes in volume or characteristics of the discharge for which a permit revision is not required;
and
 - d. Permit violations.
12. Record keeping requirements;
13. Applicable definitions and special conditions from the sewer use ordinance;
14. Applicable civil and criminal penalties for violations;
15. Notification requirements prior to any new or increased discharge;
16. A requirement to submit a complete new application at a specified frequency, which shall be not less than once every five years; and a statement that indicates Industrial Discharge Permit duration, which in no event shall exceed five (5) years;
17. A statement that the Industrial Discharge Permit is nontransferable without prior notification to the Town in accordance with Section 5.6 of this Ordinance, and provisions for providing the new owner or operator with a copy of the existing Industrial Discharge Permit;
18. For users with reporting requirements, such reports at a minimum shall require:
 - a. Periodic monitoring results indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment requirements and the

average and maximum daily flow for these process units;

- b. A statement as to whether the applicable pretreatment standards and requirements are being met on a consistent basis and, if not, then what additional operation and maintenance practices and/or pretreatment systems are necessary; and
 - c. Submittal of any monitoring results performed in addition to the requirements of the Industrial Discharge Permit using procedures prescribed in the permit.
19. A description of identified pollution prevention opportunities at the facility;
 20. A statement that compliance with the Industrial Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable federal and State pretreatment standards, including those that become effective during the term of the Industrial Discharge Permit.
 21. A statement that the industrial user shall fully comply with the Town's Sewer Use Ordinance.
 22. A statement that the industrial user shall not dilute its effluent as a substitute for proper pretreatment.
 23. A statement that the Industrial Discharge Permit is based on and shall apply only to the subject discharge request and the associated plans and supporting information as submitted in the completed Industrial Permit Application.
 24. A statement that a copy of the permit shall be provided to the DES upon request.
 25. A statement that the Industrial Discharge Permit may be directly enforced by the State of New Hampshire.

ARTICLE VII

Section 7.01. Policy for Allocation of Sewer Capacity. The Sunapee Sewer Collection and Treatment Facilities have limited capacity due to design and based on agreement with the Town of New London. The Sunapee Water & Sewer Commission will commit 10% of the remaining reserve system capacity to a development in a given year.

During the planning and designing stages of a development of multiple units, approval will be required, from the Sunapee Water & Sewer Commission, for allocation of sewer capacity.

Before approval of final plans from the Water & Sewer Commission, the developer shall submit, in writing, the number of residential and commercial units that are included in the design plan.

The Water & Sewer Commission will allocate sewer capacity by estimating flows based on design figures from Table 1008-1, Unit Design Flow Figures, from the 'Subdivision and Individual Sewage Disposal System Design Rules', NH Code of Administrative Rules, Chapter Env- Wq 1000, NH Department of Environmental Services, Water Division, latest edition. The Commission determines flow estimations by using one half of the flow figures on Table 1008-1.

The commitment for allocation of sewer capacity is effective for one year. Any connections not made within that year, shall be forfeited. The developer must submit a new request for allocation(s) for the next year.

ARTICLE VIII

Section 8.01. No person(s) shall break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the wastewater facilities. Any person(s) violating this provision shall be guilty of a misdemeanor.

ARTICLE IX

Powers and Authority of Inspection

Section 9.01. The Superintendent and other duly authorized employees of the Town, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this ordinance.

Section 9.02. The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a bearing on the kind and source of discharge to the public sewer. The industry may request that the information in question not be made available to the public if it can establish that revelation to the public might result in an advantage to competitors. The information in question shall be made available upon written request to governmental agencies for uses related to this ordinance, the NPDES permit, or the pretreatment program. The burden of proof that information should be held confidential rests with the industry. Information about wastewater discharged by the industry (flow, constituents, concentrations and characteristics) shall be available to the public without restriction.

Section 9.03. While performing the necessary work on private properties referred to in Article IX, Section 9.01 above, the Superintendent or duly authorized employees of the Town, shall observe all safety rules applicable to the premises established by the company. The company shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article VI, Section 6.08.

Section 9.04. The Superintendent and other duly authorized employees of the Town, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 9.05. Any Industrial Discharge Permit issued to a significant indirect discharger will stipulate that the Town will at a minimum annually inspect the discharger's facility or sample the facility's wastewater discharge for compliance with the Industrial Discharge Permit.

ARTICLE X

Penalties

Section 10.01. Any person found to be violating any provision of this ordinance, except Article VIII, shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correcting thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Town may, after informal notice to the person discharging wastewater to the public sewer, immediately halt or prevent any such discharge reasonably appearing to present an imminent danger to the health and welfare of person, or any discharge presenting, or which may present, a danger to the environment, or which threatens to interfere with the operation of the public sewer or wastewater treatment facilities. Actions which may be taken by the Town include ex parte temporary judicial injunction relief entry on private property to halt such discharge, blockage of a public sewer to halt such discharge or demand of specific action by the person.

Section 10.02. Any person found to be violating any provisions of this ordinance, except Article VIII, shall be fined in the amount not exceeding \$10,000 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. REF: RSA 149-I:6. RSA 485-A:22, II (Supp.), as they may be amended from time to time.

Section 10.03. Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned by the Town by reason of such violation.

ARTICLE XI

Validity

Section 11.01. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 11.02. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Effective Date

The Rules and Regulations become effective upon their adoption by the Water & Sewer Commission of the Town of Sunapee, October 1, 1973. These amended Rules and Regulations take effect upon their adoption.

Duly Enacted and Ordained this _____th day of _____, 2022 by the Water & Sewer Commission of the Town of Sunapee, Sullivan County, State of New Hampshire at a duly called and duly held session of said Water and Sewer Commission.

Theodore Gallup, Chairman

Jimmy Williams, Vice-Chairman

Richard Curtis

Douglas Gamsby

Charles Hirshberg

Jeffrey Reed

Wayne Stoddard

TOWN OF SUNAPEE
WATER AND SEWER COMMISSION
P.O. BOX 347, SUNAPEE, NH 03782
(603) 763-2115

Sewer User Charge Ordinance

ARTICLE I

This ordinance governs the collection of charges by the Sunapee Water & Sewer Commission from all users who contribute wastewater to the Sunapee Water Pollution Control Facility (WPCF). The proceeds of such charges will be used for the purpose of operation and maintenance, including replacement of the Sunapee WPCF. This publication supersedes all previously published schedules governing the collection of sewer charges in accordance with RSA 149-I, as it may be amended from time to time.

ARTICLE II

Definitions

Section 1. Unless the context specifically indicates otherwise, the meaning of terms and phrases used in this ordinance shall be as follows:

- A. 'Attachment Fee' shall mean a one-time fee charged at the initial connection to the Sunapee sewer system.
- B. 'Change of Use' shall mean the change of the purpose of a building or structure (home, apartment, cabin, garage, etc).
- C. 'Commercial unit' shall mean any contributor that does not fit the definition of 'residential unit'.
- D. 'Commissioners' refer to the elected or appointed member of the Board of Water & Sewer Commission in the Town of Sunapee.
- E. 'Construction Bond Payment' refers to Appendix C for finance of a new sewer construction.
- F. 'Customer' shall mean an individual, corporate body, governmental unit, business enterprise, or other legal entity furnished services by the Water & Sewer Department.
- G. 'Improved property' shall mean a property that has been changed to increase the number of bedrooms and/or increase the number of service connections to the Sunapee sewer system.
- H. 'Infiltration/Inflow' shall mean water that gets into the sewer system through a means other than a service connection.
- I. 'Operation and Maintenance' shall mean those functions that result in expenditures for materials, labor, utilities and other items, which are necessary for managing wastewater facilities. The term 'operation and maintenance' includes replacement as defined in Section 1.J.

- J. 'Replacement' shall mean expenditures for obtaining and installing equipment accessories or appurtenances, which are necessary during the life of the wastewater facilities to maintain the capacity and performance.
- K. 'Residential Unit' shall mean any residence (single family home, apartment cabin, etc.) that has a maximum of five bedrooms and is connected by a single service connection to the Town's sewer system, and whose lot, parcel of real estate, or building is used for domestic dwelling purposes only. Any additional buildings on a property that have kitchen facilities will be considered a residential unit. Any additional buildings on a property that do not have kitchen facilities will be charged on the basis of total bedrooms on the property.
- L. 'Shall' is mandatory; 'May' is permissive.
- M. 'Usage Fee' shall mean the wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater facilities.
- N. 'Wastewater Facilities' shall mean the structures, equipment and processes required to collect, carry away, and treat domestic wastewater, as defined by the Sunapee Sewer Ordinance, and dispose of the effluent.

ARTICLE III

Sewer Usage Fees

Section 1. Pursuant to Article I, a sewer usage fee is hereby imposed upon every owner whose premises are served by the sanitary sewer system of the Town of Sunapee. This charge is based on the rate set by the Water & Sewer Commission (refer to current schedule of rates and fees) using the budgeted annual operation, maintenance and replacement costs. The Commission will review the user charges annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

Section 2. Sewer usage fees shall be paid as follows:

- A. Each residential unit shall be charged at the rate of one (1) unit.
- B. Each commercial unit shall be charged at a rate based on one half of the estimated daily flow rate as determined from Table 1008-1, Unit Design Flow Figures, from the 'Subdivision and Individual Sewage Disposal System Design Rules', Code of NH Administrative Rules, Chapter Env-Wq 1000, NH Department of Environmental Services, Water Division, latest edition. This volume shall be multiplied by the rate set by the Water & Sewer Commission. The minimum for an annual commercial fee will be one equivalent single unit.
- C. Annual fees are based on estimated annual usage, and are not prorated.
- D. If there is no sewer use whatsoever during the billing year, the customer is entitled to an abatement which must be presented to the Commission in writing or brought before the Board of Commissioners for consideration of an abatement of their annual usage fee.

ARTICLE IV

Attachment Fees

See Appendix B, excerpt from the Sewer Usage Ordinance, which established a sewer attachment fee.

ARTICLE V

Financial Management System

A separate account shall be kept for the Sewer Department so that an accurate record of revenue received by the Department and expenditures for operation and maintenance for the facility may be maintained.

A capital improvement account will be maintained for the deposit of sewer attachment fees to be used for capital expenditures.

A replacement fund will be maintained and funded in the annual budget. This money may be appropriated at Town Meeting and may be carried over from year to year and kept in a separate account.

These funds will be maintained and monitored by the Town of Sunapee Treasurer.

ARTICLE VI

Billing and Penalties

Billing and penalties are based on the following information:

- A. All users shall be billed in installments, billing dates will be established yearly along with rates. Users will be notified in the first billing of the annual fees, their breakdowns, and the number of billings during the year.
- B. The billing due date shall be a minimum of 30 days from the date the charges are assessed. Any payments made after the billing due date must include interest. When an account is overdue, interest will be added at an annual rate 1% per month computed monthly (12% per annum). A statement will be mailed upon request. Subsequent statements will show interest as a past due amount.
- C. When any bill (including interest) remains unpaid at the end of the calendar year, such bill shall be provided by Warrant to the Tax Collector and recorded in the land records of Sunapee by the Tax Collector, which constitutes a lien on the property, in accordance with RSA 38:22, as it may be amended from time to time. The outstanding amount is then paid to the Sewer Department by the Tax Collector and becomes a debt to the Town of Sunapee.
- D. Any customer whose premises are served by the Town of Sunapee Sewer who knows of the service and collection and who does not receive a bill for the annual usage fee and who does not notify the Water & Sewer Commission within ninety (90) days of when the bill for the fee is usually and customarily mailed, shall be considered a theft of service in accordance with RSA 637:8, as it may be amended from time to time.

TOWN OF SUNAPEE

WATER AND SEWER COMMISSION

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APPENDIX A

Code of NH Administrative Rules

Chapter Env- Wq 1000 – October 1, 2016

Table 1008-1: Unit Design
Flow Figures

Use	Unit Design Flow
AIRPORTS	5 GPD/Transient plus 10 GPD/Employee
APARTMENTS	See Dwellings
BARS, LOUNGES	See Food Service
BED & BREAKFAST	60 GPD/Guest, based on the greater of 2 guests per room or the actual number of guests the room is designed to accommodate, plus 10 GPD/Employee
BUNKHOUSE	60 GPD/Person
CAMPS:	
Campground with Central Comfort Station	45 GPD/site, plus 20 GPD/Site for the dump station
Recreational Campgrounds with 3-way hookups	60 GPD/Site
Construction Camps	50 GPD/Person
Day Camps (not including meals)	15 GPD/Person
Dining Facility	3 GPD/Person/meal
Residential Youth Recreation Camps	25 GPD/Person plus 3 GPD/Person/meal
CATERERS – Function Rooms	12 GPD/patron
CHURCHES:	
Sanctuary Seating	3 GPD/Seat
Church Suppers	12 GPD/Seat
COUNTRY CLUBS – PRIVATE	
Dining Room	10 GPD/Seat
Snack Bar	10 GPD/Seat
Locker & Showers	20 GPD/Locker
DAY CARE CENTERS	10 GPD/Person
DENTISTS	10 GPD/Chair plus 35 GPD/Staff Member
DOCTOR'S OFFICES	250 GPD/Doctor
DOG KENNELS	50 GPD/Kennel, with one dog per kennel
DWELLINGS:	
Apartment - Studio or One-Bedroom	225 GPD
Apartment - 2 or More Bedrooms	150 GPD/Bedroom
Residence - Single-Family	300 GPD plus 150 GPD for each bedroom over 2
Residence - Duplex	300 GPD plus 150 GPD for each bedroom over 2 for each unit
Rooming House – With Meals	60 GPD/Person

Use	Unit Design Flow
Rooming House – Without Meals	40 GPD/Person
Senior Housing	See Senior Housing
FACTORIES (Exclusive of Industrial Waste):	
Without Cafeteria or Showers	10 GPD/Person
With Cafeteria, No Showers	15 GPD/Person
With Cafeteria and Showers	20 GPD/Person
Warehouses	10 GPD/Person
FIRE STATIONS – Without full-time employees; without floor drains or food preparation	5 GPD/Person
FOOD SERVICE:	
Cafeteria or table service, plus toilet and kitchen waste	40 GPD/Seat plus 20 GPD/Employee
Cafeteria or table service, paper service, plus toilet and kitchen waste	20 GPD/Seat plus 20 GPD/Employee
Ice cream dipper	100 GPD/dipper plus 20 GPD/Employee
Kitchen Waste only	3 GPD/Meal served plus 20 GPD/Employee
Bars and lounges	20 GPD/Seat plus 20 GPD/Employee
Function Rooms	12 GPD/Seat plus 20 GPD/Employee
GYMS	10 GPD/participant plus 3 GPD/Spectator seat
HAIRDRESSERS	150 GPD/Chair plus 20 GPD/Employee
HOSPITALS	200 GPD/Bed plus 20 GPD/Employee
HOTELS AND MOTELS	200 GPD/Room plus 10 GPD/Employee
INSTITUTIONS OTHER THAN HOSPITALS	See Residential Institutions
LAUNDROMATS, COIN-OPERATED	500 GPD/Machine
LOUNGES	See Food Service, Bars/Lounges
MANUFACTURED HOUSING PARKS	150 GPD/ Bedroom/Site with 300 GPD/Site minimum
MOTELS, see HOTELS	
NURSING HOMES	125 GPD/Bed plus 20 GPD/Employee
OFFICE BUILDINGS:	
Without Cafeteria	10 GPD/Employee
With Cafeteria	15GPD/ Employee
Unspecified Office Space	5 GPD/100 ft ²
PICNIC PARKS	See Recreational Facilities
RECREATIONAL FACILITIES	
Toilet Waste Only	5 GPD/person
With Showers and Toilets	10 GPD/person
RESIDENTIAL INSTITUTIONS OTHER THAN HOSPITALS AND NURSING HOMES	135 GPD/Bed plus 20 GPD/Employee
RESTAURANTS	See Food Service
SCHOOLS:	
Boarding	100 GPD/resident student or employee plus Day School loading for non-resident students and employees
Day, Without Gym, Cafeteria, or Showers	10 GPD/student or employee
Day, Without Gyms or Showers, with Cafeteria	15 GPD/student or employee

Use	Unit Design Flow
Day, With Gyms, Showers, and Cafeteria	25 GPD/student plus 15 GPD/employee
SENIOR HOUSING	125 GPD/2 Bedroom unit, maximum 2 person occupancy
SERVICE STATIONS	75 GPD/Island plus 10 GPD/Employee
SKATING RINKS	See Gyms
SKI AREAS	See Recreational Facilities
STORES:	
Dry Goods	5 GPD/100 ft ² plus 10 GPD/employee
Supermarkets with Meat Dept. without Garbage Grinder	7.5 GPD/100 ft ²
Supermarkets with Meat Dept. with Garbage Grinder	11 GPD/100 ft ²
SWIMMING POOLS, Public	See Recreational Facilities
TENNIS COURTS	See Recreational Facilities
THEATERS	3 GPD/Auditorium Seat/Show
TOWN HALLS	5 GPD/Seat for total seating capacity
TOWN OFFICES	10 GPD/Office employee plus 5 GPD /Transient
TRAVEL TRAILER PARKS	See Camps
WAREHOUSES	See Factories

TOWN OF SUNAPEE

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APPENDIX B

Ordinance Establishing a Sewer Attachment Fee

In order to more appropriately allocate the costs of construction, maintaining and paying off capital debt and interest incurred in construction and maintaining the sewer system of the Town of Sunapee, the Sunapee Water & Sewer Commission, pursuant to RSA 149-I:7, as it may be amended from time to time, and other provisions of law, ordains as follows:

1. Sewer Attachment Fee. In addition to charges for use of the sewer system and charges to cover the labor and material cost associated with connecting thereto, the owner of improved property shall be liable for a one-time sewer attachment fee. This fee is due and payable after approval and prior to the connection of the property to the sewer system. The sewer attachment fee shall be computed as follows:

Commercial - Industrial:	\$28.00 per gallon per day
Residential/Apartment:	\$6,000 per single family housing unit.

The daily flow rate for Commercial - Industrial customers shall be determined using one half of the daily flow rate as determined from Table 1008-1, Unit Design Flow Figures, from 'Subdivision and Individual Sewage Disposal System Design Rules', NH Code of Administrative Rules, Chapter Env-Wq 1000, NH Department of Environmental Services, Water Division, latest edition. The daily flow rate so determined shall be multiplied by Twenty-eight dollars (\$28.00) to determine the sewer attachment fee.

The sewer attachment fee is separate from and in addition to charges made by the Town of Sunapee to cover labor and material costs associated with physical connection to the system.

1. Penalties and Remedies for Non-Payment of Fees. In the event an owner fails or refuses to pay the sewer attachment fee, such unpaid charges shall result in a lien on the property in accordance with RSA 38:22, as it may be amended from time to time. Interest at the rate of 1% per month computed monthly (12% per annum), from and after the date fees are assessed by the Commission, shall be charged on all fees which remain unpaid 30 days after notification by the Commission. The person against whom fees are assessed shall be responsible for all costs of collection, including reasonable attorney's fees.

2. Definitions. The definitions of terms and phrases set forth in Article I of the Rules and Regulations of the Sunapee Municipal Sewer System apply to this Ordinance.

3. Severability. If any provision of this Ordinance or any application of it to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

TOWN OF SUNAPEE

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APPENDIX C

Policy Established For Commercial Sewer Construction Bond Payment

The intent of the policy is that all property owners pay equally/proportionally - including all past bond payments and interest.

Each customer must pay construction bond charges/fees, calculated by the number of units and construction costs for the specific project.

The following calculation is used to determine construction bond unit allocation:

Commercial sewer construction bond units are proportionate to anticipated gallonage as per the State guidelines Table 1008-1 Unit Design Flow Figures, from 'Subdivision and Individual Sewage Disposal System Design Rules', NH Code of Administrative Rules, Chapter Env-Wq 1000, NH Department of Environmental Services, Water Division, latest edition. One half of the State standard of commercial flow divided by the average residential gallons/per/day is used to determine the number of construction bond units.

Average Residential Gallons Per Day (GPD) is Dwelling GPD (Table 1008-1) x 2.5 bedrooms. Based on the calculation, the current average residential GPD is 375.

The users have the choice to pay the total amount owed in one payment or pay over ten years with the stated interest rate. If the number of units changes during the scheduled payment period, the payments will be recalculated and any applicable rebates will be applied to future payments. In the case that the bond has been paid in full the current property owner will be issued a rebate.

If a property is sold, all unpaid construction charges become the sole responsibility of the new owner. At the time of closing, the construction charges can be paid in full or the payment plan can be continued by the new owner.

In the event an owner fails or refuses to pay the bond payment, such unpaid charges shall result in a lien on the property in accordance with RSA 38:22, as it may be amended from time to time. Interest at a rate of 1% per month computed monthly (12% per annum), from and after the date fees are assessed by the Commission, shall be charged on all fees which remain unpaid 30 days after notification by the Commission. The person against whom fees are assessed shall be responsible for all costs of collection including reasonable attorney's fees.

November 17, 2022