

Utility Appeals Board
April 21, 2015
Minutes

Board Members Present:

Tom Arnold, Carlos P. Baía, Beth Campbell, Councilor Brent Todd

Staff Present:

Jeff Hoadley, Tere Segalini, Josh Worthen, Rob Young

Meeting called to order at 5:20 p.m.

Minutes of the January 20, 2015 meeting

Beth Campbell moved approval. Tom Arnold seconded the motion. Minutes approved unanimously.

Case #2015-003: 84 Branch Turnpike, U-16

Jody Gutterman and Chris Brandt appeared before the Board as the appellants. Ms. Gutterman explained that she has been a Concord resident for 5 years which equates to over 60 water billing cycles. Up to this past summer, she had experienced one spike in her water usage stemming from a faulty toilet in 2013 that was subsequently repaired. Typically, her bill would be a consistent \$23.60.

Ms. Gutterman explained that on August 3, 2014 she experienced a water incident in her townhome where the upstairs toilet overflowed for 12-15 hours resulting in extensive water damage to the upper and lower floors. The entire upstairs bathroom was removed with the exception of the bathtub and the downstairs ceilings were also replaced. Ms. Gutterman shared pictures of the damage and subsequent repairs as well as documents corroborating the insurance claim for that incident. She explained that the claim totaled \$9,292.16.

Ms. Gutterman was puzzled by how the water bill for that time period was exactly the same as her previous bills. She assumed that a later bill would somehow capture the lost water. That was not the case until the November and December bills which showed a tremendous spike in water consumption. Ms. Gutterman inquired at the City as to this anomaly. The City sent an inspector to her home who visually inspected her water-using appliances to find signs of water leakage. No leaks were detected. The inspector further confirmed that the valves for the outdoor spigots were turned off.

Ms. Gutterman was not contesting the water amounts but felt that it was attributable to the August incident. She explained that her reason for the appeal was to secure a letter to provide her insurance company that would, based on the evidence, link the spiked bills to that event. Ms. Gutterman did indicate that the insurance company had since accepted paying the November bill but declined to do so for December 2014.

Tom Arnold asked City staff for input. Jeff Hoadley provided a chart noting how the billing cycles worked in this case. He also noted that the inspection was done on December 12th and the meter was

removed for testing on January 9th. The meter was tested and found to be working within acceptable standards.

Carlos Baía stated that he couldn't understand how the August consumption did not increase. Councilor Todd asked if there could have been a misreading of the signal from the meter. Mr. Hoadley explained that each meter head has a different signal. He noted that the technology is used worldwide. If this had been a problem before, the technology wouldn't exist.

Mr. Hoadley also noted that the meters are progressive and that the City conducted two visual inspections of the actual meter which confirmed that the water had been used. Mr. Baía noted that the readings corroborated that the water had been used but those physical readings did not confirm exactly when the water had gone through the meter.

Councilor Todd asked if this could be a case of where there might have been large consumption that was not picked up by the system. Mr. Hoadley answered that he did not know if that was the case. He added that it would be highly unlikely and if it did happen, it would put the City in a position where confidence in the system would be in question. Mr. Hoadley stated that he couldn't recall an instance where one billing cycle's usage showed up in another.

Ms. Campbell was confident that the water consumption for November and December were higher based on the facts. She disputed Ms. Gutterman's allegations about City staff's poor customer service arguing that the staff were good civil servants who would never do anything discriminatory.

Mr. Brandt countered by stating that both he and Ms. Gutterman are civil servants as well who work for another municipality. He expressed that neither his nor Ms. Gutterman's remarks were aspersions on civil service, but were related to the details of the case at hand where logic and evidence would seem to point to an error in the system.

Mr. Baía apologized to the appellants for any negative customer service issues they experienced. He noted that the City strives to provide quality customer service that should be premised on mutual respect between customer and staff. Mr. Baía also apologized for the tenor of the hearing thus far noting it had been tense.

Councilor Todd inquired as to what the Board's disposition might be toward writing a letter which might meet the appellants' needs.

Ms. Campbell stated she would not support such a letter. She feels that the City staff did their jobs and the system worked as it should. Mr. Arnold felt that the staff went through the proper checks.

Mr. Baía noted that in almost all of the previous appeals the board unsuccessfully seeks evidence that might provide some alternative explanation for unexplained water consumption that could help in a decision. He explained that in this case, the photographic and document evidence provided by the appellant shows extensive water damage in August, yet there was no spike in utilization. Mr. Baía could not understand how that could possibly have happened. In his opinion, that ambiguity cast doubt on the matter and would leave him comfortable with writing a letter on behalf of the appellant.

Ms. Campbell explained that based on her extensive experience on the UAB, the board has always ruled based on facts, never on ambiguity. There have been multiple times when she has felt badly to deny an appeal but she has stuck with the facts.

Mr. Baía noted that while other cases may usually be black or white, the evidence in this case could support discretion on the part of the board.

Ms. Gutterman reiterated that the City confirmed that there were no other factors that could account for the spike in water utilization in late 2014. Mr. Hoadley clarified that the City inspection was only to determine visually if there were any leaks.

Mr. Hoadley explained that although the bill in August didn't change from typical usage, there is some capacity within the number to absorb higher consumption and not change. For example, the typical usage could be 2.3 CCF but it could have increased to 2.9 and still wouldn't change the bill. That difference would have been an additional 400 gallons. Councilor Todd observed that 400 gallons of water on drywall would have done significant damage.

Councilor Todd stated that he couldn't approve of a letter from the board that would call into question the City's technology or its staff. He felt that the lack of a spike in the August bill could be accounted for in the difference between 2.3 and 2.9 CCF, for example.

Councilor Todd asked Mr. Baía if he wished to make a motion to have the board issue a letter. Mr. Baía declined citing the observations from his fellow board members.

Mr. Arnold began to question the sewer charge but concluded that he couldn't attribute it any differently than what was presented by the system.

Ms. Campbell moved that the appeal be denied but that the appellant be authorized to enter into a payment plan for up to one year with all fees and penalties associated with their case waived. Councilor Todd seconded the motion.

Motion passes 4-0.

Meeting adjourned at 6:40 p.m.

Respectfully submitted,

Carlos P. Baía