

TOWN OF HUDSON

SEWER UTILITY

POLICIES AND PROCEDURES

Prepared by



Maine • New Hampshire • Vermont

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SEWER UTILITY

POLICIES & PROCEDURES

PREAMBLE

These Policies and Procedures have been established as guidelines for the day-to-day operation of the Hudson Sewer Utility. These are intended to be used and referred to by the Selectmen, the Sewer Utility Committee and any employees or consultants to the Town for determining actions and procedures to be followed with respect to the Sewer Utility.

These Policies and Procedures may be revised from time to time through recommendation by the Sewer Utility Committee and approval by the Board of Selectmen.

This is not an Ordinance. Any discrepancies between this document and Ordinances of the Town (most specifically the Sewer Use Ordinance No. 97, 77A and Ordinance No. R-92-13) does not nullify any other section of these Policies and Procedures. In such cases, the Ordinance will prevail unless and until such time as the Ordinance is revised by the vote of the Town.

POLICIES AND PROCEDURES

I. SEWER UTILITY AUTHORITY

A. THE HUDSON SEWER UTILITY

The Hudson Sewer Utility was established on July 1, 1987 by Resolution 87-33A for the purpose of operating and maintaining the municipal sewer system, establishing a budget and controlling expenditures relative to this operation, and assessing and collecting fees for its operation and maintenance.

B. ORDINANCES

The rules and regulations for the operation of the Hudson Sewer System are defined by Ordinance 77 and 77A (Appendix #1), which is the Town of Hudson Sewer Use Ordinance.

The authority and operations of the Hudson Sewer Utility are defined by Town Code – Chapter 270 (Exhibit #1). This Town Code supercedes Resolutions 87-33A and 88-37 and Ordinance 092-13. Town Code – Chapter 270 is on file at the Hudson Town Clerk's office.

C. GENERAL POLICY

1. The Town shall operate and maintain all public sewers in the Town of Hudson under the guidance of the Sewer Utility Committee (SUC), which operates as an Advisory Committee to the Hudson Board of Selectmen.
2. Property owners served by the public sewer or private sewer connected to the public sewer shall be liable for applicable fees as established by the Sewer Utility, Said fees are as follows:
 - a. User Fee (sewer rents)
 - b. "Access Only" Fees
 - c. Sewer Capital Assessment (Hookup) Fee
 - d. Assessment District Fees
 - e. Other Fees.
3. All sewers connected to the public sewer, whether private or public, shall be designed and constructed and operated in accordance with administrative procedures and specifications set forth in these Policies and Procedures and the Town of Hudson Sewer Use Ordinance 77 and 77A.

D. THE SEWER UTILITY COMMITTEE (SUC):

1. Established September 12, 1988 by Town Council Resolution R88-37. The authority of the SUC is now defined per Town Code – Chapter 270.

2. The SUC consists of five full members:
 - a. **Three** shall:
 1. Reside in Town and reside in a dwelling unit which is serviced by the sewer system established by the Town; or
 2. Reside in Town and own real estate which is either so serviced by the sewer system or so situated in a sewer district; and
 - b. **Two** shall reside in Town and may reside in a dwelling or an area not serviced by municipal sewer.
 - c. A Selectman may be appointed as a liaison but not as a voting member.
 - d. The SUC may have an alternate member who shall meet the qualifications above.
3. Appointments:
 - a. Are made by the Selectmen. Each appointment is for a three-year period. Terms of office are set up on a staggered basis.
4. Responsibilities:
 - a. Establish and oversee policies and procedures for the Sewer Utility.
 - b. Process, review and make recommendation to Board of Selectmen relative to:
 - Annual budget
 - Abatements
 - Use of sewer capital assessment accounts
 - Sewer rate.
 - c. Oversee and review:
 - Records of billings, income and expenditures, at least quarterly
 - Information appearing on sewer utility bills
 - Formats of forms being used by Sewer Utility.
 - d. General oversight of sewer utility operations.
5. Public meetings held at least once per month. Notice of meetings must contain date, time and meeting place.

6. Ultimate responsibility and authority for the sewer utility resides with Board of Selectmen.

E. LAWS, REGULATIONS APPLICABLE TO THE HUDSON SEWER UTILITY

Laws and regulations applicable to the Hudson Sewer Utility and its operations are:

1. Town Code – Chapter 270 (Exhibit #1)
2. Town Ordinance #77 and #77A (Appendix #1)
3. NHRSA 149-I (Exhibit #1a).

Insert Exhibit 1 – Town Code – Chapter 270 (Adopted 6/22/92) – 8 pages.

Insert Exhibit 1a (13 pages)

II. MANAGEMENT AND OPERATIONS ASSIGNMENTS

(See Chart - Exhibit #2)

A. SEWER UTILITY COORDINATOR

1. May either be employee of the Town of Hudson or consultant.
2. Reports directly to the Sewer Utility Committee (SUC).
3. Position is recommended by SUC and approved by Board of Selectmen.
4. Position is 100% funded by Sewer Utility under Account 5561, Line Item 252.
5. Qualifications: 5 years of experience in sewer design, construction and related operations. Must be Licensed Professional Engineer in the State of New Hampshire.
6. Responsibilities:
 - a. Administration
 - (1) Maintain a Policies and Procedures Manual, including the Sewer Use Ordinance.
 - (2) Report to the Sewer Utility Committee (SUC) at least monthly with written status report of ongoing projects and efforts.
 - (3) Coordinate with the City of Nashua with respect to the Nashua/Hudson Intermunicipal Sewer Agreement and with respect to treatment costs.
 - (4) Coordinate, as necessary, with other agencies such as the New Hampshire Department of Environmental Services/Water Supply and Pollution Control Division, and the Federal Environmental Protection Agency (EPA).
 - (5) Assist the SUC in the preparation of a CIP Program and its annual update and in the CIP approval process.
 - (6) When requested by the Sewer Utility Committee, review abatement requests and make recommendations regarding such.
 - (7) Review the Sewer Connection Permit Program and Sewer "Acceptance" Program periodically with the DPW, Sewer Foreman, and Sewer Utility Clerk.
 - (8) Prepare requests for and review Proposals and Contracts for required outside services in coordination with the Department of Public Works, the Finance Department, and the Sewer Utility Committee.

b. Financial Operations

- (1) Assist the SUC in the preparation of an annual budget for the Sewer Utility.
- (2) Annually assist the SUC in evaluating rates for sewer user fees as prepared by the Finance Department.
- (3) Review the quarterly summary of invoices and fee collections prepared by the Finance Department and Sewer Utility Clerk.
- (4) Review the monthly budget to actual summaries prepared by the Finance Department.
- (5) Review and coordinate purchase orders on behalf of the Sewer Utility Committee.

c. Engineering and Technical

- (1) Maintain the standard sewer details and specifications. Update these as necessary in cooperation with the Public Works Department.
- (2) Monitor the ongoing Sewer Inspection and Maintenance Program with respect to the flume, pump stations and sewer lines. Overview the maintenance of records regarding this program.
- (3) Maintain and update the Sewer Atlas. This includes editing and inclusion of additional information such as capacity analysis, inflow/infiltration (I/I) data, pipe conditions and repair data which will be provided from time to time through data gathering from the Department of Public Works.
- (4) Work with the Town Engineer to institute and maintain a capacity analysis for the sewer system and inflow/infiltration (I/I) investigation on an ongoing basis.
- (5) Assist in scheduling and coordinating planned repairs and upgrades to the system. Also track emergency repairs through ongoing coordination with the DPW and Sewer Foreman.
- (6) Compile and maintain an inventory of equipment owned by the Sewer Utility.

Insert Exhibit 2 (Sewer Utility Organizational Chart (1 pg.)

Revised 9/24/92

B. SEWER UTILITY CLERK

1. Position is 100% funded by the Sewer Utility under Account 5561.
2. Reports to Board of Selectmen and is responsible to coordinate directly with the Sewer Utility Committee and Sewer Utility Coordinator.
3. Position is recommended by SUC and approved by the Selectmen.
4. Position is employee of the Town of Hudson.
5. Qualifications:
 - As recommended by the SUC and directed by the Selectmen.
6. Responsibilities:
 - a. Prepares the Sewer Utility Warrant for approval by the Selectmen and transmission to the sewer users.
 - b. Invoice preparation for all sewer revenue, collections and documentation of collection.
 - c. Maintain/update computerized inventory of sewer users and user assessability.
 - d. Process abatement applications, approved refunds, and maintain summary of abatements as part of computerized inventory list.
 - e. In coordination with Tax Collector, prepare and process liens and deeds.
 - f. Process and maintain sewer capital assessments including "payment contracts."
 - g. Prepare monthly activity reports.
 - h. Act as a liaison with sewer utility users, with respect to billing concerns and issues.

C. OTHER PERSONNEL (INTERACTION WITH SEWER UTILITY)

Other tasks and operations will be performed by Town personnel whenever possible. Town personnel and their efforts with respect to the Sewer Utility are as follows:

1. Department of Public Works

a. Public Works Manager

- (1) Coordinates with the Sewer Utility Coordinator regarding activities and costs and scheduling to be carried out by the DPW on behalf of the Sewer Utility.

Those tasks may include:

- design
- construction
- inspection
- construction administration
- sewer maintenance
- sewer permit administration
- sewer review for sewer expansion subdivision/site plans
- capacity analysis and inflow/infiltration analysis.

- (2) Coordinates with the Sewer Utility Coordinator regarding the procurement of outside services and, when necessary, administers procurement of outside services related to public works activities such as survey, engineering, construction and inspection.

- (3) May charge time and cost for specifically budgeted and approved (by SUC) tasks under Account 5562, 5564 (usually related to in-house design, inspection, construction activities). Logged time with effort will be kept, subject to review as requested by SUC.

Other efforts regarding permits and sewer design review and inspection of private sewers are paid for by applicants through separate accounts under the DPW direct jurisdiction.

b. Town Engineer

- (1) Functions under the Public Works Manager. With respect to the Sewer Utility, coordinates with the Sewer Utility Coordinator and is responsible for:

- Overseeing the Sewer Connection Permit Program.
- Preparing Sewer Capital Assessment fee amounts.
- Reviewing and approving sewer extensions as part of subdivision/site plan review. In this effort, coordinate with the Sewer Utility Coordinator regarding facilities plan review and approval by the SUC.

- Coordination with NHDES regarding their review of sewer extensions and NHDES Wastewater Discharge Permits.
 - Coordination with Industrial Pretreatment Program Consultant regarding IDA applications and ongoing interaction with the Pretreatment Program Consultant.
 - Design and construction administration for construction projects (when done in-house).
 - Review of design plans and construction documents (when done by outside services).
 - Coordination with the Sewer Utility Coordinator regarding the Atlas (GIS) as applicable to the overall GIS program.
 - In cooperation with the Sewer Utility Coordinator, set up and maintain capacity analysis and inflow/infiltration investigation for the sewer system.
 - Coordinate with the Sewer Utility Coordinator regarding the establishment and maintenance of standard construction details and specifications.
- (2) May charge time and costs specifically budgeted and approved (by SUC) tasks under Account 5562 (usually related to in-house design, inspection, construction activities).

Note: Sewer Permit reviews and sewer main extension reviews fees are paid for through administrative and review fees charged to applicants (these are not part of the Sewer Utility financial structure).

c. Construction Inspector

- (1) Functions under the Town Engineer. With respect to the Sewer Utility (through the Town Engineer), duties include:
- Inspection of sewer main extensions.
 - Review and recommendations of approval for "acceptance" of sewer main extensions.
 - Review, approval of as-built drawings.
- (2) Time and efforts are paid for under Account 5562, for projects specifically budgeted and approved by the SUC.

Note: Time and efforts paid for through Sewer Permit application fees for sewer construction by private entities.

d. Sewer and Drains Foreman

- (1) Supervises the day-to-day operations of the Sewer and Drains Division (a division of the DPW).
- (2) Responsibilities with respect to the Sewer Utility include:
 - Overseeing maintenance and inspection of flume, pumping stations and sewer lines.
 - Maintaining maintenance and inspection records.
 - Reviewing Sewer Permit applications and inspecting individual service connections.
 - Maintaining on-going inventory of sewer service connections.
 - Reviewing sewer main expansion as requested by the Town Engineer.
 - Participating in ongoing completion and updating of Sewer Atlas.
 - As budgeted, construction of sewer extensions.
 - Planned and emergency repairs to the sewer system.
 - Collecting flow records from flume and pumping stations. Maintaining these records and providing copies to Sewer Utility Coordinator.
 - Coordinate with Sewer Utility Coordinator and Town Engineer to carry on I/I capacity analyses.
 - Preparing annual 5562 budget in co-ordination with Sewer Utility Coordinator, DPW Manager and Town Engineer.
 - Time and expenses charged to Account 5562.

e. Sewer & Drains Assistant Foreman

- (1) Works directly for the Sewer and Drains Foreman regarding all efforts and responsibilities identified for the Foreman.
- (2) Time and expenses charged to Account 5562.

f. Sewer & Drain Division

- (1) Presently consists of 8 persons, including Foreman and Assistant Foreman.

(2) Provide efforts with respect to operations and maintenance, construction and facilities inspection as directed by the Foreman through the Assistant Foreman.

(3) Time and expenses charged to Account 5562.

2. Finance Department

a. Under Direction of Finance Director

(1) Tasks/efforts include:

- Maintaining computer program for user rate calculations;
- Approving Purchase Orders, and authorizing payments required through the Purchase Orders;
- Updating weekly expenditures (actual cost);
- Monthly, providing a budget to actual summary for all Sewer Utility cost accounts;
- Oversees invoicing and collections for:
 - assessment districts
 - Industrial Pretreatment Program
 - capital debt.

(2) Coordinates with Sewer Utility Coordinator and SUC regarding all financial aspects of the Sewer Utility.

- Prepares complete financial summary report from audit (annually).
- Maintains revenue accounts.

3. Tax Collector

a. Oversees collection of warranted fees in accordance with standard tax collection procedures.

b. Oversees liens process.

4. Legal Officer

a. Advises SUC as requested regarding all legal questions pertinent to operation of the Sewer Utility.

D. PROCUREMENT OF OUTSIDE ASSISTANCE

The SUC may procure assistance outside of the Town forces when time limitations, conflicts, or technical requirements or other justifiable reasons prevent Town forces from performing necessary efforts or necessitate expertise not available within.

Need for procurement within the approved budget will be recommended by the Sewer Utility Coordinator and approved by SUC and the Selectmen as required. Procurement shall be coordinated by the Sewer Utility Coordinator, with the Public Works Manager or Finance Director as necessary, and will follow policies of procurement established by the Town. (R87-25 - Exhibit #14)

(See Purchase Orders, Section III.J).

III. FINANCE OPERATIONS

A. ANNUAL BUDGET AND EXPENDITURE ACCOUNTS

1. An annual budget is established for Expense Accounts 5561 (Administration Budget), 5562 (Operations and Maintenance Budget), 5563 (Sewer Debt), 5564 (Sewer Construction), and any other sewer account established by the SUC.

(Samples of budgets are Exhibit #3.)

2. The process of establishing, reviewing and approving the budget is as follows:
 - a. Needs are identified for each budget and line item.
 - b. Costs are then established using salary and fringe benefit information for staff assignments and estimates of costs for outside procurement.
 - c. For each budget line item there shall be a detailed description of items and cost contained in each line item.
 - d. The "draft" budget is prepared by the Department of Public Works, Sewer/Drains Division, the Engineering Department, Sewer Utility Clerk, and compiled by the Sewer Utility Coordinator.
 - e. Based on the draft budget, a revenue projection and revenue base is estimated by the Finance Department.
 - f. The draft budget with backup and revenue projection is submitted to the SUC for detailed review and recommendations at least one month prior to the submission date required by the Board of Selectmen.
 - g. The SUC submits the recommended budget to the Selectmen. The SUC will present the budget at public hearings to the Selectmen (with assistance of the Sewer Utility Coordinator, if so desired by the SUC).
 - h. The Selectmen then review and propose a budget to the Budget Committee. This is presented by the Sewer Utility Coordinator to the Budget Committee.
 - i. The Budget Committee reviews and recommends a budget to the Town voters. This is reviewed and can be revised at the Town deliberative session usually held in February.
 - j. The Town votes on the recommended budget at the March Town voting day.

Insert Exhibit #3 - 1993-1994 Sample Budget (13 pgs.)

B. USER FEE AND USER FEE RATE AND BILLINGS

1. User fees are charged to all sewer users four times annually (July 1 to June 30) for annual costs budgeted and incurred by the Sewer Utility.
2. User fee rates are calculated and approved each year after the budget is approved by formulation utilizing a "user fee allocation" computer program (Exhibit #4) maintained at the Finance Office.
3. User fee rates typically include:
 - all costs under Accounts 5561 and 5562
 - that portion of cost under 5563, Sewer Debt, allocated to sewer users
 - that portion of costs under 5564, Sewer Construction, allocated to all sewer users.

The present program distributes all costs by line item to one of three categories:

- a. "Operations and Maintenance": This category includes two calculated charges:
 - (1) "Customer" - fixed charges related to customer services.
 - (2) "Capacity" - fixed charges related to ability of system to service (this charge is based on water meter size).

These are combined and called the "Operation and Maintenance" charge on the sewer user bill.

This charge is calculated on the basis of water meter size. All meters are factored to a 5/8-inch meter size (example: a 5/8-inch meter = 1, and a 2-inch meter = 4.) The total number of 5/8-inch equivalent meters is divided into the total budget allocated to operations and maintenance ("capacity" and "customer" within the computer program) to arrive at the unit cost per 5/8-inch meter. This unit amount is then multiplied by the factor for meter sizes to arrive at a unit cost.

- b. "Flowage and Treatment": This category is based on the amount of flow being used (per 100 cu. ft.). These charges are related to those expenses resulting from wastewater volumes contributed by each user. They are defined as "Volume" charges in the computer program (Exhibit #4).

The portion of the approved budget allocated by line item related to flow is divided by the total flow for all users to arrive at a rate (per 100 cu. ft.). This unit amount plus the unit amount arrived at in similar fashion for the Nashua Treatment Plant costs are combined and allocated to each user on the basis of flow (per 100 cu.ft.).

4. The user fee rate must take into account not only the approved budget but also:
 - a. Other revenues which can be anticipated (see Revenue Accounts in Section III.H).
 - b. Actual expenditures from the previous fiscal year (surplus or deficit).
5. The user fee rates are prepared by the Finance Department, then reviewed by the Sewer Utility Coordinator and presented to the SUC, who then makes written recommendations to the Hudson Board of Selectmen for adoption. The Selectmen then approve the rates.

Rates will be reviewed by the SUC by June 15 and reviewed and approved by the Board of Selectmen by July 15.

6. Billing and Collection

a. Each sewer user is billed quarterly (four times for each fiscal year). Quarters are:

- July (usage of April, May, and June)
- October (usage of July, August, and September)
- January (usage of October, November, and December)
- April (usage of January, February, and March).

b. Actual water meter consumption readings are typically used as the basis for "flowage and treatment."

c. Sewer users without municipal water

- (1) Where a sewer user is not connected to the Town water system, a user may install an approved auxiliary meter on a well. The location of the meter installation must record all water which ultimately enters the sewer system. The meter is to be purchased by the homeowner and becomes their responsibility to maintain or replace, if needed.

This method must be used for commercial or industrial property that utilizes a well for its water use.

The sewer user must notify the Sewer Utility once the meter is installed.

After notification, the Sewer Utility will send meter reading cards to the owner to be used to record the meter readings from this meter at the end of each month. The auxiliary/deduct meter does not get read by the Hudson Water Utility or Pennichuck Water Works. It is the responsibility of the owner to read the meter and provide the readings to the Sewer Utility using the meter cards. The Sewer Utility will review the accuracy of the readings.

When each quarterly meter card is complete, it must be received by the Sewer Utility by the 10th of the month after the last reading (example: card listing January, February, March 2010 must be received by April 10, 2010).

Town officials from the Sewer & Drains Division of the Highway Department will be authorized, with proper identification, to check the meter and verify its operation at any time OR

- (2) Install their own wastewater meter and submit quarterly cumulative readings for user fee calculation. This method will require the user to submit plans, specifications, and materials data for approval by the Town Engineer in advance of installation. It is expected that this method will be used typically by certain industrial users.

Since water meter size is normally used as the basis for the "Operation and Maintenance" portion of the fee, the water meter size installed by the user will be

used OR where no water meter is installed, an appropriate water meter size for the actual wastewater flow metered will be determined and used OR

- (3) Will have user fee consumption charge calculated on basis of unit flow amounts established from average water consumptions based on bedroom count. These averages have been established through a study of bedroom versus water use done by the Sewer Utility. Unit flow values calculated are shown in Exhibit #6. This method is valid for residential users only.
 - d. User fees are collected at the Sewer Utility Office, 12 School Street, Town Hall or through mail to a "Lock Box System" account established with the Citizens Bank.
 - e. User fees are warranted quarterly by the Board of Selectmen to the Tax Collector.
 - f. Payments received after 30 days are considered late for which a 12% annual interest penalty is charged and added on to the next quarterly bill.
As soon as the bill is late, interest computes DAILY ON THE CUSTOMER'S ACCOUNT. Sewer bills reflect PRINCIPAL ONLY.
 - g. Liens shall be placed on unpaid accounts. Lien procedures are described in Section III.G.
 - h. Supplemental Warrants for User Fees. When a change in the sewer user account status occurs in a month other than that on which user fees are normally billed and any additional fee result from the change in status, a supplemental warrant is prepared by the Sewer Utility Clerk, approved by the Tax Collector, and then the Selectmen.
7. The user fee calculation program has been established through a study entitled "Sewer User Charge Study" prepared by Arthur Young dated September 1987.
 8. Auxiliary Meters
 - a. Where a sewer user utilizes water which does not enter the sewer system (for example: lawn sprinkler system), an auxiliary meter with backflow preventer may be installed. The operation of this meter shall be in accordance with Paragraph 6.c. of this section and Exhibit 5 of this section (copies attached).
 - b. Inspection of said meter and backflow preventer shall be completed by the Town of Hudson Building Department. A plumbing permit shall be applied for through the Building Department.
 - c. The cost of this permit and inspection shall be payable to the Town of Hudson Building Department.
 - d. The Sewer Utility Clerk will be notified when satisfactory inspection has been completed.
 9. Back Billing
 - a. From time to time properties/buildings are discovered to have not been provided an invoice for a user fee. Where it is determined that the reason for this is inadvertent or the fault of the Sewer Utility, then back billing assessment will be limited to one year from the date the oversight is discovered.
 - b. If it is determined that such is intentional on the part of the user, then back billing will be assessed the maximum extent possible based on either available water meter records or records showing when invoices (if any) were last assessed.

Insert Application for Auxiliary Meter Inspection (1 page) OR Plumbing Permit???

Exhibit #4
Sample User Fee Rate Calculation (5 pgs)

Exhibit #5

(Memo regarding requirements for users without water meters) 3 pgs.

Exhibit #6
(Unit Values Based on Bedroom Count) – 1 pg.

C. ACCESS ONLY FEE AND RATE AND BILLINGS

1. Access Only Fee: A separate fee is assessed four times each fiscal year for land parcels and dwellings with "accessibility" to the sewer but which are not connected. This fee includes expenditures related to sewer debt, and specific maintenance costs which are not flowage/treatment, operations or management-related.

"Accessibility" means that there is a sewer line abutting the property and that the property is "buildable" by Hudson Zoning Regulations.

For multi-unit projects where each buildable lot is defined, not by a property line, but instead by a building structure foundation. Then "accessibility" occurs once a building foundation permit has been issued by the Community Development Department and a foundation has been constructed.

2. Access Only Fee Rate: This is calculated through the "user fee allocation" computer program. This rate (with its anticipated revenue) is calculated prior to the calculation of the user fee rate. The anticipated revenues from the "access only" are then included as "other" revenues for the user fee rate calculations.
3. "Access only" rates, billing and collections are handled in the same manner as the "user fees."
4. A sample "access only" fee rate calculation is Exhibit #7.

Insert Exhibit #7 - Sample "Access Only Rate Calculations" (5 pages)

D. SEWER CAPITAL ASSESSMENT (HOOKUP) FEES AND BILLINGS AND TRUST FUND

1. The intent of the Sewer Capital Assessment Reserve is to provide monies for a Reserve Account for funding "construction and reconstruction, replacement, expansion or improvement" of the sewer system (refer to Page 2 of 8 of Exhibit #1, Town Code – Chapter 270).
2. The Sewer Capital Assessment is required of all residential, commercial and industrial users.
3. Attached is the Policy and Procedure regarding the Sewer Capital Assessment Fee (Exhibit #8) as provided with the Sewer Connection Permit Application. "Unit Design Flow" figures are used to calculate this fee (Exhibit #9).
4. Payment for the Sewer Capital Assessment Fee is made to the Sewer Utility Clerk.
5. Payment shall be made in full prior to issuance of a Sewer Connection Permit or through a "Payment Agreement of Sewer Capital Assessment" (Exhibit #10).
6. When a "Payment Agreement of Sewer Capital Assessment" (Exhibit #10) is issued, a "Notice of Sewer Capital Assessment" (Exhibit #11) shall be recorded at the Registry of Deeds for the applicable property.
7. The "Payment Agreement of Sewer Capital Assessment" must be signed or co-signed by the property owner. The property owner is ultimately liable for payment of the Sewer Capital Assessment Fee.
8. Sewer Capital Assessment Payment Contracts may not be transferred with the transfer of property. The Sewer Capital Assessment Fee, therefore, must be paid in full prior to the passage of title on the property.
9. Payments not received after 30 days are assessed 12% interest. Payment not received within 90 days is subject to collection in Small Claims Court in accordance with Section 8 of Town Code – Chapter 270. Notification of such action will be made 10 days prior to the action being taken.
10. Sewer Capital Assessments may be waived under the following conditions:
 - a. Home Occupation Businesses:
 - where no expansion of the residential home occurs as a result of the use,
 - where individual customers are few and usually received by appointment only, and
 - where the business use produces a maximum average daily flow of less than 200 GPD.

b. For Special Assessment Districts:

- where a user in the district connects to the sewer within 90 days of the "acceptance" of the sewer, 50% of the assessment will be waived.

11. The Sewer Assessment checking account has been established as a holding account for the Sewer Capital Assessment fees that are collected by the Sewer Utility Clerk. The Town Treasurer is responsible for this account.

Based on a legal opinion issued June 20, 1997, and reaffirmed on August 7, 1997 by the then Town Counsel Donahue, Tucker & Ciandella, it was determined that the Trustees of Trust Funds and not the Town Treasurer were the proper entity for administrating the Sewer Capital Assessment account. Shortly thereafter, the balance of this account was transferred from the Treasurer to the Trustees. For practical purposes, the Sewer Assessment checking account was left in possession of the Treasurer so that Sewer Assessment fees collected could easily be deposited as they were collected.

The Sewer Utility Clerk prepares the Sewer Capital Assessment billing based on the Town Engineer's calculations and collects the fees or prepares a payment agreement for the Finance Director's approval. Deposits are made by the Sewer Utility Clerk into the Sewer Capital Assessment checking account. The Sewer Utility Clerk forwards a copy of the deposit slip to the Town Treasurer.

The Town Treasurer administers the Sewer Capital Assessment checking account. The Treasurer prepares a monthly report listing the activity for this account. The Treasurer transfers monies from the checking account to the Capital Assessment Trust Fund. This shall occur when the balance of the checking account reaches *approximately* \$100,000.00 or when three months without a transfer has elapsed. The Finance Director or his designee will verify to the Sewer Utility Committee and the Board of Selectmen that the transfer has been made.

The Trustees of Trust Funds are responsible for the administration of the Sewer Capital Assessment Reserve Trust Fund and shall invest the funds in accordance with the Investment Policies established by the Trustees of Trust Funds in compliance with all applicable statutes and laws.

The Board of Selectmen are the designated agents to authorize expenditure of the Sewer Capital Assessment Reserve Trust Fund. Recommended action for expenditure will be forwarded to the Selectmen through written recommendations and documentation by the Finance Director and the Sewer Utility Committee. The Selectmen will act on said recommendations and provide written request to the Trustees for expenditure. The Trustees shall disburse funds in a timely manner.

12. Sewer Capital Assessments are nonrefundable and nontransferable.

- a. If a use is discontinued or reduced in size/scope, the property assessed is not due a refund.

- b. The assessment remains with the property. The property, therefore, retains the flow capacity used for the assessment.
- c. If a user moves from one property to another, a new or separate sewer permit is required. The assessment for the original property is not transferable and the user may be responsible for a new Sewer Capital Assessment.

13. Financial Hardship

Financial hardships shall be treated the same as all other financial hardships which the Selectmen take up on behalf of the Town. Since the Sewer Utility has no mechanism for collecting monies which have been abated due to financial hardship, then the Town will act on behalf of the person to which a financial hardship is granted and place against their property a "Notice of Assessment" the same as they place for tax financial hardship purposes.

The Town shall make appropriate payments to the Sewer Utility for sewer rents, sewer access only fees, sewer capital assessment fees, or other fees owed to the Sewer Utility. These shall be recorded under the appropriate Town welfare accounts.

The same form used to request financial hardship from the Town shall be used and the same process shall be used. This process shall bypass the Sewer Utility Committee. However, the Selectmen shall keep the Sewer Utility Committee informed of actions taken with respect to financial hardship.

Under this method, the Town can then collect on the property at the time of sale or transfer of the property, and neither the Sewer Utility nor the Town takes advantage of each other.

insert Exhibit #8^v - Policy and Procedures Regarding Sewer Capital Assessment Fee (3 pgs.)

insert Exhibit #9/- NHDES/WSPCD Standard Unit Flow Rates (3 pg.)

Insert Exhibits 10√ Payment Agreement of Sewer Capital Assessment (1 pg.)

Exhibit #11√ Notice of Sewer Capital Assessment (1 pg.)

E. BETTERMENT ASSESSMENT DISTRICTS

1. Through recommendation of the SUC and voted approval of the Hudson Board of Selectmen, Betterment Assessment Districts may be established as an appropriate means of paying for all or a portion of capital costs (principal and interest) for sewer extension(s) which benefit or better a specific group of properties or users.
2. Establishment of a Betterment Assessment District shall be done in accordance with RSA 149-I (Exhibit #12), and shall include noticed Public Hearings with specific notification to Betterment Assessment District participants to review procedures and costs.
 - At least one noticed Public Hearing.
 - Separate individual notices to affected participants in the District.
3. Betterment Assessment Districts may be established for sewer extensions constructed and/or financed by the Town of Hudson where:
 - a. Said extension is the result of petition by properties directly benefiting by the sewer extension, or
 - b. Said extension is required for health or other legally mandated reasons and said extension directly benefits the properties being mandated for service.
4. Each Betterment Assessment District land area configuration shall depend on the specific layout of the project. This configuration shall be recommended by the SUC and approved by the Board of Selectmen.

The SUC shall recommend and the Board of Selectmen shall approve the apportioning of capital costs to the direct beneficiaries of a sewer extension. Direct beneficiaries typically shall be those parcels/buildings which directly front and/or have "accessibility" to the sewer extension.

Capital costs include survey, design, construction, inspection, administration, legal and interest costs required to directly facilitate the construction of said sewer extension.

5. Capital cost may be apportioned in part or total to a Betterment Assessment District, the Sewer Utility (Capital Reserve) or the General Town Tax base or any combination of the above.
 - a. Consideration of apportionment shall take into account:
 - The type of users/properties being directly benefited (residential, commercial, industrial, etc.).
 - The reasons for the extensions, (i.e. health and safety vs. property owner petition).
 - The total cost of the extension
 - The benefits the extension represents to the Town vs. the Sewer Utility vs. the direct property owners.
 - Additional costs due to sewer facilities plan mandated requirements for future extension, i.e. increased pipe size, strength or depth.

- b. The apportioning of capital cost and schedule of payments shall be defined in the documentation establishing each specific Betterment Assessment District. Typically the capital cost per property shall be computed as follows: the total capital cost divided by the number of properties available to be served.
7. When circumstances arise where the extension of a sewer line from an existing Betterment Assessment District reduces the Betterment Assessment District flow capacity or ability to service the Betterment Assessment District members, said new user or District causing this reduction shall, if allowed access by the SUC, (a) provide/pay for improvements to reclaim said capacity or (b) reimburse to the Betterment Assessment District through the Sewer Utility an amount determined adequate by the SUC to "purchase" the capacity taken from the existing Betterment Assessment District.

The Sewer Utility Coordinator in conjunction with the Town Engineer shall determine a fair capacity purchase amount during the sewer permit application and review process (Section IV.B) for each specific instance. Agreements and payments shall be recommended by the SUC and approved by the BOS.

In such cases, apportioning of reimbursement payments to be received by the existing District participants shall be calculated by the Finance Director, reviewed by the Sewer Utility Coordinator and approved by the SUC.
8. Other extenuating circumstances may be considered by the SUC in establishing and apportioning cost to Betterment Assessment Districts. Each situation shall be reviewed and treated on its own merits. Where possible, consistency with already established Betterment Assessment Districts shall be maintained.
9. The Betterment Assessment District fee does not relieve user of payment of the "Sewer Capital Assessment Fee," although there are certain situations where said fee may be waived, as recommended by the SUC and approved by the BOS. (see Section III.D.8.)
10. History of Betterment Assessment Districts:
 - a. The Frenette Drive (Residential) District (Established 1988 – 15 year repayment).

Issues: Failing septic systems and asbestos in area. For healthy reasons, sewer ordered to be constructed by NHDES.

- 50% paid by Town.
- 25% paid from Sewer User Rate.
- 25% paid by individual users in district.

Reason for cost apportioning: Frenette Drive was originally scheduled to be done with the EPA bond, of which the Town had agreed to pay 50% of the bond costs. Frenette was cut from that project. Rational the split should apply, therefore, on this Betterment Assessment District the Town agreed to pay for 50% of the cost.

Payments from district completed in 2003.

- b. The Nevens Gordon, Sheraton Street (Residential) District (Established 1988 – 15 year repayment).

This sewer was constructed and bonded after the Sewer Capital Assessment Account (SCA) was set up. The purpose for the Capital Assessment Account is to construct future sewers without bonding. The SCA therefore paid for 50% of these bond costs.

Issues: Failing septic systems due to ledge.

- 50% paid by sewer capital assessment account.
- 25% paid from Sewer User Rate.
- 25% paid by individual users in district.

Payments from district completed in 2003.

- c. Belknap Road (Residential) District (Established 1989 – 13 year repayment).

Belknap District was constructed and bonded before the SCA was established had to stand on its own without assistance from the SCA funds. The large parcels had to be dealt with, with regard to future expansion and capacity use. Therefore, the future expansion was taken from the SCA and shall be paid back when developed.

Issues: Failing septic systems; unsuitable soils condition due to ledge.

- 50% paid from Sewer User Rate.
- 50% paid by individual users in district.

(of the 136 lots in this district, three lots generated 59 future use lots.

- Map 184, Lot 026, is 5.631 acres, estimated 3 future use lots (141 Belknap Road).
- Map 184, Lot 027, is 11.96 acres, estimated 9 future use lots (137 Belknap Road).
- Map 184, Lot 032, is 57.754 acres, estimated 47 future use lots (109 Belknap Road).

The future use lots are paid for by the Sewer Capital Assessment Pool; and when subdivided, each lot must pay the full assessment back to the Sewer Capital Assessment Pool. If the lots are divided into a smaller number of lots, the total amount owed to the Sewer Capital Assessment account by the lot must be divided by the actual number of lots in the division; and each divided lot must pay its share of the total owed.

Per lot assessment remains indefinitely in addition to SCA.

One lot was developed, Map 184 Lot 029 from Map 184 Lot 027 in 1996. Its 13-year assessment began in 1998 – repayment due 2010.

- d. The Sagamore Industrial Park District (Established 1988 – 15 year repayment).

Issues: Industrial users with process wastewater not allowed in septic systems. Request by petition and numerous individual requests for private sewer connections.

- 100% paid for by individual owners/participants in district.

Payments from district completed in 2002.

- e. The Clement Industrial Park District (Established 1987 – 15 year repayment).
 Issues: Industrial users with process wastewater not allowed in septic systems. Presence of ledge and wetlands making septic systems more unsuitable.
 - 100% of sewer construction cost paid by individual owners/participants in district.
 - The initial bill in 1987 stated the owners should have been billed from 1982 to the present; therefore, this bill was for six years worth of assessments. At this time, the owners had the option to contract a payment agreement with the Town for 10 years. Some owners took advantage of this, others did not. For those who did not contract, June 1991 was the last billing. For those who have contracted, each contract varies. Some contracts were finished in the year 1997, others in the year 2004.
- f. Rangers Drive (Residential) District (Established 1995 – 10 year repayment).
 Issues: Existing pump station was private. It failed due to lack of maintenance and overexposure to grease. Residents petitioned the Town to take this over which was done after the Town upgraded the station to the Town standard.
 - 100% paid by individuals in district.
- g. Glen Drive (Residential) District (Established 2004 – 15 year repayment).
 Issues: Small lots/septic failures/concern for impact on down slope wetlands.
 - 80% paid by individual users.
 - 20% paid by Sewer Utility.

11. Billing and collection of Betterment Assessment Districts.

- Collected by the Sewer Utility Clerk.

12. Where it is determined that a property originally calculated as part of a Betterment Assessment District should be removed from the district, removal shall be through the process of abatement (Inserted 6/20/96).

Abated fees shall be collected by one of the following means:

- a. Through the redistribution of the betterment fee to the remaining district.
- b. Through payment by the Town general fund if this is determined warranted by the Selectmen.
- c. Through payments by the Sewer Utility through the Sewer Capital Assessment Reserve Fund if this is determined appropriate.
- d. By some apportionment of any or all of the above.

The use of (a) above shall be the appropriate remedy unless specific circumstances as recommended by the Sewer Utility Committee and as determined by the Sewer Commission/Selectmen warrant other methodologies.

Insert Exhibit #12 RSA 149-I Regarding Betterment Assessment Districts (12 pgs.)

F. OTHER FEES

Other fees associated with the sewer system include:

1. Sewer Permits Fees (See Section IV.C).
2. Industrial Pretreatment (See Section IV.D).
3. Fees for Design Review and Facilities Plan Review (See Section IV.F).

These fees are not collected by the Sewer Utility and costs associated with these fees are not part of the Sewer Utility accounts. Revenues collected are used to directly offset cost for each fee.

G. LIENS

1. Sewer user fees, access only fees, and assessment district fees are treated as a tax for the purpose of collections. All billings, therefore, are generated by Town Warrant and are turned over to the Tax Collector for collection.
2. Any delinquent fees which have been warranted are turned over to the Tax Collector for lien. This process is actually carried out by the Sewer Utility Clerk under the direction of the Tax Collector.
3. The lien process is as follows:
 - a. In June of each year, "Letters of Arrears" are sent to homeowners with any outstanding balance over \$5.00 (to inform user of open balance).
 - b. In July (30 days after Letter of Arrears), "Letters of Impending Lien" are sent by Certified Mail. This adds a \$17.00 fee (current fee) per State Statute.
 - c. In August (30 days after Letter of Impending Lien), the lien is recorded at the Registry of Deeds for unpaid balance. This adds an additional \$18.50 "lien fee" (current fee) per State Statute.
 - d. In September/October (within 45 days of date of lien), letters are sent to Mortgage Holders notifying them of the lien. This adds a \$20.00 fee (current fee per Mortgagee) per State Statute.
 - e. After two years - If any balance remains on a lien after two years and a day from the date of the lien, the property owner and Mortgage Holder receives a "Letter of Impending Deed" sent certified mail with a \$10.00 fee added (current fee) per State Statute. At this point, the Town can take title to the property for unpaid sewer liens.
4. Other sewer fees, including the Sewer Industrial Pretreatment fees, Sewer Permit fees, are not treated as taxes and are not liened. Collection enforcement for these fees is defined separately in each appropriate section.
5. Properties Deeded to the Town through Tax Lien (Inserted 6/6/96)

This pertains to all properties deeded to the Town because of nonpayment of taxes, sewer rents or sewer betterment fees.

This policy is based on the premise that neither the Town nor the Sewer Utility shall take advantage of each other. Where the Town is deriving no income with respect to properties which it owns through tax deed, it is not reasonable for the Sewer Utility to derive income from these properties. Conversely, the Sewer Utility should ultimately be paid for prior amounts outstanding and owed. These amounts being principal, interest and lien fees which are owed prior to the Town taking the parcel.

- a. Tax deeded properties which derive no income to the Town shall not be charged any Sewer Utility fees during said time at which they derive no income.
 - b. Charges owed to the Sewer Utility prior to tax deeding shall be liened by Notice of Assessment filed at the Registry of Deeds. This Notice of Assessment shall be paid by the purchaser at the time that the property is sold on the market for taxes, or by the Town, if it begins to derive income from the property.
 - c. If the Town decides to retain a property and designates it for potential building, it shall be liable for "access only" charges throughout the duration in which it owns the property and shall also be responsible for all fees owed as a result of "Liens" or "Notice of Assessment" at the Registry of Deeds.
 - d. If the property is sold for less than the value of the Notice of Assessments, the loss shall be recorded on the books of the Town and the Sewer Utility as a loss to the Sewer Utility in proportional value to the respective amounts of fees owed.
6. Environmentally Contaminated Properties (Inserted 6/6/96)

There are a number of properties in the Town of Hudson which have contamination and as a result cannot be built on (asbestos contamination is the most prominent cause). It is not reasonable that sewer fees be collected for these lots if they cannot be built on. Therefore, the Sewer Utility shall abate all such fees for environmentally contaminated lots which have been designated by the Town or State officials to be non-buildable.

The Town has chosen not to take these properties by "lien." These lots will also not be liened for sewer fees assessed.

If in the future it is determined that these properties are rehabilitated and as a result become "buildable," then appropriate fees shall be assessed beginning with the time that rehabilitation occurs.

H. REVENUE ACCOUNTS

1. Exhibit #13 is a list of revenue accounts which are maintained on behalf of the Sewer Utility by the Finance Department.

Exhibit #13 is updated by the Finance Department on a monthly basis. A summary accounting shall be provided to the SUC each month.

2. Revenues are received by the Sewer Utility through:
 - Lock box system – rents
 - Mail in-house – rents
 - Sewer Capital Assessments (SCA)
 - Betterments
 - IDA
 - Lien payments.

insert Exhibit #13 - Sewer Revenue Accounts (12 pgs.)

I. CAPITAL RESERVE ACCOUNTS

1. The following Capital Reserve Accounts have been established:
 - a. Nashua Treatment Plant Expansion and Equipment Replacement (March 18, 1995 Town Meeting established).
 - b. Flume and Municipal Sewage Pumping Stations Major Repairs/Replacement (March 18, 1995 Town Meeting established).
 - c. SCAR - The SCAR is funded through the SCA fee - also known as the hookup fee. The fee is dependent on the number and type of new service connections (Section IV-C) and industrial usage (Section IV-D).
2. Funding reserve for the Nashua Treatment Replacement account and the Pumping Station reserve are recommended by the SUC and budgeted through 5564-450.
3. A Summary Report of the reserve accounts under the jurisdiction of the Trustees of the Trust Fund is provided every quarter.

A summary status of the SCA reserve funds (not yet deposited with the Trustees) is included in the Treasurer's Report which is updated monthly. Monies are transferred from this account to the reserve account by the Treasurer when the fund balance reaches approximately \$100,000.

J. PURCHASE ORDERS - PROCUREMENT POLICIES

1. Purchase orders shall be issued for procurement of:
 - all outside services
 - materials
 - equipmentin accordance with the Town Purchasing Policy revised 2/12/03 (Exhibit #14).

2. Backup for actual expenditure of each Purchase Order shall be provided to and kept on file at the Finance Department.

Insert Exhibit #14√ - Resolution R87-25, Town of Hudson Purchasing Policy (3 pgs.)

K. ROADWAY COST POLICY

The following policy determines the costs between the Sewer Utility and the Town of Hudson operating budget relative to the repaving and/or rehabilitation of streets associated with the sanitary sewer reconstruction projects.

1. For streets which are in need of pavement rehabilitation, a determination will be made as to the last date of pavement overlay.

Pavement overlay costs will be proportioned as follows:

- a. If the age of pavement is thirteen (13) years or greater, the Town will pay 100% for the repaving.
 - b. If the age of pavement is three (3) years or less, the Sewer Utility will pay 100% for the repaving.
 - c. In between this period, there will be proportioning of cost as a function of age of the pavement. See attached proportional cost schedule.
2. It is recommended that for all streets affected which are in need of major rehabilitation or total reconstruction, the appropriate repair strategy will be determined and the overall construction costs, excluding the overlay, will be developed and requested through the Town budget process. Overlay costs will be determined per Section 1.
 3. Determination of street condition will be made by the Public Works Manager, Town Engineer, Street Division Foreman, and Drain/Sewer Division Foreman.
 4. The Department of Public Works and the Sewer Utility will make every effort to coordinate the sewer rehabilitation program with the Townwide Paving Program and other roadway projects to ensure the most cost-effective results.
 5. All Town of Hudson costs associated with this policy are to be budgeted separately, not in conjunction with the Townwide Paving Program annual budget.

PROPORTIONAL COST SCHEDULE

| <u>YEAR</u> | <u>PROPORTIONAL SCHEDULE</u> | |
|-------------|------------------------------|----------------------|
| 1, 2, 3 | 0% TOWN | - 100% SEWER UTILITY |
| 4 | 10% TOWN | - 90% SEWER UTILITY |
| 5 | 20% TOWN | - 80% SEWER UTILITY |
| 6 | 30% TOWN | - 70% SEWER UTILITY |
| 7 | 40% TOWN | - 60% SEWER UTILITY |
| 8 | 50% TOWN | - 50% SEWER UTILITY |
| 9 | 60% TOWN | - 40% SEWER UTILITY |
| 10 | 70% TOWN | - 30% SEWER UTILITY |
| 11 | 80% TOWN | - 20% SEWER UTILITY |
| 12 | 90% TOWN | - 10% SEWER UTILITY |
| 13 | 100% TOWN | - 0% SEWER UTILITY |

L. REVIEW OF NASHUA INVOICES FOR SEWAGE TREATMENT AND COORDINATION WITH NASHUA

1. All invoices received from Nashua are submitted to the Sewer Utility Clerk for detail review. If additional backup is required, the City of Nashua is contacted. This review will include:
 - a. A review of the flows for consistency with flow records kept by Hudson.
 - b. A review of line items and the backup to insure reasonableness with a specific eye towards any changes. The Sewer Utility Coordinator will also review if needed. Invoices will then be submitted to the Sewer Utility Committee with recommendation.
2. Upon review by the Sewer Utility Committee, payment is intended to be made within 30 days of receipt of invoice from Nashua for all uncontested invoices or portions thereof. No payment of invoices will occur until the SUC verifies said invoices.
3. If any portion of invoices is contested, Nashua will be contacted by the Finance Director or Sewer Utility Clerk and any issue(s) will be resolved prior to payment being made.
4. Upon resolution of issue(s), any additional payments or refunds will be reconciled with Nashua.
5. The Sewer Utility will provide weekly flow data to the Nashua Treatment Plant.
6. An Annual Meeting will be held with Nashua to review budgets and any issues. Other meetings may be held as found necessary.

M. THE CAPITAL IMPROVEMENT PROGRAM

1. A Capital Improvement Program (CIP) has been established for the Sewer Utility and is updated as necessary.
2. This Program will be prepared and approved in accordance with the Town of Hudson CIP procedures. Only projects over \$50,000 in costs are included.
3. The Program will encompass a five-year improvement plan.
 - a. A brief description of each year's program with cost and reasons for request will be prepared (Exhibit #15).
 - b. Additional data for each year's program should be attached.
 - c. A rating form (Exhibit #16) used by the CIP Committee should also be attached.
4. The Program and/or updates to the Program are prepared in the spring of each year by the Sewer Utility Coordinator in coordination with the Department of Public Works.
5. The Program is submitted to the SUC for review and approval. It is then submitted to the CIP Committee through the Town Planner on the date specified, with copy of the submittal to the SUC and the Board of Selectmen.
6. An oral presentation (scheduled by the CIP Committee) is made by the SUC or Sewer Utility Coordinator if so directed.
7. The CIP Committee then makes recommendation to the Board of Selectmen (BOS) for action to be taken in the annual budget.
8. The BOS may include CIP requests in the annual budget typically under Account 5564.
9. Final action and approval of CIP requests are approved by Town Vote as part of the Sewer Utility budget.

Exhibit #15, Request for Capital Improvement -
Brief Description of Each Year's Program (1 pg.)

Exhibit #16, Rating Form Used by the CIP Committee (1 pg.)

N. ABATEMENTS

1. Abatements are a method of relief from sewer capital assessments, sewer rents, special assessment district fees, or other fees which may be applied where special circumstances dictate that the fee is unjustly or incorrectly applied or in error.
2. Abatement procedures are directed under Town Code 270 (Exhibit #1), Section 10.0.
3. The procedures are as follows:
 - a. The Abatement Forms for the Sewer Abatement Requests (Exhibit #18) will be located at the Sewer Utility office. Sewer bills and fees may be contested within thirty (30) days from the issuance date of the bill.
 - b. Sewer Utility Clerk Initial Responsibility

The Sewer Utility Clerk will issue a Sewer Abatement Cover Sheet (Exhibit #17) to anyone who requests information concerning problems with their Sewer Bills or Fees. The Sewer Utility Clerk will issue an Application for Sewer Abatement Request form (Exhibit #18) to any Hudson Sewer Utility customer who requests one. The contested bill does not need to be paid prior to filing an Abatement Request. The Sewer Utility Clerk will advise the customer that any interest accrued on an unpaid bill is the responsibility of the customer in the event that the request is denied.

- c. Sewer Utility Clerk Assistance to Abatement Request Customer

The Sewer Utility Clerk may assist the Sewer Utility customer with the form when all window customers have been helped.

- d. Limits of Sewer Utility Clerk

The Sewer Utility Clerk will not engage in any discussion of the bill or fairness of the issue, etc. The customer will be directed to fill out the form and express his/her arguments to the SUC.

In the event an in-house error is made, the Sewer Utility Clerk shall initiate a request for abatement to the SUC.

- e. The Sewer Utility Abatement Log

The Sewer Utility Clerk will accept the completed form. The Sewer Abatement form will be date-stamped, logged in on the Abatement Log Sheet and assigned the next appropriate log number. The numbering system is sequential and identifies the calendar year of the request. The type of abatement request is identified within the numbering system as follows:

S-UTL-yr-## Sewer Utility Requests
S-CAP-yr-## Sewer Capital Assessment Requests (Hookup Fees)

S-BLK-yr-## Belknap Sewer Betterment Assessment District
S-FRN-yr-## Frenette Sewer Betterment Assessment District
S-NGS-yr-## Nevens/Gordon/Sheraton Betterment Assessment District
S-SAG-yr-## Sagamore Industrial Betterment Assessment District
S-CLM-yr-## Clement Industrial Betterment Assessment District

f. Staff Review of Abatement Request

The Sewer Utility Clerk will check the Abatement Form for accuracy of account information, within the Sewer Utility Database; NAME as it relates to MAP and LOT; as it relates to ADDRESS and the CORRECT NAME; as it relates to the BILL and BILLING PERIOD.

If a refund is requested, the Sewer Utility Clerk will request PROOF OF PAYMENT. The Sewer Utility Clerk will conduct a general review of the request and provide any helpful information from the account records, copies of tax maps, or other documentation, as deemed necessary to assist the SUC conduct their review.

The Sewer Utility Clerk will forward the Abatement Request to the Tax Collector, in the event of contested lien charges and/or interest fees, for his/her recommendation regarding the merits of the Abatement Request.

The Abatement Request will be forwarded to the Finance Director for his/her recommendation regarding the merits of the Abatement Request.

The Abatement Request will be returned to the Sewer Utility Clerk. The Sewer Utility Clerk will forward the Abatement Request to the Chairman of the SUC, within ten (10) days from the original date of receipt, a listing of the Abatement Requests and the Abatement Requests for review by the SUC at their next meeting. The Sewer Utility Clerk will provide copies of the Abatement Requests for all SUC members.

g. SUC Action

Within forty-five (45) days from original date of receipt, the SUC shall make recommendation to the Board of Selectmen. The SUC will review the abatements and record their action. Action may be to "table" for further information, to "approve" or to "deny."

When "denial" or "approval" is recommended, the recommendation and the reason will be recorded on the SUC Recommendation form (Exhibits #19a and #19b). This will be submitted through the Sewer Utility Clerk. The Sewer Utility Clerk will forward the form to the Office of the Board of Selectmen for their action. The original Abatement Request form is returned to the Sewer Utility Clerk files.

h. Action will then be taken by the Board of Selectmen. Action taken by the Selectmen will be noted on the SUC Recommendation Form and in the Selectmen's meeting

minutes. The Selectmen's Executive Assistant will submit actions taken to the Sewer Utility Clerk.

The Sewer Utility Clerk will then prepare an official Notice of Action Taken (Exhibit #20), which will be returned to the Selectmen's office for signature of the Chairman of the Board. This Form represents the official action taken by the Board of Selectmen. The Sewer Utility Clerk will mail such to the Applicant (with refund due), with copy to the SUC and files.

- i. If the Selectmen request reconsideration by the SUC of an Abatement Recommendation, they shall so note the action requested on a copy of the SUC Recommendation Form and return such to the Sewer Utility Clerk for transmittal to the SUC Chairman (Exhibits 19a and 19b).

A new SUC Recommendation shall be prepared and submitted to the Selectmen upon reconsideration by the SUC.

- j. The Abatement status including the form number, name and map and lot, and the amount of the Abatement, if granted, will be recorded on the Abatement Summary Log form (Exhibit #21). Any granted Abatement will be keyed into the Database Sewer Utility file. When the Abatement has been recorded in the Sewer Utility Accounts Receivable/General Ledger file, the Sewer Utility Abatement Form, SUC Recommendation Form, and Notice of Action Taken will be filed alphabetically by name in the Sewer Utility office.

4. Financial Hardship

Person applying for abatements due to financial hardship will apply through the Sewer Utility Clerk. The Sewer Utility Clerk will forward these requests directly to the Selectmen's office for review and action in order to maximize confidentiality of information being presented.

The Selectmen shall determine if financial hardship exists using the Federal guidelines set forth for tax - financial hardship.

NOTE: Refer to Section IIID.11, "Sewer Capital Assessment Fees and Billings" for information pertinent to financial hardships regarding sewer capital assessment fees.

5. Third Party Verification

- a. Abatements related to variations in water usage require "third party" verification. Such situations include swimming pool filling and water line leakage or breaks. Said water does not flow into the sewer system.
- b. This third party shall mean an expert who has no affiliation with the individual requesting the abatement. This third party has the expertise and equipment to appropriately evaluate and verify the variation in water use.

Note: First party refers to the Applicant for abatement. Second party normally refers to the Town. However, in this situation, a qualified entity of the Town, such as the Sewer & Drains Division, the Fire Department, Building Inspector, or Town Engineer can provide third party verification. The third party can be a licensed plumber in the State of New Hampshire or a pool contractor.

- c. Third party verification shall be presented in writing.
- d. Amended process for third party verification for pool filling:
 - Pool fills can be measured by (a) meter readings taken before and after the fill occurs or by (b) estimating the volume of the pool segment being filled.
 - If the third party verifier is a qualified entity of the Town, only one inspection will be done and method (b) will be utilized.
 - The minimum pool fill will be 10,000 gallons in order to be considered for abatement.
 - The Applicant will need to obtain total volume and surface area calculation for their pool (this can usually be obtained from the pool manufacturer) to use method (b).
 - Method (b) will be as follows:
 - a. The Applicant will schedule third party verification before pool filling occurs. (This will require at least 24 hours' notification if a qualified entity of the Town does the inspection.)
 - b. The Applicant will make the calculation information available to the inspector.
 - c. The inspector will measure the water depth before a fill and then calculate the fill capacity, which said capacity will be the basis for any abatement. This will be presented to the Sewer Utility Clerk in writing at the time of application.

6. Minimum Abatement

Because of the effort necessary to file and process abatements, no abatements requested under the amount of \$15.00 will be considered, unless such abatement is clearly the result of an error by the Sewer Utility or the Town.

insert Exhibit #17 - Sewer Abatement Better Assessment (1 pg.)

insert Exhibit #18 - Application for Sewer Abatement Request Form (2 pgs.)

insert Exhibit #19 - SUC Abatement Recommendation Form (1 pg.)

(Not available)

insert Exhibit #20 - Notice of Action Taken Form (1 pg.)

O. FINANCIAL REPORTING

The following financial reports are provided to the Sewer Utility Coordinator and the Sewer Utility Committee:

1. Monthly "Budget to Actual" Summary Reports for each sewer expenditure account 5561, 5562 and 5564, and revenue accounts.

Detail breakout of account(s) may be requested as questions arise.

The Sewer Utility Clerk will be responsible for distribution of these reports monthly.

2. Quarterly "Abatement Log" Report (Exhibit 21).

These are maintained by the Sewer Utility Clerk who is also responsible for their distribution.

3. The Treasurer's Report and the Cash Flow Summary Report are provided monthly to the SUC.
4. Trustees' Report of the Trust Funds is submitted to the SUC by the trustees typically every quarter.

insert Exhibit #21 - Abatement Summary Log Form (1 pg.)

P. PROPERTIES OWNED BY TOWN OF HUDSON (Inserted 6/6/96)

1. The Town shall pay Sewer Utility charges for its municipal buildings at the rates established by the Sewer Utility.
2. Properties owned by the Town which cannot be built on are exempt from Sewer Utility charges. Such properties include conservation lands, park lands, or environmentally contaminated property where no sewer service shall be utilized.
3. Properties owned by the Town which have buildings which are not occupied by the Town for municipal purposes shall pay appropriate Sewer Utility charges.
4. The Town is exempt from betterment charges; therefore it is not part of Sewer Assessment Districts. (This exemption pertains to all government agencies.)

Also, see Section G, "Liens" for Properties Deeded to the Town through Tax Liens.

IV. ADMINISTRATIVE OPERATIONS

A. SEWER CAPACITY, DESIGN AND FACILITIES PLAN REVIEW PROCEDURES

1. Sewer capacity allocation (Town Code 270-17, Exhibit #22) shall be determined by the Town Engineer in cooperation with the Sewer Utility Coordinator for each new project prior to Planning Board approval.
 - a. Allocations shall be approved or rejected by the Board of Selectmen.
 - b. Allocations shall be for the specific project approved by the Planning Board and, as such, shall expire with expiration of Planning Board approvals.
 - c. Allocations shall be approved prior to final Planning Board approval of a project.
2. Facilities Plan Review
 - a. The Sewer Utility Coordinator will review each proposed main line sewer extension in conjunction with the "design review" (see below) for compatibility with the existing sewer system and future sewer facilities expansion relevant to the proposed extension. This review shall be coordinated with the Town Engineer and DPW.
 - b. The SUC shall review the "Facilities Plan" recommendation and make a recommendation to the Board of Selectmen.

Exhibit #23 (Facilities Plan Approval), Section 1, will be completed by the Sewer Utility Coordinator prior to review by the SUC and determination by the Board of Selectmen.
 - c. The Town Engineer shall not approve the Design or issue a Sewer Connection Permit until receiving a signed approval from the Board of Selectmen.
3. Design Review
 - a. Every extension of main line sewer, whether Private or Public, shall require a design review by the Town Engineer. This review may be initiated through the Planning Board's subdivision and site plan review process or through the "Sewer Connection Permit Application" process (see Section IV.C), as applicable.
 - b. Main line sewers include: 1) all gravity sewers with an 8-inch diameter or greater terminated with a manhole and 2) pumping stations and force mains which are fed by a main line gravity sewer.
 - c. This review requires submission of plans and specifications and calculations necessary to demonstrate the proposed extensions' compliance with Town and State minimum standards (see Sections V.A&B) and Good Engineering and Construction Practice.
 - d. Exhibit #24 (Sewer Extension Design Approval), Sections 1 through 4 shall be completed by the Town Engineer at the completion of design review.
4. Fees

Fees for design and facilities plan review will be set by the Town Engineer. These fees will be based on an estimate of work effort required to complete the review and are administered through the Town Engineer.

insert **EXHIBIT 22**

Sewer Capacity Allocation, Amendment to Town Code 270-17
(Sewer Ordinance Amendments, dated 3/15/00)

(7 pages)

Supplement (3 pages) added 2/26/08

insert **EXHIBIT 23**
FACILITIES PLAN APPROVAL (1 pg.)

insert **EXHIBIT 24**
SEWER EXTENSION APPROVAL (1 pg.)

B. SEWER EXTENSIONS: ACCEPTANCE AND OWNERSHIP

1. Acceptance

- a. Each Main Line Sewer Extension, Private or Public, must be "Accepted" by the Hudson Sewer Utility prior to transmitting any wastewater flows into the municipal sewer system.
 - "Acceptance" shall mean that the construction of the sewer with all appurtenances as approved are in compliance with Town and NHDES specifications and standards in compliance with the design plans and, further, that the sewer is "accessible" in that sewer permits may be issued and individual sewer connections may be made.
- b. "Main Line Sewer" shall mean any gravity sewer with an 8-inch diameter or greater and terminated with a manhole. Pumping stations and force mains which are fed by a main line sewer are considered part of the main line sewer.
- c. "Acceptance" shall require the following:
 - (1) Inspection and Testing by the Town Engineer or Authorized Agent.
 - (2) An as-built drawing with service connection ties data submitted to and approved by the Town Engineer.
 - (3) Description of sewer ownership and documentation of public sewer ownership, including dedication of sewer lines and easements.

The Sewer Utility Coordinator shall coordinate with the Town Engineer, Town Inspector, Sewer Foreman or other Authorized Agent to ensure that requirements for acceptance are complied with.

- d. A standard "Notice of Sewer Acceptance" (Exhibit #25) shall be completed as follows:
 - (1) Items 1 through 4 shall be filled out by the Town Engineer;
 - (2) The Owner shall sign the notice (Item 5);
 - (3) The Town Engineer or Authorized Agent shall sign the notice (Item 6) and forward it to the SUC for recommendation.
 - (4) Upon recommendation of approval, the SUC shall sign the notice and forward it to the Selectmen for approval.

The notice will then be put on file with the Sewer Utility with copies to the entities listed on the form.

- e. "Acceptance" shall define the time at which "access only" fees are to begin being assessed.

- (1) For subdivision, "access only fees" shall be assessed to those lots designated in the "Notice of Sewer Acceptance." Said lots shall have sewer, utilities and roadway access.
 - (2) For site developments, planned residential developments or mobile home sites, "access only" fees shall be assessed to those sites or units designated in the "Notice of Sewer Acceptance":
 - individually designated sites or lots shall be treated the same as subdivisions.
 - developments which have sites designated only by the location of units (no lot or defined site) shall be assessed as one lot until Sewer Permits for individual dwelling units are issued. Then, each individual dwelling unit shall be assessed for "access only" until such time as connection occurs.
- f. No Sewer Permit(s) shall be issued on a main line sewer until sewer "Acceptance" for each main line sewer has been completed.

2. Ownership

- a. Sewer main line extension and service laterals in public ways and/or easements shall be considered public sewers; and upon "Acceptance", said public sewers shall be owned, operated and maintained by the Town, unless otherwise designated and approved as part of the "Acceptance" process.
- b. Any sewer line which appears on a plan approved by the Hudson Planning Board in either a dedicated right-of-way or an easement is presumed to become the property of the Town of Hudson upon "Acceptance" by the Town of Hudson.
- c. The normal practice will require that public and private sewer shall be defined prior to sewer "Acceptance." The "Sewer Acceptance" procedure includes documentation of public sewer easements and ROW's and the dedication of any sewer lines which lie in a proposed right-of-way and dedication of easements to the Town to enter and repair any public sewer that lies in or crosses private property. The dedication and easements must be made for the benefit of the Town of Hudson.

"NOTICE OF SEWER ACCEPTANCE"

1. The sewer line as described herein:

Project Name _____ Contractor _____ Owner _____

Street and station (or location): _____

has been inspected and tested and is in compliance with the Town of Hudson requirements for sewer construction (inspection and test report on file with the DPW).

2. Portions which are Public Sewer are described as (attach legal documentation) and are so dedicated as such:

3. Portions which are Private Sewer are described as: _____

4. The following sites/lots/units which have "accessibility" are: (list by Tax Map & Lot No.)

Access fees for these lots/sites are to be assessed as of _____(date)

5. I, Owner, state that the above-described sewer(s) has been constructed in accordance with the requirements for sewer construction of the Town of Hudson, and I further understand and accept the conditions set forth by the Town of Hudson for Public and Private Sewers and accessibility.

Owner

Date

6. In accordance with the above stipulation and description, this sewer is recommended for Acceptance

Town Engineer or Authorized Agent

Date

Road Agent or Authorized Agent

Date

7. In accordance with the above stipulations and descriptions, this sewer is hereby recommended for Acceptance by the Sewer Utility Committee and is subject to all rules and regulations and fees of the Hudson Sewer Utility.

Approved at meeting of

SUC Chairman

Date

8. Sewer Accepted by Sewer Utility and Town of Hudson

Approved at meeting of

Chairman - Board of Selectmen

Date

cc: Owner Sewer Utility Coordinator
Town Engineer Building Inspector
Sewer Foreman Planning Board

EXHIBIT #25
5/9/01

C. SEWER SERVICE CONNECTION PERMITS AND SERVICE CONNECTION PROCEDURES

1. In order to connect a dwelling or building to a main line sewer, a "Sewer Connection Permit" must be issued.
2. This permit is applied for through the Department of Economic Development.

The instructions and applications/permit forms are:

- a. Residential (Exhibit #26).
 - b. Business, Commercial, Industrial (Exhibit #27).
3. Other permits or reviews which may be required prior to or along with the Sewer Connection Permit are:
 - a. Design Review and Facilities Plan review (Section IV.A).
 - Review fee required.
 - b. An Industrial Discharge Agreement, IDA (Section IV.D).
 - Review fee required.
 - c. A Street Opening Permit (Section IV. E).
 - Permit fee required.
 - d. A NHDES/WSPCD Wastewater Discharge Permit (Section IV.F).
 - Permit fee required.
 - e. Sewer Extension: Acceptance (Section IV.B)
 4. The Sewer Capital Assessment fee (Section III.D) calculated by the DPW and paid to the Sewer Utility Clerk is required as part of the application process.
 5. Construction Inspection
 - a. A preconstruction meeting may, at the discretion of the Town Engineer, be required.
 - b. At least 24 hours prior notice is required for inspection.
 - c. Installers must be a Licensed Drain Layer in the Town of Hudson (Section IV.G).

- d. Inspection will be by Sewer Foreman, Town Inspector or other authorized agent.
 - e. Inspection will include:
 - inspection of pipe to building or dwelling from location of connection
 - no backfilling will be done until directed by the authorized inspector.
 - f. The applicant will complete a Service Connection Verification Sheet (Exhibit #28) and submit it to the Sewer Foreman, with copy to the Town Engineer, prior to approval of construction. This sheet is maintained on file at the Sewer & Drain Division office.
6. Upon receiving a copy of the completed "Sewer Connection Certification" portion of the application/permit, the Sewer Utility Clerk will initiate User Fee Billing.
7. **Multi Tenant Sewer Permits** for either residential, commercial or industrial, may occur where there is one sewer connection to the Municipal main line sewer, servicing more than one attached unit.

In such instances, one sewer permit will be issued for connection to the main line sewer. In the sewer permit, each unit will be identified, in order that the Sewer Utility Clerk is alerted to establish individual sewer billing accounts for each unit.

When a permit is issued, each individual account will be assessed Sewer Capital Assessment fees whether or not occupancy of the unit occurs. Each unit will have an individual water meter.

For multi tenant units, such as, garden style apartments, where individual units are connected internally to the plumbing and there is one water meter for the building, then there shall be one sewer account assessed to the owner of the entire building.

For commercial and industrial establishments, where industrial discharge agreements are required, each unit at the time of occupancy will have an IDA Permit.

“Access only” fees for multifamily dwellings where each buildable lot is defined by a building structure (not a property line) will be started at the time the Sewer Capital Assessment Fee is contracted for.

8. Sewer Service Connection Waivers Revised 8/8/96

- a. All waivers will be applied for by written application (copy attached).
- b. Waivers will be reviewed by the Sewer Utility Committee at their meeting directly following written application for a waiver.
- c. The Sewer Utility will submit their recommendation to the Selectmen within 10 days after their meeting at which action is recommended.

- d. The Sewer Utility Committee has 20 days to take action after reviewing the Sewer Service Connection Waiver at their initial meeting following the submission of the application by the applicant.
- e. The Selectmen will act on the application within 20 days of receipt of said recommendation from the Sewer Utility Committee.
- f. The applicant has the right to appeal any denial of waiver in accordance with normal Town appeal procedures.
- g. Waivers should apply to dwellings or buildings which have septic systems constructed after 1985 only.
- h. There shall be no waiver granted for the replacement of a failed "alternative disposal system."
- i. Residential dwellings shall only be granted a waiver if it can be shown that they have a working "alternative disposal system" constructed after 1985.
- j. Business/Commercial/Industrial waivers should not be granted. Defined extensions of time may be granted if the existing alternative system was constructed after 1985 and can be certified to be operating properly. Extensions shall be for a one-year period. Not more than two extensions shall be granted.

Under no circumstances should there be extensions or waivers granted to an industry which has process wastewater.

If a business/commercial/industrial owner is granted an extension, monitoring approved by the Town Engineer at the expense of the particular business/commercial/industrial unit shall be required.

- k. In accordance with this policy, every business/commercial/industrial business owner shall submit change of use information to the Sewer Utility upon the changing of occupancy of any building.
- l. It is noted that these requirements apply to users who are within a hundred feet of the sewer.

[Note: Although the State of New Hampshire laws indicate that 100 feet is from the property line, it has been defined by court action and is customarily understood by NHDES that the 100-foot rule is defined by the distance from the sewer main to a building, and not property line as is indicated by the law. This has been reviewed with NHDES.]

- m. Granting a waiver does not relieve a property owner from payments to a betterment district or from "Access Only" fees.

Insert Application or Sewer Connection Waiver – 1 pg.

Insert Exhibits #26 (4 pgs.) ,#27 (5 pgs.) , 28 (1 pg.)

D. THE INDUSTRIAL PRETREATMENT PROGRAM

1. The Industrial Pretreatment Program is required by the USEPA and is as defined in the Town of Hudson Sewer Use Ordinance, (Appendix 1).
2. It is monitored by the NHDES/WSPCD and EPA.
3. It is coordinated with the City of Nashua in accordance with the Intermunicipal Agreement for Sewerage between the City and the Town of Hudson.
4. It is administered as a separate program by a consultant to the Town (presently CLD, Inc.).
5. All industries within the Town of Hudson which are connected to the public sewer and which engage in manufacturing or certain commercial activities (including, but not limited to, photoprocessing) are required to participate in the Industrial Pretreatment Program, regardless of whether or not the industry discharges industrial process wastewater to the public sewer.

Each industry and commercial enterprise when requesting a Sewer Permit must fill out and submit an Industrial Discharge Agreement Application (IDA Application) at the same time they are processing their application for a Sewer Permit (Section IV.C).

The application and instructions for processing are (Exhibit #29) and are distributed by the DPW office. The application is reviewed by the IDA consultant in coordination with the Town Engineer, then the City of Nashua and the NHDES/WSPCD. Upon approval by all of the above a permit (Exhibit #30) is prepared by the IDA Consultant and executed by the applicant and the Town. Under this permit (agreement) the applicant (User's) requirement for compliance and monitoring are defined.

6. The requirements of the program were originally established in 1986 and approved by Nashua NHDES/WSPCD and USEPA. The original program is detailed in a report entitled "Industrial Wastewater Pretreatment Program," dated May 1986, prepared by CLD, Inc. (Appendix #5).
7. The program undergoes annual modification as required by EPA. The ongoing operation of the program is summarized in the Annual Reports (Appendix #6).
8. The program is paid for entirely by the program participants. This includes the consultant fee and required laboratory testing.
9. Permits are reviewed and renewed annually.
10. Any change by a program participant requires that a new (modified) permit be issued (Exhibit #31).
11. Billing and collections are handled by the Town Finance Department.

Insert Exhibits #29 (16 pgs.), #30 (11 pgs.) & #31 (4 pgs.)

E. STREET OPENING PERMIT AND PROCEDURES

1. A Street Opening Permit is required for excavation and sewer installation within existing street right-of-ways and/or easements.
2. The determination as to whether or not a Street Opening Permit will be required for a sewer connection is made by the Sewer Foreman during his review of the Sewer Connection Application Form - (Part 3 of application).
3. All street openings must be done by a Licensed Drain Layer. All licensed drain layers must post a surety (bond) for a Street Opening Permit.
4. Attached are the following which explain the Street Opening Permit requirements:
 - a. Street Excavation Permit Procedures (Exhibit #32)
 - b. Street Excavation Standard Operating Procedures (Exhibit #33)
 - c. Street Excavation Regulations (Exhibit #34)
 - d. Release of Surety (Bond) Standard Operating Procedures (Exhibit #35)
 - e. Application for Release of Surety (Bond) Form (Exhibit #36).

Insert Exhibit #s 32 (1 pgs.) 33 (2 pgs.) 34 (19 pgs.) 35 (2 pgs.) 36 (2 pgs.)

**F. THE NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES/
WATER SUPPLY AND POLLUTION CONTROL DIVISION (NHDES/WSPCD)
- REVIEW PROCESS**

1. Review by NHDES/WSPCD is required for all main line sewer extensions.
2. In addition to review, a NHDES "Wastewater Discharge Permit" is required for:
 - a. an increase in design Average Daily Flow (ADF) of 5000 GPD or 50 population equivalents, or
 - b. industrial wastewater discharges.

Note: The NHDES/WSPCD also reviews the Industrial Discharge Agreement (IDA) application as part of this process.

3. The Town Engineer will submit, upon satisfactory completion of his Design Review or Sewer Connection Permit Application, three sets of plans and specifications to the NHDES/WSPCD Design Review Group. (Note: This application must be submitted through the Town by NHDES requirements.
4. If a Wastewater Discharge Permit is required, application, filled out by the applicant, will be submitted to NHDES by the Town Engineer with the above submittal.

(Standard Wastewater Discharge Request Form [Exhibit #37])

5. Prior to Design Approval the Town Engineer must receive from the NHDES either:
 - a. a letter of design approval with a NHDES stamped approved set of plans and specifications, or
 - b. a Wastewater Discharge Approval (usually in letter form) with NHDES stamped approved set of plans and specifications.
6. Fees

All fees required by NHDES must be submitted by the applicant at the time of Sewer Connection Permit Application. These fees will be transmitted to the NHDES by the applicant with evidence of said submittal (copy of check) provided to the Town Engineer.

Insert Exhibit #37 - Wastewater Discharge Request Form
- need form (1 pg.)

G. DRAINLAYER'S LICENSE

1. In accordance with Ordinance 77, Article X, all sewers other than those constructed by and for the municipality, shall be installed only by a "licensed drain layer."
2. Before approval by the DPW, a drain layer shall submit application for review. (Application for Drainlayer's License [Exhibit #38].)

Part of the application shall include identification of experience in performing sewer installation including:

- experience
 - type of work done
 - size of projects done
 - at least 3 references
3. Applicants for Drainlayer's License will be notified of issuance of license in writing. Such license shall be good during the calendar year unless revoked sooner.
 4. Licensed drain layers shall:
 - a. Execute a bond to the Town in the sum of One Thousand Dollars (\$1,000.00) to be approved by the DPW.
 - b. Comply to the satisfaction of the DPW with the Town ordinances or rules under which the work is performed.
 - c. Cause the excavation to be properly guarded at all times for the protection of the public.
 - d. Properly make all connections and joints in every private sewer constructed, and leave no obstruction of any kind in any sewer; and
 - e. Indemnify and hold harmless the Town from any damage or cost for which it may be liable by reason of injuries resulting from neglect, carelessness or incompetency in constructing, repairing or connecting any private sewer, or properly fencing or lighting any excavation or obstruction, or in performing any other work connected therewith.

insert Exhibit #38 (1 pg.)

APPLICATION FOR A DRAINLAYER'S LICENSE

I/We

_____ hereby apply for a Drainlayer's

License, in accordance with _____, revised ordinances of the Town of Hudson. Applicant is familiar with applicable ordinances and regulations including _____.

For due consideration by the Department of Public Works, Applicant encloses a list of references, stating name, location, scope, and size of prior work done. After approval, and prior to issuance of license, applicant will file with the Public Works Office:

1. Certificate of Insurance Coverage

- a. Public Liability Insurance for bodily injury of \$25,000 for one person, and \$100,000 for each occurrence.
- b. Property Damage \$25,000/\$100,000 aggregate. Coverage shall include underground explosion, collapse hazard, and damage to utilities.
- c. Worker's Compensation Insurance to the protection of employees.

Insurance company shall notify the Department of Public Works of any change and/or termination in the coverage latest 10 days prior to the date of the change and/or termination.

2. Drainlayer's Bond

Payable to the Town of Hudson in the sum of \$1,000.

3. Annual License Fee

\$250 Non-refundable, prorated by full months for the license term, July 1 - June 30.

Bond or insurance coverage termination or expiration will automatically cancel the Drainlayer's License.

_____ Date
Signature, Title of Lienholder

_____ Date
License Approved by Town Authorized Official

H. SEWER ORDINANCE VIOLATIONS AND ENFORCEMENT

1. Any person found to be in violation of Ordinance 77, 77A, the Regulations of Sewer Use shall be served by the SUC's duly authorized agent with a Notice of Sewer Ordinance Violation (Exhibit #39).
2. Penalties for ordinance violation are defined in Ordinance 77, Article VII.
3. All Sewer Ordinance violations are issued by the Sewer Utility Coordinator, Town Engineer, Sewer Foreman or other authorized agent of the Sewer Utility.
4. A person shall be given 14 days from the date of Notice of Sewer Ordinance Violation to correct said violation to the satisfaction of the SUC or its duly authorized agent(s) unless otherwise determined by the SUC.
5. The violation notification and enforcement proceeds are as follows:
 - a. The Town Engineer, Sewer Foreman or authorized agent issue a notice to the offending party with copy to:
 - the SUC (through the Sewer Utility Coordinator)
 - the DPW through the Town Engineer.
 - b. At the end of the time allotted for compliance, inspection (w/24 hours notice) is carried out by the Town Engineer, Sewer Foreman or authorized agent.
 - c. If the remedy is satisfactory, authorized agent will sign and date "Notice of Violation Correction" (Exhibit #40).
 - d. If issue is not satisfactorily resolved, authorized agent will make recommendation to SUC as to action to be taken, which can include:
 - provide more time (efforts for correction being undertaken)
 - recommend to Board of Selectmen an authorization letter (through Town Attorney) citing continued violation and penalty demanded.
6. The Ton Engineer or authorized agent shall inspect and issue violation notices which occur outside of 10 feet from the perimeter of any building. Within this perimeter, violations shall be addressed by the Building/Zoning Department.

Insert Exhibit # 39 (1 pg.)
Notice of Sewer Ordinance Violation

Insert Exhibit # 40 (1 pg.)
Notice of Violation Correction

I. COORDINATION WITH NASHUA TREATMENT PLANT OPERATIONS

1. Efforts include:
 - a. Review of billings - quarterly/annually received from Nashua Wastewater Treatment Plant.
 - b. Annual review of sewage treatment costs being apportioned to the Hudson Sewer Utility.
 - c. Weekly monitoring of flume flow charts to ensure accuracy and consistency with billings received. Two flumes (Hudson Flume @ Sycamore and Butternut Streets and Sanders Flume).
 - d. Quarterly meetings with treatment plant representatives to coordinate and update any changes anticipated or occurring.
2. The Nashua/Hudson Intermunicipal Agreement defines responsibilities/interactions required by each municipality (Exhibit #41).
3. Existing procedures presently different from agreement includes:
 - a. Billing/payment for treatment (as prepared by Nashua) by flow only (not by flow Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS) per agreement formula).
 - b. Hudson does not have a septage receiving facility (Nashua presently takes septage directly from Hudson).

Insert Exhibit #41 (21 pgs.)
NASHUA-HUDSON WASTEWATER TREATMENT AGREEMENT
(2-PG. TOC/19-PG. AGREEMENT)

J. REIMBURSEMENT POLICY

Policy for repair of or reimbursement for repair of private property due to sewer malfunction.

Where there is a sewer malfunction causing damage to an individual homeowner or private property, the Town will not accept responsibility for the cost or for making the repairs, except in the following instances:

1. It can be determined that the sewer malfunction occurred as a result of clogging or backup in the sewer main line; and
2. Such was due to negligence by the Town; and
3. There has been more than one occurrence of the problem.

V. ENGINEERING - DESIGN/CONSTRUCTION/INSPECTION

A. DESIGN

1. All sewers shall be designed by an Engineer licensed in the State of New Hampshire and knowledgeable in the Design Procedures of the NHDES and the Town of Hudson, except residential service connections.
2. All sewers shall be designed to conform with the NHDES "Standards of Design" (Appendix 10).
3. All sewers shall be designed to conform with and shall utilize the "Town of Hudson Standard Sewer Details" (Appendix 11).
4. All sewers shall be designed to conform with and shall utilize the "Town of Hudson Technical Specifications" (Appendix 12).
5. All sewer lines, manholes and laterals shall be tested for leakage in accordance with the NHDES "Standards of Design" (Appendix 10) and the "Town of Hudson Technical Specifications" (Appendix 12).
6. All sewer trenches will be bedded, backfilled and compacted in accordance with the "Town of Hudson Standard Sewer Details" (Appendix 11) and the "Town of Hudson Technical Specifications" (Appendix 12). Compaction testing by an independent testing firm will be required. Compaction will be to a relative density of 95% Modified Proctor Method (ASTM D-1557, latest edition).
7. For residential units, the installation of the sewer service clean out within the area of the driveway or within any paved surface is strictly prohibited.
8. Municipal Sewers
 - a. Shall be designed by the DPW or a qualified engineering consultant selected through the Town Procurement Policy (Exhibit #14), if the design is municipally funded or administered.
 - b. If municipally funded or administered and designed by a consultant, the design shall be reviewed by the DPW for design content and by the Sewer Utility Coordinator for Facilities Plan compatibility.
 - c. Approval is required by New Hampshire Department of Environmental Services (NHDES) (Section IV.F) if the project is an expansion or extension (not required if repair/replacement in kind).
 - d. If privately funded and administered, application and review through Sections IV.B, IV.F, and IV.G of these policies and procedures is required.
 - e. Private sewers also shall require application and review through Sections IV.B, IV.F, and IV.G of these policies and procedures.
9. Service Connections:

Design and construction of all sewers to be municipally owned will include lateral service

connections to all properties abutting the R.O.W. or easement within which the sewer will be placed. Laterals will be extended to the edge of R.O.W. or easement or other suitable location approved by the DPW.

10. Pumping Stations:

All pumping stations shall be designed for municipal use even if privately owned. Therefore, upon approval of this Procedure, submersible pumping stations will not be allowed.

IMPORTANT: Private sewers and private pumping stations shall be designed, constructed, operated and maintained by the private ownership and shall not be the responsibility of the Town or Sewer Utility.

B. CONSTRUCTION

1. All construction will be done in accordance with New Hampshire Department of Environmental Services Standards of Design, the Town of Hudson Standard Sewer Details and Standard Technical Specifications (Appendices 10, 11 and 12).
2. Municipal Sewers (Publicly Funded).
 - a. Contractors shall be selected through a bid process administered by the DPW.
 - b. See Section V.C.1 for construction administration and inspection.
 - c. Bonding requirements are defined in Appendix 12, Standard Technical Specifications.
3. Private Sewers or Municipal Sewers (Privately Funded and Constructed).
 - a. Contractor must be licensed drain layer (Section IV.G) but is not subject to Town selection procedures.
 - b. Work shall comply with the requirements of the Street Opening Permit (Section IV.E).
 - c. Bonding (security) requirements will be as follows:
 - if the sewer being constructed is to be accepted as a public sewer, an estimate of construction will be made by the DPW and a Bond will be required for the full amount in the format accepted by the DPW.
 - if the sewer is to be accepted as a private sewer, no Bond will be required except escrow for inspection services as required in Section V.C.2.
 - d. See Section V.C.2 for construction administration and inspection.
4. Service Connections
 - a. Must be done by licensed drain layers.
 - b. See Section IV.C for permit procedures.
 - c. See Section V.C.3 for inspection procedures.

C. CONSTRUCTION ADMINISTRATION/INSPECTION

1. Municipally Funded Sewer Construction

- a. All municipally funded sewers not constructed by the Town Department of Public Works' (DPW) forces will be inspected full time by the Town Engineer, Town Inspector, or by a qualified Engineering Consultant contracted by the Town for this purpose.

Inspection will include review of:

- (1) Construction materials.
- (2) Bedding preparation and installation.
- (3) Pipe installation.
- (4) Trench backfill and compaction.
- (5) Testing required for sewer and appurtenances.
- (6) Any other inspection necessitated by the Contract or conditions encountered.

- b. The DPW shall oversee construction administration of each project.

In addition to inspection construction administration shall include:

- (1) Review of bid (Contract) documents.
- (2) Review approval of Contract changes (Change Orders).
- (3) Review of Contractors Requisitions for Payments.
- (4) Review of shop drawings and other required contractor submittals.
- (5) Interpretation of Contract Documents.
- (6) Maintaining construction records.
- (7) Final project approval.
- (8) Preparation of "As-Built" drawings.

- c. The DPW shall keep the SUC informed of construction progress at least monthly through a written report (provided through the Sewer Utility Coordinator).

d. Attached are:

- (1) Standard Town Bid and Construction Administration Documents (Appendix 13).
- (2) Standard Daily Inspection Form (Exhibit #42).
- (3) Standard Testing Report Forms (Exhibit #43 & Exhibit #44).

Note: Test reports will be accompanied by appropriate certifications of qualified person/company performing the test.

2. Sewer Construction Funded and Constructed by Others

- a. Inspection full time will be required during construction of all sewers.
- b. Inspection and construction administration on behalf of the Sewer Utility will be done by the Town Inspector or authorized Agent of the Town Engineer or a qualified Engineering Consultant contracted by the Town for this purpose. This will include:
 - (1) A preconstruction conference at least 1 week prior to construction attended by the Contractor, Developer/Owner, Inspector, and Town Engineer with written documentation.
 - (2) Daily or Progress Reports of construction for each time the construction site is visited (Exhibit #42).
 - (3) Standard Test Reports (Exhibits #43 and #44).

These reports will be kept on file with the DPW and will be provided to the SUC if requested.

Also see procedures for "Acceptance" (Section IV.B).

- c. Inspection and construction administration on behalf of the Town will be paid for by the private entity responsible for construction. Escrow accounts will be established in advance and administered through the DPW.

3. Service Connections (From Street ROW to Buildings)

- a. Inspection, administration, payment, and approval in accordance with Section IV.C, "Sewer Permits" and Section IV.E, "Street Opening Permit" as applicable.

Insert Exhibits 42 (2 pg.), 43 (1 pg.) and 44 (1 pg.)

CONSTRUCTION
SEWER TEST REPORT
PIPE LINE

Project: _____

| | <u>Approved by</u> | <u>Date</u> |
|-------------------------------------------------|--------------------|-------------|
| Location: STA_____ to STA_____ | | |
| MH_____ to MH_____ | | |
| - Bedding, pipe alignment (trench open). | _____ | _____ |
| - Leakage test after backfill. | _____ | _____ |
| - "Lamping" (for pipe trueness after backfill). | _____ | _____ |
| - Deflection test (where applicable). | _____ | _____ |
| - Laterals (visual inspection). | _____ | _____ |
| Number_____ Size_____ | | |
| STA._____ | | |
| - Comments | | |

| | | |
|-------------------------------------------------|-------|-------|
| Location: STA_____ to STA_____ | | |
| MH_____ to MH_____ | | |
| - Bedding, pipe alignment (trench open). | _____ | _____ |
| - Leakage test after backfill. | _____ | _____ |
| - "Lamping" (for pipe trueness after backfill). | _____ | _____ |
| - Deflection test (where applicable). | _____ | _____ |
| - Laterals (visual inspection). | _____ | _____ |
| Number_____ Size_____ | | |
| STA._____ | | |
| - Comments | | |

CONSTRUCTION
SEWER TEST REPORT
MANHOLES

Project _____

Location _____

Street _____

Plan Reference _____

STA. _____

MH No. _____

- General Condition

Date Inspected _____

Interior _____

Exterior _____

- Leakage Test by _____

Method _____

- Invert approved by _____

- Frame set approved by _____

- Comments _____

Location _____

Street _____

Plan Reference _____

STA. _____

MH No. _____

- General Condition

Date Inspected _____

Interior _____

Exterior _____

- Leakage Test by _____

Method _____

- Invert approved by _____

- Frame set approved by _____

- Comments _____

D. AS-BUILT (RECORD) DRAWINGS

1. All sewers, public or private, including service connections, constructed in the Town of Hudson which are connected to the municipal sewer shall be documented after construction through Record Drawings (see attached example drawing).
2. Service connections shall be documented by the "Service Connection Verification Sheet" (Exhibit #28).
3. Sewer line "as-builts" shall include a plan and profile at a scale approved by the Town Engineer.
4. As-built information shall include:
 - a. Location, size, elevation and type of pipe.
 - b. Pertinent physical features in vicinity including pavement location, R.O.W., buildings, other utilities, ledge, and water table encountered.
 - c. Elevations of manholes and other pertinent features.
 - d. Service connections, size, elevations, and locations with appropriate ties.
 - e. Benchmarks.
5. Datum shall be USGS.
6. A computer disk compatible with DPW AutoCAD should be furnished where possible.

E. THE SEWER ATLAS

1. The Sewer Atlas is to maintain inventory of all sewers (private and public).
 - Their condition and capacity
 - It is intended to be used for facilities plan review and design information.
2. The Atlas is in GIS format using GEO/SQL computer technology.
3. Maintained by the Town Engineer.
4. Information includes:
 - a. Manholes:
 - Number designation
 - Location
 - Depth (all pipe inverts)
 - Age as-built (record) drawing references.
 - b. Main line pipes:
 - Location
 - Length
 - Size
 - Type
 - Age
 - Slope
 - Inflow/infiltration information.
 - Capacity information.
 - c. Laterals - Reference to main line pipe station.
 - Ties @ R.O.W.
 - Depth @ R.O.W.
 - Size
 - Type
 - Age
 - d. Comments are also included regarding condition, repairs, and maintenance.
5. Graphical representation is on Town Tax Map 200-scale base map.
6. Appendix 14 is the Sewer Atlas.

VI. SEWER SYSTEM MAINTENANCE/INSPECTION

A. THE FLUME AT BUTTERNUT STREET

1. The Town owns one flume located at Butternut Street.
2. This flume continuously monitors the wastewater flow which passes to the under the Merrimack River through a double siphon to the Nashua Sewer System, then to the Nashua Wastewater Treatment Facility. This is required per the "Nashua/Hudson Wastewater Treatment Agreement."
3. A flow recorder (with a 7-day flow chart) is maintained at the flume.

The flow charts are changed each week on each Monday by the Sewer and Drains Division personnel (two-man maintenance crew).

The flow charts are kept on file by the Sewer Foreman who copies the Finance Director (to use for comparison of Nashua flowage fees), the Nashua DPW, and the Sewer Utility Coordinator.

4. During the weekly flume visit, the sewer maintenance crew inspects the flume and associated equipment.
5. Wastewater samples are taken and analyzed every 6 months. This analysis is required per the "Nashua/Hudson Wastewater Treatment Agreement."
6. The Record Drawing(s) of the flume is Appendix 15.
7. An Operations and Maintenance Manual for mechanical components is located at the Flume and the Office of the Sewer and Drains Division.
8. A separate replacement Account is to be established, funded and maintained for the municipal pumping station and is also to be used for the replacement of major components at the Flume.

B. THE PUMPING STATIONS

1. Exhibit #45 is a list of municipally owned and operated pumping stations in Hudson.
2. Pumping station locations are shown on the "Sewer System Atlas" (Appendix 9).
3. "Record Drawings" for each pumping station are on file with the DPW.
4. An Operations and Maintenance Manual for each pumping station is on file at the Sewer and Drains Division office and at each pumping station.
5. Each pumping station is inspected and maintained by the sewer maintenance crew 5 days per week, Monday through Friday.
 - a. A checklist is provided and utilized at each pumping station for inspection and maintenance.
 - b. This checklist is reviewed by the Sewer Foreman periodically to evaluate the pumping station operations.
6. Each pumping station has an alarm system tied to the Hudson Fire Department through which notification of emergency response is communicated.
 - Employees of the Sewer Division are on call 24 hours a day, 7 days a week, for emergencies.
7. A separate Replacement Account is to be established, funded and maintained for replacement/repair of the pumping stations' major components.
8. Minor repairs are funded through Account 5562.

insert Exhibit 45 (1 pg.)

MUNICIPAL PUMPING STATIONS

- a. Federal Street Pumping Station Installed 1980
- b. Clement Industrial Park Pumping Station Installed 1983
- c. Sagamore Industrial Park Pumping Station Installed 1988

C. PIPELINES AND APPURTENANCES

1. There are approximately _____ miles of pipeline in the Town of Hudson as of July 1991.
_____ are privately owned.
_____ are municipally owned.
2. Types of pipe included:
 - a. Concrete
 - b. Clay
 - c. Tile
 - d. Asbestos Cement
 - e. PVC.
3. Sizes range from 6" diameter to 36" diameter.
4. The ages of the sewer pipelines are from _____ to present.
5. The pipelines and manhole locations with detailed information is included in the "Sewer System Atlas" (Appendix 9).
6. "Record Drawing" as-builts of portions of the existing pipelines are on file at the DPW.

Important: Record Drawings are required of all new sewer extensions (See Section V.D).
7. Normal Maintenance/Inspection
 - a. The sewer maintenance crew carries on a systematic maintenance program annually while weather permits. This includes:
 - rat control with chemicals
 - degreasing manholes and "trouble" lines
 - systematic cleaning and inspection.
 - b. Approximately 1/5 of the municipal pipelines are cleaned with sewer flushing equipment and inspected each year.
 - c. In addition to (b) above, certain "trouble areas" (areas where historically sludge has found to build up) are inspected periodically and cleaned as necessary.

d. Inspections/Reports are kept by the sewer maintenance crew. These include:

- (1) Date of operation,
- (2) Maintenance performed,
- (3) Condition of pipeline or manhole,
- (4) Comments.

The "Sewer Line Data" report form is Exhibit #46.

The "Manhole Condition" report form is Exhibit #47.

These reports are kept on file at the Sewer and Drains Division office.

insert Exhibit #46 (1 pg.)

insert Exhibit #47 (1 pg.)

D. INFLOW/INFILTRATION - CAPACITY ANALYSIS (I/I ANALYSIS)

1. An Inflow/Infiltration (I/I) Study dated September 2002 is the most recent document regarding I/I and is maintained on file at the Engineering Department.

This study serves as a guide to locating I/I in the system and will be used as the basis for future programs to remove I/I from the system.

2. There are permanent flow meters in the system, which provide continuous flow data.
 - a. The Main Flume at the Merrimack River adjacent to Sycamore Street.
 - b. Meter at Friars Drive.
 - c. Meter at Merrill Park.
 - d. Meter at Webster Street near Ferry Street.
 - e. The Flume at Merrimack River south of BAE Systems (privately owned).
3. There are flow meters in all pumping stations, which provide continuous pumping flow data.
4. The Sewer and Drains Division maintains video equipment and portable flow meters which are operated to further identify I/I problem locations and evaluate I/I reduction solutions.
5. The above information and tools will be utilized on an ongoing basis to locate and reduce I/I in the system. The Sewer System Capital Projects (SSCP) list will be formulated and will define costs and schedules for specific improvement projects.
6. Funding for I/I projects will typically be from:
 - a. Sewer Capital Assessment Trust Fund
 - b. Rents
 - c. Betterment Assessments
 - d. Private Funds.
7. With respect to private funds, Hudson Town Code 270.17, Sewer Flow Allocations, Section G., specifically allows for the possibility of sewer allocations to be increased for “existing or new sewer users” where specific projects are implemented to reduce I/I. This can be done after consultation with the Sewer Utility Coordinator and Town Engineer and is subject to approval of the Board of Selectmen.

The following will generally be followed for privately funded projects.

- Projects will be selected through the SSCP proposed by the Sewer Utility, if available.
- I/I removal for a project will be estimated by the Town Engineer in conjunction with the Sewer and Drains Division.
- Flow capacity increase granted will be one gallon for every four gallons of estimated I/I removal.
- The Highway Department and the Town Engineer will determine who will actually perform a project and will have final approval of costs and acceptance of a completed project.
- Flow capacity increase will be assigned to a specific development/land parcel and will not be transferable.

E. VIDEO INSPECTION

1. When visual inspection of manholes and I/I Analysis demonstrates a possible problem with a sewer line, video inspection will be performed to further define and isolate the deficiency.
2. Video inspections are performed by a consultant/contractor specialized to perform the work. Said consultant/contractor services will be procured through the Town of Hudson Procurement Policies.
3. The Sewer Foreman will maintain copies of the video on file at the Sewer and Drains Division office.
4. Video inspection will be budgeted annually as necessary and funded through Account 5562, Line Item 299.
5. All sewer lines which have been video inspected will be identified in the "Atlas" along with the date of the video inspection and with cross reference to the filed video tape.

F. MAJOR SEWER LINE RECONSTRUCTION

1. Recommendations for major sewer line reconstruction will be brought forth to the SUC from the Sewer Utility Coordinator in cooperation with the DPW.

These recommendations will be supported by documentation from:

- a. Video inspections,
- b. I/I capacity analysis,
- c. Other inspections and information regarding need.

These recommendations will also include cost information regarding the expense of the reconstruction and potential savings to the Sewer Utility resulting from the reconstruction.

2. Reconstruction projects will be recommended by the SUC and approved by the Board of Selectmen.
3. Major sewer line reconstruction will be planned for and budgeted as necessary through Account Number 5564.
4. Funding will be from any of the following or combination thereof:
 - a. Sewer Capital Assessment Fees (Hookup Fees).
 - b. Sewer User Fee Rate (for all installations after July 1, 1987).
 - c. General Town Fund or bond issues.
 - d. See Roadway cost policy for method of pavement payment.
5. Major sewer reconstruction will be undertaken through the DPW in accordance with Section V of these Policies and Procedures.