

DW10-306



March 27, 2011

New Hampshire Public Utilities Commission  
21 S. Fruit Street. Suite 10  
Concord, New Hampshire 03301  
Attention: Debra A. Howland, Executive Director

RE: DW 10-306, Lakeland Management Company, Inc. (Order No. 25,198)

Dear Director Howland:

This is a request to be heard, in writing, before the scheduled April 6, 2011, Prehearing Conference, in regards to the above referenced filing.

The undersigned, Shirley M. Wood, has been a customer of Lakeland Management Company beginning, November 2001, due to her purchase of 21 Granite Ridge Drive, Belmont, New Hampshire, 03220. The property is within Granite Ridge Condominium Association. The condominium association contains twenty-six (26) homes, over Oak Drive, Hemlock Drive, and Granite Ridge Drive, in Belmont, New Hampshire.

Lakeland Management Company, Inc. was originally formed, in 1983, by the Declarant, Mark A. Mooney, to conduct the management operations of the newly declared condo association. (See Attachment #1). The purpose of Lakeland Management Company, Inc. was to "provide for the management of the Condominium project". When and how Lakeland Management Inc., became a regulated public utility is not clear to the undersigned.

As a customer of Lakeland Management Inc., and as an owner at Granite Ridge Condominium Association; I am strongly opposed to the notice of intent to increase water and sewer rates, dated November 19, 2010. Following are some facts regarding the experiences of the undersigned with Lakeland Management Company, Inc.:

1.) One month's invoice consists of a Water Base Rate, a Water Consumption Charge, and a Sewer Base Rate. (See Attachment #2). The Water Base rate is \$62.00 and the amount of cubic feet of water used is multiplied by \$3.4617, to obtain the

total water charge. The Sewer Base Rate consists of the Water Base Rate added to the Water Consumption Charge multiplied by 0.854. An average quarterly invoice for a one person household is \$155.00. An overall increase of 73.16% is beyond reasonable. The average water and sewer invoice for Belmont, New Hampshire water and sewer services, for instance, are comparable to Lakeland Management Company Inc.'s present billing for a one-person usage.

2.) During 2008 the tap water contained a bluish tinge, on a regular basis. The undersigned's white shower curtains turned blue due to the continued supply of bluish water.

In response to concerns about blue water, the undersigned received a letter from Terry Crawshaw, Billing Manager, in November 2008, (See Attachment #3) stating that, "the water company is looking into it".

Because of concern that the bluish water may not be safe, the undersigned had a water analysis completed in January 2009. (See Attachment #4). The analysis revealed that only manganese failed the EPA secondary test. The undersigned called and spoke to Mr. Crawshaw about the analysis and he said he was looking into it, that a secondary finding was not a priority. A high level of manganese can be linked to underground electricity or electricity production.

In January, 2009, the undersigned wrote to Mr. Crawshaw, stating that the bluish tinge was still in the water. ( See Attachment #5). In answer, on April 17, 2010, Lakeland Management Company, Inc. sent the 2010 Water Quality Report with an arrow to their statement that the drinking water is safe. The Water Quality Report also speaks about the source of the water which is provided by Lakeland Management Company, Inc. (See Attachment #6).

3.) The water in part, comes from property which is owned by Granite Ridge Condominium Association. The Association, to the undersigned's knowledge has never received any type of compensation or reduction in rates for it's contribution of water to Lakeland Management Company Inc.

There is a large above ground receptacle which once held the company's water supply, located on the Association's property. The receptacle is at least fifty (50) feet high, and should be removed if no longer in use. The Route 107 development borders Gilford, and is quite a distance from Granite Ridge Condominium Association.

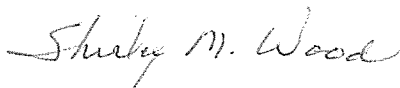
In July, 2007, Lakeland Management customer's received a letter from then owner, Mark A. Mooney, stating that he had received a notice from Laconia Public Works that the sewer rate had increased, and that he had therefore sought a rate increase of 40%. (See Attachment #7).

The point is, how do Granite Ridge Condo Association, the Town of Gilford, and the Laconia Public Works, figure into the rates which are charged by Lakeland Management Company, Inc.? Is the Company's right to charge subject to the clear ownership of the water and sewer systems, or is the charge solely for maintenance?

The existing rates in comparison to comparable rates; the level of maintenance of the water system; the level of sophistication at which the Company is run; and the company's legal right to charge; are all factors which the New Hampshire Public Utilities Commission should consider when deciding if the proposed rates are lawful, just and reasonable.

Thank you for submitting the undersigned's letter at the Pre-Hearing scheduled April 6, 2011.

Sincerely,



Shirley M. Wood  
21 Granite Ridge Drive  
Belmont, NH 03220  
(603) 528-2310

50  
MANAGEMENT AGREEMENT

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_ 1983, by and between GRANITE RIDGE CONDOMINIUM ASSOCIATION (hereinafter referred to as the "Association"), and LAKELAND MANAGEMENT COMPANY (hereinafter referred to as "Lakeland");

W I T N E S S E T H :

WHEREAS, The Association is a Condominium project known as "Granite Ridge Condominiums," located on Plummer Hill Road, Belmont, Belknap County, New Hampshire; and

WHEREAS, Lakeland is willing to accept the appointment as Manager of Granite Ridge Condominiums, as provided for in the Declaration of Condominium for Granite Ridge dated April 7, 1982; and

WHEREAS, both parties wish to define their rights and responsibilities by means of contract; and

WHEREAS, it is the purpose of this Agreement to provide for the management of the Condominium project;

NOW THEREFORE, in consideration of the above and the mutual covenants herein contained, the parties agree as follows:

1. Right of Management. Lakeland is hereby granted the right to manage the Granite Ridge Condominiums during the term of this Agreement and is hereby appointed Manager as provided by said Declaration.

2. Purpose. The purpose of entering into this Agreement is to relieve the Association and the individual unit owners of the responsibility of management functions and the maintaining of certain portions of the condominium property.

3. Term. This Agreement shall begin on \_\_\_\_\_ 1983, and continue from year to year thereafter unless sooner terminated as herein provided, or by operation of law (RSA 356-B:36). This Agreement shall automatically terminate upon sale by the Declarant of Seventy-five Percent (75%) of the units, or seven (5) years from the date of recording of Declaration of Condominium, whichever occurs first.

4. Management to be Performed. Lakeland will provide for the management of the Condominium, maintenance and repair of common areas and common facilities, administration of the affairs of the owners with respect to the use of common areas and facilities, and the occupancy of the units, and payment of expenses and costs as set forth in said Declaration. The duties of the Manager are more particularly set forth in the Declaration, but the Manager

shall also perform such services as are reasonably necessary to maintain the proper operation of the Condominium.

5. Dealing with Association and Its Members. Lakeland shall maintain business-like relations with the members of the Granite Ridge Condominium Association and shall exercise its best efforts to remedy problems, if they exist, from time to time.

6. Compensation of the Manager. Lakeland shall be compensated for its services as Manager in an amount equal to Fifteen Percent (15%) of the maintenance fees to be paid by each unit owner as provided in the Declaration. The method of payment and other matters pertaining to the management of the Condominium are more particularly set forth in the Declaration, the provisions of which are hereby incorporated by reference and shall be binding on all parties.

7. Liability of Manager. Lakeland shall not, under any circumstances, be liable under or by reason of this Agreement, either directly or indirectly, for any accident, injury, breakage or damage of any structure or equipment not attributable to the action or inaction of the Manager or any of its employees, agents or servants; nor shall it be held responsible for any loss, damage, detention or delay in furnishing materials or failure to perform its duties as herein provided when such cause is by fire, flood, strike, acts of civil or military authorities, or by any other cause which is unavoidable or beyond the control of Lakeland, or any of its employees, agents or servants.

8. Responsibility for Replacement. Lakeland has contracted to maintain and repair and provide certain services to the Condominium in connection with the ordinary wear and tear and usage of the common facilities; but Lakeland, by this contract, does not assume nor contract to replace any sidewalks, water pipes, sewer lines, utility lines or poles or wiring or any building or any portion thereof of any type situated on the common property.

9. Termination. This contract may be terminated by either party upon thirty (30) days' written notice to the other.

10. Severability. Invalidation of any portion of this Agreement or any provision shall in no way effect any other provision of the remainder of this Agreement which shall remain in full force and effect.

IN WITNESS WHE EOF, Granite Ridge Condominium Association, and Lakeland Management Company have caused this instrument to be executed on the date first described above.

GRANITE RIDGE CONDOMINIUM  
ASSOCIATION

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Duly Authorized

Lakeland Management Co., Inc.  
P.O. Box 7394  
Gilford, New Hampshire 03247

January 28, 2011

Invoice #

Wood, Shirley

9 GRG021

21 Granite Ridge Dr.

Please pay by February 22, 2011

Belmont NH 03220

---

Re: Water & Sewer 10/01/10 reading 864.83 cuft 01/01/11 reading 871.09 cuft

Water Base Rate \$62.00

Water Consumption Charge

6.26 cuft X \$3.4617 \$21.67

Sewer Base Rate

\$83.67 X 0.854 \$71.45

Quarter Total \$155.12

Prev. Balance

Invoice Total = \$155.12

For  
service

at: 21 Granite Ridge Dr.

---

Make check payable to Lakeland Management Co. Inc.  
and mail to address P.O. Box 7394 Gilford NH 03247  
603-293-8580

# Lakeland Management Co., Inc.

To Shirley Wood  
From Terry Crawshaw / billing manager  
Date/Time 11/20/2008 at 12:46PM  
Subject 11-3-8 letter regarding invoice # 1GRG021

Your request to include a phone number on quarterly billing is duly noted. Thank you for your suggestion. It was an oversight on our part in designing the new bills.

Where does the \$85.82 come from? It is the sum of the Water Base Rate and the Water Consumption Charge. Specifically, in this example: \$62.00 + \$23.82.

Regarding the blue tinge of the water, the water company is looking into it. We will keep you informed of any determinations made on that. Meanwhile, we assure you that your water is safe to drink. Believe me, if it wasn't, you'd know about it because it'd be all over the newspapers and possibly the TV too. We are closely regulated and watched over by the State of New Hampshire's Department of Environmental Services; Drinking Water & Groundwater Bureau. I am enclosing for you the most recent report of the quality of your water. Granted, it does not include information from 2008 because it is an annual report, but again, please be assured that the quality of your water is a responsibility that we pay very close attention to. We appreciate your concern. Additionally, your communication helps avoid misunderstandings.

# Granite State Analytical, LLC

Main Office / Laboratory  
22 Manchester Rd. / Rt. 28  
Derry, NH 03038  
(603) 432-3044

Lab Contact: Donald A. D'Anjou, Ph. D., Laboratory Director

DATE PRINTED: 1/9/2009

CLIENT NAME: Shirley Wood  
CLIENT ADDRESS: 21 Granite Ridge Dr.  
Belmont, NH, 03220

## CERTIFICATE OF ANALYSIS FOR DRINKING WATER

SAMPLE ID#: 0901-00067-001      DATE & TIME COLLECTED: 1/6/08      8:45 am  
SAMPLED BY: Client, Customer      DATE & TIME RECEIVED: 1/7/09      12:08 pm  
SAMPLE LOCATION: 21 Granite Ridge Dr., Belmont, NH      ANALYSIS PACKAGE: Basic  
RECEIPT TEMPERATURE: 15.0 CELSIUS

Test Description	Results	Test Units	Test Fails	Analysis Method	Analyst	Date & Time Analyzed	MCL
Coliform Bacteria*	Absent	100mL		Colilert	EC	1/7/09 13:20	Absent
E. coli Bacteria*	Absent	100mL		Colilert	EC	1/7/09 13:20	Absent
Calcium*	9.9	mg/L		EPA 200.7	EB	1/8/09 17:41	
Hardness (calc)*	36.3	mg CaCO3/L		EPA 200.7	EB	1/8/09 17:41	
Iron*	0.053	mg/L		EPA 200.7	EB	1/8/09 17:41	0.300 mg/L
Magnesium*	2.8	mg/L		EPA 200.7	EB	1/8/09 17:41	
Manganese*	0.114	mg/L	Fails EPA Secondary	EPA 200.7	EB	1/8/09 17:41	0.050 mg/L
Sodium*	27.0	mg/L		EPA 200.7	EB	1/8/09 17:41	
Chloride*	44	mg/L		EPA 300.0	EC	1/7/09 17:18	250 mg/L
Fluoride*	<0.20	mg/L		EPA 300.0	EC	1/7/09 17:18	4.0 mg/L
Nitrate as N*	0.56	mg/L		EPA 300.0	EC	1/7/09 17:18	10 mg/L
pH*	6.52	SU		SM 4500 H B	EC	1/7/09 13:37	6.5 - 8.5 SU
Nitrite as N*	<0.050	mg/L		SM 4500 NO2 B	EC	1/7/09 17:20	1.0 mg/L

The results presented in this report relate to the samples listed above in the condition in which they were received.

MCL = Maximum Contaminant Level

\* NELAC Accredited Analysis  
A list of our certifications is available upon request.



*Donald A. D'Anjou*

Donald A. D'Anjou, Ph.D.  
Laboratory Director

This analysis meets NELAC requirements except as noted.

This certificate shall not be reproduced, except in full, without the written approval of Granite State Analytical, LLC



January 12, 2009

Lakeland Management Company  
P.O. Box 95  
Belmont, NH 03220  
Attention: Wade Crawshaw

Dear Mr. Crawshaw:

I am still having a bluish tinge to the water in my home. I had an independent analysis for drinking water completed on 01/06/09.

The only problem that the analysis found was that Manganese is above the maximum level.

Please let me know if there is any need to worry about drinking the water.

Thank you.

*SW*

Shirley Wood  
21 Granite Ridge Drive  
Belmont, NH 03220  
(603) 528-2310

**Dear Water User,**

This is the twelfth annual US Environmental Protection Agency mandated Consumer Confidence Report (CCR). It is required that all community water systems provide a yearly CCR to their customers/users. LMC is in compliance with this rule and submits the following report:

## **Water Quality Report - 2010**

### **Lakeland Management Company**

**What is the water quality of my drinking water?**

We are pleased to report that our drinking water is safe and meets federal and state requirements. We will continue to work in your behalf in order to provide you with drinking water of the finest quality.

**What is the source of my water?**

The source of water is from a gravel pack well and a new bedrock well both located at the lower end of the development near Route 107 which provide water at the top of the development from a 20,000 gallon storage tank. There are presently two booster pumps in the pump station along with a corrosion control system. The drilled well at another location used only during times of high water consumption has been officially "abandoned".

**Why are there contaminants in my water?**

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency's Safe Drinking Water Hotline (1-800-426-4791).

**How can I get involved?**

If you have any questions about this water system, call Wade Crawshaw of C&C Water Services, Inc., the water operator at 293-8580. Ownership of this system transferred from Mark & Ruth Mooney to Wade Crawshaw during 2008.

**Violations, Treatment and Other Information**

Last year we informed you of a new well providing water with a higher pH which could be blended with the lower pH water, and now we can say that has happened and the results are good. We have a couple of billing notes to mention: when we send the meter cards to you and ask that you record your meter reading and mail the card, some people are still not separating the cards before mailing them. That increases postage charges. Also, to the folks who do not send in a reading at all, be aware that you may be paying more than you need to because without a reading, we will estimate. The great majority of you are following directions perfectly and that not only keeps costs down, but it is greatly appreciated.

**Do I need to take special precautions?**

Some people may be more vulnerable to contaminants in drinking water than the general population. Immunocompromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from the health care providers. EPA/CDC guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* and other microbial contaminants are available from the Safe Drinking Water Hotline (1-800-426-4791).

**Definitions:**

**MCLG:** Maximum Contaminant Level Goal, or the level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

**MCL:** Maximum Contaminant Level: The highest level of a contaminant that is allowed in drinking water. They are set as close to the MCLGs as feasible using the best available treatment technology.

**AL:** Action Level, or the concentration of a contaminant which, when exceeded, triggers treatment or other requirements which a water system must follow.

**TT:** Treatment Technique, or a required process intended to reduce the level of a contaminant in drinking water.

**Abbreviations:**

**ppm:** parts per million

**nd:** not detectable at testing limits

**pCi/L:** pico curies per liter

**ppb:** parts per billion

**N/A:** Not Applicable

**Sample Dates:** The State of NH allows water systems to monitor for some contaminants less than once per year because the concentrations of these contaminants do not change frequently. The results for detected contaminants listed below are from the most recent monitoring done in compliance with regulations ending with the year 2009. Results prior to 2009 will include the date the sample was taken.

<b>DETECTED WATER QUALITY RESULTS</b>					
<i>Contaminants (Units)</i>	<i>Level Detected Violation Yes or No</i>	<i>MCL</i>	<i>MC LG</i>	<i>Likely Source of Contamination</i>	<i>Health Effects</i>
Gross Alpha (pCi/L)	4.9 7/14/9  No	15	0	Erosion of natural deposits	Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
Uranium (ug/L)	0.4 5/13/9  No	30	0	Erosion of natural deposits	Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.
Combined Radium (pCi/L) 226 + 228	1.1 11/23/09  No	5	0	Erosion of natural deposits	Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.
Barium (ppm)	0.021 12/19/08  No	2	2	Discharge of drilling wastes; discharge from metal refineries; erosion of natural deposits	Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.

Copper (ppm)	0.205 2007  No	AL= 1.3	1.3	Corrosion of household plumbing systems; erosion of natural deposits; leaching from wood preservatives	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.
Fluoride (ppm)	0.1 12/19/08  No	4	4	Erosion of natural deposits; water additive which promotes strong teeth; discharge from fertilizer and aluminum factories	Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.
Lead (ppb)	1 2007  No	AL= 15	0	Corrosion of household plumbing systems, erosion of natural deposits	Infants and young children are typically more vulnerable to lead in drinking water than the general population. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. If you are concerned about elevated lead levels in your home's water, you may wish to have your water tested and flush your tap for 30 seconds to 2 minutes before using tap water. Additional information is available from the Safe Drinking Water Hotline (800-426-4791).
Nitrate (as Nitrogen) (ppm)	0.9 7/25/8  No	10	10	Runoff from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits	Nitrate in drinking water at levels above 10 ppm is a health risk for infants of less than 6 months of age. High nitrate levels in drinking water can cause blue baby syndrome. Nitrate levels may rise quickly for short periods of time because of rainfall or agricultural activity. If you are caring for an infant, you should ask for advice from your health care provider.
Toluene (ppm)	0.08 5/13/9  No	1	1	Discharge from petroleum factories	Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.

## **Description of Drinking Water Contaminants:**

**The sources of drinking water** (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity. Contaminants that may be present in source water include:

**Microbial contaminants**, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.

**Inorganic contaminants**, such as salts and metals, which can be naturally occurring or result from urban storm water runoff, industrial or domestic wastewater discharges, oil and gas production, mining or farming.

**Pesticides and herbicides**, which may come from a variety of sources such as agriculture, urban storm water runoff, and residential uses.

**Organic chemical contaminants**, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and can also come from gas stations, urban storm water runoff, and septic systems.

**Radioactive contaminants**, which can be naturally-occurring or be the result of oil and gas production and mining activities.

**In order to ensure that tap water is safe to drink**, EPA prescribes regulations which limit the amount of certain contaminants in water provided by public water systems. The United States Food and Drug Administration (FDA) regulations establish limits for contaminants in bottled water which must provide the same protection for public health.

## **Source Water Assessment Summary:**

New Hampshire Department of Environmental Services has prepared a Source Assessment Report for the sources serving this community water system, assessing the sources' vulnerability to contamination. The results of the assessment, prepared on August 18, 2000, are as follows:

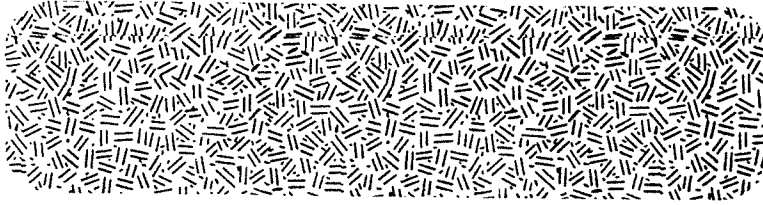
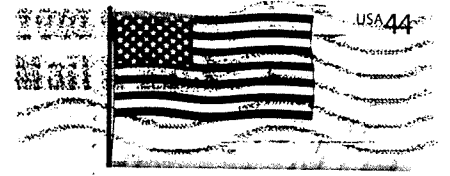
Gravel Well (#4) received 3 high susceptibility ratings, 2 medium susceptibility ratings, and 7 low susceptibility ratings.

Bedrock Well (#1) received 4 high susceptibility ratings, 1 medium susceptibility ratings, and 7 low susceptibility ratings.

The complete Assessment Report is available for inspection from C&C Water Services, Inc. For more information, call Wade at 293-8580 or DES at 271-3303, or visit NH DES's Drinking Water Source Assessment Program web site at [www.des.state.nh.us/dwspp/dwsap.htm](http://www.des.state.nh.us/dwspp/dwsap.htm).

MANCHESTER NH 030

17 APR 2010 PM 2 T



03220+3225



ATTACHED 6-3

LAKELAND MANAGEMENT COMPANY, INC.

100 Diamond Place  
Laconia, N.H. 03246  
(603) 527-1140

July, 16, 2007

Lakeland Management Customers:

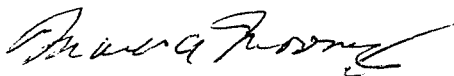
On July 7, 2007 our office was notified by Laconia Public Works that as of January 1, 2007 the sewer rate charge has gone up.

We have received their new rates that amount to over a 40% increase in user fees overall. Lakeland is unable to adjust your sewer charges because we need to get Public Utility Commission's approval for adjusting rates. We have submitted a filing with the P.U.C. for a temporary rate adjustment to be retroactive to January 1, 2007.

The company will continue billing under the old rate charge until such time that we get approval from the P.U.C. to collect for the increase in sewer charges billed by the City of Laconia.

Therefore, at some later date a billing will be forthcoming to collect for the increase in sewer rates retroactive to the 1<sup>st</sup> of January 2007.

Sincerely,



Mark A. Mooney  
Owner