

March 19, 2014

To The Select Board of Twin Mountain, New Hampshire

1. The Town of Twin Mountain, New Hampshire as the sole water utility provider for the Town, contracted with David B. Warren to provide water service to the property located at 2229 Rt. 3 North. I am David's agent and representative in exercise of full power of attorney.
2. Water service to said property has been interrupted since 9 March due to frozen water pipes. Because no water is available for drinking, flushing, cooking or other personal hygiene purposes the property has become uninhabitable for health and safety purposes as defined in RSA 48-A :14 Minimum Standards and tenants have been required to relocate to alternate temporary housing.
3. The water main which supplies water to said property is equipped with a blow off valve which is capable of maintaining sufficient flow to prevent freezing. According to the former water supervisor this valve has been routinely used in the past to maintain sufficient flow to prevent freezing of the line. The former water supervisor also reported that there was a problem with the blow off valve which could affect its proper functioning. This problem was made known to the water supervisor and has existed for a number of years. Extremely cold temperatures in the Town of Carroll are a routine winter occurrence and demand extreme care in the operation and maintenance of the water delivery system to insure continuation of service. The failure to repair or maintain or to use the valve for its intended purpose of preventing freezing of the water main constitutes negligence on the part of the town as it is well known

from years of past experience that this line will freeze if not properly vented.

4. For eleven days attempts to provide an alternate water source through the laying of above ground temporary hose have been unsuccessful. It has been necessary to run some 2800 feet of temporary hose to reach a source of liquid state water in the main. In the process of discussions regarding attempts to provide an alternate water source it was revealed that one or more of the fire hydrants in the vicinity of the frozen water main are inoperable. There are also indications that some of the problems with inoperable fire hydrants have been known for some extended period of time. Discussions with the Fire Chief indicated that he is aware of the problems with fire hydrants in this area. The Fire Chief further indicated that in the event of a fire it would be necessary to use pumpers due to the fact that the fire hydrants in the immediate vicinity of these homes are inoperable. This is further exacerbated by the fact that water for firefighting is not available in the vicinity of these homes due to the freezing of the line. It is evident from the circumstances surrounding the current interruption of water service to 2229 Rt. 3 North and other homes in this vicinity that the water system is not being properly operated or adequately maintained. In the event of a fire at one of these homes this constitutes an enormous liability for the Town which could have been prevented by the exercise of due diligence in the maintenance and operation of the water delivery system.
5. Because of the non-inhabitability of the premises at 2229 Rt. 3 North the tenants have been required to relocate to alternate temporary housing. The tenants who reside at 2229 Rt. 3 North have secured temporary housing at a cost of \$145.00 per day. This includes living accommodations for three people in quarters where they can cook, wash clothes, and provide for other health and safety requirements including bathing and sanitary sewage. These temporary housing facilities meet the temporary needs of the tenants much as the three

bedroom house which they were required to vacate. The cost, as proposed, is consistent with hotel/motel rates in the Town of Carroll as determined by survey of such facilities.

6. It is our position that the Town of Carroll is in breach of contract to provide water service as the sole water utility provider for the town as a result of the negligent operation of the water delivery system. Consultations with plumbing contractors who are in the business of remedying situations such as the current frozen water pipes indicate that there are a number of methods of thawing or repairing the line as well as to provide a continuous alternate flow of water. This is confirmed by the previous water supervisor who indicated when this main froze in the past service was restored within two days.
7. We respectfully request that the Town of Carroll accept responsibility for this interruption in water service and pay the cost of temporary housing for the inhabitants who have been dislocated for health and safety reasons for the period of dislocation. We have consulted with legal counsel and the opinion of our counsel is that the town has significant liability here. However, even the lawyers have urged us that it would be better to resolve this in discussions with the Town officials. The costs of legal fees and other costs that may be awarded are certain to exceed the simple cost of temporary relocation. We do not believe it is in our interest or the Town's interest to become involved in a costly legal conflict. We love the Town which is why we bought land here in 1997 and we earnestly hope that the Town will accept its responsibility in protecting the property owners interest and the interest of the tenants at 2229 Rt. 3 North.

Sincerely,

Robert L. Warren (POA) for David B. Warren