

**TOWN OF RYE - SELECT BOARD
MEETING**

**Monday, June 30, 2022 – 9:00 a.m.
Site Walk – Port Way
Town Hall**

Present: Chair Bill Epperson and Selectman Tom King

Others Present: Acting Town Administrator Kevin Walsh; Rye Sewer District Director, Lee Arthur; Rye Sewer Commissioners; David Kohlhasse, John McCune, Susan Labrie

Representatives from City of Portsmouth: Public Works Director, Peter Rice; City Deputy Attorney and Deputy City Manager, Susan Woodland; City Engineer, Terry Desmarais

9:00 a.m. – Site Walk

Present: Chair Bill Epperson, Vice-chair Phil Winslow and Selectman Tom King

Others Present: Acting Town Administrator Kevin Walsh

I. CALL TO ORDER

Chair Epperson called the meeting to order at 9:01 a.m.

II. SITE WALK – 10 Port Way

It was noted that Arik Jones requested this site walk to review the location of a gate to prevent people and vehicles from coming onto private property.

Mr. Jones showed that private property signs are posted on the property. He stated that vehicles and pedestrians continue to come from the end of Holland Drive. He would like to put up a gate at the private road that leads to the Verizon cell tower. Mr. Jones stated that he will talk with Verizon about a combination lock and shared information between the company and the gate.

Mr. Jones stated that there is no easement for public right to access to the Town's property from Port Way. The town has not developed access from the end of Holland Drive to the NH State Parks gate entrance. There was discussion about what could be done to allow a vehicle to park at the end of Holland Drive to access the State Parks property and then the town property for walking trails. It was mentioned that at the end of Holland Drive there are private property signs posted on the property.

There was discussion of other locations off Marsh Road and Parsons Road that the public could use. However, due to marshes and wetlands the discussion ended future recommendations.

Mr. Jones described the project to be a metal gate with a combination lock, yellow chain signage to say “no trespassing” and that he will communicate with Verizon about the project. Chair Epperson recommended the Select Board have the town attorney do a review before signing off with an agreement of what is being proposed.

Motion by Bill Epperson to allow Arik Jones to put up a metal barricade/gate structure on Port Way as described, to prevent foot and vehicle traffic from traveling on private property to and from the public property. The only access will be for Town of Rye employees for department business. Seconded by Phil Winslow. All in favor.

The board asked that the Acting Town Administrator contact the town attorney to review the end of Holland Drive about public access to town property and NH State Parks property.

At 9:25 a.m. Bill Epperson made a motion to suspend the meeting and reconvene at Town Hall. Seconded by Phil Winslow. All in favor.

9:45 a.m. – Reconvene at Town Hall

III. WORK SESSION WITH RYE SEWER COMMISSION

Chair Epperson opened the work session at 9:48 a.m. and led the pledge of allegiance.

Chair Epperson explained that Rye has been talking about an intermunicipal sewer agreement for about two to three years. He turned the session over to Sewer Director Lee Arthur.

Director Arthur explained that the representatives from Portsmouth are not the only ones who would need to be involved, if there were to be an intermunicipal agreement between the Town of Rye and the city of Portsmouth. The representatives from Portsmouth are at this meeting to help Rye understand what the process will entail in order to get the sewer down Route 1.

Chair Epperson gave a short background on the issue. He stated that he and Senator Tom Sherman and Representative Jaci Grote met with Maggie Hasson’s people at her office in Manchester about two years ago. They laid out a concern about septic along the Route 1 corridor. He outlined the proposed future developments that are being forecasted along Route 1, totaling about 200 living units, all on septic. In 2019, prior to Covid, there was an effort to get private funding for the sewer line. Through engineering studies that were done, the costs came in around \$2.7 million. There were preliminary drawings done and DOT had given approval for a dig across the road. They were able to raise a potential of \$1.4 to \$1.5 million and then Covid came and everything was put on hold. However, Rye is still pursuing the sewer line. They feel it is good for the environment and the economy.

Director Arthur reported that currently Rye voters have approved a warrant article to bring the sewer line to Washington Road at no cost to the Town.

Portsmouth City Engineer Terry Desmarais explained that he has done up a simple presentation as they were unsure of how the dialog would go today. He presented a Power Point presentation. He explained that Portsmouth Sewer System:

- Is a Regional System
 - Portsmouth currently treats wastewater for New Castle;
 - Two clients in Greenland;
 - Lowes Plaza on Route 33
 - Travel Centers of American at 108 Ocean Road
 - A couple of places in Rye;
 - Adams Mobile Home Park – this is a private connection
 - Foye's Corner Sewer Extension
 - This was done in 2012 – This was a franchise extension
- There are two wastewater treatment facilities;
 - Pease Treatment Facility
 - Peirce Island Treatment Facility
 - The area along Lafayette Road would come from the Peirce Island facility.
- The system services over 120-miles.
- There are twenty wastewater pump stations.
- Portsmouth Sewer System is permitted by the Environmental Protection Agency, among other permitting agencies. There is currently sewer on Route 1 from Ocean Road to the Wren's Nest Motel.

Mr. Desmarais explained the general process as follows:

- The proposal would start with the City Manager.
- The City Manager will set up a meeting to discuss the logistics, concerns, issues, etc.
- A draft agreement would be brought to the City Council.
- It will have to have a formal vote from the PUC.

Mr. Desmarais explained that when discussing this, they have to look at the overall development potential in the area, not just one development, as that is what the design should be based on and will drive the overall cost.

The discussion included infiltration issues of ground water in the spring, private sump pump connections and how these have to be factored in when looking at the compacity of the pump station. From the pump station, the water gets discharge to a gravity collection system (this one is on Ocean Road). There is about 8,000ft of pipeline that is between 10" and 14" in diameter and it flows full in the spring, so there is a compacity restriction there. This is one area that would need to be upgraded. The low area is between Rye line and Lafayette Road. During heavy rains, there has been system overflows in this low-lying area right against the creek. The last time Rye approached this subject with Portsmouth, the consultants estimated that there would need to be capacity of 275 gallons per minute and this pump station doesn't have that compacity. If the pump station is upgraded, the pipeline of 800ft can't handle the volume. Upgrading 800ft of sewer line going through prime wetlands is a very expensive endeavor. This area of the system was designed and built long before the regulations of today's standards.

Mr. Desmarais suggested that there may be another phase to CMA's recommended work that would detect if this pipe is truly undersized and if there is another way to deal with this.

Rye Commissioner Labrie asked if this area is being considered for review and improvement whether or not Rye hooks in.

Mr. Desmarais explained that in 2017, Portsmouth had an infiltration inflow study throughout the city. They came up with four contacts to reduce infiltration. There are a number of places in this area that are included. That contract is almost at the point of bidding. Separate from the four contacts is the whole private side. Dealing with sump pumps is a challenging issue.

PWD Rice explained that Portsmouth is looking at tightening up the compacity and Rye is talking about expanding the compacity.

Commissioner Labrie pointed out that it could be effective to work on both sides together.

PWD Rice agreed there could be a side benefit.

City Deputy Attorney and Deputy City Manager Susan Woodland explained the different formats that Portsmouth has used when doing sewer extensions.

- The one that was used at Foye's Corner;
 - The developer had a driving need.
 - Portsmouth put together the engineering at the developer's cost.
 - Portsmouth put together the proposal.
 - An intermunicipal agreement was executed.
 - There was a very clear structure that the developer would be paying.
- The intermunicipal agreement with Greenland;
 - Is open-ended.
 - If a developer comes along and has a driving need to pay for everything and the City of Portsmouth is happy (all the engineering has been done, there is enough capacity), there is a set area in Greenland where they would not have to go back for new intermunicipal agreement. The municipal piece is already done.
 - This is a ten-year agreement.
 - This is an area where DES would like to see sewer at some point because of the sensitivity of Great Bay.
 - Portsmouth does not know when or if this model will ever come to fruition.
 - This is an intermunicipal agreement that would allow a franchise extension.
 - Portsmouth has never taken any action with the PUC because no one is ready to do the work, unless they know that there is going to be more development.
 - This would be the type of agreement that Portsmouth would recommend to Rye.

- With the Lowe's/Target Plaza, Portsmouth did have to extend a PUC franchise.
 - The intermunicipal agreement covers the relationship between the Town and the City.
 - The PUC governs the utility portion of it. Portsmouth is not a regulated utility, but there are certain portions of the process that they go through when they want to service outside of the city. They have to get approval to do so.
- The City Council would consider any proposal, as long as there is enough coverage to properly service both the city's customers and future customers in other jurisdictions.
- There really needs to be a second engineering study done to flush out the check points of the Rye line pump station and the long line after that. They need to find the alternatives, in order to define what another solution would look like.
- It is important to realize that even within Portsmouth itself, developers are adding density. Portsmouth is tagging them in that basin for a contribution toward making the upgrades and improvements needed.
- The first thing is to identify the build-out area.
 - Should it go to the North Hampton Town Line?
 - What restrictions would be put on it in order to make it more reasonable and long-term?
 - What is the potential future number?
- Portsmouth is looking for a full build-out scenario. What is the full, maximum potential coverage?
- The study for the Portsmouth area from Ocean Road to the Rye line was done in 1997 and it has not been rigorously updated. It has only been partially updated as development comes along.
- CMA did an analysis for the potential of an expansion of the pump station. When they did the upgrade in 2009, they put two pumps in. One runs the other doesn't. They looked at putting in a third pump and another force main, in order to increase the capacity. The station is not the problem. The problem comes down the line.

Director Arthur asked for clarification on a few items:

- Should Rye be looking at having a build-out study done?
- Prior to working on the sewer issues, Could Rye and Portsmouth enter into an intermunicipal agreement like the one Portsmouth has with Greenland?
- In regard to the second step of the CMA study, because Portsmouth still has downstream issues on taking extension and expansions; should that study be done prior to the agreement between Portsmouth and Rye?

Mr. Desmarais responded that it is planning for those who want to do the work. It is up to Rye. They have somewhere around \$17,000 to do that study. If Rye could identify to the developers what the potential costs will be or a range of costs, it will hone things in relatively quick. If Rye spends the original amount to identify the range of costs of improvements, it will get very clear. It can be attached to the intermunicipal agreement and be a backup study to it.

Ms. Woodland stated that politically it would help everyone to have confidence that we at least understand the magnitude of the ask, if a developer or group of developers want to proceed.

Mr. Desmarais talked about the cutoff where it may be too expensive and become unreasonable. With proper planning in the corridor, Rye may be able to adjust through zoning to make it a more reasonable ask.

PWD Rice pointed out that the sticking point is that the dollar value of enabling this work is so significant that no one particular developer is going to be able to handle it. So, if it is in the Town's interest to make this happen, there are mechanisms to make it happen. There is general taxation, there is betterment assessment, something that is generated in the area to cover the costs, unless there is a big developer coming in with a huge vision. He encouraged Rye to look hard at doing a T.I.F.F. He summed up that this is not going to happen unless Rye commits to it.

Ms. Woodland recommended that Rye look at the Greenland agreement.

IV. OTHER BUSINESS

None

ADJOURNMENT

Motion by Tom King to adjourn the Select Board Meeting at 10:52 a.m. Seconded by Bill Epperson. All in Favor.

Respectfully Submitted,
Dyana F. Ledger