



## TOWN OF RYE SEWER COMMISSION

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### SEWER COMMISSION MEETING MINUTES

Thursday, November 7, 2019, 8:00 A.M.

Rye Beach Village District Building

830 Central Road, Rye Beach, NH

**In attendance:** David Kohlhase, Chairman; Peter Kasnet, Commissioner; David Adams, Commissioner and Lee Arthur, Administrator.

**Guest:** Kevin Baum, Hoefle, Phoenix, Gormley and Roberts, P.A.; Carolyn Beaulieu, Ciborowski Associates; Bill Epperson, Selectman; Arik Jones, Rye Water District; and Eric Weinrieb, Altus Engineering.

#### I. Call to Order

The Rye Sewer Commission Meeting was called to order at 8:05 a.m.

#### II. Roll Call

#### III. Announcements

There were no announcements.

#### IV. Discussion Items

##### **Public Hearing: Proposed Amendments to Sewer User Fee Ordinance**

A public hearing was posted for Thursday, November 7, 2019 in regards to two proposed amendments to the Rye Sewer User Fee Ordinance.

Proposed Amendment No. 1: Hook-Up Fee was read: Amend Section 601 Amount of Hook-Up Fee and Section 602 Use of Hook-up Fee as follows:

##### Section 601 Amount of Hook-Up Fee

The hook-up fee is intended to recover an amount that is equitably comparable to the capital recovery charges that would have been paid had a property been connected to the system in 1991, when the system started up.

*While the capital recovery charge was in effect* (new language) the hook-up fee ~~shall be~~ *was* ( ~~shall be~~ was deleted and replaced with *was*) the summation of the capital recovery charges that would have been assessed against a property for all prior quarters, compounded at a quarterly interest rate of 2.5%. *The hook-up fee is currently \$254.61*

***per foot. As of January 1, 2020 and on each January 1 thereafter, the hook-up fee shall increase by 2.5 % (new language).***

~~Each quarter, t~~ ***The*** (Each quarter was deleted and lower case t was changed to upper case) Sewer Commissioners shall post the current hook-up fee per front foot and per 100 front feet and shall Amend Appendix A accordingly.

#### Section 602 Use of Hook-Up Fee Revenues

Revenues from the hook-up fees shall be separately accounted for and utilized only for to defray capital expenses ~~on bonded indebtedness~~ (on bonded indebtedness was deleted) of the wastewater facilities.

David Kohlhasse asked if there was any discussion and/or public comments. There was neither.

Proposed Amendment No. 2 Capital Recovery Charge was read:

Repeal the capital recovery charge by deleting Section 401 Capital Recovery Charge in its entirety. In the text of the ordinance state: "Section 401 capital recovery charge (repealed).

The explanation was read: The capital recovery charge was designed to collect from users the amount required to meet the Sewer Commission's bond payment obligations relative to the sewer project bond. The hook-up fee amount was determined based on historical capital recovery charges.

The bond was paid off in 2012 and the capital recovery charge was eliminated after the December, 2012 sewer billing. The amendments are intended to update the Sewer User Charge Ordinance to reflect this change.

David Kohlhasse asked if there was any discussion and/or public comments. There was neither.

***Motion was made by Peter Kasnet to amend Section 601 Amount of Hook-Up Fee and Section 602 Use of Hook-Up Fee Revenues as presented. Seconded by David Adams. Motion carried.***

***Motion was made by Peter Kasnet to amend Section 401 Capital Recover Charge as presented. Seconded by David Adams. Motion carried.***

***Motion was made by Peter Kasnet to close the public hearing at 8:10 a.m. Seconded by David Adams. Motion carried.***

***Motion was made by David Adams to take under Old Business, Route 1 Sewer out of order. Seconded by Peter Kasnet motion carried.***

## **Old Business**

### **Route 1 Sewer**

Kevin Baum of Hoefle, Phoenix, Gormley and Roberts, P.A. indicated that Tim Phoenix was unable to be in attendance and that he will be representing the Route 1 Sewer Group. He mentioned that their goal is to get the Sewer Commission up to speed and on the same page, which would include having the inter-municipal agreement reviewed, approved by the Sewer Commission, and finalized by the Sewer Commission's Counsel.

David Kohlhas indicated that the last time the Route 1 Sewer Group met with the Sewer Commission was in December, 2018 regarding the preparation of the warrant article that passed in March and that the Sewer Commission is looking for an update on what is happened since the then.

Eric Weinrieb of Altus Engineering indicated that his firm was brought on board to start the design process. They have mapped the wetlands from the Portsmouth Line Pump Station to Washington Road and researched what septic systems are in that area. They have conducted a series of dialogue with the City of Portsmouth Department of Public Works and New Hampshire Department of Transportation (NHDOT) regarding where that sewer line can go. The NHDOT had scheduled to overlay the pavement on Route 1 and he noted that they tried to stop the work, but were unsuccessful.

Since then there has been a couple different design iterations and challenges including the Berry Brook Culvert. However, they have come to a conclusion that the NHDOT and City of Portsmouth Department of Public Works will accept. They have also had discussions with Rye Water regarding the location of the water service in the area and the sewer service is planned to be on the opposite side of the road and remain separate.

The Proposed Sewered Area Plan, September 5, 2019 was reviewed. Kevin Baum indicated that the biggest hurdle was determining where the line was going to lay. It was noted that there was a Route 1 Sewer Meeting arranged by the Town Administrator in late May. Bill Epperson indicated that he was driving the sewer projected from the Planning Board and everyone environmentally believes it is the right thing to do, indicating that the gate way to Rye needs to be improved. The warrant article stipulates that the project is to be at no cost to the Town and based on that they started soliciting private funds. He hoped that everyone agreed that Route 1 Sewer was a good idea and a comradery can be formed to get it done. He apologized that the Sewer Commission was not included in the process.

David Kohlhas indicated that the Sewer Commission needs to approve the engineering plans. Eric Weinrieb noted that the current plans are preliminary.

Carolyn Beaulieu pointed out that Ciborowski Associates have been instrumental in funding the project to date and if they do not receive assistance from other stake holders the project will not happen. It was noted that a meeting of the abutters was supposed to have taken place yesterday, but no one could attend so it was rescheduled to next week.

David Kohlhasse pointed out that the Sewer Commission met with the group last on December 11, 2018 and it was discussed that the next step for the group was to conduct an engineering study, determine how the project was going to be funded, draft a warrant article and report back to the Sewer Commission. The draft of the warrant article was received and a meeting was held on December 14, 2018 where the Sewer Commission recommended that the warrant article be presented to the Board of Selectmen. At the meeting of the Board of Selectmen when the warrant article was presented, the Selectmen discussed amending the article to include all of Route 1 in Rye to the North Hampton line. David Kohlhasse indicated that they agreed to leave the article as presented and he understood that when the Sewer Commission negotiated with the City of Portsmouth they would ask for permission to bring the sewer service to the North Hampton line as it was in the best interest of the Town. Bill Epperson indicated that it was not his recollection. David Kohlhasse referenced the video stream of the Board of Selectmen Meeting held on December 20, 2018. It was discussed that a family member of the former Hector's property abutting the North Hampton line attended a Sewer Commission Meeting to inquire about the possibility of connecting to sewer.

David Kohlhasse mentioned that the Sewer Commission as a group has not met since October 8, 2019 and therefore, is just reviewing the correspondence received. Peter Kasnet asked if the engineering plans had been submitted to the City of Portsmouth. It was determined that they were submitted to the City of Portsmouth Department of Public Works, NHDOT, and City of Portsmouth Legal Department. They were emailed to the Sewer Commission on October 24, 2018 and have not been reviewed by the Sewer Commission or their engineer.

Eric Weinrieb pointed out that the sewer line will be privately funded but cannot accept wastewater until it becomes a public utility, approved and accepted by the City of Portsmouth. There is no mechanism to reimburse the financiers and that is one of the biggest challenges. Carolyn Beaulieu indicated that is a reason not to extend the sewer service to the North Hampton line. The Sewer Commissioners clarified that they are not asking to extend the service at this time, but to have the approval to do so in the future.

Kevin Baum indicated that the inter-municipal agreement needs to be approved by the Public Utilities Commission and he did not know if they would approve it. Eric Weinrieb noted that the reason for the haste is that the City of Portsmouth Council could change with the upcoming election and it could impact the proposed project.

David Kohlhasse asked who submitted the Inter-municipal Agreement to the City of Portsmouth. Kevin Baum indicated Tim Phoenix from his office. David Kohlhasse noted that the Sewer Commission has not reviewed the agreement as a board or authorized anyone develop one or negotiate with the City of Portsmouth.

Eric Weinrieb indicated that they are taking responsibility. Peter Kasnet indicated if you read the warrant article it is clear that the Sewer Commission is responsible for negotiating with the City of Portsmouth. Kevin Baum noted that they understood wrongfully, because of the requirement that it was at no cost to the Town of Rye. They

were trying to do as much as possible so it could just be approved. The draft inter-municipal agreement was developed with the City of Portsmouth and primarily by the City of Portsmouth because it is something that they had done in past including acquiring the Public Utilities Commission approval. They were trying to keep the Sewer Commissions responsibilities and cost down.

Peter Kasnet indicated that the funds would have been escrowed and the Town of Rye would not have bared any cost. The Sewer Commission has not reviewed the inter-municipal agreement or engineering plans as a committee and they were not aware that they were so far down the road.

David Kohlhasse noted that there was a meeting held between Mike Magnant, Bill Epperson, Phil Winslow and the Town Attorney in June that discussed the history of the Foyes Corner Expansion. He didn't know why the meeting was held or what else it was about. However, the Foyes Corner Expansion history indicates that funds were escrowed to cover expenses incurred by the Town of Rye. Bill Epperson recalled the meeting but not who called it and indicated they probably were looking for information and that is why it was held.

David Kohlhasse asked if the inter-municipal agreement has been submitted to the City of Portsmouth. Kevin Baum indicated no and that the hope was to review it with the Sewer Commission today and noted that it had been reviewed by the Town Attorney. The original plan was to have the inter-municipal agreement on the City of Portsmouth Councils Meeting Agenda for November 16, 2019, however December 2, 2019 maybe more realistic then it could be approved at their December 16, 2019 meeting.

The latest draft from one of the City of Portsmouth's Attorneys on Tuesday incorporated the Town of Rye's Attorney's review and comments. David Kohlhasse and Peter Kasnet indicated that they were not aware of the review and comments until after they were submitted.

The inter-municipal agreement and attachments were discussed. David Kohlhasse pointed out that the proposed inter-municipal agreement is saying that the sewer service cannot be extended beyond Washington Road. It was noted that they were not aware that the Sewer Commission wanted the inter-municipal agreement to cover to the North Hampton line. David Kohlhasse pointed out that is something that the Town of Rye should be negotiating with the City of Portsmouth.

Peter Kasnet asked what size the proposed line was and Eric Weinrieb noted that it was 8 inch. David Kohlhasse noted that a family member of the former Hector's property abutting the North Hampton line attended a Sewer Commission Meeting to inquire about the possibility of connecting to sewer and the Sewer Commission wants to pursue bringing the sewer service to the North Hampton line.

Peter Kasnet commented that after reviewing the plan it looks like it is ending on private property. Eric Weinrieb said yes, there would be an easement. It was noted that the

Sewer Commission needs to review and discuss the proposed inter-municipal agreement with the Town Attorney and have the engineering plans reviewed with their engineer. Then they will get back to the Route 1 Sewer Group Representative.

Eric Weinrieb asked who the Sewer Commissions engineer was and it was noted Wright-Pierce. He questioned the Rye Sewer Commissions involvement in approving the engineering and it was noted that they as well as the City of Portsmouth and NHDOT have to agree with the plans.

CMA Engineering is reexamining the City of Portsmouth Pump Station closest to the Rye line on Route 1 in regards to its capacity and to see if upgrades are needed to serve the proposed new section of line. Eric Weinrieb indicated that the 8 inch proposed line had plenty of capacity and going to 10 inches would be problematic because of the Berry Brook culvert.

It was discussed that the Sewer Commission has had no official communication with the City of Portsmouth since 2018. Bill Epperson indicated that 1.5-1.6 million dollars has tentatively been raised and the cost is anticipated to be around 2.7 million. Additional funding is being sought from the State and Federal Government.

There was a discussion on whether the agreement addressed the property owners that are not contributing and ownership of the pipe. It was noted that the information submitted will be reviewed with the Town Attorney and the Sewer Commission will get back to the group's representative Tim Phoenix.

There was e-mail correspondence from Kim Reed that the Sewer Commission was copied on regarding the project status but it was limited. Other correspondence from Kim Reed indicated the need for an upcoming warrant article. It was discussed that no other article was needed but that Bill Epperson would check.

It was mentioned that the Sewer Commission is considering seeking approval to bring the sewer service to the North Hampton Town Line as discussed in a meeting of the Board of Selectmen in December of 2018.

Tom Sherman, NH Senator was approached by Bill Epperson to initiate a conversation with Jean Shaheen, U.S. Senator and Maggie Hassan, U.S. Senator about the possibility of acquiring federal assistance (funding). He has completed a letter requesting assistance that requires the Board of Selectmen and Sewer Commissioners signatures.

Arik Jones explained that the Rye Water District has been approached to further service the area and that they do not presently have the capacity. They are currently looking at attaining other well(s) and there is the possibility that the City of Portsmouth could supply the area with water. Rye Water District supplies 70-75% of Rye's Water.

It was noted again that the Sewer Commission will review and discuss the proposed inter-municipal agreement with the Town Attorney and get back to the Route 1 Sewer Group

Representative. It was determined that an escrow needs to be established to cover cost incurred by the Town of Rye.

Kevin Baum explained that the City of Portsmouth Legal Department does not want to split the Route 1 Sewer request between council's (new and old) and the group wants to make submission to the current City of Portsmouth council in December, otherwise the process could be delayed with the new council.

**V. O&M Report, November 7, 2019**  
**Consideration of the O&M Report**

The flow summary for Church Road Station in October 2,449,500 gallons and the rainfall amount was 5.98 inches. The pump data graphs for Church Road Pump Station, Jenness Beach Pump Station and Abenaqui Pump Station for August were reviewed.

Included in the meeting packet were quotes to replace check valves, plug valves and gaskets at Abenaqui Pump Station.

1. Water Line Industries, \$1,760.00 parts not included
2. Scherbon Consolidated Inc., \$2,500.00 parts not included
3. Scherbon Consolidated Inc., \$8,831.69 parts included.

Also included in the packet was a separate quote for parts from F.W. Webb Company in the amount of  $\$1,832.15 \times 2 = \$3,664.30$

***Motion was made by Peter Kasnet to purchase the parts from F.W. Webb Company in the amount off \$3,664.30. Seconded by David Adams. Motion carried.***

***Motion was made by Peter Kasnet to accept Water Line Industries quote of \$1,760.00 to replace the check valves, plug valves and gaskets at Abenaqui Pump Station. Seconded by David Adams. Motion carried.***

The September, 16, 2019, Sewer Pipe Failure at Jenness Beach Pump Station was discussed and having the pipe replaced by Chris-Co Construction Services, Inc. as they conducted the emergency repair. Plan A would be to cut the pipe outside the wet well first and conduct the repair from there, if it was in good condition. Plan B would be to have all the fittings on hand in the event that the pipe was in poor condition and the contractor had to go inside the wet well.

**VI. Approval of Minutes**

**Consideration of Previous Meeting Minutes of October 8, 2019.**

The sewer commissioners reviewed the meeting minutes of October 8, 2019.

*Motion was made by David Adams to approve the Sewer Commission Meeting Minutes of October 8, 2019. Seconded by Peter Kasnet. Motion carried.*

**VII. Signing of Bills and Correspondence**

**a) Sewer Department Financial Reports**

On October 28, 2019 \$148,578 of the budget had been expended. It was noted that the Town of Hampton still has to bill for 3<sup>rd</sup> and 4<sup>th</sup> quarter (Capital Improvement, Transport, Treatment and System Maintenance).

The Sewer Budget Narrative was included in the meeting packet and reviewed. It was noted that David Kohlhase and Lee Arthur will be attending the Selectmen's Budget Work Session directly after the Sewer Commission Meeting.

*Motion was made by Peter Kasnet to approve the proposed \$322,709 Sewer Budget. Seconded by David Adams. Motion carried.*

**VIII. Old Business**

**a) Route 1 Sewer**

This item was taken out of order and discussed at the beginning of the meeting.

**b) 21 Carbee Drive**

It was determined that extending the public sewer system to 21 Carbee Drive would be an expansion of the public sewer system.

**c) 9 Cable Road, Map 8.4, Lots 76-1, 76-2**

Included in the meeting packet was the Inspection Report and photos for the 9 Cable Road connection.

**d) 8 Maple Avenue, Map 5.2, Lot 4 Update**

Included in the meeting packet was the final report for the site construction at 8 Maple Road. It was noted that Jones and Beach Engineers, Inc. is still finalizing the record drawings and they have not been received.

**IX. New Business**

**a) 39 Jenness Avenue, Map 8.4, Lot 51**

The Application for Demolition Permit was included in the meeting packet. Lee Arthur inspected the capping and included pictures for review.

**X. Adjournment**

*Motion was made by Peter Kasnet to adjourn the meeting at 9:48 a.m. Seconded by David Adams. Motion carried.*

*\*These are draft minutes. Please refer to the minutes of the next meeting for approvals/corrections.*