



## **TOWN OF RYE SEWER COMMISSION**

**Mailing: 10 Central Road, Rye, NH 03870**

**Physical: 830 Central Road, Rye Beach, NH 03870**

**(603) 964-6815, Fax (603) 964-1516**

### **SEWER COMMISSION MEETING MINUTES**

**Tuesday, March 10, 2020, 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:** Tim Phoenix, Phoenix, Gormley and Roberts, P.A.; Corey Caldwell, TF Moran; and Mike Flynn, Seacoast Modular Homes.

#### **I. Call to Order and Pledge of Allegiance**

The Rye Sewer Commission Meeting was called to order at 8:06 a.m.

#### **II. Roll Call**

#### **III. Announcements**

There were no announcements.

*Motion was made by Peter Kasnet to take Old Business and New Business out of order. Seconded by David Adams motion carried.*

#### **IV. Old Business**

##### **5 Old Beach Road, Map 8.4, Lot 151**

Included in the meeting packet was a letter dated January 29, 2020 to the Rye Sewer Commission from Byron and Kathryn Kalogerou of 5 Old Beach Road indicating that they propose to subdivide their lot into two lots and build a house on the new lot. Corey Caldwell of TF Moran indicated that last month Byron Kalagerou and he attended the Sewer Commission Meeting and submitted a drawing showing the location of a proposed house for the new lot and requested that it be allowed to connect to the sewer system. He felt that the old home is out of the sewer district, but the new home would be in the district because the closet manhole in Old Beach Road would be 108 feet from the proposed house. He mentioned that after the last meeting, further input was to be sought and he was not sure if that input has been received. However, it is Byron Kalagerou's position that based on the Sewer Use Ordinance and the fact that the new home would be 108 feet from a manhole in Old Beach Road that they would have the right to tie into the sewer service.

David Kohlhas indicated that the Sewer Commissions interpretation of the ordinance is that the public sewer service in the road must directly abut the lot frontage in order to be a mandatory connection. Tim Phoenix of Phoenix, Gormley and Roberts, P.A. asked if the public sewer has to run past a property. David Kohlhas indicated that the public sewer service in the road must be located along a portion of the lot frontage in order to be a mandatory connection. Peter Kasnet further explained that it does not have to totally pass the property but that there must be some common frontage with the public pipe in the road. David Kohlhas referenced section 301.3 of the Sewer Use Ordinance.

Tim Phoenix referenced section 301.1, that if you are within 200 feet of a public sewer it is mandatory to hook-up. David Kohlhas mentioned if the public sewer pipe in the road directly abuts the property and the house is within two hundred feet of the public sewer it would be mandatory. He indicated that 200 feet is an exception not to connect, if a house is two hundred feet from a road. Peter Kasnet indicated that if a house is beyond 200 feet it does not have to connect and if you are within 200 feet and don't connect you would need a waiver. However, the pipe in the road must be located along a portion of the property frontage.

Corey Caldwell referenced 301.1 "The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Town," He noted that he took that to read, if you have a house that abuts a street in which there is sewer, you can connect to the sewer system. Tim Phoenix indicated that he clearly reads it the same way.

David Kohlhas mentioned that if the sewer pipe ran by your house when it was originally installed, you would have been required to connect. The houses beyond 200 feet were not required. Corey Caldwell mentioned that everyone agrees that the existing house isn't required to connect.

David Kohlhas indicated that the Kaogerous can request an expansion of the public sewer system. A warrant article would be required and need to be approved by the Town.

Tim Phoenix asked why they can't connect without extending the main line. David Kohlhas indicated because the sewer is not located by any portion of the lot. Tim Phoenix pointed out that the words say if you are on a street in which a sewer is located, and you are within two hundred feet of that sewer you can or must hook-up. David Kohlhas indicated that section 301.3 of the Sewer Use Ordinance defines it further "on a lot which has a public sewer located in the street along some portion of the lot frontage".

Tim Phoenix interpreted it to say if it abuts or goes past your property you can't build a house there without hooking up, but that is not the same as saying if it doesn't do that you can't hook-up. He noted that the way he read section 301.1 is that if the sewer ended down at the end of Old Beach Road you could still hook-up. It was pointed out that

section 301 of the Sewer Use Ordinance deals with mandatory connections to public sewers.

Tim Phoenix asked if they can connect without it being mandatory. He referenced the Wright Pierce Pump Station Capacity Report and that there is 3,390 GPD of remaining capacity at Jenness Beach Station and that the proposed connection would yield 300-450 GPD. He also mentioned that the design flow rate was 450 GPM and that the estimated peak flow rate 435 GPM and that there may be capacity for one more home.

Peter Kasnet pointed out that if you use the scenario of 200 feet there is a radius of additional homes that could connect at the end of the pipe discussed and other pipes. He noted that there is not enough reserve capacity and the system has overflowed in the past. The report concluded that Jenness Beach Pump Station and Church Road Pump Station are at capacity, with Abenaqui Pump Station is under capacity. However, Abenaqui Pump Station feeds into the Church Road Pump Station.

Corey Caldwell mentioned that the way he understood the report was that it was not because too many homes are hooked up to the sewer system, but that it is at capacity because of infiltration. Peter Kasnet indicated that the Sewer Commission is working on a solution. The engineer's conclusion was that the acceptance of additional wastewater flow from areas outside the existing sewer collection system in Rye is not recommended.

Tim Phoenix mentioned that it then gets back to what the definition is of the existing sewer collection system. He pointed out that the Sewer Commission voted for a moratorium in that nothing outside the existing sewer service area/collection system can connect. He mentioned, if the manhole was another 40 feet down the road there may not be a debate.

Tim Phoenix indicated that he was around in 1999 when the Ferris on Locke Road were denied the ability to connect. He mentioned that it was not much of a debate because there was no public sewer in their road. Peter Kasnet noted that they were close to the manhole. Tim Phoenix mentioned the situation is similar, however the sewer pipe was not on their road.

It was discussed whether an extension or an expansion would be required. It was mentioned that it would be an expansion of the public sewer system and a warrant article would be required and need to be approved by the Town. It was noted that it is not mandatory to connect because no portion of the public sewer is in the street along any portion of the lot frontage and within 200 feet of the proposed house.

Corey Caldwell indicated that they could not subdivide unless sewer becomes available. He mentioned that a septic system could be placed on the lot but would require waivers. David Adams mentioned that a lot must be buildable before a connection is granted.

*Motion was made by Peter Kasnet that 5 Old Beach Road, Map 8.4, Lot 15 are not required to mandatory connect to public sewer because the sewer pipe is not located along any portion of the lot frontage. Seconded by David Adams. Motion carried.*

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

### **Route 1 Sewer**

Tim Phoenix reported on behalf of the Route 1 Landowners, that they are trying to raise the estimated 2.7 million need to expand the sewer service. He mentioned that upgrades to the Portsmouth/Rye Line Pump Station are needed and one developer (Joe Falzone) may not be able to wait until the project is realized. The City of Portsmouth has not stopped consideration, but the new City Council has slowed the process down. There are concerns, that by allowing Rye residents to connect, the ability of Portsmouth resident to connect in the future could be jeopardized because of diminished capacity. The interpretation of the City of Portsmouth Engineer is that there is plenty of capacity.

Tim Phoenix mentioned that Bill Epperson contacted Senator Maggie Hassan's Office and inquired about the availability of federal funding, however, there is nothing to report. He noted that Tom Sherman appeared in Portsmouth to support the project and was looking into the availability of state funds or loan programs and no progress has been made at this time. CMA Engineers conducted an initial study on the Portsmouth/Rye Line Pump Station and there were different recommendations including adding a pump. Carolyn Belliveau of Ciborowski and Associates has been solely funding the project to date, as the largest landowner to benefit from sewerage the area. A secondary study is needed, however, the Ciborowski's have not decided if they will fund the study. If the study is not conducted it is likely that the project will not move forward.

Peter Kasnet asked who from Portsmouth determines that the proposed flow rate is acceptable. Tim Phoenix noted that the issue is the significant turnover of the City Council Members in Portsmouth. He noted that none of them are opposed to the project, they are just proceeding cautiously. Peter Kasnet asked if there are other sewer expansion projects taking place in Portsmouth. Tim Phoenix indicated that there was one along Sagamore Road and it was controversy.

Tim Phoenix indicated that the next steps are to reconnect with Carolyn Belliveau, to see if they are going to fund the secondary engineering study; get the landowner group together; and continue the process with the City of Portsmouth.

### **10 Big Rock Road, Map 8.1, Lot 45**

Mike Dube inspected a portion of the force main and the contractor was directed to replace the 90 degree bend at the house with two 45 degree fittings as well as insulate the pipe where it is less than 4 feet. Peter Kasnet re-inspected the pipe and the fittings were installed as requested and an additional length of pipe was installed and reviewed. It was

noted that excavation company needs to pressure test the line once completed and a final inspection is needed.

**12 Big Rock Road, Map 8.1, Lot 80**

Peter Kasnet indicated that he inspected the pipe it was brought out to the street but the final connection was not made, therefore another inspection is required.

**V. New Business**

**2257 Ocean Boulevard, Map 5.3, Lot 7**

It was noted that 2257 Ocean Boulevard was being demoed and as a result the sewer pipe would be disconnected, capped and reconnected. The contractor was notified that the sewer service needs to be exposed and capped a minimum of five feet from the existing foundation or structure and inspected by the Sewer Department prior to demolition. The Sewer Permit Application was included in the meeting packet as well as house plans, however, the plans do not show the current or proposed sewer service. Mike Flynn, Seacoast Modular Homes was present and showed the commissioners another plan. Peter Kasnet asked if they had already been to the ZBA and Mike Flynn did not know. There was a discussion whether the required the setbacks are met and where the existing house was located. It was noted that the plan presented were different than in the packet. It was discussed that the plan needs to show the existing and proposed house sewer line, elevations, slope, house connection and clean out.

It was discussed that the plans need to be updated and submitted again to the Sewer Commission for approval. Other items included: Proof of any variances granted. Engineering As Built Plans signed off by the designing engineer. That includes horizontal and vertical control of elements constructed. Submitted to the Sewer Commission after construction is complete for review and approval. Shore Land Protection Permit to be obtained from the State of NH if required. Wetlands Permit to be obtained from the State of NHDES if required. Town of Rye Floodplain Development and Building Ordinance Permit if required. The Town of Rye Sewer Use Ordinance must be followed. The Basic Requirements for Sewer Installations must be followed. The contractor and or design engineer is responsible for all testing as indicated in the Basic Requirements for Sewer Installations document. Rye Sewer Commission Installer License (\$100.00), it was indicated that BCK needed to renew.

**Secondary Meter Abatements**

The secondary meter abatement process was discussed. It was noted that each year approximately \$30,000 is collected and then abated based on secondary meter usage. Past practice has been to issue an abatement check. This year credits were applied to first quarter bills, however because first quarter billing is a low consumption quarter many customers are still owed a refund. The question posed has been to leave a credit on the accounts or to issue a check. It was discussed that the credit could be carried over numerous quarters and crossover different years potentially compounding and home sales (change of ownership) can even complicate the matter further. There was a discussion on whether interest should be paid. The commissioners advised that the past practice of issuing checks should be followed.

**VI. O&M Report, March 10, 2020**

**Consideration of the O&M Report**

The flow summary for Church Road Station in February was 2,603,800 gallons and the rainfall amount was 2.76 inches. The pump data graphs for Church Road Pump Station, Jenness Beach Pump Station and Abeniqui Pump Station for February were reviewed. It was noted that pump 2 at Church Road Pump Station was down from February 22-26, 2020 for repairs.

There was a discussion on the need to replace the repaired pipe at Jenness Beach Pump Station with Cosmas Iocovozzi of Chris-co Construction Services. The pump station plans were reviewed. It was discussed that parts need to be on hand if the pipe needs to be replaced inside the wet well and an alternate plan instead of trucking the wastewater. Lee Arthur indicated that she would provide an estimate of the gallons pumped per day at the station and photographs of the repair. Cosmas Iocovozzi of Chris-co Construction Services will contact Roger Philbrick in order to access the station to determine equipment and parts need. It was also noted that dewatering will need to take place.

**VII. Approval of Minutes**

**Consideration of Previous Meeting Minutes of January 9, 2020, January 14, 2020, and February 11, 2020.**

*Motion was made by David Adams to table the approval of the Sewer Commission Meeting Minutes of January 9, 2020, January 14, 2020, and February 11, 2020. Seconded by Peter Kasnet. Motion carried.*

**VIII. Signing of Bills and Correspondence**

**Sewer Department Financial Reports**

Included in the meeting packet were the Financial and Treasurer Reports. As of the end of February, 2020 \$39,423.57 of the Sewer Department budget had been expended. It was noted that after the Town vote the current year budgeted figures would be entered and accounted for in the financial reporting. The Treasurer's Report dated March 2, 2020 had a sewer operating fund balance of \$708,479.14 and the sewer fund balance on March 2, 2020 was \$581,116.69.

**List of Sewer Charges and Fees Effective April 1-June 30, 2020.**

Included in the meeting packet were the List of Sewer Charges and Fees Effective April 1-June 30, 2020:

1. Hook-up Fee:
  - A. Front Footage Charge \$260.97/per foot
  - B. 50 Foot Front (minimum charge) \$13,048.50
  - 100 Foot Front \$26,097.00
  - 170 Foot Front (maximum charge) \$44,364.90
2. O.M.R. (Operating & Maintenance) Charge
- Per Cubic Feet of H2O Consumption .075

*Motion was made by David Adams to approve the List of Sewer Charges and Fees Effective April 1-June 30, 2020 as presented. Seconded by Peter Kasnet. Motion carried.*

**IX. Adjournment**

*Motion was made by David Adams to adjourn the meeting at 9:53 a.m. Seconded by Peter Kasnet. Motion carried.*

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