



## **TOWN OF RYE SEWER COMMISSION**

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

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### **SEWER COMMISSION MEETING MINUTES**

**Tuesday, December 11, 2018, 8:00 A.M.**

**Rye Beach Village District Building**

**830 Central Road, Rye Beach, NH**

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

**Guest:** Will Ralph, Joyce Ralph, Rob Wright, Lori Wright, Tony Jalbert, John McTique, Joseph Falzone, Carolyn Beaulieu, Tim Phoenix, and Corey Colwell.

#### **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. O&M Report, December 11, 2018**

##### **Consideration of the O&M Report and EPA – CMOM Inspection**

The flow summary for Church Road Station in October was 3,382,700 gallons and the rainfall amount was 3.88 inches. The pump data graphs for Church Road Pump Station, Jenness Beach Pump Station and Abenaqui Pump Station for October were reviewed and it was noted there were no irregularities.

The flow summary for Church Road Station in November was 7,121,600 gallons and the rainfall amount was 8.65 inches. The pump data graphs for Church Road Pump Station, Jenness Beach Pump Station and Abenaqui Pump Station for October were reviewed and it was noted there were no irregularities. The surge in rainfall resulted in a significant flow increase due to infiltration and as a result the cost for treatment and transport will be affected.

Included in the meeting packet was the Route 1A Force Main Project Plan. The project has been rescheduled numerous times due to rainfall, which resulted in increased flow. The daily flow needs to be below 100,000 gallons in order to shut down Church Road Pump Station. Air release valves, saddles and other parts will be replaced and the manholes and chambers immersed in water will be pumped. Renew Mechanical Maintenance, LLC will be conducting the work and a police detail is required because of the location of the structures. The project is currently scheduled for Thursday, December 13, 2018 and Friday, December 14, 2018. Included in the meeting packet was an updated Town of Rye Sewer Commission Emergency Call List.

The EPA conducted an inspection of the Town of Rye Sewer System on Wednesday, November 7, 2018. The detailed agenda was included in the meeting packet. Lee Arthur explained that the Sewer Commission is co-permittee to the Town of Hampton's NPDES Permit and that on Tuesday, November

6, 2018 the Town of Hampton WWTP and Sewer System was also inspected. She pointed out that the EPA only provided one week advance notice of the inspection and required the Sewer Commission to complete the EPA Wastewater Collection System CMOM Program Self-Assessment Checklist. Two consultants from Colorado, two individuals from the EPA, one representative from NHDES and Mike Dube from the Town of Hampton participated in the inspection process.

At Church Road Pump Station the air release valve was not sealing fully; the flowmeter was flashing and the consultant had questions in regards to wet well and structural capacity. At Jenness Beach Pump Station the air release shaft leaked; it was identified that the mission communications antenna should be moved from the building to fascia board; and water meter disconnected. On the force main the air release manhole in front of the North Hampton Bath House was inspected. There was water in the structure and it was noted that after the water is pumped and air release valve replaced as part of the Route 1A Project the manhole needs to be repaired and/or sealed to prevent infiltration. It was suggested by Mike Dube that the Sewer Commission acquire PeopleGIS.

***Motion was made by David Kohlase to accept the Operations and Maintenance Report as presented. Seconded by Peter Kasnet. Motion carried.***

## **V. Approval of Minutes**

Consideration of Previous Meeting Minutes of September 11, 2018 and October 9, 2018.

The sewer commissioners reviewed the meeting minutes of September 11, 2018 and October 9, 2018.

***Motion was made by Peter Kasnet to approve the Sewer Commission Meeting Minutes of September 11, 2018. Seconded by David Kohlase. Motion carried.***

***Motion was made by Peter Kasnet to approve the Sewer Commission Meeting Minutes of October 9, 2018. Seconded by David Kohlase. Motion carried.***

## **VI. Signing of Bills and Correspondence**

### **a) Sewer Department Financial Reports**

Included in the meeting packet were the Financial and Treasurer Reports. At the end of October, 2018 the current year's expenditures were \$151,680.31 and 45.85% of the budget remained.

At the end of November, 2018 the current year's expenditures were \$181,106.81 and 35.34% of the budget remained. The Treasurer's Report dated December 3, 2018 had a sewer operating fund balance of \$643,768.14.

### **b) Encumbrances**

Included in the meeting packet was the list of encumbrances and their contractual agreements: Route 1A Force Main Project \$17,930.00; Remove old 90 degree bend and replace with tee and new ball valve at both Church Road and Jenness Beach Pump Stations \$2,660.00; Pump Station Capacity Assessment \$2,500.00 and 2018 invoices that will be received by the end of January, Laffayette/Portsmouth 4<sup>th</sup> Quarter \$5,927.96, Hampton Transport \$2,290.54, and Hampton Treatment \$16,956.31.

## **VII. Old Business**

### **a) 2019 Budget Update**

Included in the meeting packet was the 2019 Sewer Commission Budget Narrative that was submitted to the Board of Selectmen and Budget Committee.

**b) Jenness Beach Bath House, 2280 Ocean Boulevard, Map 5, Lot 52**

Peter Kasnet reported that he inspected the sewer capping and reconnection. It was noted that during the excavation process another pipe that connected two adjacent properties was located 5 to 6 feet from the foundation of the new structure. Included in the meeting packet were pictures of the capping and other pipe.

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

There was no update.

**d) Route 1 Sewer, 0 Lafayette Road, Map 10, Lot 6; Map 14, Lot 5; Map 14, Lot 8, Map 14, Lot 9**

Included in the meeting packet was an e-mail from Carolyn Beaulieu a representative of Ciborowski Associates. She was requesting to be placed on the December 11, 2018, Sewer Commission Meeting Agenda to further discuss expanding the City of Portsmouth Public Sewer System to the corner was Washington Road and Route 1.

Joseph Falzone indicated that he received an estimate from Severino Trucking for the installation of approximately 3,000 feet of new sewer line and pump station. He noted that the pump station would cost four hundred to four hundred and fifty thousand dollars with the total project costing 1.6 to 2 million dollars. It was indicated that it was a rough estimate.

David Kohlhasse pointed out that the Town must vote to expand the sewer system and a warrant article is required. It was noted that the article may be viewed as more favorable if it indicated that the expansion would be at no cost to the Town of Rye. However, the supporters of the article could ask the Town of Rye to cover the cost and see if the voters would approve it. Carolyn Beaulieu of Ciborowski and Associates has retained Attorney, Tim Phoenix to assist with the process of a sewer expansion.

It was discussed that the expansion of the City of Portsmouth Sewer System at Foyes Corner was a model. Tim Phoenix asked Joseph Falzone if the 1.6 to 2 million dollars estimate from Severino Trucking to construct the sewer line was inclusive or exclusive of the pump station? Joseph Falzone indicated that it was inclusive. David Kohlhasse question if the pump station was needed. Joseph Falzone mentioned that through his basic research he determined that the pump station at Adams Mobile Home Park could not handle the additional flow. David Kohlhasse pointed out, that the pump station at Adams Mobile Home Park was private and that it would not be used for the proposed project. He mentioned that it would most likely be the existing City of Portsmouth Pump Station that would be utilized.

Peter Kasnet suggested it would be gravity feed and a new pump station may not be required. He mentioned that he met with the City of Portsmouth and they are in favor of expanding public sewer on Route 1 and are no longer requiring a connection fee. It would be a franchise of their system. The process would be similar to the expansion at Foyes Corner. The developer or interested parties would be responsible for the engineering study and the installation of the line to Portsmouth's specifications. Then the line would be turned over to the City of Portsmouth. The engineering would be approved by the Rye Sewer Commission and City of Portsmouth.

It was discussed whether the engineering study was needed before pursuing a warrant article. It was determined that a warrant article could be pursued first.

There was a discussion regarding connection requirements and whether the individuals funding the line could be reimbursed by future connections, it was undetermined.

Tim Phoenix asked what the timing and process would be in regards to a warrant article. Lee Arthur mentioned that the article that was on the March 9, 2010 Warrant was as follows:

*“Article 13. To see if the Town will vote in favor of the expansion of the City of Portsmouth Sewer System (at no cost to the Town of Rye and pursuant to an Intermunicipal Agreement to be negotiated between the Rye Sewer Commission and the City of Portsmouth) in order to provide public sewer service by the City of Portsmouth from the Rye/Portsmouth boundary on Sagamore Road ending at Pioneer Road at Foyes Corner.*

*This article is recommended by the Board of Selectmen.*

*This article is recommended by the Rye Sewer Commission.”*

She indicated that the proponents of a warrant article would have to develop the article. Then decide if they would ask the Board of Selectmen to place the article on the 2019 Warrant or acquire the necessary signatures to have it placed on the warrant as a petitioned article. It was noted that there are deadlines for the process and that the Selectmen’s Office could provide those dates. It was discussed that a warrant article would be drafted similar to the 2010 Article and presented to the Sewer Commission for their approval/recommendation and then submitted to the Board of Selectmen for their recommendation and approval to be placed on the 2019 Warrant.

It was discussed that the engineering study would be the next step if the voters are in favor of the article. Carolyn Beaulieu questioned how long it would take to complete the study and start the project. She was concerned that the housing partnership may not be able to wait and therefore would not be able to participate in the project. Tim Phoenix asked Joseph Falzone if he could find out how long an engineering study would take.

Lee Arthur indicated that she would schedule a Sewer Commission Meeting once a warrant article is drafted. Then the article could be presented to the Board of Selectmen at either their December 20 or 27, 2018 meeting.

## **VIII. New Business**

### **a) 5 Old Beach Road, Map 8.4, Lot 161**

Cory Colwell of TF Moran was present and explained that he is representing Byron and Kathryn Kalogerou of 5 Old Beach Road and has been told that Tim Phoenix will also be representing them. He showed the property on a map and pointed out that the property is just outside the service area and that there is a manhole within 50 feet of the property. The Kalogerous would like to tie into the sewer system. In 2012, John Taylor and the Kalogerous were told that the property was outside the service area and that an expansion may not happen without town meeting approval. Cory Colwell indicated that he was present to confirm the previous response and seek information on how to connect.

Peter Kasnet asked if the lot is being sub divided. Cory Colwell mentioned that it maybe but that they are first trying to determine if connecting to the sewer system is feasibility. They want to connect to sewer whether the lot is sub divided or not. Peter Kasnet asked if the planning board has approved a subdivision and Cory Colwell mentioned that they had not and that it has not been presented either. He noted that the sewer line and a manhole are in close proximity to the property line. Peter Kasnet reaffirmed that the property is outside the sewer district and that an expansion cannot occur without town meeting approval and that there is another issue of structural capacity. He pointed out that the Sewer Commission is conducting a capacity study. The sewer line to the Town of Hampton is only eight inches and there has been an increase in the flow rates as a lot of homes in the district that were once only occupied during the summer months are occupied year round and the flow has doubled during rain events. It was discussed that a property on Locke Road had also requested to connect over the years and was also deemed outside the service area.

There was a discussion regarding non-conforming lots and the impact of sewer availability. Cory Colwell asked if the study deemed that there was capacity, would the commission support a warrant article to expand the service. Peter Kasnet mentioned that it would depend on the results of the study.

There was a discussion on whether to propose a warrant article in 2019. Cory Colwell and Tim Phoenix suggested waiting until the study is completed. It was noted that the property owner would not proceed with a subdivision until the possibility of connecting to the sewer service was determined.

**b) 0 Richards Road, Map 5.2, Lot 156**

Included in the meeting packet was the tax map for 0 Richards Road. Will Ralph introduced himself and his wife Joyce Ralph as trustees of a trust that owns 0 Richards Road. He wants to understand what the process is to connect to the sewer system. Peter Kasnet requested documentation indicating that the lot was buildable and was provided the Board of Adjustment Notice of Decision dated June 6, 2018. It was discussed that the property is in the sewer district has 88.63 feet of frontage and that the hook-up fee is currently \$248.40 per foot until December 31, 2018. Therefore, the hook-up fee if paid prior to December 31, 2018 would be \$22,015.69. Will Ralph indicated that the lot is in the process of being sold and that the buyer will be coming forward to make a formal application to connect to sewer. The purchasers Rob Wright and Lori Wright were present. The following lists of basic sewer conditions to connect were reviewed:

- Hook-up Fee must be paid in full.
- Obtain a Sewer Permit
- Proof of a buildable lot (variances etc.)
- Submit the final Engineering Plans to the Sewer Commission for review and approval.
- 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.
- NHDES Application for Sewer Connection Permit if required.
- 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.
- Contractor to provide Certificate of Insurance before construction starts. Amount and scope of coverage to be approved by Sewer Commission's legal counsel. Rye Sewer Commission and Town of Rye to be named as an insured.
- Easement obtained by any other property owners effected.
- 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.
- Excavations permit if needed.
- Construction may not start until all conditions are satisfied.

***Motion was made by Peter Kasnet to allow 0 Richards Road, Map 5.2, Lot 156 connect to the sewer service as long as all conditions are met and it is approved building lot.  
Seconded by David Kohlhasse. Motion carried.***

Rob Wright asked about the additional approvals/requirements mentioned as part of the check list and the timing of the hook-up fee payment. It was discussed that the engineering firm and building department should be able to determine what permits are required and that the hook-up fee does not have to be paid until the time of construction. However, the sewer permit will not be issued until the



fee has been paid in full. It was noted that the Sewer Commission needs to approve the engineering plans that show the sewer connection. Rob Wright indicated that engineering plans have been completed and provided a copy to the Sewer Commission. The plans were reviewed and it was determined that they did not include the sewer connection. It was noted that engineering plans that show the sewer connection are required for review and approval by the Sewer Commission prior to construction.

**c) 0 Big Rock Road, Map 8.1, Lot 45; Map 5.2, Lot 79 and 80**

Jack McTigue of TF Moran explained that he is representing SKRJ Realty Trust and would like to seek approval to connect two residential houses proposed for 0 Big Rock Road, Map 8.1, Lot 45 and Map 5.2, Lot 79 and 80, the parcels are currently undeveloped. David Kohlase asked if the lots are approved building lots. Tim Phoenix mentioned that the town and his clients have a stipulated settlement for two lots and part of the stipulation was that the property owner was given time to check off a number of things to see if he can do what he wants with the property and one of those items was connect to sewer. Peter Kasnet asked if they were approved lots and subject to the stipulation. Tim Phoenix mentioned that by agreement they are approved lots.

Jack McTigue provided the Sewer Commission with the Water and Sewer Connection Plan for Tax Map 8.1, Lot 45 and Map 5.2, Lots 79 and 80. The plans were reviewed and it was requested that the plans be adjusted to show a minimum 4 inch sewer line from the public sewer service connection to the property line (the sewer line under Big Rock Road). Then resubmit the plans for review and approval.

It was discussed that the same list of basic sewer conditions to connect reviewed for O Richards Road would also apply to 0 Big Rock Road:

- Hook-up Fee must be paid in full.
- Obtain a Sewer Permit
- Proof of a buildable lot (variances etc.)
- Submit the final Engineering Plans to the Sewer Commission for review and approval.
- 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.
- NHDES Application for Sewer Connection Permit if required.
- 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.
- Contractor to provide Certificate of Insurance before construction starts. Amount and scope of coverage to be approved by Sewer Commission's legal counsel. Rye Sewer Commission and Town of Rye to be named as an insured.
- Easement obtained by any other property owners effected.
- 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.
- Excavations permit if needed.
- Construction may not start until all conditions are satisfied.

***Motion was made by Peter Kasnet to allow two lots at 0 Big Rock Road, Map 8.1, Lot 45 & Map 5.2, Lots 79 & 80, connect to the sewer service as long as all conditions are met and the lots are approved building lots. Seconded by David Kohlase. Motion carried.***

**d) 16 Myrica, Map 5.2, Lot 100-001**

It was noted that 16 Myrica was demoed and a new home will be reconnecting to the sewer service. Included in the meeting packet were photographs of the sewer capping and reconnection plans. The capping was inspected and the plans were reviewed by Peter Kasnet.

**e) Other**

Included in the meeting packet for information purposes was correspondence from Peter Rowell regarding change of use for 15 B Sagamore Road and supporting documentation. The current use is a carpet store and the proposed use is as a coffee roaster with retail.

**IX. Adjournment**

The next meeting of the Sewer Commission is scheduled for January 8, 2019.

*Motion was made by Peter Kasnet to adjourn the meeting at 9:55 a.m. Seconded by David Kohlase. Motion carried.*

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