

WINNIPESAUKEE RIVER BASIN PROGRAM

ADVISORY BOARD MEETING MINUTES

February 20, 2020 – Belmont Corner Meeting House

Members Present: The meeting was called to order by Wes Anderson (Laconia), assistant chair, at 10:05 am. Ray Gordon (NHDES), Sharon McMillin (NHDES), Rene Pelletier (NHDES), Johanna Ames (Tilton), Jeanne Beaudin (Belmont), Brian Sullivan (Franklin), Meghan Theriault (Gilford), Phil Warren (Meredith), Trish Stafford (Sanbornton), and visitor Dick Baker (Sanbornton) were present at that time.

Minutes: Phil moved, seconded by Jeanne, to approve the January 23, 2020 meeting minutes, as amended. The motions passed.

Wes welcomed guest Dick Baker, a selectman from Sanbornton, and thanked him for coming. Sharon introduced Ray Gordon, WRBP's new Administrator III. He has a long list of expertise and will be assisting Sharon with a number of projects, including the asset management and collection system evaluations initiative.

Monthly Summary Report: Sharon provided the following updates. They were based on the *Monthly Summary Report* for January 2020.

- Flow Metering Services Study – An amendment to extend the flow metering contract has been drafted pursuant to the AB's decision to move forward with a hybrid model, as some of the flow meters will continue to assist with the modeling for the northern member communities.
- Asset Management/Collection System Evaluations Initiative – There were no updates.
- WRBP Infrastructure Ownership/Responsibilities – There were no updates.
- Governance Work Plan – There were no updates.
- Rate Assessment Formula – The four southern member communities are working with WRBP staff to compile the requested information to complete the proposed hybrid rate assessment.
- Replacement Fund (Reserve Account) Legislation – Discussions continue with regard to the current methodology and any proposed revisions.
- Commercial Discharge Permit (CDP) – Current priorities have been dental offices, food service establishments, and facilities with regulated waste disposal. Changes in use, ownership or expansion may trigger permitting or permit modifications.

Wes asked how the pipeline data-gathering was going under the Asset Management/Collection System Evaluations Initiative. Sharon acknowledged that she was pleased to have Ray taking on this initiative. She explained that data for the northern member communities has been added to the Excel worksheets. The next step will be uploading the worksheets to the GIS platform. It has been a slow process initially because the data has to be verified (truth-checking) first. For example, the WRBP staff has had to reconcile data for the manholes before entering the manhole data into the Excel worksheets because they may actually be another type of structure; like an air relief or siphon inlet or outlet vault that has to be documented as such.

Collecting data for other attributes has also been time consuming. Age of ductile iron will be imported via the Excel worksheets along with soil type map overlays and repair history. This type of data would help pinpoint areas of concern with regard to preventative actions that could be taken moving forward. Sharon announced that Craig Shippee, the Collection Systems Maintenance Section Head, plans to retire May 1st. Craig is a key source of institutional knowledge. Ray will be working with him prior to May 1st to gather data for the Excel worksheets.

Rate Assessment Workgroup Update: Sharon's goal is that a draft for the hybrid model will be ready for discussion at the March meeting. Given its draft nature, there will still likely be some questions regarding issues such as I/I. It should give the Advisory Board a general outline for the model that can be used for decision-making purposes; specifically, the assumptions and a methodology. After the WRBP staff received feedback from the Advisory Board, the draft model can be finalized. The draft model will include data from at least the previous year from all the communities. Additional data will be added over time.

Phil acknowledged that the Advisory Board has been having the same discussions for ten years and expressed his concern about how slowly progress was being made. He moved, seconded by Meghan, for the WRBP staff to complete the model for the Advisory Board's review at next month's meeting; and if the WRBP staff was unable to do so, to hire a consultant to do the work. The motion carried.

The discussion regarding the motion was as follows. Sharon expressed her concern about hiring a consultant. In the past, consultants have been unwilling or unable to help the Advisory Board members reach a decision. A schedule was a great idea; however, from her point of view, a consultant was not warranted. Brian asked when the WRBP staff expected to complete the final model. Sharon reiterated the goal was that a draft model would be presented at next month's meeting. A final model may be ready for the Advisory Board's review this coming summer, depending on the questions and concerns presented by the Advisory Board members. If a large amount of truth-checking was required in order to help Advisory Board members reach a decision and feel comfortable with that decision, it would take more time. The first step was to present the Advisory Board members with assumptions and a methodology. Phil acknowledged that this was the commitment for which he had hoped to achieve through his motion.

Authority Workgroup Update: Wes announced that at next month's meeting, the subcommittee planned to present the cost estimate for the due diligence phase associated with the attorney as well as the due diligence phase associated with the consultant performing the financial aspects. The subcommittee hoped to present the data from this phase in August for the Advisory Board's review.

Brian asked how much will be collected from each member community. Wes explained that the same formula for cost shares that was used to develop the roadmap will be used now. The estimate provided at next month's meeting will provide a full account of what has been collected and how it will now be spent. Sharon asked how much assistance from DES would be required to complete the task for this phase. Wes acknowledged that the subcommittee was unsure because it has not yet received the scope of work from the consultants.

Sharon asked if by due diligence, the subcommittee would be looking at assets, liability, and debts for each of the facilities along with easements. Wes acknowledged that this would be the case. Sharon expressed her concern about the heavy lift this would be for DES staff collecting this data unless the

subcommittee sent someone to scan the archival easement documents. Wes acknowledged that this might be a possibility. Sharon noted that this type of data collecting may involve multiple state agencies as this type of data was held by more than one state agency. Wes acknowledged that he understood that was also a possibility.

Phil moved, seconded by Meghan, for the sub-committee to present the final version of the proposed implementing legislation and inter-municipal agreement to the Advisory Board no later than August. The motion carried.

Phil expressed concern about data collecting that would involve multiple state agencies. He asked Wes if Ray Korber had all of the data he needed for the scope of work. Wes acknowledged that Ray had confirmed that he had all the necessary data. Phil expressed concern regarding the ownership piece of the due diligence. He asked which membership communities have established ownership already.

Sharon explained that the intention of the MOAs between each community and DES was not to establish ownership; but rather to establish O&M responsibilities, regardless of ownership. It has been the AG Office's intention to be very clear on that point with regard to the boiler plate language in the MOAs. Ownership was not being transferred or identified in these documents. The formal recognition of O&M responsibilities was important not only to the member communities and to the state agencies; but also to the EPA because of the NPDES permit designating each member as a co-permittee with certain responsibilities. The outcome of this MOA process may affect assessments based on infrastructure use if the O&M responsibility changes from what is in the current assessment.

Wes agreed; noting that right-of-way ownership often complicated O&M issues. Sharon agreed, because sometimes it was difficult to determine which government entity owned a property or easement. DES did not have the authority to negotiate agreements for property easements that was outside of DES jurisdiction. For example, if the infrastructure was constructed within a DOT road or rail right-of-way, DOT did not give DES an easement. Phil asked if the data collection process could be expedited in order for the subcommittee to push the legislation through sooner rather than later. Sharon offered to redistribute the MOAs and plan sets that were sent to members in 2016, if doing so would be helpful for the newer Advisory Board members. The MOAs and plan sets, along with their status, could be discussed at future meetings.

Sharon noted that Municipal sewer use ordinances (SUOs) go hand-in-hand with the MOAs and are the responsibilities of the member communities. She recommended that member communities that have not already updated their SUOs reach out to Alexis Rastorguyeff (State Industrial Pretreatment Coordinator) at DES. Alex is available to assist with the preparation and/or updating of SUOs. Alexis can identify what EPA and DES were expecting to see in a SOU and how to incorporate WRBP rules and requirements by reference; instead of recreating all the language. Belmont's SOUs were recently updated and are an excellent model.

Replacement Fund Legislation Update: Wes announced that changes need to be made to the proposed legislation; however, some of the changes depend on the pending due diligence and MOA O&M responsibilities that were just discussed. The subcommittee will continue working on this project; however, the work will be staggered due to the project's dependence on the other pieces.

Sharon acknowledged that Ray's request for information has been fulfilled and that the other Advisory Board members had been forwarded a copy by email. She updated the FY15 cost of service analysis to

include FY18 information. The breakdown is largely part of the analysis completed as part of the WRBP annual CMOM report to EPA that is due on April 15th. FY19 has not been completed yet for that report since it is due in two months. As a reminder, the member communities are WRBP co-permittees so each one also has an April 15th deadline for their CMOM respective annual reports.

Sharon handed out the following spreadsheets (previously emailed to members):

- WRBP FY18 Expenses for Admin
- WRBP FY18 Expenses for O&M
- WRBP FY20 Budget for Admin & FY19 Expenses
- WRBP FY20 Budget for O&M & FY19 Expenses
- Updated Payment Schedule Based on Refinanced Bond Issues
- FY18 WRBP Cost of Service Analysis – Flow, Strength & Capacity
- FY15 WRBP Cost of Service Analysis – Flow, Strength & Capacity
- WRBP Franklin WWTP Capacity Status

Other Business: Brian commended Wes for the work he has done as Advisory Board co-chair and asked if the Advisory Board would consider officially electing Wes as chair. Wes agreed to add Brian's request to next month's meeting agenda. The meeting was adjourned at 11:10 am. The next meeting will be held at the Meeting House in Belmont on Thursday, March 19, 2019 at 10:00 am. The minutes were prepared by Pro-Temp Staffing.