

WINNIPESAUKEE RIVER BASIN PROGRAM

ADVISORY BOARD MEETING AGENDA

July 15, 2021

10:00 am

Belmont Mill 4th Floor -14 Mill Street

Due to the expiration of the Governor's Emergency Order, the WRBP Advisory Board must have a physical quorum at a meeting site that is open to the public.

The public has access to listen to and participate in this meeting by using the following link:

<https://us02web.zoom.us/j/84763973802?pwd=b3NWb2FQTSRWHNPa1Njb29WSVozUT09>

Meeting ID: 847 6397 3802

Passcode: 649702

1. June 17, 2021 Meeting Minutes for review and approval – if available
2. WRBP Monthly Summary Report – June 2021
3. Citizen Comments for items on the agenda
4. Governance Guidelines, MOA and possible By-Laws
5. Rate Assessment Update:

Board decision on adopting the new Rate Allocation Model for O & M costs

6. Review of the escrow account; No change from last month
7. Replacement Fund

Review of the AG's changes to the proposed language for the replacement fund

Target Date for submission: September 2021

8. Nomination of Officers:

Chairperson

Vice Chairperson

Capital Improvements Program Subcommittee; Current members.

Laconia

Bay District

Meredith

9. Other Business:

- a. Next Advisory Board Meeting Thursday, August 19, 2021
- b. Decision on where to meet.

10. Adjournment

Item #

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WINNIPESAUKEE RIVER BASIN PROGRAM

ADVISORY BOARD MEETING MINUTES

June 17, 2021 – Conducted Electronically

Members Present: The meeting was called to order by Wes Anderson (Laconia), chair, at 10:05 am. Ray Gordon (DES), Rene Pelletier (DES), Johanna Ames (Tilton), Jeanne Beaudin (Belmont), Glen Brown (Northfield), Ray Korber (Bay District), Trish Stafford (Sanbornton), Brian Sullivan (Franklin), and Meghan Theriault (Gilford) were present at that time either in person or via Zoom.

Minutes: Glen moved, seconded by Brian, to approve the June, 2, 2021 meeting minutes. A roll call vote was taken and the motion carried.

Citizens Comments for Agenda Items: Wes asked if there were any guests from the member communities, and if they had any questions, comments, or concerns regarding the agenda items. As there were no guests, he moved on to the next agenda item.

Monthly Summary Report: The May and June 2021 monthly reports will be provided in July.

Timeline for the CIP Update: Sharon will be returning at the end of June. Wes announced that a meeting will be scheduled during the third week in July. Right now the sub-committee consisted of Meredith, Laconia, and Gilford. Please reach out to Wes if interested in joining the sub-committee or attending the meeting.

Governance Guidelines, MOA, and By-Laws Update: Wes announced that there were no updates.

Rate Assessment Formula Update: Wes opened up a discussion regarding the proposed rate assessment formula model. He distributed a Rate Allocation Answer Tracking Sheet by email prior to the meeting. One of the columns tracked the anticipated date by which each member community expected to provide feedback. Johanna announced that Tilton was interested in a phased-in approach and reviews on a reoccurring basis. Ray announced that Bay District was also interested in a phased in approach (over three years), and a review by the AG's Office. Bay District wished for strength to be considered, because Bay District pre-treated, and wished to receive a credit for doing so. Ray also recommended a review of the rate allocation structure for administration, and documenting the methodology. Brian suggested soliciting feedback from Underwood regarding strength. Ray suggested meeting with Sharon first, before hiring a consultant. He agreed to meet with Sharon when she returned. Ray moved, seconded by Brian, for AB members to solicit feedback from their respective boards regarding a phased-in approach to begin in July 2022. Members agreed to solicit feedback from their boards by July 1st.

Review of the Escrow Account: Wes announced that there have been no changes.

Replacement Fund: Wes announced that there were no updates.

Other Business: The meeting adjourned at 10:20 am. The next meeting will be held on Thursday, July 15, 2021 at 10:00 am at Belmont Mill (4th floor) which is located at 14 Mill Street in Belmont. The minutes were prepared by Pro-Temp Staffing.

Item # 5

Item #6

As of Jan 2, 2021

Rath, Young & Pignatelli Road Map Study

Budget Tracking sheets

Funds Available \$ 51,900.00

Invoice #	Date of Invoice		Invoice Amount	Funds remaining
Road Map Development				
Invoice # 1	5/22/2018		\$ 2,858.00	\$ 49,042.00
Invoice # 2	6/20/2018		\$ 6,890.18	\$ 42,151.82
Invoice #3	6/30//2018		\$ 6,958.00	\$ 35,193.82
Invoice #4	8/20/2018		\$ 2,656.00	\$ 32,537.82
Road Map Phase 1				
<i>Carry Over from Previous Phase</i>				\$ 32,537.82
<i>Escrow for this phase</i>				\$ 65,000.00
<i>Total Available</i>				\$ 97,537.82
Invoice #1-1	20-Sep-18	79111	\$ 800.00	\$ 96,737.82
Invoice# 1-2	18-Oct-18	79407	\$ 896.00	\$ 95,841.82
Invoice #1-3	15-Feb-19	80548	\$ 924.00	\$ 94,917.82
Invoice #1-4	15-Mar-19	80800	\$ 759.00	\$ 94,158.82
Invoice #1-5	6/10/2019	81583	\$ 396.00	\$ 93,762.82
Invoice #1-6	7/18/2019	82002	\$ 330.00	\$ 93,432.82
Invoice #1-7	8/15/2019	82241	\$ 66.00	\$ 93,366.82
Invoice #1-8	9/17/2019	82524	\$ 1,584.00	\$ 91,782.82
Invoice 1-9	10/28/2019	82912	\$ 396.00	\$ 91,386.82

Invoice #	Date of Invoice		Invoice Amount	Funds remaining
Invoice 1-10	5/11/2020	84667	\$ 1,224.00	\$ 90,162.82
Invoice 1-11	6/19/2020	85172	\$ 782.00	\$ 89,380.82
Invoice 1-12	9/23/2020	85982	\$ 2,550.00	\$ 86,830.82
Invoice 1-13	10/23/2020	86266	\$ 1,394.00	\$ 85,436.82
Invoice 1-14	11/13/2020	86449	\$ 525.00	\$ 84,911.82
Invoice 1-15	12/15/2020	86722	\$ 1,480.00	\$ 83,431.82

Item # 7

MEMORANDUM

TO: Robert R. Scott, Commissioner

CC: Thomas O'Donovan, Water Division - Director;
Rene Pelletier, Water Division - Assistant Director;
Sharon McMillan, WRBP – Environmental Program Administrator;
Ray Gordon, WRBP – Administrator III

FROM: Christopher G. Aslin, Senior Assistant Attorney General

RE: WRBP Replacement Fund Proposed Legislation

DATE: December 1, 2020

Commissioner Scott, you have asked for the Department of Justice to review proposed legislation regarding the Winnepesaukee River Basin Program (“WRBP”) Replacement Fund that would revise the cost reimbursement allocation among WRBP members in RSA 485-A:51.

As currently enacted, RSA 485-A:51 allocates 100% of the costs of repairs or replacement of WRBP equipment to those WRBP members that utilize the affected equipment. The proposed amendment to RSA 485-A:51 would adjust this allocation such that 50% of the costs of repairs or replacement of WRBP equipment would be allocated to those WRBP members that utilize the affected equipment, and the remaining 50% of costs would be allocated to all WRBP members. The proposal further clarifies that WRBP members are responsible for contributions to the Replacement Fund when the capitalized amount of the Fund increases due to changes in the value of the facilities.

This is a legally permissible approach that could be enacted by the legislature. However, to more clearly achieve the intended change, I have provided additional revisions to the proposed language in the attached redlined version of the proposal.

In addition, to eliminate any possible claims of vested rights in the current cost allocation, it would be advisable to move forward with the proposed amendment with unanimous consent of the WRBP member communities.

Should you have any questions, or require additional assistance, please let me know.

Proposed Legislative changes to the WRBP – Replacement Fund

As of August 24, 2020

485-A:51 Replacement Fund Established. –

I. There is established a nonlapsing, revolving fund to provide capital for repair and replacement of major components of the water pollution control facilities administered under this subdivision which cannot be absorbed as regular budgetary items. The replacement fund is to be capitalized by contributions from the members served by the facilities based on each member's projected usage of the facilities.

II. The fund shall **be capitalized at an amount** equal **to** 5 percent of **the value of** the equipment and other depreciable assets of the treatment facilities. The value of the equipment and other depreciable assets shall be computed every 5 years, beginning in 1990, and shall be based on current replacement costs.

III. Each member's share of the total fund **capital** shall be contributed over a period of 10 years after the initial establishment of the fund and shall be paid as a yearly surcharge to the member's operating charges. Thereafter, each member's surcharge shall be prorated as membership and design changes require.

IV. Once a member has fully funded its share of the replacement fund **capital**, the member shall make no further contributions until the fund is utilized for repair or replacement of a facility used by that member **or the asset valuation increases such that the fund capitalization-balance increases as per established in RSA 485-A:51 II and III.** ~~Expenses for which the fund is used shall be proportionally charged against each member's contributions to the fund for the facilities utilizing the fund, which will subsequently be reimbursed by the member in successive years in addition to the member's yearly contribution to the fund, until the member's share of the fund is fully restored. **Following any expenditure from the fund, fifty percent of the expenditure shall be replenished by contributions from those members that utilize the facilities receiving funding based on each member's proportional usage of said facilities** ~~the members shall replenish the replacement fund with fifty percent of the project's expenses for which the fund is used proportionally charged against each member's contributions to the fund for the facilities utilizing the fund, and fifty percent of the expenditure shall will~~ be shared among all members using **their respective percentage distribution of assessment for -replacement fund contributions pursuant to RSA 485-A:51 III.** The expenditures will be reimbursed by the members over **a ten-year periods** in addition to the members' yearly contribution to the fund, until the members' share of the fund is fully restored.~~

V. If a repair or replacement cost exceeds the value of the fund established for that particular facility, the repair cost shall be paid out of the portion of the fund established for other facilities, ~~but reimbursement to the fund shall always be assessed back to members based on their projected usage of the facilities needing repair.~~ **However, reimbursement to the fund shall always be assessed back to members based in accordance with the distribution apportionment listed set forth in Paragraph IV.**

VI. As new facilities, if any, are added to the system, additional assessments shall be made to the members benefiting from these facilities, prorated on the basis of projected use.

VII. If a new member joins the system, the assessments shall be modified to reflect the new member's proportional benefit from the facilities, and excess prior payments made by other members, if any, shall be credited to their accounts.

VIII. All contracts paid for using the fund shall be submitted to the governor and council for approval.

IX. This nonlapsing, revolving special purpose fund is continually appropriated to be used by the department in accordance with this subdivision. All moneys shall be deposited with the state treasurer who shall keep this money in a separate fund, notwithstanding RSA 6:12. The state treasurer shall invest the moneys deposited with him as provided by law. Interest received on investments made by the state treasurer shall also be credited to the fund. All such interest shall be added to each member's share of the fund based on each member's contribution to it.

Source. 1989, 339:1. 1996, 228:106, eff. July 1, 1996.