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**APPROVED**

**MINUTES OF THE MILFORD BOARD OF SELECTMEN WORK SESSION**

August 15, 2011

**PRESENT:** Nate Carmen, Chairman  
Gary Daniels, Vice Chairman  
Tim Finan, Member  
Mike Putnam, Member  
Katherine Bauer, Member  
Guy Scaife, Town Administrator  
Fred Elkind, Conservation Coordinator  
Rick Riendeau, Director Dept. of Public Works  
David Boucher, Superintendent Water Utilities Dept.  
Sarah Marchant, Town Planner  
Robert Courage, Water Commissioner  
Chris Costantino, Conservation  
Dale White, Water Commissioner  
Peg Ouellette, Recording Secretary

**1. CALL TO ORDER, BOARD OF SELECTMEN INTRODUCTIONS & PUBLIC SPEAKING INSTRUCTIONS:**

Chairman Carmen called the meeting to order and thanked the Water Commissioners and others for attending. He stated there have been discussions about storm water and a storm water permits that allow the town to discharge storm water. The town had one permit that expired more than a year ago after five years and we are still waiting, and expect to have it by the end of this year (the second five-year permit). The selectmen have met to talk about it; it is a growing requirement that is here to stay. The real focus is to control, limit and hopefully resolve most of the contaminants that are getting into our water supply and wetlands. Storm water is the largest contributor to contamination to our water supply and to our wetlands. Chairman Carmen stated that Fred Elkind, Sarah Marchant and Rick Riendeau will be speaking. This is viewed as part of the process of educating everyone because ultimately, not only does it involve a lot of work, but is costly. This is not just affecting Milford; it is national. This is a regional issue and we don't have our permit. Most of the country is well into their permit and is off and running. Fred Elkind will be showing that some of the requirements are front-end loaded within the next five years and we need to proceed. Chairman Carmen further stated that with all the talk of the economic climate it is a difficult time to ask for extra money, but Water Utilities has a role in this as they have much innate intelligence about what is out there and the records and field data. So, they need to work together, and the Board and Water Utilities have been cooperative with the GIS in getting all our utilities mapped. He then introduced Fred Elkind to speak first with some history, and about what is foreseen in the short term.

**2. DISCUSSION:**

Fred Elkind spoke and referred to the handout. He said the start of the program occurred about 1948 when the first federal water pollution act passed. The purpose was primarily to classify surface waters. Today, most of our surface waters are classified as A or B quality. Most of Milford's waters are B. B quality waters are fishable, swimmable, and potential uses for water supply. Surface waters are streams and lakes that would fall into that classification. We know that we have certain limitations. In 1972 President Nixon was active in putting together an environmental program and that program initiated the EPA. The initial plan was to protect surface water from any contamination from all sources. But, how? In 1977 there were amendments to the Clean Water Act which resulted in the program we know as the National Pollution Discharge Elimination System and a permit system went into effect. That permit was intended at the time to deal with point sources; point sources are direct discharge from municipalities and industries coming out of the end pipe. At that same time, probably only about 25% of the surface waters in this country were meeting the legislative classification quality. So, while they were classified at a certain level, they weren't meeting it. The program initiated some \$20 billion from the Federal government for treatment plants and sewers, to get the program running. NH was effective in doing that and got its share of funds and got the program running. There was a challenge to implementing the Clean Water Act by a number of environmental groups based on the fact that while efforts were going toward point source discharges, there was nothing directly in the Act to indicate that only point sources should be regulated or permitted. By the 80's and 90's there was an understanding that non-point sources would have to be controlled in the same way. Use of the permit was difficult in some cases of non-point sources, but one area it could be applied was storm water and storm water that mostly comes out of

**APPROVED MINUTES OF BOARD OF SELECTMEN WORK SESSION –  
8/15/11**

1 pipes sort of fit the bill, and the program was set to require DES permits. The initial step, Phase I, was to require big  
2 municipalities to obtain permits. The second step was small municipal separate storm water systems had to get per-  
3 mits. Milford's first permit was obtained in 2003. He referred to a presentation slide entitled "History – General  
4 Permit - 6 Minimum Control Measures." EPA has a technique of starting off at an innocuous level as they can. So  
5 their first initiative was for six minimum control measures : Public Outreach and Education; Public Involvement  
6 and Participation; Illicit Discharge Detection and Elimination (DDE); Construction Site Stormwater Control Pro-  
7 gram; Post Constructive Stormwater Management; Good Housekeeping and Pollution Prevention. Those six be-  
8 came the basis for the storm water program now in effect in town. Most of the efforts were going to deal with those  
9 six.

10  
11 Now the permit has expired and EPA is going to make it more inclusive and the next step will require a greater level  
12 of regulation. So, theoretically in 2009 they were going to issue a new permit, but they didn't. They also didn't in  
13 2010. They were sort of, maybe by the end of 2011. We are now guessing that's going to happen by the end of  
14 2011. The permit will be more or less an amendment and continuation of existing programs. The main difference is  
15 the EPA is moving away from what they call MEP, or Maximum Extent Practical approach, to a more specific ap-  
16 proach. They are going to look at specific issues, i.e. end of the pipe issues; they want to see the water quality at the  
17 end of the pipe, if there is discharge going into surface waters. Surface waters are not just surface waters in the  
18 town, surface waters are throughout the state and everywhere and that's why they get regulated. If there is any con-  
19 tamination that will lower that water quality and prevent the stream from meeting its water quality, it will have to be  
20 dealt with. There will be sampling at the end of the pipes, etc. There are additional actions that will become more  
21 rigorous.

22  
23 Fred Elkind referred to the handout "Significant New or Increased Initiatives" which gives a brief outline of some of  
24 the new requirements, which mimic to some extent the proposed rule. First, we need to revise the existing program.  
25 Since it's not the same program, submitting the same plan doesn't work. There is some administrative and planning  
26 work to do to create a new plan that meets EPA criteria. At first look at their revised permit criteria, it seems they  
27 are fairly extensive, and reading between the lines they are more extensive than they first appear. They are well  
28 thought out and have been implemented in other parts of the country, so they have experience with them. One of the  
29 primary steps needed is to complete the storm water system map. Sarah Marchant indicated the importance of this is  
30 because almost everything else is based on it. Once the map is in place, all succeeding decisions are based on that  
31 map—the area they cover and what is being controlled. All of this is reported to the EPA. The third item is to im-  
32 plement new and revised Best Management Practices (BMPs). There were Best Management Practices alluded to in  
33 the earlier program and were general in nature. Now there is a need to define much more specific types of practices  
34 to follow. We also need to make sure there are storm water pollution prevention plans for all appropriate facilities in  
35 town. Currently there are a number in place, but we still need to get them individually permitted. Wastewater has  
36 one, the transfer station has one; but a number of other facilities, i.e. DPW and school facilities, do not. It could be  
37 that the Fire and Police Departments may require it depending on whether or not they meet certain criteria. A series  
38 of plans will have to be prepared, not just on paper, but required activity and recordkeeping and reporting which will  
39 affect almost all parties mentioned.

40  
41 Mr. Elkind continued that there is another concept that is new, Directly Connected Impervious Areas (DCIA).  
42 These are all paved areas in town. Technically, Milford's storm water system collects storm water from any imper-  
43 vious source that runs into it but there are other sources that we don't control – from a source that doesn't go  
44 through a municipal system. Our responsibility under the storm water program is primarily what runs through our  
45 pipes. But this DCIA concept says there are other discharges into surface water. In other words, drainage comes off  
46 a paved area, runs down a slope and runs into the surface water without ever touching the municipal system. The  
47 town is not free and clear. These have to be evaluated and the town must report to EPA how much area is involved,  
48 assess the level of discharge and continuously update EPA as new impervious areas are brought on line and as others  
49 are improved. EPA will be following this as we go along. It is not clear what EPA will do with the information, but  
50 we can be sure they are asking for a reason and we can anticipate the other shoe will drop, perhaps fairly soon.  
51 There are a number of municipal facilities that have discharges into systems that are not storm drain systems, i.e.  
52 DPW. We will have to start to assess the impact of that.

53  
54 Mr. Elkind said in addition, the EPA is looking at improvement of existing situations. For example, the Town Hall  
55 has storm water generated from it that goes untreated into a storm drain which goes into the river. In the future that  
56 will not be acceptable. There will have to be some level of treatment of that water. It is not easy, but is not some-  
57 thing we are being directed to do today. But in the rules we have to identify which facilities are being improved,  
58 even though at this stage there may not be a penalty for not improving, obviously this is a step in that direction.

APPROVED MINUTES OF BOARD OF SELECTMEN WORK SESSION –  
8/15/11

1  
2 Mr. Elkind continued that this is something that is going to be very specific, not a general approach. In order to as-  
3 sess water quality, sampling is needed. There is a program where all of the outfall, every storm water discharge,  
4 will be sampled, essentially 25% of it every year until it is done. Sampling means taking samples of water during  
5 wet weather conditions, as well as observing during dry weather conditions. Then samples must be analyzed, which  
6 can be fairly comprehensive. Currently there is discussion as to whether it will be rigorous laboratory or other type  
7 of analysis. If EPA works with an easier type of analysis, but they can't all be done that way. Milford has an advan-  
8 tage as the staff of Water Utilities has performed sampling, they have the wastewater treatment plant, and they have  
9 laboratory experience. That will be useful and they will be looking for guidance and input on that. This is a large  
10 undertaking. We don't know how many discharges we have. Some have been included in the initial mapping. There  
11 will probably be in excess of 100 discharge locations to monitor. That means 25 a year, which is a lot; and then you  
12 have to report on that.

13  
14 Then there is the issue of maintaining adequate funding which Mr. Elkind said he would leave to others to speak  
15 about. Mr. Elkind then referred to the chart "Program Revision & Schedule". The intent is to give a sense of some  
16 of the major programs; it is not comprehensive. The assumption is if the program begins at the end of this year or in  
17 January 2012, this will give an idea of the timeframe of the work items required. There is a lot of work in the be-  
18 ginning of the program. Mapping, assessment of facilities, developing plans all need to be done up front. Once all  
19 those are done, you enter into the programmatic phase, implementing the program that has been developed. So over  
20 the next couple of years, they will be busy getting ready to implement.

21  
22 Guy Scaife wanted to make clear that if that document says we must do X in 60 or 90 days, we must do that. It is a  
23 large amount of work and we are starting from scratch. This is a huge effort over the next 22 months especially.  
24 Mr. Scaife asked, if there are no questions, for Sarah Marchant to speak as to the mapping program and why it is  
25 critical to complete it. Vice Chairman Daniels stated that he understands that currently at the Federal level there is  
26 no money to fund and monitor this. If we do all this work and then there is no money to fund it or monitor it, where  
27 does that leave the town?

28  
29 Sarah Marchant stated that she believes this money is funded. Last year the person administering the permits was in  
30 charge of compliance, essentially if you were doing something wrong. Now this has a separate enforcement bureau  
31 that is currently functional. Thelma is EPA administrator but she is not in charge of enforcement any more. There  
32 is a separate enforcement bureau. It is Sarah's understanding this specific permit is funded now; they know of  
33 communities in NH that have been fined for non-compliance. It is a national program and they are pushing hard  
34 nationally; there is a lot of enforcement happening.

35  
36 Selectman Bauer stated there is concept and then there is reality, especially with the EPA.

37  
38 Ms. Marchant referred to an article in StormWater magazine that refers to what they are trying to do and who is be-  
39 ing fined; there is a lot of information out there nationally. But with regard to mapping, in 2009 Milford started with  
40 \$75,000 a year to start GIS mapping. There has been real progress. They were able to take advantage of the econ-  
41 omy in pricing and are a little bit ahead of schedule. They have all aerial photography done. They have all points in  
42 line. As of 2010, she hopes to keep up with it and all the impervious areas in the community. They are a step ahead  
43 with regard to the indirect impervious areas. It has all been mapped and converted to GIS. They were also able to  
44 purchase a GPS unit to do some of our own field work, which is underway. The project this year was getting the  
45 software out to all other departments. People are using it and it has been helpful for people to get the concept of  
46 what the GIS is and how it works. The next step is getting the storm water system mapped. R & Q will be going out  
47 next couple of weeks to start that process. They will be using field data and getting a consultant in. From the sewer  
48 separation project they have maps of the downtown core area showing most of the storm water there and Water  
49 Utilities has penciled in updates they have come across. There is a lot of information on those maps. From there  
50 they can start using all the major subdivision plans and their drainage maps to hopefully minimize any field effort.  
51 They have a strategic plan and are moving along. They should be in a pretty good position as far as the mapping  
52 goes.

53  
54 Selectman Putnam asked what are we looking at for costs? Ms. Marchant said best estimate is about \$250,000 a  
55 year. Selectman Putnam asked if that was all seven years? Ms. Marchant said this is permanent moving forward,  
56 and maintaining.

**APPROVED MINUTES OF BOARD OF SELECTMEN WORK SESSION –  
8/15/11**

1 Mr. Scaife said that Fred Elkind tried ways to state what may be a reasonable amount. There is a push at the federal  
2 level to come up with dedicated funding. We will talk about an article from Ithica, NY later, but if you look at their  
3 population and what they dedicated, the net is that \$250,000 seemed logical for a community of our size. A couple  
4 of years ago the Board approved \$75,000 for this. Fred has time on this and Sarah has time on this. Rick is doing  
5 catch basin cleanings-that's \$13,000 right off the top plus he does other things that would be in that umbrella. To-  
6 day we are doing routine maintenance and work that DPW does that would be under that umbrella. If \$250,000 is a  
7 good number, it is not 100% added. We think we are at least spending \$110,000 to \$120,000 (per year) today in to-  
8 tal. How that will go on in the future or how it will grow is a guess. It means we need to add resources, especially to  
9 complete the GIS mapping. In Bill Parker's presentation he indicated we need an estimated three days a week of  
10 GIS to work with Sarah to help develop this piece of it. That is a capability that will serve both Water Utilities as  
11 well as the town.

12  
13 Selectman Putnam said maybe we should be thinking about a division or department in town dedicated to storm wa-  
14 ter. Guy Scaife said that has been thought about. Should we go there and, if so, when? It doesn't have to be next  
15 year. But they are dedicating resources. Sarah Marchant and Fred Elkind are spending some and dedicating a cou-  
16 ple days a week on the GIS effort. We need a budget code to track the expenses. Larger communities have done  
17 that, having a Water Department, a Sewer Department, and a Storm Water Department so they have dedicated it on  
18 a larger scale. He referred to the article which talks about implementing a utility user fee vs. all of it coming out of  
19 the general fund. The city in the article did a study looking at various funding mechanisms. It is a matrix that asks  
20 if you do this will it accomplish all the things you need, yes or no? The net is they came up with only two funding  
21 methods: 1. The general fund (like we are doing today); or 2. A user impact fee – just like we have a separate wa-  
22 ter bill. Guy Scaife said some towns might be looking at \$4 to \$5 a month (per household) on average. He is not  
23 promoting it but feels the Board should be thinking about it as an alternative. The disadvantage is that politically  
24 another fee is tough to swallow. The positive is you can tie it back to those who drive storm water volume. If you  
25 have a gigantic parking lot and it's based on impervious square footage then you are going to pay more than some-  
26 one who doesn't. Those who are tax exempt would not be exempt because they are generating storm water regard-  
27 less of their tax structure. It is more user-based rather than flat rate. He feels from an equity standpoint that is fa-  
28 vorable. If Sarah Marchant as a planner worked with developers and they start minimizing impervious areas, to  
29 mitigate, they know that in building they can do things that limit storm water run off, they will reduce their share of  
30 the burden. He suggested reading the article, as it is a good article on what other towns are doing. The key point is  
31 that one of the checkpoints for the Federal government is to look at towns to see if they have a rock solid funding  
32 source or if the funding is at the whim of a political movement that comes in and says we can't afford that this year.  
33 You can do it from the general fund where everyone would pay the same regardless of their contribution, which is  
34 not fair. He believes the user fee has stood the legal test.

35  
36 Fred Elkind said one of the statements deals with funding and the interpretation of that line says that the funds used  
37 to run the storm water program have to be separate and identifiable. In other words, they have to be tracked sepa-  
38 rately and have to be able to stand on their own. There are additional criteria with it, but they are looking for some  
39 way of saying that each community has a bank account that has sufficient funds in it to run the program. They are  
40 not telling you how much it costs to run your program, or suggesting any particular amount, but once they see the  
41 program up and operating they are anticipating that the funds are there to fund and operate it.

42  
43 Guy Scaife addressed Selectman Putnam's point about a separate utility organization that would lend itself to that  
44 route. He suggested keeping in mind, as Sarah had explained to him, within NH there is not legislation that would  
45 allow the Town to implement such a fee today. Probably soon something will get proposed to the NH Legislature to  
46 allow communities to set that up. Manchester did get some special legislation specific to them.

47  
48 Sarah Marchant said they have not implemented that legislation. They are trying to get it funded. Guy Scaife stated  
49 they have to get it established legislatively so they can set it up. He asked if they have a separate storm water de-  
50 partment. Sarah Marchant said they do. But we cannot enact a user fee for this program. It would be statewide leg-  
51 islation. Guy Scaife said if the Board agreed we could do it with the general fund today; it is a mechanism, but it  
52 spreads it equally and not to the users.

53  
54 Fred Elkind said Ricky Riendeau will address another component which is discussing the revised EMPs. One of the  
55 things that has changed is that EPA is looking for the town to prepare, implement and present maintenance proce-  
56 dures. We do it anyway - things like sweeping streets, cleaning catch basins, etc. But to do it effectively requires a  
57 lot more work and a lot more steps. Ricky Riendeau can bring them up to speed on what is ongoing and some of the  
58 anticipated changes. Selectman Putnam asked what kind of containments EPA is looking for. Ricky Riendeau said

**APPROVED MINUTES OF BOARD OF SELECTMEN WORK SESSION –  
8/15/11**

1 they have a list but it is going to change. Predominantly it is nutrients, organic material, oxygen-depleting materials  
2 – things that reduce the fishing capability. All surface waters in NH are Class A or Class B. Class A is water sup-  
3 ply, so the majority is Class B which is fishable and swimmable. Any discharge has to be such that it does not inter-  
4 fere with fishability or swimability. So, anything that would prevent fish from reproducing.  
5

6 Mr. Riendeau continued that in addition Milford has a number of segments that are limited because of discharges  
7 already occurring, some natural and some not. There are sections of town that are limited in terms of contamination.  
8 They have bacteria, low oxygen or some have Ph issues. To the extent they are not meeting requirements now, there  
9 can be absolutely nothing in the discharge that would further keep the discharge from meeting the standards. He  
10 referred to the area in green on the EPA schedule handout and said that EPA is struggling with what some of those  
11 parameters should be and that is one of the items keeping EPA at this time from finishing their permit. EPA looks at  
12 productivity, turbidity, Ph, chlorine, temperature, and e-coli as the primary things.  
13

14 Selectman Bauer asked if all these things are already done by DPW, but now these things have to be reported to the  
15 EPA? Mr. Elkind said there is a reporting requirement. One of the things being worked on is to simplify the report-  
16 ing requirement. Currently there is a lot of information kept and summaries are sent yearly to EPA. Selectman  
17 Bauer asked what EPA does with the information. Mr. Elkind responded they are not sure. But they know that EPA  
18 deals with it because the Town of Plaistow was fined because there was a difference between the town and EPA on  
19 certain aspects of their annual report. The fine for that was something like \$65,000. Selectman Bauer asked for the  
20 timeframe between them turning it in and EPA saying that Plaistow was wrong. Mr. Elkind responded he believes it  
21 was within a relatively short period, within a year. But EPA knows they are going to get more data so they are try-  
22 ing to standardize the process by which they get it electronically and means to assess electronically.  
23

24 Selectman Bauer said she is stating the obvious, but what she is hearing is that this is an unfunded mandate from the  
25 EPA and EPA doesn't even have their rules and regulations sorted out. So, the town departments get all of this work  
26 done and then two weeks later some other thing comes into play and the Federal government says they need extra or  
27 forget what you did. Also, the DPW and town departments have to have some accommodation for this extra work.  
28 With all of this reporting, forms, testing, etc., can our departments handle this as things stand now- or maybe with a  
29 little help from Planning and Development?  
30

31 Mr. Elkind asked if she meant handle it technically? Selectman Bauer said it is more paperwork and reporting. Mr.  
32 Elkind said yes, but that is not to say there won't be additional manpower required. We have the skills and capabil-  
33 ity to do it. Getting back to some of the other points, it is unfunded. As he referenced earlier, in the 1970's when  
34 the program went into effect, there was a \$20 billion carrot that went with it, and the State said we have to do this so  
35 we (the State) will pay for 20% and the Federal government was paying 75%, so the town only had to pay five per-  
36 cent of costs associated with the programs. That went away in the late 80's early 90's and EPA doesn't pay any  
37 more. So the regulations exist and programs have to be funded locally. Mr. Elkind stated the other side of the ques-  
38 tion is, whether or not the EPA is providing a moving target? He thinks their intent is not to and that it why it is  
39 taking some time to develop regulations. He thinks EPA is trying to tie all this up, because they know once they put  
40 final wording out and sign the permit, then they can't change it for another five years. He doesn't expect to see it as  
41 a change in the program. The reason the town can anticipate what is involved is because while Milford is going  
42 through this process, the rest of the country, or a good portion of the rest of the country, has already implemented it.  
43 This is new to us, and partly because we are a non-delegated state. In other states, for example, Ithica, New York –  
44 New York is a delegated stated. New York writes the permit for the municipality. It is a lot easier and they are op-  
45 erating on the same set of criteria. So, there isn't much chance the permit won't happen; it is a matter of when they  
46 take care of all the issues. Currently there are four states – he think they are Massachusetts, New Hampshire, Geor-  
47 gia, one other state, and the Indian territories – that are not delegated for the outsource system.  
48

49 Sarah Marchant said when they go for the permit they tell us. Selectman Bauer said Milford must do it, though.  
50 Everything we do generates a report, does it not? Sarah Marchant responded yes. Selectman Bauer said each time  
51 we do a specific report to the EPA, and that is just one of many, many tasks that this can come with. Sarah Mar-  
52 chant responded yes and the town is working on a way to mechanize as much as possible because most of the report-  
53 ing is individualized summary reports, so that internal process is what will be worked on. Dave Boucher, Water  
54 Utilities Superintendent, said there is software out there, so you don't have to reinvent the wheel. All you do is tai-  
55 lor it to whatever your application is. Selectman Bauer asked if additional staff will be needed to do this.  
56

57 Dave Boucher responded that there is a lot (of time) at the beginning but once the mapping is done, the fly-over, we  
58 see catch basins, go out and make sure everything jibes. If we miss one, we located it, and work our way down

**APPROVED MINUTES OF BOARD OF SELECTMEN WORK SESSION –  
8/15/11**

1 through the system. There are places we will have to run cameras down. There are old maps from the sewer separa-  
2 tion. All of this is going to come together, which is a good thing. Guy Scaife said yes, it will take more manpower.  
3 That's why we are here. Selectman Bauer asked how much more? She said she wanted to get an understanding  
4 from Ricky Riendeau about his department.  
5

6 Guy Scaife said they have given an estimate of \$250,000 and there is no way to fine tune that tonight. We have to  
7 move through the process. That is a general call which includes software and personnel. We bought the fly-over so  
8 it's not necessary to buy another one. We can take that money and move it to pay for this. It is something over a  
9 long period of time. The focus should be on the dollar amount, not on whether we are adding half a person here or a  
10 quarter person there. That is incorporated in the cost. The other thing we need to do, for example, is catch basin  
11 clearing. We are doing them once a year. We will probably have to do them twice a year. Plus we use what the  
12 contractors use, like a clam shell that goes down and pulls material out. That doesn't do an adequate job. We may  
13 get by with doing that once a year but we need to get a vacuum truck that sucks out all the material and doesn't  
14 leave all of those fine particles, so much of what is probably the worst of the worst, down in there. So it's not only a  
15 frequency, but it's a much more costly method. Now, is that equipment we buy, or do we have a contractor do it for  
16 us? Another item is cameras. We have the cost to run a camera through all of the storm drain conduit to determine  
17 where that conduit is broken or jammed up. The camera costs \$75,000. It is something we could use and Water  
18 Utilities could use. If you have to hire a contractor a lot, it would pay for itself to buy the camera and do the work  
19 with town employees. So those are the decisions in front of us. But all the precise costs cannot be fine tuned. We  
20 do know that we have sized up a three-day-a-week person to help with the GIS; Fred's time on overseeing and pro-  
21 ject coordinating and more field work; whether we use part-timers, or how we do it. We will get there but we are  
22 not that far along to say how this will impact DPW manpower.  
23

24 Selectman Bauer said she's not looking at fine tuning, but at the scope of the project town wide. Guy Scaife said  
25 that's why he said the \$250,000 figure. Selectman Bauer raised an additional point. When talking about two ways  
26 to fund it, one being whether the NH legislature passes our ability to go with a user fee, which they have not and  
27 may not. So that leaves the general fund answer. She feels that is pretty important. It is a lot of money. Guy Scaife  
28 responded that they are not going to ask for \$250,000 in the 2012 budget, but they are going to ask to fund extra man  
29 hours for this project and probably some others. They haven't fine-tuned that point, but we are not going from zero  
30 to a hundred in year one.  
31

32 Sarah Marchant said without the map, and this is why it is front-loaded, we don't know the scope of the system. One  
33 of the requirements of this permit is to tie into surrounding communities. Right now we don't know if some of the  
34 requirements are quarterly or twice a year. Selectman Bauer commented that we know that this 40-page, double-  
35 sided requirement is not going to go away, so somehow you are all going to have to handle this system mapping and  
36 so on. That means the Selectmen will have to work out how to budget it. Of course you don't know all the details  
37 yet, but you know this isn't going to go away.  
38

39 Chairman Carmen said we know about the \$75,000 beginning portion and that was just for the first year. That was  
40 just part of that \$250,000 at the beginning. Then it kind of goes away. But then, the \$250,000 is going to pay for  
41 different things along the way. Ms. Marchant responded yes. Chairman Carmen said sometimes it's personnel,  
42 sometimes technology, and other things. He said we have to come up with the money; we have no choice. Getting  
43 money from the general fund doesn't mean it has to be taxation. It is his understanding you can't have a specific  
44 user fee right now. He is thinking of an impact fee. We are already doing that for other purposes. He asked if there  
45 are other ideas to raise funds other than user fees? For example, an extra dollar for people coming in to register their  
46 cars.  
47

48 Ms. Marchant said this is a new system that stood up to legal challenges throughout the country. There have been  
49 communities in Massachusetts that have limited impact fees. But in NH we are only allowed to charge for what we  
50 are legislatively allowed to do. We can't add a dollar onto car registration fees. While there is a window through an  
51 impact fee, impact fees cannot be used for maintenance or any insufficiency in the system. It can only be used for  
52 future improvements to the system. Chairman Carmen asked if a portion of it could be used? Ms. Marchant said it  
53 could be used for future improvement of the system. So there are other options, but as the graph shows there is  
54 nothing else that covers all the aspects that you really need.  
55

56 Chairman Carmen said what they're saying is we better start thinking about it so when it does come down we are  
57 ready. Selectman Putnam asked how many people are treating their storm water? Ms. Marchant responded that, for  
58 example, the alteration of terrain permits changed in the past year or so. Due to that, a lot of site plans for subdivi-

**APPROVED MINUTES OF BOARD OF SELECTMEN WORK SESSION –  
8/15/11**

1 sions are coming in to the Planning Board – people are already changing the way they build. In new subdivisions  
2 the DES put out the Homeowner’s Guide to Stormwater for maintenance. Because building these new houses in  
3 subdivisions, there is one on the other side of town that has some implications for individual private lots to treat their  
4 water. It’s coming from many angles but it is a zero discharge. This is where we are moving to, so these are not  
5 going to be only Town issues but individual lot owners are going to have to know how to maintain a filtration sys-  
6 tem like they maintain their septic system.  
7

8 Ricky Riendeau said you document it and then you are given a set amount of time – he thinks it is 60 days – to chase  
9 it which comes back with mapping the system so you can track it to find where the illicit discharge comes from and  
10 then take care of it. You have to take care of it within a certain amount of time. Selectman Putnam said when treat-  
11 ing water was mentioned, he first thought of a treatment plant similar to a sewer treatment plant where we might  
12 have a plant for our storm water to treat that oxygen, remove the turbidity, etc. before it is discharged in the river.  
13 Ms. Marchant said we are hoping for small scale. Mr. Elkind added that one of the differences between dealing  
14 with storm water and dealing with waste water is that the easier way to treat water is to treat it at the source of the  
15 problem. It doesn’t necessarily mean at the end of the pipe, although it could be in some cases that would be the  
16 approach you would like to take. But you would not have a large treatment plant. It’s a matter of finding the source  
17 of the problem and treating it.  
18

19 Dale White stated that to implement and maintain this on a yearly forever basis is expensive. We know this will be  
20 mandated by the Federal government but he also knows we don’t need to implement the entire mandate 100%. For  
21 example at the Fire Department they adopted the NH Fire Code. There are parts that are suggested, not mandated.  
22 When the Board is putting this together as an ordinance, they need to be cognizant of the fact that it costs taxpayers  
23 money, it costs the developers money. Looking at the big picture, we need to remember that people have to be able  
24 to afford taxes if we all want town government. So when putting this in place, consider the needs and not the wants.  
25 We want beautiful drinking water and we want good storm water runoff but we also need to use common sense in  
26 what we can afford.  
27

28 Ricky Riendeau responded they are already starting that in his department. Within the permit, street sweeping has to  
29 be done. EPA will ask for a minimum of twice a year. Catch basin cleaning will be twice a year. But they also  
30 want a report if you get an abundance of sediment which means you go back and sweep more. Currently DPW is  
31 looking at a vac-sweeper. Roads must be swept, anyway. With a vac-sweeper they can sweep roads, vacuum out  
32 basins and vacuum up leaves - one piece of equipment will do three or four things that are already done to some  
33 extent. Currently catch basins are not totally cleaned and they have a spoon they hire out. This equipment would  
34 give an added advantage of a vac-out after the heavy material is spooned out. A \$500,000 just vac-truck isn’t  
35 needed; he could get away with a \$220,000 vac-sweeper truck. DPW is looking at this. This is only one aspect. All  
36 catch basins will have to be inspected yearly. It will be a lot of work in the beginning. But certain aspects will  
37 smooth out and then move along.  
38

39 Vice Chairman Daniels commented it will never move along because you have to train your wallet to provide them  
40 data so they can turn around and make it more stringent, without any regard to the cost. This is an agency that has  
41 taken a lifetime to get the Fletcher site going and we have been waiting 17 years to dredge Osgood Pond. Yet this  
42 has to be done within a couple of years. He would like to see the US Senators and Congressmen come before the  
43 Board, as they are the ones who put it in place. Why can’t they take it out?  
44

45 Mr. Elkind said we can point to the State of NH in the initiation of a lot of this as being the moving force behind it.  
46 He said Congressman Cleveland was one of the most effective individuals in environmental programs. His push  
47 was to get a state/federal partnership. It worked that way initially. The state and the Federal government had equal  
48 responsibility and worked together. Somewhere along the line you had legal challenges to the Federal government,  
49 the EPA, such that EPA said we have to do these things because Congress said so. These things go back to, as he  
50 stated at the start of the discussion, forty years ago. It is nothing new. Vice Chairman Daniels responded that he  
51 understands that, but neither are the Federal mandates that come down.  
52

53 Mr. Elkind stated the City of Worcester is facing a potential \$1 billion cost, or some similar number, for implement-  
54 ing their program because of the need for a larger city to put in an infrastructure, etc. They are challenging the pro-  
55 gram because of the cost. There have been a number of challenges to date but none of them have held up. It doesn’t  
56 mean you can’t and it doesn’t mean legislatively you can’t get change, but all we know is the program is going into  
57 effect, it has a long history, there has been data through the court systems in part, and they have withstood the chal-  
58 lenge.

**APPROVED MINUTES OF BOARD OF SELECTMEN WORK SESSION –  
8/15/11**

1  
2 Vice Chairman Daniels expressed frustration that EPA can come in and start fining for things they don't have all the  
3 measures to, while we can't hold them accountable for failure to clean up a site or giving permission to clean up a  
4 pond that originally was to cost \$75,000 and now it is \$400,000. He stated this program will never be \$250,000; it  
5 will be an escalating cost. Selectman Putnam stated that what Vice Chairman Daniels is getting at is that we are  
6 doing just the minimum requirements, we are not doing what is not mandated.  
7

8 Mr. Elkind said of the things that have been discussed today, a couple are assumed. They are requiring us to get  
9 information. Once we get that information, we assume they are going to require reporting it. They are trying to  
10 work out cost assumptions. They will focus on things they know we know will have to be reported and not things  
11 that might come in the future.  
12

13 Ms. Marchant said there are some proactive things that have been discussed trying to minimize costs as far as site  
14 development and the ordinances that have to be rewritten. The storm water ordinance will have to be significantly  
15 rewritten and will be coming back to the Board of Selectmen and the Planning Board. Built into it is to encourage  
16 people to use the best, newest EMP test which is minimally invasive and many times cost effective. If we move to  
17 storm water utilities or a fee-based system most likely based on an impervious cover, we are minimizing the storm  
18 water runoff, thus minimizing the costs. Ms. Marchant's hope with the program in keeping costs down is that as it is  
19 requiring us to retrofit and requiring us to minimize the impervious, it will start minimizing our storm water and  
20 minimizing the impact on our wallet over the long term. We have made strides in the past couple of years. Once we  
21 know what our system is and get it mapped we should be in a lot better shape.  
22

23 Selectman Putnam asked for the time frame for completing the mapping. Ms. Marchant responded we have to have  
24 it complete in two years and then go to a maintenance system. From the time the permit is issued the hope is to have  
25 it done in two years. It is difficult to know at this point based on what we can't find or what deficiencies in the  
26 storm drain system that we don't know about at this point. Selectman Bauer asked if that is two years from now or  
27 two years from when mapping began? Ms. Marchant responded two years from now. Guy Scaife remarked that the  
28 staff has not done more than the minimum requirement. The effort is spread over multiple years.  
29

30 Robert Courage said, to add to the discussion, back in the 70's when there was 75% federal/20% state grant money  
31 available, the criteria to get it was if catch basins were tied into what is called a sanitary storm water drain the fund-  
32 ing would be available in a new sanitary line. The old combination line would remain as storm sewers. That was a  
33 plus to Milford. We were under orders to stop discharging directly from our outfalls into the river. It allowed us to  
34 have the storm water which still discharges into a stream but the sanitary lines were tied into the sewer plant we  
35 built. One of the problems with the old combination sewer lines is that they are very deep in many areas. They are  
36 old clay pipe. Some of them are 80 or 90 years old. There are likely breaks in them, cracked pipes, and you are  
37 getting a lot of infiltration of ground water and sediment into those lines. They should be inspected. This is over and  
38 beyond cleaning catch basins. It sounds like we have a massive project ahead. There was enthusiasm about the GIS  
39 system when it was first discussed three or four years ago. When Larry Anderson was Superintendent, they took the  
40 initiative to borrow GIS equipment from UNH, hired someone part time to go out and locate the sanitary manholes.  
41 Mr. Courage believes that project was completed. It is his understanding they are waiting for new software to put  
42 mapping on-line. Ms. Marchant said we have quite a bit of it done. It will be done.  
43

44 Mr. Courage asked if we started on water gates? Dale White said some are started. Mr. Courage questioned Sarah  
45 Marchant as to malfunctions to the equipment at the Savage Well. Ms. Marchant said the GPS, yes. But they will  
46 have it fixed. It was discussed last week. Mr. Courage said they had hoped to be on-line to get away from hard cop-  
47 ies. He asked Sarah if they had money this year? Ms. Marchant responded they just got to it and will spend it.  
48

49 Mr. Courage said they updated all their hard copies. He mentioned an e-mail from Mr. Elkind with questions about  
50 Amherst Street. Mr. Courage mentioned that there are sewer plans showing old existing lines. There are numerous  
51 outfalls in town that go into the river and some new ones were created when he was there. When they put the new  
52 sanitary lines in some of the old storm drains that came down that dumped into outfalls at the river. Lincoln Street  
53 dumps into the pond and one by Carroll Apartments dumps into the stream there. There is a lot of information out  
54 there that they will have to pick up. But they have hired someone part-time who did their GIS work  
55

56 Mr. Courage asked Mr. Courage to tell the group what capabilities there are in the lab for this type of work. Mr.  
57 Boucher said it was discussed at a past meeting but it is still unclear as to what will be needed as far as what we can  
58 sample for. Unless you know what's upstream of that discharge, what it could possibly be – it could be anything.

**APPROVED MINUTES OF BOARD OF SELECTMEN WORK SESSION –  
8/15/11**

1 We have a lab at the wastewater plant which is small and specific to treating wastewater, so we have some capabili-  
2 ties for bacteria testing, mainly e-coli. But until it is known what needs to be sampled, we are very limited in what  
3 can be done. It does come at a cost per sample, and wear on the equipment the more you put through. It is difficult  
4 to tell what can be done until we know what EPA is asking for. However, he thinks that is a few years down the  
5 line. We should know once they finalize the permit.  
6

7 Mr. Elkind said we do know they have gotten enough comments that they are concerned about costs to the towns as  
8 well, so they are trying to come up with a list of procedures that can be done in the field which is less costly. They  
9 are saying there are certain kinds of things, bacteria, and that would be a major cost to the town. Mr. White stated  
10 that in legislation they do make some changes and rescind some of this. It will not go away forever, but some of it  
11 may get rescinded. Are we going to be willing to rescind ourselves if we have to? Ms. Marchant said we don't have  
12 to do extra work.  
13

14 Mr. Scaife said we will focus on common sense things. There are things we should be doing. Two years ago we  
15 were guilty of washing vehicles and it was running into the Souhegan River. These are obvious things we had to be  
16 prodded into addressing. We will be working on those types of things, working on plans for evaluating facilities. At  
17 DPW, fifty feet out the door you have a wetlands area. If they are rescinded, he doesn't think we will be that far out  
18 of whack. The GIS will serve the town wonderfully in terms of planning and economic development. So that  
19 money is not wasted. He commented we are certainly not leading edge; we are bringing up the back. Mr. Scaife  
20 asked Mr. Elkind if he had further points to cover. Mr. Elkind said the next slide was to talk about pollution pre-  
21 vention plans. He feels most of the things of greater significance have been covered.  
22

23 Mr. Scaife asked Ms. Marchant to speak in terms of planning and future ordinances. Ms. Marchant said currently  
24 the Stormwater Management and Pollution Control ordinance will have to be significantly updated and would be a  
25 joint effort between her and Fred Elkind. They have spoken to the Planning Board briefly about it. It is a document  
26 that is approved by all three Boards, since the way NH is set up, the town does not have the authority to directly  
27 regulate storm water so you have to come from three angles to cover all the different areas. So it must be approved  
28 by the Board of Selectmen, Planning Board, and Water Commission. They are looking to rewrite that next year.  
29 Most of it, including BMPs and a lot of processes would have to be done early on, so there is a lot on their plate  
30 right now. As soon as they can get the current issues ready for ballot in March they will move right on to the ordi-  
31 nance.  
32

33 Mr. Scaife said he appreciates everyone's time. From a regulation standpoint, this is focused toward municipalities,  
34 utilities, but also schools are included in this. The staff elected not to have school officials present tonight. They  
35 will have a separate meeting with them because they have had no real exposure to this. But if you consider storm  
36 water generated by schools, the size of the parking lot and buildings, it is big. They come under the same umbrella  
37 as the town, so the staff will be meeting with them at a future date.  
38

39 Mr. Scaife asked for any other questions. There being none, the meeting adjourned on motion made by Selectman  
40 Putnam and seconded by Selectman Finan at 6:30 p.m.  
41  
42

43 \_\_\_\_\_  
44 Nate Carmen, Chairman  
45

\_\_\_\_\_   
Gary L. Daniels, Vice Chairman

46 \_\_\_\_\_  
47 Katherine Bauer, Member  
48

\_\_\_\_\_   
Tim Finan, Member

49 \_\_\_\_\_  
50 Mike Putnam, Member  
51  
52