

**EAST LYME WATER & SEWER COMMISSION
INFORMATIONAL MEETING
Tuesday, APRIL 26th, 2016
MINUTES**

The East Lyme Water & Sewer Commission held an Informational Meeting on: Cardinal Road Water Main Extension on Tuesday, April 26, 2016 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson called this informational meeting to order at 6:32 PM.

PRESENT: Mark Nickerson, Chairman, Steve DiGiovanna, Dave Murphy, Dave Jacques, Joe Mingo, Carol Russell, Roger Spencer, Dave Zoller

ALSO PRESENT: Attorney Edward O'Connell, Town Counsel
Joe Bragaw, Public Works Director
Brad Kargl, Municipal Utility Engineer
Anna Johnson, Finance Director

FILED IN EAST LYME
CONNECTICUT
May 2, 2016 AT 2:45 AM (PM)
Heaven Galt, Jr.
EAST LYME TOWN CLERK

ABSENT: Dave Bond

Chairman Nickerson called the informational meeting to order at 6:32 PM and led the assembly in the Pledge of Allegiance. He said that they would recap the series of events from the survey packet that everyone has. He read the information from the packet. (Copy attached to minutes)

A question was asked on what happens if a person sells their house with 17 years left on the assessment.

Attorney O'Connell said that some have a 'due on sale' clause and if so, it would have to be paid in full prior to the sale. If that clause does not exist then it just transfers to the new owner. It is up to the commission to determine how that would be handled.

(Note: 6:43 PM – Roger Spencer & Joe Mingo joined the meeting)

Mr. Nickerson asked Mr. Kargl if he had anything to add to what had been read.

Mr. Kargl noted that the water pressure at the second floor would be at 40 – 65 psi depending upon where you are located on Cardinal Road.

Mr. Bragaw explained that Public Works pays for the rest of the road to be fixed and that the homeowners are only charged for an 8 foot patch area.

Mr. Nickerson asked if any members of the audience had any questions.

Alaina King, 1 Cardinal Road asked if the interest rate was fixed or variable.

Mr. Nickerson said that it is fixed as it goes out for bonding.

Ms. King asked if they could deduct this on their taxes.

Attorney O'Connell said no.

Dave Godbout, 15 Cardinal Road disputed the notice of the meeting and said that this Water & Sewer Commission has been found guilty of wrong meetings many times. (Copy submitted & attached)

Mr. Nickerson and Mr. Zoller asked by whom.

Mr. Godbout said the FOI.

Mr. Nickerson and Mr. Zoller asked Attorney O'Connell if he was aware of this.

Attorney O'Connell said not to his knowledge for at least the last five years. He added that 'guilty' is not a civil term.

Mr. Nickerson asked Mr. Godbout if he had a question specific to this informational meeting session. Mr. Godbout said that he is looking for his FOI information on the hiding of information and that he thinks that this is an illegal meeting.

Mr. Mingo said that is something for another time as this meeting is not for his FOI questions.

Mike Fekete, 17 Cardinal Road said that the estimate provided seems to be biased on the low side. Mr. Kargl said that they are not sure of the sub-surface conditions which could add cost; however, whatever is not used would not be charged.

(Note: 6:35 PM – David Jacques joined the meeting)

Mr. Fekete said that they would typically go with a more accurate number.

Mr. Bragaw said that they could not actually give a figure but they could tighten the range on the figures.

Mr. Nickerson said that they would try for a tighter figure. He noted that the Town is not participating with any payment on this as this is a request that they (the residents) had initiated.

Jackie Hill, 7 Cardinal Road said that they are all built on ledge as she knows that most of them had trouble with it when building their homes.

Mr. Nickerson said that if they are on one of those lots that they know has ledge then they would have to look into the cost for the trench as it would most likely be more.

Mr. Bragaw said that the pipe has to be down four (4) feet.

Ms. Hill asked if once the contractors come through – could they vote again.

Mr. Bragaw said that if you are in it and there are cost overruns – then you are in it. There is no money in the budget to cover anything for this.

Lynn Jones, 18 Cardinal Road said that they questions that are being asked are all acting as if they are going forward with this. She asked about the votes that would have to be cast to move this forward.

Mr. Nickerson said that has not been decided yet but he would think that it would have to be a very large majority if not a super majority.

Ms. Jones said that they have 40 people on the street and that she would not think that a 50-50 vote would swing it.

Mr. Nickerson said that he would say no and that it would have to be a very large majority.

Jackie Hill, 7 Cardinal Road asked if the 'yes' people could split the cost for all of it.

Mr. Nickerson said no.

Mark Hill, 7 Cardinal Road read and submitted the following:

'Good evening,

Thank you to the Commission for organizing this information session. Each of these sessions is helpful in providing information to our neighborhood.

In the past few months, important facts have emerged to put a different light on this project. Thank you to the fire chief for addressing residents' concerns for fire safety. Thank you to the Commission and public works for moving the fire hydrant across Chesterfield Road to address traffic issues if another fire should occur on our road. Thank you to neighbor David Godbout for providing the 911 tapes to Cardinal Road residents to show that a fire truck was at the scene at last summer's fire in a timely eight minutes. And thank you to various town officials for confirming that some roads in town do not even have a single fire hydrant at the end of their road.

Opponents of this project have been clear from the outset. If facts emerged to show a fire safety issue on the road, we would vote yes and write the check today. That has not been the case. So the driver to this project has become the water quality. My vote will therefore be "no". This project is too expensive, but more importantly, water quality in my home is fine. And the Commission cannot guarantee that our water quality will improve if we wanted to transition to town water. So this project makes little sense to me.

I urge this Commission to carefully consider this process. It is now your process. I am concerned that you are set to establish a process which has unintended consequences.

Hypothetically, if this second survey resulted in 27 approvals and 12 disapprovals for this project, would this Commission really believe it to be fair to force these 12 homeowners to pay \$20,000 for the main water line? These 12 homeowners are content and have no desire or need for municipal water. Is this Commission satisfied with its process that would force a homeowner to pay ~\$20,000 for a service that is not needed or wanted? If this project were part of some town-wide master plan, perhaps this could be justified. Instead, this project originates from other homeowners. It is unprecedented in this town for the Commission to sanction this process. I would ask the Commission members to put yourselves in our shoes. Does this seem fair to you? I do not believe this commission should coerce homeowners to pay for a service like municipal water that is not wanted or needed. As Commission members, if you are also uncomfortable with this process, I have three ideas to move forward:

- One, place this project on the town capital project list. Commit that the town will help to pay at some point in the future. There are three advantages to this idea. First, this idea will have support from everyone. It unifies the road and this Commission. Second, this idea recognizes that East Lyme did not finish the job decades ago. All town roads should have access to municipal water if they so desire. Third, the Commission will be recognizing the idea that Cardinal Road residents have paid for the infrastructure of other roads in their taxes for the past many years. Now, as this road wants city water for whatever reason, it is only fair that some burden be shared by the entire town.
- If that concept is unacceptable, then the town should consider a second idea - target only the "yes" voters to pay for this project. The "no" votes will agree to not hook into the system for some given number of years.
- If neither of those two ideas hit the mark, a final idea is the Commission set a high bar for the "yes" votes to achieve to move this project forward. Even at 67%, there are still 12 households to dissent, and that seems high. The Commission threshold should be closer to 100%. There must be near-unanimous support for this project. If I were part of this Commission, I would require 100% support. I would be unwilling to impose costs upon even one homeowner. It is not right.

Finally, before this survey is sent to residents, I encourage this Commission to fill in the blanks on missing items. What is the percentage of homeowners needed to approve to advance this project? If approved, can these costs be transferred to a buyer? What number of years for the financing? Have the cost estimates properly accounted for ledge? These questions all need to be answered before the survey is mailed.

Thank you to this Commission for your efforts in our town and this project. It is much appreciated.'

Jim Groves, 6 Cardinal Road said that he agrees with Mr. Hill's comments and echoes the thanks to the Town & Commission for all that they have done and appreciates how they have handled this. He said that he is perfectly happy with the water that he has had for the past 15 years. He said that he believes that if they are going to send out another survey that it is very important that it have a statement at the top in a bold print that states:

'Notice: Depending on the outcome of this Cardinal Road resident's survey, an assessment of approximately \$20,000.00 could be levied against your property which you will be legally required to pay off before selling your home or in a set number of years, whichever occurs first. Read all of this letter carefully before signing.'

He also thanked them for so quickly installing the other hydrant at the end of their street and for paying for it as he knows that it enhances the ability to fight fires.

Jim Jones, 18 Cardinal Road said that the historical premise on this and the original reason was the house fire and from what he has been hearing that premise has been changed. It seems that if they can solve the problem with the installation of the hydrant then there is no problem there and now they are down to water quality. He asked if this was where they are now.

Mr. Nickerson said yes and that it is now down to water quality and that some of the people on Cardinal Road have water that is fine and they do not treat it and others do treat their water. He added that when they fight fires that they send pumper trucks ahead to start on it while they lay the hose.

Mark Hill, 7 Cardinal Road said that he remembers the Fire Chief stating that all of the houses on the road can be taken care of equally with the hydrant at the end of the road.

Rebecca Passas, 48 Cardinal Road said that she is at the end of the road and that in the future she will need a new well. She asked if they would run water in that event.

Mr. Nickerson said that they do not run water when new wells are needed.

Ernie Callegari, 40 Cardinal Road said that he struggles with the fact that he started this and asked his neighbors to do what they feel is right for them as this is not pocket change. He said that he also hopes that this will go on a list of capital items.

Annie Kington, 23 Cardinal Road said that she is at the Stop sign and that she watched the events of that evening and counted and it took 22 minutes for the water to get there and not 8 minutes.

Dave Godbout, 15 Cardinal Road said that they should not assume that hydrants in front of their homes would work as they frequently freeze up in the winter. He said that members of his family have been active with fire departments and just as Mr. Nickerson has said – pumper trucks had water on that house in 8 minutes time. If they are interested in safety and want to get out alive – then they should have working smoke detectors in their homes.

Alaina King, 1 Cardinal Road asked if it was on the capital plan if the Town would pick up the 30% and how long it would take.

Mr. Nickerson said that he could not promise how long it would take to get to it on the capital plan as there are many items that have to be done each year that are already on the plan for the next 10 years out and the economy as they have heard is obviously not good.

Fiona Power, 34 Cardinal Road asked if her well dries up if the Town is responsible for it. Attorney O'Connell said no.

Mr. Nickerson asked if there were any questions from the Commissioners.

Ms. Russell asked about the property value increase from this and how it would be picked up and when it would take effect.

Attorney O'Connell said that if it is to take place that it would be picked up with revaluation.

Mr. Murphy said as a point of information, that when the contractor came through for his neighborhood that they asked him about the hook-ups and they all contracted him to do their hook-ups.

Mr. Nickerson thanked everyone for coming and closed the information meeting at 7:43 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

Town of

P.O. Drawer 519

Niantic, Connecticut 06357

Mark Nickerson
First Selectman



East Lyme

108 Pennsylvania Ave.

Niantic, Connecticut 06357

860-739-6931, Ext. 110
Fax 860-739-6930

April 27, 2016

Dear Cardinal Road Resident:

Back in October of 2015, the Water and Sewer (W&S) Commission sent the Cardinal Rd property owners a survey to gauge interest expressed by the residents to have a water main extended into the neighborhood for improved water supply and fire protection. Some information has come out since our last survey that we feel warrants an additional survey to make sure that the property owners are fully aware of the facts and have an opportunity for input before a recommendation is made by the Water and Sewer Commission. We want the residents of Cardinal Road to realize that the reason we are even discussing this potential water main extension is at the request of property owners in your neighborhood. We also want to make sure that you are all fully informed of everything that has transpired since we first started discussing this project. Therefore, I wanted to give a brief chronology of the events to date;

1. Following a house fire that occurred on Cardinal Road on July 1, 2015, some property owners from the neighborhood attended the July W&S Commission meeting (on 7/28/15) and expressed interest in having municipal water extended to the neighborhood to better serve the area with fire protection and help improve water quality. The Commission directed staff to conduct some preliminary engineering to evaluate the feasibility of extending a water main into Cardinal Road.
2. At the August W&S Commission meeting on 8/25/15, the findings of the preliminary engineering study were reported by the Utility Engineer, Mr. Brad Kargl. The project estimate was \$809,813, and would result in an approximate assessment cost of \$20,764 per property based on 39 benefited properties on Cardinal Rd. In this meeting the Town Attorney stated that with a water main extension, the Commission would need to recommend an extension but the Board of Selectman would be the ones to approve the project going forward and to levy the assessments. The Commission requested staff put together a draft survey to the Cardinal Road residents that would poll them on whether they would be in favor or not of a water main extension. They also requested consulting with the Flanders Fire Department to better understand their capabilities in fighting fires on Cardinal Rd.
3. At the September W&S Commission meeting on 9/22/15, Mr. Kargl presented a draft survey and received comments from the Commission so that it would be ready to get sent out to the Cardinal Rd residents. The Director of Public Works, Mr. Joe Bragaw also stated that he would investigate the cost of installing a fire hydrant on the Cardinal Rd side of Rt 161.

There are 40

Survey Attachment W&S Informational Mts. 4/26/16 10 PM.

EAST LYME WATER & SEWER COMMISSION	
APR 26 2016	
AGENDA #	4

4. At the October W&S Commission meeting on 10/27/15, Mr. Kargl presented the results of the survey; 26 residents were in favor (although some qualified their response), 7 were not in favor, and 5 did not reply. It was later determined that one residence did not receive a survey because the location has an address of 2 Hummingbird Lane and was not on the Cardinal Road mailing list. Additionally, Mr. Bragaw stated that he met with the Flanders Fire Chief Mr. James Levandowski and that the Chief was very much in favor of having a fire hydrant installed on the Cardinal Road side of Rt. 161. The Chief said that this would eliminate the need to extend fire hose across Rt. 161 to the nearest hydrant and alleviate the obstruction of traffic flow on busy state road during a fire fighting event. The Commission authorized staff to spend up to \$8,000 to install a fire hydrant as soon as possible on the Cardinal Rd side of Rt. 161. In addition to the hydrant installation, staff was instructed to get the conceptual design to a 20% completion point so that they could fine tune the construction estimate.
5. There was no discussion of the potential Cardinal Rd water main extension at the November W&S Commission meeting on 11/7/15.
6. The Water Department went forward and had the new hydrant installed on the Cardinal Rd side of Rt. 161 in November and it was operational in the beginning of December 2015.
7. At the December Water and Sewer Commission meeting on 12/8/15, Chief Levandoski explained the capabilities of the fire department to fight a fire in the neighborhood, especially with access to the new hydrant. **He explained that with the new hydrant on Cardinal Road, sufficient response times could be achieved to affectively fight a fire.** The 20% design was also reviewed with the Commission at this meeting. The design included approximately 3,100 feet of 8-inch water main, 4 hydrants in addition to the one already installed, water services for each property terminating at the property lines and a combination air valve structure at the high point. As a result of the additional design work, the preliminary cost estimate was adjusted downward slightly from the original estimate of \$810,813 to \$798,000, a difference of approximately \$12,000. At this point, staff has taken the design as far as they can go without expending additional resources that are required to get the plans acceptable for bidding and construction. Commission members directed staff to set up an information meeting for Cardinal Rd residents to be held before the regular scheduled meeting in January 2016 based on all of the information that has now come up.
8. There was an Informational meeting held on 1/26/16 before the regularly scheduled January W&S Commission meeting to provide an opportunity for residents to hear the facts to date, to hear from the Fire Chief in person and to be able to ask any questions that they had. The minutes of the informational meeting along with all of the other referenced meetings can be found on the Town website at www.eltownhall.com, click on Government, then click on Boards and Commissions, then click on the Water and Sewer Commission. We encourage you to go to the website to read all of the minutes to update yourself on all the information that the W&S Commission discussed.
9. *There was no regular meeting in February. At the monthly W&S Commission meeting on March 22, 2016, a new survey was discussed. The Commission and the public had some questions and comments so staff was asked to take one more shot at finalizing a survey.*

Based on the chronology of events up to this point, I am also including the facts that we know to date. They are as follows;

1. *To go forward with a water main extension on Cardinal Rd, the W&S Commission would have to vote to recommend the project to the Board of Selectman (BOS). After a public hearing, the BOS would vote to approve the extension and to levy assessments. Notice of these assessments would be filed on the Town land records.*
2. *Based on our most recent estimates, if approved, each property would be levied a benefit assessment of between \$15-21k. This price would need to cover all the costs to install the water main in the road, new hydrants spaced approximately 700 feet apart, new service lines going perpendicular from the water main to the edge of the property line, along with all of the road repairs. The Town anticipates that the Cardinal Road homeowners would be responsible for splitting up 100% of the cost of this project as the Town has no intention at this time of participating in a portion of the cost.*
3. *All property owners would be required to pay the benefit assessment. The property owners do not have to actually hook up to the service line, but if they do, the typical range for this cost would be between \$2,500-\$4,500 based on the distance of the end of the service line to where the line would need to enter the house along with the digging conditions on that lot.*
4. *If the service pipe exceeds 150 feet in length from the curb valve to the house, a meter pit would be required. Meter pits become the property of the customer upon installation and the customer is responsible for the maintenance and repair of the meter pit that may occur from time to time. The cost of the meter pit and its installation could range from \$800-1,200. This is on top of the costs identified in Item #3 above. A cursory look at the properties in the Cardinal Rd neighborhood indicate that approximately 15 properties may be affected by this requirement and may need meter pits.*
5. *The assessments are not required to be paid all at once and could be spread out over a number of years (typically between 10 and 20 years) based on the recommendation of the W&S Commission and the approval of the BOS.*
6. *The assessments would bear interest at a rate which is typically slightly more than the Town's borrowing rate for the project. Currently, the borrowing rate would be about %__.*
7. *If the property owner hooked up to the Town water, they would have a water meter inside their house unless they were one of the properties identified in Item #4 requiring a meter pit. Meters at this time are read approximately every six months. East Lyme Water customers are billed semi-annually in May and November based on their meter readings. The rates include a base charge for the first 3,500 gallons used followed by a three-tiered rate structure that increases with the amount of water used. Our current water rates are attached with this letter. We are also including a metric of what a low, medium and high user would expect to pay over a six month period.*
8. *If a property owner did not pay their water usage bill, the Town would have the right to put a lien on the property and the lien would stay on the property until the lien is paid off or if the Town forecloses on the property.*
9. *If this project were to go forward, it would take approximately 3-4 months to design, bid out and get a contractor on board. Once we have signed a contract, construction would likely take about 4-5 months. It would be the intention of the Town to repave the entire road after the work is done in order to not leave a permanent patch; however, that would be subject to funding that is provided to the Public Works Department.*
10. *If the water project goes forward, residents do not have to connect into the Town system; however they would still be required to pay the water assessment.*

11. *If customers decide to connect into the Town water system, they may still maintain their existing wells for irrigation and other uses provided that there is no physical connection with the Town water system.*
12. *If customers decide to connect to the Town water system, they may be subject to voluntary or mandatory water restrictions that may be imposed from time to time. We are attaching a sample Mandatory Water Conservation notice for your information.*
13. *There is no legal requirement that the Commission must act in accordance with the survey results. The results of the survey should be just one of the factors considered by the W&S Commission in exercising its discretion whether or not to extend the system.*
14. Our most recent Water Quality report is posted on our Town website.

Some additional questions we have received with answers to those questions

1. (Q) - If a homeowner wants to sell their house after the water main were to be put in, can they transfer the assessment to the new owner?
(A)– Depends on the assessment method that would be recommended by the W&S Commission.
2. (Q) - If a homeowner hooks up to Town water but keeps their existing well and it runs dry, can they drill a new well?
(A)– See the attached memorandum from Brad Kargl dated April 25, 2016.
3. (Q) - If a homeowner decides not to hook up to Town water, can the Town force them to hook up?
(A)– This is a Department of Health issue.
4. (Q) - If there are any project overruns, who would have to pay the extra costs?
(A)– The assessments would be based on the actual construction cost so any project overruns would be factored into the assessment.

Based on all of this information, we are including a new survey to provide you with an opportunity to give us your feedback on whether you would like us to go forward with this project. If you have any technical questions with regards to this project, please call our Utility Engineer, Mr. Brad Kargl at 860-691-4139. If you would like to speak to me about this, please do not hesitate to call me at 860-691-4110.

Sincerely,

Mark Nickerson
Chairman - Water & Sewer Commission

Cc: Anna Johnson, Director of Finance
Joe Bragaw, Director of Public Works
Brad Kargl, Utility Engineer

Enclosures: Current Water Rates (set in October of 2015)
Example of a Mandatory Water Restriction Notice
Sample Low, Medium and High Users
Memorandum from Brad Kargl dated April 22, 2016

**Cardinal Road Water Main Extension Survey
April 2016**

_____ I am in favor of municipal water being extended to Cardinal Road based on the facts provided in the letter dated April 27, 2016

_____ I am not in favor of municipal water being extended to Cardinal Road based on the facts provided in the letter dated April 27, 2016

Comments

Signature: _____

Date: _____

Print Name: _____

Property Address: _____

Mailing Address: _____
(If different than the property address)

**TOWN OF EAST LYME
WATER AND SEWER COMMISSION
NOTICE OF ADOPTION OF WATER RATES AND CHARGES**

NOTICE IS HEREBY GIVEN that on October 27, 2015, the East Lyme Water and Sewer Commission approved the following revised schedule of rates and charges for connection to and use of the East Lyme water system. The revised water rates and charges are as follows:

SCHEDULE I – RATES FOR USAGE based on meter readings at six month intervals.

	<u>Rate</u>
<u>Minimum charge</u> per six month period, for usage up to a maximum of 3,500 gallons per six month period	\$50.33
<u>3,501 gallons</u> , to 50,000 gallons per six month period	\$4.06/1,000 gallons
<u>3,501 gallons</u> , to 675,000 gallons per six month period	\$4.48/1,000 gallons
<u>3,501 gallons</u> to over 675,000 gallons per six month period	\$4.89/1,000 gallons

SCHEDULE II – MISCELLANEOUS WATER CHARGES

Application for Connection Permit

Class 'A' - Residential	\$100.00
Class 'B' - Multi Family and Commercial	\$200.00
Class 'C' - Industrial	\$500.00
Demolition/Disconnect-Any Class	\$50.00

ANNUAL PRIVATE HYDRANT CHARGE \$200.00

ANNUAL FIRE SPRINKLER CHARGE \$200.00

METER CHARGES (FLAT RATE)

Meter Deposits

5/8-3/4"	\$70.00
1"	\$93.00
1 1/2"	\$140.00
2"	\$187.00
3"	\$280.00

Frozen Meter Repair (normal working hours)	\$75.00
Frozen Meter Repair (after normal working hours)	\$120.00
Install/Disconnect Meter (normal working hours)	No Charge
Install/Disconnect Meter (after normal working hours)	\$120.00
Meter Test (accurate within 2%)	\$75.00
Meter Test (meter error > 2%)	No Charge
SALE OF WATER DEPT. STOCKED MATERIALS	Cost, incl.

shipping, plus
12% admin. fee

INSPECTION SERVICES

During Normal Working Hours	\$65.00/hour
After Normal Working Hours	\$97.50/hour

TURN ON/SHUT OFF (FLAT RATE)

During Normal Dept. Working Hours	No Charge
After Normal Dept. Working Hours	\$120.00
Seasonal Customer Turn On/Off > 1 per year	\$100.00
Turn On (after shut off for nonpayment of water bill, during normal working hours)	\$75.00

CONNECTION CHARGES

All services	\$2,500.00 min (actual cost)
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The revised rates and charges shall be effective on November 1, 2015. Rates for usage shall be payable at six months intervals. All other rates shall be payable at the time services are rendered.


Dated at East Lyme, Connecticut on this 27th day of October, 2015

EAST LYME WATER AND SEWER COMMISSION

By _____
Mark Nickerson, W&S Commission Chair

Friday, July 4, 2014

17477



PUBLIC NOTICE

MANDATORY WATER CONSERVATION MEASURES IMPOSED for EAST LYME

Effective July 4, 2014

Water restrictions will be in effect from 9:00 a.m. on Friday, July 4th through noon on Monday of each week until further notice.

The following restrictions will apply to all customers of the East Lyme Water System:

- 1) Prohibiting the sprinkling, watering or irrigation of lawns.
- 2) Prohibiting washing of motor vehicles and the outdoor surfaces of all buildings and structures, sidewalks and driveways.
- 3) Prohibiting the filling or cleaning of swimming pools.
- 4) Prohibiting the service of water to customers of public restaurants except at the specific request of customers.

Persons found violating any provision of the restrictions imposed by the Board of Selectman shall be fined not more than ninety-nine dollars (\$99.00). In the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. These restrictions are effective July 4, 2014 and will remain in effect until further notice.

0302931

East Lyme Water and Sewer Commission

**Analysis of Proposed Water Rates (1.5% increase)
Six Month Billing Period
10/8/2015**

Use Category	Gallons	Existing Rates (per 1000 gal)	Charge	Rev. Rates (1.5% Incr.) ⁽¹⁾ (per 1000 gal)	Charge	Difference
1 Low User	3,500	\$49.59		\$50.33		
10,000 gal/6 mn	10,000	\$4.00	\$75.59	\$4.06	\$76.72	\$1.13
2 Medium User	3,500	\$49.59		\$50.33		
50,000 gal/6 mn	50,000	\$4.00	\$235.59	\$4.06	\$239.12	\$3.53
3 High User	3,500	\$49.59		\$50.33		
150,000 gal/6 mn	150,000	\$4.41	\$695.66	\$4.48	\$706.65	\$11.00
4 Very High User	3,500	\$49.59		\$50.33		
1,000,000 gal/6 mn	1,000,000	\$4.82	\$4,852.72	\$4.89	\$4,923.22	\$70.49

MEMORANDUM

TO: Files

FROM: Brad Kargl, Utility Engineer

DATE: April 22, 2016

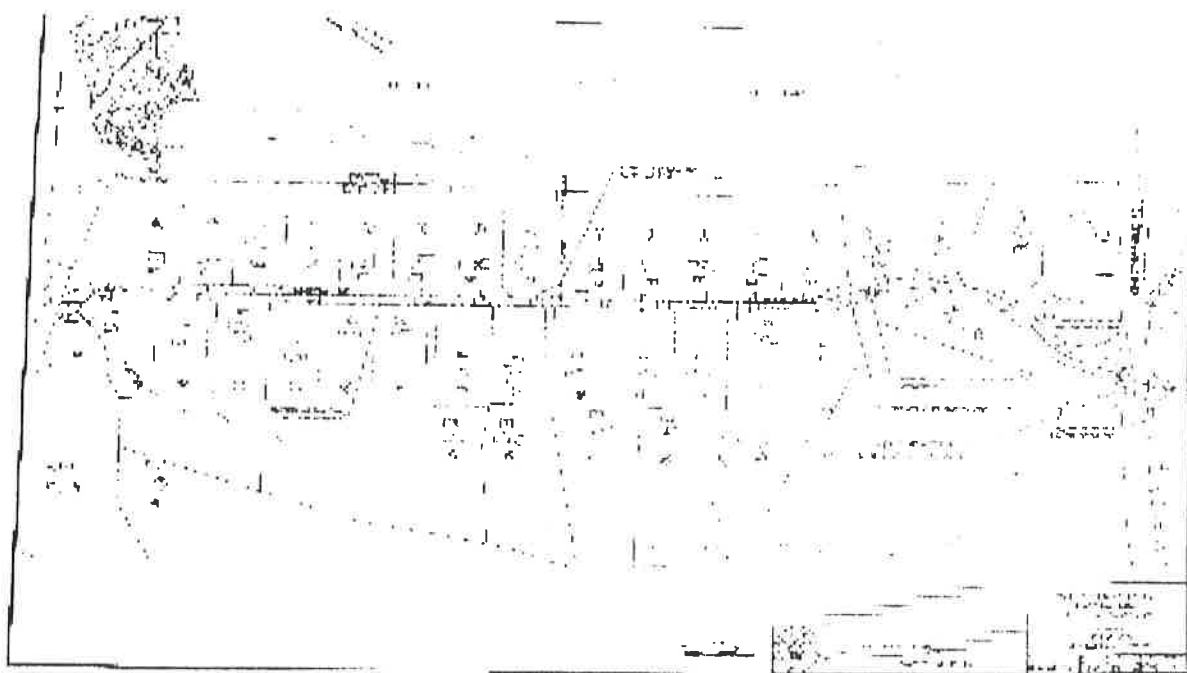
RE: Well Permits

Permits for the drilling of new wells are issued by the District Health Department (Ledge Light Health District - LLHD) in accordance with Public Health Code Regulation, 19-13-B51m. In general, the regulation does not allow the issuance of well drilling permits for a premises that is within 200 feet of a community water supply system. Exceptions, however, can be granted by the State Department of Public Health.

CARDINAL RD WATER EXTENSION PROJECT

TOWN'S CONTINUING OBSTRUCTION TO ACCESS TO PUBLIC RECORDS AND
ACCESS TO PUBLIC MEETINGS

APRIL 2016



Submitted Attachment W/ES 4/26/16
• Regular Meeting →
• Informational Session - Cardinal Rd.

Special Informational Meeting Does/Did Not Comply With Open Meetings Laws

(26 APR 16 6:30pm)

- CGS Sec 1-225(d) [our state's special meetings open meetings law] mandates the following:

- That a NOTICE be issued by the agency**
- That the address of the meeting place be on the notice**
- That the notice be delivered to the homes of the agency members *(to avoid packing of a meeting)***

The agency did not do any of the above required actions but simply slapped an annotation onto a regular meeting agenda. No one is going to be looking for a special meeting items to be discussed in a regular meeting agenda.

The agency conducts OUR business, not theirs !

Did You Know ?

Of all the Water and Sewer Commission local agencies of the state, ours, the Town of East Lyme's, has the disreputable distinction of being found guilty of violating our open meetings laws the most of any such agency in the entire state (they going for a national record)?

And its not hard to see why....upon last "Informational Meeting" in January the Water and Sewer Commission was reminded of their obligations under the law to properly notice meetings. And the Water and Sewer Commission refused to even acknowledge if the gathering was a meeting or just a gathering. However it was clear it was a meeting as defined by our open meetings laws, highlighted in CGS Sec. 1-200:

(2) "Meeting" means any hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multimember public agency, and any communication by or to a quorum of a multimember public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power. "Meeting" does not include: Any meeting of a personnel search committee for executive level employment candidates; any chance meeting, or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business; strategy or negotiations with respect to collective bargaining; a caucus of members of a single political party notwithstanding that such members also constitute a quorum of a public agency; an administrative or staff meeting of a single-member public agency; and communication limited to notice of meetings of any public agency or the agendas thereof. A quorum of the members of a public agency who are present at any event which has been noticed and conducted as a meeting of another public agency under the provisions of the Freedom of Information Act shall not be deemed to be holding a meeting of the public agency of which they are members as a result of their presence at such event.

And currently, the open meeting provisions activate when any 2 members meet.

Instead of correcting an issue that was highlighted to the commission in January 2016 the commission now continues upon a path of continuing to call illegal meetings ~ putting the work into jeopardy as illegal meetings can lead to voiding of actions of an agency.

Water and Sewer Commission Members Hiding Public Records

- Of course the solution to the illegal meetings of the members, which includes meetings via email, telephone calls, and personal visits wherein the members do not allow members of the public to even observe the meeting and of which they produce no meeting minutes to even apprise the public of what went on behind closed doors is to simply DENY ACCESS TO PUBLIC RECORDS THAT SHOW EVIDENCE OF THESE MEETINGS.

- CGS Sec. 1-210 [part of our open records laws] clearly notes that members of the commission must deposit their records at the town clerk's office as it states:

Each such agency shall keep and maintain all public records in its custody at its regular office or place of business in an accessible place and, if there is no such office or place of business, the public records pertaining to such agency shall be kept in the office of the clerk of the political subdivision in which such public agency is located or of the Secretary of the State, as the case may be.

However, the members do not deposit their records at the clerk's office necessitating members of the public who want to see their records to contact them directly. The members have had no problem whining, lamenting, and otherwise telling the public that they don't want to be bothered with providing public records to the public and some refuse to even speak to members of the public.

- On 26 MAR 16, a month ago, I sought to inspect records that the members are hiding from the public. I have not gotten ANY access to these records although I was only seeking records from a time period of only three (3) days.

- On 4 APR 16, about a month ago, I requested records of the timeline of 27 MAR 16 thru 4 APR 16..a scant couple of days. Again, no access to ANY records has been provided in response to the request from any of the members of the Water and Sewer Commission.

Our open records laws require public officials to comply with the open records laws; they are all certainly aware of the laws as they are not hidden.

CGS Sec. 1-206(a) even provides a time when the records should be available:

(a) Any denial of the right to inspect or copy records provided for under section 1-210 shall be made to the person requesting such right by the public agency official who has custody or control of the public record, in writing, within four business days of such request, except when the request is determined to be subject to subsections (b) and (c) of section 1-214, in which case such denial shall be made, in writing, within ten business days of such request. Failure to comply with a request to so inspect or copy such public record within the applicable number of business days shall be deemed to be a denial.

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And the records requested should have already been at the town clerk's office making access that should be easy and quick. However, they refuse to comply with our open records laws.

Members of the public should not have to hound down public officials to obtain access to public records. Its not supposed to be a hide and seek game.

On 22 APR 16 I requested the following records from the town's department of public works:

22 APR 16

Dear Mr. Kargl,

I hope that you have a draft of the Cardinal Rd. Survey available. Please forward the electronic file to this email acct.

I would also be interested in obtaining any other pre-draft surveys that were produced - which you can email me too, ie any other versions of the draft survey that you intend on providing to the public during the next regular Water and Sewer Commission meeting of 26 APR 16.

And also I am interested in inspecting and for emails to be forwarded to me relating to any emails relating to the Cardinal Rd. Ext. project that you have from the dates 23 MAR 16 thru the present date.

I would have expected to get more than just the single record of the draft survey to be discussed in the regular meeting of the commission on 26 APR 16 given that the last survey back in October 2015 underwent many revisions through changes made by the commission, performed after discussion via email meetings of the members.

Instead, this time, I did not obtain any of these records that likely exist. Its not surprising though, given that last time the department manager specifically asked members of the water and sewer commission to destroy public records in the past. (see attached email showing the request to delete public records created). Of course what does our open records law say about destroying public records? CGS Sec. 1-240 speaks for itself:

Sec. 1-240: (Formerly Sec. 1-21k). Penalties. (a) Any person who wilfully, knowingly and with intent to do so, destroys, mutilates or otherwise disposes of any public record without the approval required under section 1-18 or unless pursuant to chapter 47 or 87I, or who alters any public record, shall be guilty of a class A misdemeanor and each such occurrence shall constitute a separate offense.


From : /O=FIRST ORGANIZATION/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIE **Date Time** : 8/18/2015 3:04:00 PM

To : Joe Bragaw <Jbragaw@etownhall.com>, Brad Kargl <BKargl@etownhall.com>

Cc :

Bcc :

Subject : final delete all others Engineers estimate - Cardinal Road.xls

Attachments :  Engineers estimate - Cardinal Road.xls