

**EAST LYME WATER & SEWER COMMISSION**  
**REGULAR MEETING**  
*August 23, 2016*  
**MINUTES**

The East Lyme Water & Sewer Commission held a Regular Meeting on Tuesday, August 23, 2016 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson called the Regular Meeting to order at 7:40 PM immediately following the previously scheduled Public Hearing.

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

**ALSO PRESENT:** Attorney Edward O'Connell, Town Counsel  
Attorney Mark Zamarka, Town Counsel  
Joe Bragaw, Public Works Director  
Brad Kargl, Municipal Utility Engineer  
Anna Johnson, Finance Director  
Kevin Seery, Ex-Officio, Board of Selectmen  
Paul Malmrose, VP, PE, Tighe & Bond

**FILED**

*Aug 29 20 16 AT 10:10 AM/PM*  
*Kevin Seery, ATZ*  
EAST LYME TOWN CLERK

**ABSENT:** No One

**1. Call to Order**

Chairman Nickerson called the Regular Meeting of the East Lyme Water & Sewer Commission to order at 7:40 PM immediately following the previously scheduled Public Hearing. The Pledge was previously observed.

**2. Approval of Minutes**

▪ **Public Hearing Minutes – July 26, 2016**

Mr. Nickerson called for a motion or any discussion or corrections to the Public Hearing Minutes of July 26, 2016.

Mr. Zoller asked that his name be removed from 'Present' as he was not in attendance.

**\*\*MOTION (1)**

Mr. DiGiovanna moved to approve the Public Hearing Minutes of July 26, 2016 as amended.

Mr. Spencer seconded the motion.

Vote: 6 – 0 – 3. Motion passed.

Abstained: Mr. Nickerson, Mr. DiGiovanna, Mr. Zoller

▪ **Regular Meeting Minutes – July 26, 2016**

Mr. Nickerson called for a motion or any discussion or corrections to the Regular Meeting Minutes of July 26, 2016.

Mr. Zoller asked that his name be removed from 'Present' as he was not in attendance.

**\*\*MOTION (2)**

Mr. DiGiovanna moved to approve the Regular Meeting Minutes of July 26, 2016 as amended.

Mr. Spencer seconded the motion.

Vote: 6 – 0 – 3. Motion passed.

Abstained: Mr. Nickerson, Mr. DiGiovanna, Mr. Zoller

▪ **Special Meeting Minutes – July 28, 2016**

Mr. Nickerson called for a motion or any discussion or corrections to the Special Meeting Minutes of July 28, 2016.

**\*\*MOTION (3)**

Mr. DiGiovanna moved to approve the Special Meeting Minutes of July 28, 2016 as presented.

Mr. Zoller seconded the motion.

Vote: 5 – 0 – 4. Motion passed.

Abstained: Mr. Bond, Mr. DiGiovanna, Mr. Mingo, Mr. Spencer

**3. Delegations**

Mr. Nickerson called for delegations.

There were no delegations.

**4. Consider adoption of Proposed Sewer Benefit Assessments**

- **New Sewer Benefit Assessment for 11 Industrial Park Road**

Mr. Nickerson called for a motion for discussion.

**\*\*MOTION (4)**

Mr. Mingo moved to adopt the new sewer benefit assessment for 11 Industrial Park Road (NOG Realty Holding LLC) as presented in the amount of \$63,616.63.

Mr. DiGiovanna seconded the motion.

Mr. Mingo said that he had been on the Wetlands Commission for some time and that it would be his guess that prior to this that you would not have been able to get a septic system in there as the DEEP would not have allowed it as there are three wells that are served off the Pattagansett. He also noted that developers always pay for their sewer main extensions and if the Town had put it in they would have paid a lot more.

Mr. Nickerson asked Mr. Kargl if that would be true.

Mr. Kargl said that the calculation for 11 Industrial is based on the adjustment for inflation and that he would guess that it is an in-between category as it is not like the Orchards where the developer extended up Boston Post Road to the development. They might want to consider if they are under the new or old rate schedule.

Mr. Nickerson asked if he had a figure for the old rate schedule.

Mr. Kargl said that it would be \$11,000 less under the old rate.

Mr. Mingo asked if Gateway paid under the new or old rate.

Mr. Kargl said that it was under the old rate.

Mr. Mingo said that perhaps they should be treated the same.

Mr. Kargl noted that if we had intended it to be there then we would have run it there and that there is no frontage and that the frontage was taken out of the equation.

Mr. DiGiovanna said that in reality it is a connection.

Mr. Nickerson said that as a Town we have limited industrial land and suggested that they should perhaps split the \$45,000 that they spent.

Mr. Mingo said that he would be willing to go back to the old assessment and reduce it by the \$11,000.

Mr. Bond said that he thinks that we are responsible to put the line to the property line and also that the Orchards situation does not apply here.

Mr. Kargl said that the fact that the property was subdivided beyond what was originally there is beyond our obligation as we served to the last original parcel.

Mr. Murphy said that he could perhaps see rolling back by the \$11,000 but otherwise we did everything that we were supposed to do and we would not have known that the property would be further divided.

Ms. Russell said that she would agree and would be comfortable with the \$11,000 reduction and also added that she feels that better communication is something that they need to work on up front.

**\*\*MOTION (4) amended**

**Mr. Mingo amended his motion to adopt the new sewer benefit assessment for 11 Industrial Park Road (NOG Realty Holding LLC) in the amount of \$52,276.17 based upon the old rate.**

**Mr. DiGiovanna seconded the amended motion.**

Mr. Zoller asked Attorney O'Connell if they would have to revise the paperwork.

Attorney O'Connell said that if they state the amount here and then they can ascribe it to the terms.

Mr. Nickerson said that he still feels that it is too high.

Mr. Mingo said that according to Roberts Rules that Mr. Nickerson cannot speak and would have to step down to give an opinion.

Mr. Nickerson asked Attorney O'Connell for an opinion on that.

Attorney O'Connell said that is not correct – the Chair does not give up the right to speak.

Mr. Nickerson called for a vote.

**Vote: 7 – 2 – 0. Motion passed.**

**Against: Mr. Nickerson, Mr. Bond**

▪ **Supplemental Sewer Benefit Assessment for 377 Main Street**

Mr. Nickerson called for a motion for discussion.

**\*MOTION (5)**

**Mr. DiGiovanna moved to adopt the supplemental sewer benefit assessment for 377 Main Street as presented in the amount of \$32,828.02.**

**Mr. Murphy seconded the motion.**

Mr. Bond asked Attorney O'Connell if they have any latitude here.

Attorney O'Connell said that the bell has rung on this assessment and they are using the old rates.

Mr. Bond said that he thinks that once it is assessed that they should not be doing this.

Mr. Murphy said that he would agree if they had not expanded the number of units – but they did and they have added to what was there.

Mr. DiGiovanna asked if this was built in 1991 with 27 units if it would have been \$32,828.02 higher.

Mr. Kargl said yes – that is correct.

Mr. Nickerson called for a vote.

**Vote: 8 – 1 – 0. Motion passed.**

**Against: Mr. Bond**

(Note: 8:13 PM – Mr. Nickerson had to leave and turned the Chairing of the meeting over to Mr. Seery)

**5. Finance Director Report**

Ms. Johnson noted the payments that have been made and said that she would be watching the cash flow carefully as it is tight.

Mr. Mingo asked how much we were losing from the prisons.

Ms. Johnson said that it is around \$10,000 on the water side and \$15,000 on the sewer side.

Mr. Mingo asked if Gateway is picking up on some of that slack.

Mr. Kargl said that they would know very soon as the billing is going out.

## **6. Billing Adjustments**

Mr. Seery asked that they make a motion for discussion.

### **\*\*MOTION (6)**

**Mr. Zoller moved to credit the November 1, 2016 water bill for 119 Chesterfield Road for excess municipal water used as determined by staff in accordance with the rates currently in effect due to discoloration that occurred during pool filling.**

**Mr. DiGiovanna seconded the motion.**

Mr. Kargl explained that this is outside of the regular 1 in 10 and that it is in relation to a pool.

Mr. Mingo said that he has a problem with this and suggested that they go to Pools etc and ask if he has had a problem like this.

Mr. Bond asked what type of money they were talking about here.

Mr. Kargl said \$121 or a bit more than that as he had not yet completed any figuring.

Mr. DiGiovanna asked if they had made reference in billings regarding filling pools and that they should be filled by means other than through the public water system.

Ms. Russell said that she has a problem with allowing this as we are working on the issues so that we will not have to use so many chemicals and she thinks that we are opening Pandora's Box here – she sympathizes – but –

Mr. Murphy said that they should let people know that we cannot be held responsible for this as our water comes from wells and has to be treated and there could be issues with other treatments being added after the fact.

After further discussion it was decided to amend the motion to cap any credit at no more than \$200.

### **\*\*MOTION (6) amended**

**Mr. Zoller moved to credit the November 1, 2016 water bill for 119 Chesterfield Road for excess municipal water used in accordance with the rates currently in effect due to discoloration that occurred during pool filling in an amount not to exceed \$200.**

**Mr. DiGiovanna seconded the amended motion.**

**Vote: 7 – 2 – 0. Motion passed.**

**Against: Ms. Russell, Mr. Spencer**

## **7. Approval of Bills**

Mr. Seery called for a motion on the Well 1A & 2A Treatment Study bill.

### **\*\*MOTION (7)**

**Mr. Murphy moved to approve payment of the following Well 1A & 2A Treatment Study bill: Tighe & Bond, Inv. #1406106 in the amount of \$10,000.00.**

**Mr. DiGiovanna seconded the motion.**

**Vote: 9 – 0 – 0. Motion passed.**

Mr. Seery called for a motion on the Saunders Point Sewer Study bill.

### **\*\*MOTION (8)**

**Mr. DiGiovanna moved to approve payment of the following Saunders Point Sewer Study bill: Weston & Sampson, Inv. #460049 in the amount of \$10,718.49.**

**Mr. Zoller seconded the motion.**  
**Vote: 9 – 0 – 0. Motion passed.**

#### **8. Water Project Updates**

##### **▪ Well 1A & 2A Treatment Study**

Mr. Kargl synopsized the events noting that they could not afford to do both at the same time however in 2019 there was some debt retirement so he had asked Tighe & Bond to re-structure the work prioritizing the Well 1A work as it serves one third of the population. It is a \$2M project which would have an annual bond payment of \$200,000± which in 2019 would allow us to take advantage of the debt retirement. He noted that the proposed timeline would work out in a way that we could afford it. He said that Ms. Johnson had requested another month to package how this would be done. It would be a 2% loan over 20 years with unfortunately no subsidy available for it. He said that he would bring back a more formal package at their next meeting.

Mr. Mingo asked about looking for grant money – perhaps there is some federal money out there that they need to look at.

Ms. Russell said that she agrees with Mr. Mingo that they need to see if there are other funding sources available to help out with this.

Mr. Kargl said that he thinks that our funding availability is less because we are not being considered as being ordered or as having a problem – we are doing this ourselves – pro-actively.

#### **9. Sewer Project Updates**

##### **▪ Saunders Point Sewer Study – Review Schedule**

Mr. Kargl said that the next meeting is scheduled for September and that Weston & Sampson plans on rolling out the plan. He suggested setting a separate meeting for this as they have a lot on the regular meeting already. The consensus was to set a Special Meeting for this on Thursday, September 29, 2016 at 6:30 PM.

##### **▪ Bridebrook Pump Station - Relocation**

Mr. Kargl reported that they had an alternative analysis meeting on this and came up with a number of alternatives and that more work needs to be done. Weston & Sampson is our on-call consultant and there will be a proposal for Weston & Sampson to take this to the next level. He noted that the DEEP did say that the Saunders Point grant agreement that we have with Weston & Sampson could be increased to include the Bridebrook Pump Station Relocation. This is a key aspect in the Old Lyme anticipated connection. He said that he would have more information next month.

#### **10. Correspondence Log**

There was no discussion.

#### **11. Chairman's Report**

There was no report.

#### **12. Staff Updates**

##### **a. Water Department Monthly Report**

Mr. Kargl reported that they were in a tough position without rain and that the DPH had issued a drought advisory and that we then issued a voluntary water conservation program. We then had some rain events which helped a bit however we are watching this closely. We are still taking water from New London.

Ms. Russell said that the new annual water quality report is not broken down by well.

Mr. Kargl said that he looked at other Towns and found that it is not necessary and it is a lot of work to do for it.

**b. Sewer Department Monthly Report**  
There were no comments.

**13. ADJOURNMENT**

Mr. Seery called for a motion to adjourn.

**\*\*MOTION (9)**

**Mr. Murphy moved to adjourn the August 23, 2016 Regular Meeting of the East Lyme Water & Sewer Commission at 9:03 PM.**

**Mr. DiGiovanna seconded the motion.**

**Vote: 9 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary