

**EAST LYME WATER & SEWER COMMISSION
SPECIAL MEETING
Tuesday, FEBRUARY 28th, 2017
MINUTES**

The East Lyme Water & Sewer Commission held a Regular Meeting on Tuesday, February 28, 2017 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson called the Special Meeting to order at 7:02 PM.

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

ALSO PRESENT: Joe Bragaw, Public Works Director
Brad Kargl, Municipal Utility Engineer
Anna Johnson, Finance Director
Kevin Seery, Deputy First Selectman

FILED

Mar 7 20 *17* AT *10:03* AM/PM
[Signature] ATC
EAST LYME TOWN CLERK

ABSENT: Dave Zoller

1. Call to Order

Chairman Nickerson called the Regular Meeting of the East Lyme Water & Sewer Commission to order at 7:02 PM and led the assembly in the Pledge of Allegiance.

2. Approval of Minutes

▪ **Special Meeting Minutes – January 31, 2017**

Mr. Nickerson called for a motion or any discussion or corrections to the Special Meeting Minutes of January 31, 2017.

Ms. Russell asked that on Page 3 under Hydrant Fees in the second paragraph where she is speaking that it be changed to say: *'Ms. Russell said that in 1999 there were 700 to 724 hydrants in Town, so the 1999 annual payment reflected an earlier discount on our historical rate of \$150/hydrant. The additional discounts to the Town's annual hydrant payments which started in 2000 and continue to this day, so far add up to about one million dollars in lost revenue to the Water operating budget.'*

Mr. Mingo said that the meeting should not have been called a Special meeting even though the Regular meeting from the previous week had been cancelled. He asked that it be amended to a Regular Meeting.

****MOTION (1)**

Mr. DiGiovanna moved to approve the Special Meeting Minutes of January 31, 2017 as amended.

Mr. Jacques seconded the motion.

Vote: 6 – 0 – 2. Motion passed.

Abstained: Mr. Bond, Mr. Jacques

3. Delegations

Mr. Nickerson called for delegations.

There were no delegations.

4. Billing Adjustments – 11 Freedom Way (Building A, Unit 1 & Unit 2)

Mr. Kargl recapped this issue regarding the one unit that had a defective toilet flapper and that during the same billing period another unit had installed a hot water tank above the bathroom ceiling without

the owner's knowledge and the unit broke emptying excessive water into the back parking lot where the drain pipe was emptying to. The entire parking lot was flooded before they found out what had happened. He said that they had tabled any decision as Mr. D'Amato was not able to attend. Mr. D'Amato is present this evening.

Mr. Mingo asked Mr. D'Amato if he had put a claim in to his insurance company. John D'Amato, 106 Watch Hill Road, Watch Hill, RI said that it was run to the outside and that the parking lot was all ice and that he did not know how long it was leaking. When they first started looking they found the toilet flapper valve leaking and then they found the pressure relief valve on the water heater that was probably leaking longer than they may have thought. It was not covered by insurance.

Mr. DiGiovanna said that in a letter that he had written to them dated August 2, 2016 that he had said that the tenant did this work without his knowledge and that this may have caused this issue. He said that he feels that the tenant has some culpability here.

Mr. D'Amato said that his tenants do not have the funds to come up with the money for this.

Ms. Russell asked when the original concern was raised regarding the bill and if the hot water heater was already repaired and they thought that it was the toilet.

Mr. D'Amato said that it was in the end of February into March as it was still cold out and the water that was running from the water heater pressure relief valve into the parking lot was freezing.

Mr. Kargl explained his calculations regarding the reduction.

****MOTION (2)**

Mr. Mingo moved to provide relief for 11 Freedom Way with an adjustment of \$4237.41 from the sewer portion of the billing under question.

Ms. Russell seconded the motion for the purpose of discussion.

Mr. DiGiovanna said that he did not think that they should deviate from their calculations.

Mr. Spencer said that the issue remains that there was a loss of a half of a million gallons of water here.

Mr. Jacques noted that there was a decision previously on this at their July meeting.

Ms. Russell asked if Mr. D'Amato had already received an adjustment on this as it dates back to 2015.

Mr. Kargl said that Mr. D'Amato is appealing the previous decision here and nothing has been credited or paid.

Mr. DiGiovanna asked if this now means that he cannot come back and ask for an adjustment for 10 years.

Mr. Bragaw said that there is only one (1) whack at this in 10 years time, so this is it.

Ms. Russell said that she thinks that we should stick with the policy of the 1 in 10 and allow for the discount on the sewer charge but in line with the calculation that we have been using as it would be consistent with how they have applied it to others.

Mr. Mingo said that the water did not go into the sewer.

Mr. Nickerson called for a vote.

Vote: 5 – 3 – 0. Motion passed.

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

5. Approval of Bills – from Attachment B

There were no bills for approval.

6. Finance Director Report

Ms. Johnson said that the report was in their packet.

Ms. Russell asked about the auditor coming to see them.

Ms. Johnson and Mr. Nickerson said that they would come in a few months time.

Discussion ensued on the prison meters and the loss of revenue from the downsizing of the population and if the meters there are calibrated each year.

Mr. Bragaw said that they are calibrated each year however the prison is not that forthcoming with that information.

Mr. Mingo said that with less flow from the prison that there has to be some relief.

Mr. Bragaw said that there is in that there is also less flow of sewerage to New London.

7. Policy Review

▪ Finalize Bill Dispute Resolution Policy

Mr. Bragaw explained the policy revisions that had been made from the previous draft.

Mr. Mingo said that he thought that resident should be changed to 'owner-occupied' as the relief is for owners, not renters. He also asked if there should be something regarding contacting their insurance companies and if they have and if it was covered.

Ms. Russell if the definition of commercial would be narrower.

Mr. Bragaw said that they would define single family and multi-family as up to three (3) units; multi-family over three (3) units are non-residential.

Mr. Kargl said that if it has a commercial component to it that it would just be considered as commercial.

Mr. Bond asked that they put in that the people requesting the adjustment have to pay the equivalent of their last bill so that the money is not hanging out there such as with the case that they addressed earlier. They need the funds in the budget.

Mr. Bragaw said that typically this should not take beyond 45 days to address once the revised policy is in place.

Mr. Nickerson asked if they could approve this with these last minor changes so that it could be put in place.

****MOTION (3)**

Mr. Bond moved that the changes as discussed regarding multi-family and other be made to the policy and that it be put into effect.

Mr. DiGiovanna seconded the motion.

Ms. Russell recommended that in Item 7 that the customer is responsible to fix the leak in a timely fashion.

Vote: 8 – 0 – 0. Motion passed.

▪ Delinquent Interest Fees

Mr. Bragaw explained that the policy was written by the Town Attorney and that the only time that any delinquent interest fees could be changed would be if it is found (after investigation/review) that the error in interest is a clerical one (as a result of inadvertence or misinformation) made by department staff.

Mr. Mingo said that he thinks that staff should not be waiving anything.

****MOTION (4)**

Mr. DiGiovanna moved to incorporate into the East Lyme Water Department the 'Policy on Waiving Customer Past due Interest' as written by Town Counsel.

Mr. Murphy seconded the motion.

Vote: 8 – 0 – 0. Motion passed.

8. Water Project Updates

○ Well 1A and 6 Treatment Plant Modifications and Upgrades

Mr. Kargl reported that the plan is to start the design by the end of this month and to have it completed by November.

○ Water Meter Replacement Strategy

Mr. Nickerson explained that many of the problems that they have been having with regard to water loss will be resolved by the new meters. They are losing way too much water and the meters that they have in place are very old.

Mr. Bragaw explained the process and back story and the work that has been being done with regard to the radio read meters – flex net system. He said that there are 6500 water accounts and 3500 sewer accounts and that as sewer billing it was thought that sewer might pay \$20 to \$25 for each meter. They would be looking to bond \$2.5M with June authorization, meaning that it would have to be approved by the Commission in May. He said that the Deputy Director of PW and an Engineer are no longer being partially paid for by the Water & Sewer Department. He will report back to them next month with more detail on this process.

Ms. Russell said that she would like to see a big picture of the whole budget.

Mr. Bragaw said that there is \$80,000 already in the budget.

Mr. Mingo said that he has a problem with using the sewer budget as they have an aging system with unknowns plus potential upcoming plant upgrades in New London that they will have to share in the cost of.

Mr. Bragaw said that the sewer side is getting the benefit of the meters without paying for any of it and water pays sewer \$53,000/year for backwash. He said that staff will continue to work on the updated numbers.

9. BOE Meter Issues

Mr. Bragaw synopsized the events regarding the meter issues at the Board of Ed facilities stating that the ELHS pool readings were very low in the spring of 2016 and that he and Mr. Kargl inspected the pool meter and found that it was in bypass. A few weeks later they found another meter at the High School was also being bypassed, at which time he had staff investigate all the Board of Ed meters and found that 4 large meters (all 3 at the High School and the Niantic Center School meter) were in bypass and had been for some time.

He continued that he computed the under-billing of the four facilities based on historic usage and found that approximately \$45,000 should have been paid on over 4 million gallons of unmetered water. They had numerous meetings with the Board of Ed and they have agreed to pay the \$45,000 in under-billing. At the last meeting with them, he and Mr. Kargl said that as they were still uncomfortable with the situation of the meters that they would strongly recommend that master meters be installed at the entrances on Boston Post Road near Flanders and Chesterfield Road near the front of the High School. The department would look into the cost of installation and perhaps pay upfront for the install and bill the Board of Ed back over a period of time to pay for the master meters.

They are currently investigating the construction details and cost and will come back next month with more information on this.

Ms. Russell asked the time frame that they were looking at to pay this back.

Mr. Bragaw said that the number of years has yet to be determined.

Ms. Russell asked the anticipated costs that they were talking about.

Mr. Bragaw said that the meters are \$10,000 each and that they would be investigating the construction details.

10. Correspondence Log

There were no comments.

11. Chairman's Report

Mr. Nickerson said that he would address any questions that they might have.

Mr. Murphy asked about an update on the Old Lyme project.

Mr. Nickerson and Mr. Bragaw said that they had put it back in their court for a retainer in order to have our Attorney get involved and so far they have not heard back on this.

Mr. Murphy asked if anything has been done design wise.

Mr. Bragaw said no.

Mr. Mingo said that they need to determine what rules that they are going to run their meetings by each year and that they have not done that. He also said that he would like them to apply for grants for more test wells to be done for a potential well exploration north of 95 as the new bridge is going in now.

Mr. DiGiovanna asked if it would be difficult to get a diversion permit.

Mr. Kargl said that it would be the same as what they do now.

Ms. Russell asked if one of the meters that is needed for the Board of Ed is for Flanders School if it could be part of the renovations that are going to referendum.

Mr. Nickerson said that he would keep that in mind as they move forward.

Mr. Mingo said that he thinks that they should just send them notice and make them pay for it.

Mr. Nickerson said that it would all work out. He noted that the Referendum would be held on March 14, 2017 for the \$37,500,000.00 in bonds for the schools.

12. Staff Updates

a. Water Department Monthly Report

Mr. Kargl said that he has revised the information to reflect what we shipped to New London over the year in the form of a running total.

Mr. Murphy thanked Mr. Kargl and said that we are 7/12's into the year and are at 39% and asked if we would be okay.

Mr. Kargl said that they have made an operational adjustment and should be fine.

b. Sewer Department Monthly Report

This was addressed previously.

13. Future Agenda Items

Mr. Nickerson said that they would be looking into By-Laws for the Commission.

Ms. Russell said that she wanted a briefing on Costco.

Mr. Nickerson said that no permit has been received at this time.

14. ADJOURNMENT

Mr. Nickerson called for a motion to adjourn.

****MOTION (3)**

Mr. Murphy moved to adjourn the February 28, 2017 Regular Meeting of the East Lyme Water & Sewer Commission at 9:11 PM.

Mr. DiGiovanna seconded the motion.

Vote: 8 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary