

**EAST LYME WATER & SEWER COMMISSION
REGULAR MEETING
Tuesday, JULY 25th, 2017
MINUTES**

The East Lyme Water & Sewer Commission held a Regular Meeting on Tuesday, July 25, 2017, at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson called the Regular Meeting to order at 7 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
Attorney Mark Zamarka, Town Counsel

ABSENT: Dave Zoller

1. Call to Order

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

2. Approval of Minutes

▪ **Public Hearing Minutes – June 27, 2017**

Mr. Nickerson called for a motion or any discussion or corrections to the Public Hearing Minutes of June 27, 2017.

****MOTION (1)**

Mr. DiGiovanna moved to approve the Public Hearing Minutes of June 27, 2017 as presented.

Mr. Spencer seconded the motion.

Vote: 7 – 0 – 1. Motion passed.

Abstained: Mr. DiGiovanna

▪ **Regular Meeting Minutes – June 27, 2017**

Mr. Nickerson called for a motion or any discussion or corrections to the Regular Meeting Minutes of June 27, 2017.

****MOTION (2)**

Mr. Murphy moved to approve the Regular Meeting Minutes of June 27, 2017 as presented.

Mr. Spencer seconded the motion.


Vote: 7 – 0 – 1. Motion passed.

Abstained: Mr. DiGiovanna

FILED

3. Delegations

Mr. Nickerson called for delegations.
There were no delegations.

July 31 2017 AT 10:10 AM/PM

EAST LYME TOWN CLERK

4. Billing Adjustment Request

- 10 Spencer Ave., CB

Mr. Kargl outlined the procedures and data that had been reviewed noting that this dates back to the May 2016 billing. The bill was in the amount of \$426.72 and some was paid leaving a remaining balance of \$254.40 which is what Mr. Ouellette wants removed from his billing. The meter tech went out and could not find leaks; he noted that they offered to test the meter but the owner is not willing to pay the testing fee of \$75 if it falls within the accuracy criteria. However; history appears to show that the meter is functioning correctly. He noted that Mr. Ouellette is present this evening.

Albert Ouellette, 10 Spencer Ave. said that the meter is in the cellar so if it was leaking his cellar would be flooded. He said that it is an anomaly. He said that his position is that he will pay for what he has been paying for.

Mr. Nickerson asked if it would qualify for a '1 in 10' if there was no leak.
Mr. Kargl said no, that is not how the '1 in 10' works so this would not fit into it.

Mr. Nickerson called for questions from the Commissioners.
Ms. Russell said that they had just spent a considerable amount of time in updating their policy and asked Town counsel if they are setting themselves up for some other precedent or implication here. Attorney Zamarka said that he does not think so as this is done on a one on one, individual basis.

Mr. DiGiovanna asked if it is possible that he was away and someone else used his water.
Mr. Ouellette said no, he is retired.

Mr. DiGiovanna said that he could not see anything there to just arbitrarily adjust this after all of the time spent on it and the fact that it has not continued to occur.

Mr. Nickerson asked if he has an irrigation system.
Mr. Ouellette said no; he noted that two grandchildren came to visit and they believe in 30 minute showers.

Mr. Mingo said that the problem that he is having with this is that it is like the light that stays on in the refrigerator and you cannot see it. Water has to run through the meter for it to run – so water had to go through the meter. His problem is that obviously somewhere in Mr. Ouellette's house the water was used. Considering this he has trouble approving this request.

Mr. Kargl said that it is a positive displacement meter.

Mr. DiGiovanna asked Mr. Kargl if he thought that they should test the meter.
Mr. Kargl said no –

Mr. Murphy asked where his home is in relation to the new homes being constructed.
Mr. Ouellette said that he is two houses up from them. He noted that they used a lot more water.

Mr. Mingo said that he would offer to split the difference of the \$254.40 with him.
Mr. Ouellette said no and that he respectfully could not agree to split it; he feels that this is an anomaly and that what he is requesting is fair.

Mr. Bragaw said that it is at the pleasure of the Commission what they wish to do.

Ms. Russell asked Mr. Kargl if there are any instances of erratic meters.
Mr. Kargl said no – when the meter starts to go it just continues slowing down and then it just stops.
Mr. Spencer added that it also typically does not correct itself and continue on.

****MOTION (3)**

Mr. Mingo moved to leave the bill as it is.
Mr. DiGiovanna seconded the motion.
Vote: 6 – 2 – 0. Motion passed.

For: Mr. Bond, Mr. DiGiovanna, Mr. Jacques, Mr. Mingo, Mr. Murphy, Ms. Russell
Against: Mr. Spencer, Mr. Nickerson

Mr. Ouellette said that he would not pay for water that he did not use.

5. Approval of Bills – from Attachment B

Mr. Nickerson called for a motion on the Well 1A Treatment Project bill.

****MOTION (4)**

Mr. DiGiovanna moved to approve payment of the following Well 1A Treatment Project bill:
Tighe & Bond, Inv. #061797142 in the amount of \$23,526.00

Mr. Murphy seconded the motion.

Vote: 8 – 0 – 0. Motion passed.

6. Finance Director Report

Mr. Nickerson said that Ms. Johnson was not present this evening however they were provided with a report from her.

7. Draft Sewer Regulations

Mr. Nickerson said that Attorney Zamarka was present to update them on this.

Attorney Zamarka said that he had provided the Commissioners with another copy of the draft regulations with the changes that had been requested at the last meeting. He noted that many comments were presented by Ms. Russell and that he could go over them. He also noted that Mr. Jacques had asked about the penalty being removed however even as a regulation it would be at their pleasure and that it does not need to be removed (Section 8.3). He continued that in general he did not see conflicts with the language suggestions that Ms. Russell has made. He noted that the Establishment of Charges should be in the draft regulations.

Mr. Mingo said that he has a concern over the definition of the 'Commission' and said that 'it's duly appointed Director or Deputy Director' has to come out as they cannot have the same authority as the Commission.

Lengthy discussion followed.

Mr. Spencer said that Ms. Russell had cited that it is too broad and that they have authorized the Chair by motion to act, so he also does not like the 'duly appointed' language.

Attorney Zamarka cited Section 4.3 where staff would be the people to perform the functions.

Ms. Russell said that she understands that but does not like the blanket policy.

Mr. Nickerson said that her point was taken and that he would concur.

Mr. DiGiovanna said that duly appointed means that the Commission appoints –
Attorney Zamarka said that is correct.

****MOTION (5)**

Mr. DiGiovanna moved to approve the Draft Sewer Regulations policy as presented by Counsel and to send them to a Public Hearing.

Mr. Jacques seconded the motion.

Attorney Zamarka said that the next step that he would suggest is to schedule the Public Hearing.

Ms. Russell said that she thinks that it is premature to bring this to a Public Hearing and feels that they should discuss this further and that she should be able to discuss her concerns with the Commission.

Mr. Mingo said that he sat on the subcommittee for this for three years and now these changes come forward – changes that he feels were never discussed.

Attorney Zamarka said that the draft regulations that they received in May were as they were before and came directly from the subcommittee.

Mr. Mingo said that he did not want to give power to others.

Ms. Russell said that in her July 10 notes to them that Page 4 states that No person shall be allowed to construct any building which is accessible under Section 3.3..... She said that she thinks that they should be involved in this as this is where the capacity issue comes into play.

Mr. Spencer said that the capacity and sewer items are addressed during the application process.

Mr. Nickerson said that he thinks that this should go back to subcommittee and come back here in a form that can be voted on.

Mr. Kargl said that he thinks that they are close and that they can fine tune this to get to where they need to be.

Mr. DiGiovanna said that the majority of applications are from ticketholders and that they do not need to go through another process.

Mr. Bond asked Mr. Kargl what he felt needed to be tweaked to tie it into the permit.

Mr. Kargl said that they can adopt the policy and fine tune it to happen sooner during the time line.

Mr. Nickerson asked if this should just go back to staff and let them have a chance at tightening it up. Attorney Zamarka said that this was an attempt to put together what they have been kicking around for the past seven (7) years – he said that this can be reviewed.

Mr. Nickerson asked that Staff and Counsel work together as he wants this to come together and not become a three year project.

Mr. Bond agreed that they would like to get this done.

Mr. DiGiovanna said that he would rescind this Motion (5) based on this recent discussion.

Mr. Jacques rescinded his second of the motion.

Mr. Nickerson asked that they are brought a finished product to move forward on – he thanked Attorney Zamarka for all of his work on this.

8. Water and Sewer Operating Budgets Status Report

Mr. Bragaw noted that they finished the year pretty strong on the water side and on the sewer side they came in \$800 under budget – very tight but a significant accomplishment.

9. Request Authorization to Conduct Preliminary Engineering Report for Niantic Pump Station

Mr. Kargl explained that they hire Weston & Sampson Engineering for on-going wastewater projects and he believes that they have to concentrate on some improvements to the Niantic pumping station – despite the dollars that they have put into it to keep it running. He said that they are ready to do a preliminary report and it is \$45,000 for the report and what needs to be done (basis of design).

Mr. Mingo said that he thinks that they can save some initial cost by doing the Pattagansett pump station also as it is similar and has the same obsolete items.

Mr. Kargl said that it is a sister pump station.

Mr. DiGiovanna said that the scope of work would be the same for both stations.

Mr. Murphy asked if they could authorize them to start the Niantic station while giving a scope of work on the other.

Mr. Jacques said that if they start the Niantic then you would already have lost the savings by doing both at the same time.

Mr. Kargl said that they could modify the motion.

Mr. Bragaw suggested 'up to \$90,000 subject to.....'

****MOTION (6)**

Mr. Murphy moved to authorize the Chair of the Water & Sewer Commission to execute and deliver an agreement with Weston & Sampson Engineers, Inc. in an amount up to \$90,000 to conduct a Preliminary Engineering Report (PER) for upgrades to both the Niantic and Pattagansett Pump stations subject to the approval of the town Attorney.

Mr. Mingo seconded the motion.

Mr. Spencer asked if they could change some of the language on the scope of work especially on the Electric Incentive or Eversource review for possible rebates as he said that he knows that there is rebate money available.

Vote: 8 – 0 – 0. Motion passed.

****MOTION (7)**

Mr. Murphy moved to authorize a capital expenditure of up to \$90,000 from the Sewer Benefit Assessment fund to conduct a Preliminary Engineering Report for upgrades to the Niantic and Pattagansett Pump Stations.

Mr. DiGiovanna seconded the motion.

Vote: 8 – 0 – 0. Motion passed.

10. Water Project Updates

▪ **Well 1A and 6 Treatment Plant Modifications and Upgrades**

Mr. Kargl reported that progress continues with the mapping forthcoming.

▪ **Water Meter Replacement / High School Master Meters**

Mr. Kargl reported that they submitted the eligibility application to the DPH for DWSRF 2% loan funding for this project. He said that he would expect that they would receive good standing on that.

Regarding the High School Master Meters, Mr. Bragaw said that he spoke with Ms. Johnson regarding how to pay for them as two meters are in the \$65,000-\$80,000 range and not what the Commission should be paying for. They would request a special appropriation so that the Town fronts the money for payback by the BOE over 10 years. He said that he would like to have them installed this fall.

Mr. Bond asked how they are buying them as they could probably get better pricing.

Mr. Spencer asked if we are comfortable with the losses from the non-working meters.

Mr. Bragaw said that they are estimating now rather than charging nothing.

11. Correspondence Log

The correspondence log was made available.

Mr. Kargl noted that he had given them additional information from the SECT Water Authority.

Ms. Russell noted that Miller's Pond was once again in play.

Mr. Kargl said that there is also a draft of the State water plan which is in the review stage. There is a 23 page executive summary that would have impact on how water companies are run and function. He said that he would provide them with the summary.

12. Chairman's Report

Mr. Nickerson reported that the major event in Town is that the building on Main Street has been torn down and borings are being done with the Brownfield Grant and so far nothing has come up. We also have our own independent Police Department and are in discussion with Old Lyme on the potential of a combined police force, some outward thinking due to the condition of the State finances.

Mr. Murphy asked about the Saunders Point sewers.

Mr. Nickerson said that it is some \$30,000 and upward for them to connect so it is dormant at this point – also there isn't a current road project there so it would cost even more.

Mr. Murphy asked about the Old Lyme sewers.

Mr. Nickerson said that our Attorney is drafting how it should read and Old Lyme has paid the retainer.

Mr. Murphy asked about the Cini Park bathrooms and the STEAP grant.

Mr. Nickerson said that it is still on the table however the FEMA regulations changed in the meantime and the bathrooms would have to be 10' in the air now. They are also looking into temporary trailers that can be moved out.

Ms. Russell asked about Rocky Neck closing.

Mr. Kargl said that it happens every year with lots of rain and many, many people going there.

13. Staff Updates

a. Water Department Monthly Report

Mr. Kargl noted that he had included the breakdowns well by well as the consumer Confidence Report gives it by all the wells together.

Mr. Murphy asked if we are taking any water back from New2 London.

Mr. Kargl said that we are as we have to take a minimum of 14.8M gallons back.

b. Sewer Department Monthly Report

Mr. Murphy asked Mr. Kargl if he would put the rain amounts on the sewer history also.

Mr. Kargl said that he would.

Mr. Mingo asked if we were going to be in for some heavy hits from the New London sewer upgrades.

Mr. Bragaw said that we paid into capital there some \$20,000 last year and that it was also to be bonded so that the payback would be over time.

Mr. Bond said that they have not even started that yet and that they are working on a better scope of work.

14. Future Agenda Items

There was no discussion.

15. ADJOURNMENT

Mr. Nickerson called for a motion to adjourn.

****MOTION (8)**

Mr. Spencer moved to adjourn the July 25, 2017 Regular Meeting of the East Lyme Water & Sewer Commission at 8:50 PM.

Mr. DiGiovanna seconded the motion.

Vote: 8 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary