

**EAST LYME WATER & SEWER COMMISSION
REGULAR MEETING
Tuesday, MAY 23rd, 2017
MINUTES**

The East Lyme Water & Sewer Commission held a Regular Meeting on Tuesday, May 23, 2017 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson called the Regular Meeting to order at 7:00 PM.

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

ALSO PRESENT: Joe Bragaw, Public Works Director
Brad Kargl, Municipal Utility Engineer
Anna Johnson, Finance Director
Attorney Mark Zamarka, Town Counsel

ABSENT: Dave Bond, Dave Murphy, Dave Zoller

1. Call to Order

Chairman Nickerson called the Regular Meeting of the East Lyme Water & Sewer Commission to order at 7:00 PM and led the assembly in the Pledge of Allegiance.

2. Approval of Minutes

▪ **Regular Meeting Minutes – April 25, 2017**

Mr. Nickerson called for a motion or any discussion or corrections to the Regular Meeting Minutes of April 25, 2017.

****MOTION (1)**

Mr. DiGiovanna moved to approve the Regular Meeting Minutes of April 25, 2017 as presented.

Mr. Jacques seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

FILED

3. Delegations

Mr. Nickerson called for delegations.

There were no delegations.

May 30 2017 AT 10:50 AM/PM
Wendy Galbo, CTC
EAST LYME TOWN CLERK

4. 92 Lee Farm Road Sewer Connection

Mr. Kargl explained that this is with respect to a house that is under construction. A sewer lateral was provided in the late 1980's but is not accessible and would require running through the neighbor's property which is not possible. The house is being built on the higher portion of the lot. There is also a low-lying drainage area and culvert that would present construction difficulties. A sewer assessment was levied on the property in 1991 and was paid off on March 14, 2017. The property owner is in the process of obtaining quotes to install a new lateral. He is present this evening.

Mr. Kargl said that he is also in the process of obtaining quotes to perform the work. He said that he is estimating that the work will cost from \$2000 - \$4000, and he is asking the Commission to consider reimbursement.

Mr. Jacques asked if they know how the original lateral was located.
Mr. Kargl said that it just did not end up in the right spot.

Mr. DiGiovanna asked about the contractor and who they would be working for.
Mr. Kargl said that the contractor, regardless of who they are, would be working for us as that is how it has to be done.

****MOTION (2)**

Mr. DiGiovanna moved to authorize up to \$4000 from the Sewer Benefit Assessment Fund to pay for the installation of a new sewer lateral for 92 Lee Farm Road due to the inaccessibility of the lateral originally installed and intended for use by said property.

Mr. Jacques seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson noted that it is very odd that this would happen.

5. Billing Adjustments

Mr. Kargl said that there were five that qualified under the outlined "1 in 10" adjustment policy.

Mr. DiGiovanna questioned the 12 Naomi Lane item and the 1M gallons of water and how long it was going on and no one knew.

Mr. Kargl said that they did not know.

Mr. Mingo said that he would not consider an adjustment for the sprinkler system at all.

Mr. Nickerson noted that just about all of this would go away with the new meter system.

6. Approval of Bills – from Attachment B

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

****MOTION (3)**

Mr. DiGiovanna moved to approve payment of the following Well 1A Treatment Project bills: US Bank, Inv. #4637997 in the amount of \$500.00 and Robinson & Cole, Inv. #50213111 in the amount of \$4,695.20.

Mr. Jacques seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson called for a motion on the Treatment Plant Upgrades bill.

****MOTION (4)**

Mr. DiGiovanna moved to approve payment of the following Treatment Plant Upgrades bill: Hungerford & Terry, Inv. #RS04816-IN in the amount of \$48,846.00.

Mr. Jacques seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

7. Finance Director Report

Ms. Johnson said that she had provided them with the report and that things were moving along. She noted that in FY 2017/2018 they would make the last transfer out to the General Fund from Sewer Assessment.

8. Update on Status of Revised Sewer Regulations

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

Attorney Zamarka said that the last time that he was in front of the Commission with this was in early 2014. The subcommittee and staff had done extensive work on it and the only open items were capacity and how they would deal with that. He synopsized the events bringing them to now.

Mr. Nickerson asked Attorney Zamarka how they would proceed.

Attorney Zamarka said that he has reviewed the document and feels that it is substantially complete and the next step would be to set a public hearing date once the Commission deems it complete. He said that he would suggest a Public Hearing as there are parts of the regulation that parallel the land use.

Mr. Jacques said that he found a couple of typos and felt that the fine of \$100 may be too low. Attorney Zamarka said that the \$100 fine would go away if they are regulations rather than an ordinance. The ordinance would allow them to assess fines while the regulations generally would not.

Suggestion was made that they further review the fine option.

Ms. Russell said that her concern in going regulation v. ordinance is that the Town would still be adequately protected. She would like them to revisit the ability to fine.

Mr. Nickerson suggested that they take another month to look this over and further tweak the language and then decide on a Public Hearing date.

Mr. Kargl noted that the ordinance gives them legal teeth.

Ms. Russell asked what the issue is with keeping it as an ordinance.

Attorney Zamarka said nothing; the ordinance has to be approved by the Board of Selectmen and requires a public hearing which adds another layer.

Mr. Nickerson said that as 'regulations' it would make it easier to make changes should it be necessary.

Ms. Russell asked about the ramifications of changing it from an ordinance to regulations.

Attorney Zamarka said that they would set/approve the regulations and then repeal the ordinance.

Mr. Spencer suggested that they table action on this item for a month for everyone to get up to speed as there also are members missing this evening.

Ms. Russell asked what Sections had the most changes.

Attorney Zamarka said Sections 4 and 6.

Mr. Nickerson said that they would table this to their next meeting.

9. Set Public Hearing Date for Gateway Sewer Assessments

Mr. Nickerson called for a motion to set a Public Hearing date for this.

****MOTION (5)**

Mr. DiGiovanna moved to set a Public Hearing date of June 27, 2017 for the Gateway Supplemental Sewer Assessments - Schedule A.

Mr. Jacques seconded the motion.

Mr. Jacques asked if the Gateway owners are aware of this.

Mr. Kargl said yes and noted that they may be looking for a longer pay back time frame.

Vote: 6 – 0 – 0. Motion passed.

10. Water & Sewer Operating Budgets Status Report

Mr. Bragaw explained that both the water and sewer budgets were still being projected to come in within budget. He noted that it has been a tough year with the mid-year cuts however the finish line is in sight.

Mr. Mingo said that they have some tanks with algae on them.
Mr. Kargl said that they are aware of the situation and have asked for some quotes.

11. Water Project Updates

▪ Well 1A and 6 Treatment Plant Modifications and Upgrades

Mr. Kargl reported that they had closed on the loan with the DPH so the DWSRF funds are available. They will have a Town kick-off meeting on June 1, 2017. Tighe & Bond is working on the design process.

▪ Water Meter Replacement

Mr. Kargl reported that they submitted the eligibility application to the DPH for DWSRF loan funding for this project.

Mr. Kargl also said that they are looking to get two master meters at the high school to be able to account for all of the water that is used. He said that they also need to know what we are producing in relation to what we are billing so that we have the big picture.

Mr. Bragaw said that the meters at the high school are an important project and they will have to come back with some proposals as it is also an expensive project. They are also devising a way to help with the payment on this – perhaps over time as the project needs to be done.

Mr. Mingo asked about grant money.

Mr. Kargl said that there are no grants for this – just loans and we also do not qualify for subsidies.

12. Correspondence Log

The correspondence log was made available.

Mr. Nickerson noted some older correspondence from Mr. Mingo, stating that the necessary people have been informed.

13. Chairman's Report

Mr. Nickerson reported that he would be going to court tomorrow with Attorney Zamarka on the capacity appeal. He also reported that the Costco is still on track and that they are expecting State DOT approval by the end of the year. This has moved the current schedule back for Costco. Lastly, the Band Shell at McCook's will open this weekend; the Independent Police Department is expected to be fully independent by the middle of June and he thanked the Recording Secretary for her work for the Commission.

14. Staff Updates

a. Water Department Monthly Report

Mr. Kargl reported that during the leak detection that they found that 8 hydrants were leaking.

Mr. Spencer asked if the company has taught our people how to do the repairs.

Mr. Kargl said yes.

Mr. Bragaw noted that they are far ahead in the flushing of hydrants and the fixing of manhole covers.

Ms. Russell asked about the water quality in the different wells.

Mr. Bragaw said that would be available in the fall.

b. Sewer Department Monthly Report

There were no comments.

15. Future Agenda Items

There were none.

16. ADJOURNMENT

Mr. Nickerson called for a motion to adjourn.

****MOTION (6)**

Mr. Jacques moved to adjourn the May 23, 2017 Regular Meeting of the East Lyme Water & Sewer Commission at 8:26 PM.

Mr. DiGiovanna seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary