

**EAST LYME WATER & SEWER COMMISSION  
REGULAR MEETING  
TUESDAY, DECEMBER 11th, 2018  
MINUTES**

The East Lyme Water & Sewer Commission held a Regular Meeting on Tuesday, December 11, 2018 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, Dave Murphy, Joe Mingo, Carol Russell, Roger Spencer, Dave Zoller

**ALSO PRESENT:** Attorney Edward O'Connell, Town Counsel  
Attorney Mark Zamarka, Town Counsel  
Attorney Timothy Hollister, Landmark Counsel  
Glenn Russo, Principal - Landmark, Jarvis Realty  
Joe Bragaw, Public Works Director  
Brad Kargl, Municipal Utility Engineer  
Anna Johnson, Finance Director

**ABSENT:** Dave Bond

**1. Call to Order / Pledge of Allegiance**

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**

- Public Hearing Meeting Minutes – November 13, 2018
- Regular Meeting Minutes – November 13, 2018

Mr. Nickerson called for a motion or any discussion or corrections to the Public Hearing Minutes or Regular Meeting Minutes of November 13, 2018.

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

Mr. DiGiovanna moved to approve the Public Hearing Minutes and the Regular Meeting Minutes of November 13, 2018 as presented.

Mr. Zoller seconded the motion.

Vote: 8 – 0 – 0. Motion passed.

FILED

**3. Delegations**

Mr. Nickerson called for delegations.

There were no delegations.

Dec 14 20 18 AT 10:00 AM PM  
Anna Johnson  
EAST LYME TOWN CLERK

**4. Executive Session – Landmark Pending Claim**

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

Mr. Mingo moved to enter Executive Session for the purpose of discussion on the Landmark Pending Claim at 7:03 PM inviting Attorney O'Connell, Attorney Zamarka, Mr. Bragaw, Mr. Kargl and Mr. Seery to join them.

Mr. DiGiovanna seconded the motion.

Vote: 8 – 0 – 0. Motion passed.

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

Mr. Mingo moved to return to Regular Session at 7:42 PM with no action taken in Executive Session.

**Mr. DiGiovanna seconded the motion.**

**Vote: 8 – 0 – 0.**

**5. Possible Action Regarding Landmark Pending Claim**

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

**Mr. Mingo moved that the Commission has decided not to appeal the pending Landmark claim.**

**Mr. Zoller seconded the motion.**

**Vote: 8 – 0 – 0. Motion passed.**

Attorney Zamarka synopsized that in a meeting that they had with Judge Cohen yesterday that they had agreed to grant the Landmark application 118,000 gpd of sewer capacity and that the sewer capacity is set aside based upon the order of Judge Cohen. He noted that the transcript from the December 10, 2018 meeting with Judge Cohen is forthcoming.

**\*\*MOTION (5)**

**Mr. DiGiovanna moved that in accordance with and based upon Judge Cohen's ruling and a meeting held with him on December 10, 2018 to grant the Landmark application and to allocate and set aside 118,000 gpd of sewer capacity for Landmark.**

**Mr. Zoller seconded the motion.**

**Vote: 8 – 0 – 0. Motion passed.**

**6. Discussion and Possible Action on Process and Procedures for Sewer Capacity Allocations**

Mr. Nickerson noted that they had just reduced their available capacity and need to formulate policy and procedures for this as they have other applications that need to be acted upon. He said that his thoughts are that capacity would be based upon a viable application that is before the land use commission(s) (an accepted application) and that the capacity allocation would be good for a certain amount of time only and then expire. He suggested that that they could limit the reservation of capacity to an 18-month time period from the time of land use approval.

Attorney Zamarka said that the applications are based on Statute (time frame to act) and would determine if the Town has adequate capacity for a development. The commission may want to make sure that an applicant is sincere before typing up capacity and they might want the applicant to provide their own study on the capacity that might be required. The maximum monthly average and daily flow metrics are better addressed by staff. He also noted that the size of the parcel, remaining land area of the Town and remaining capacity should be factors. He noted that there was a subcommittee that brought up many concepts and that there are a few other Towns within the State that do this – most are based on if it is in the sewer shed area and if suitable capacity is available. The time frame as has been noted is important as they would not want to tie up the capacity forever nor restrict other growth. He suggested that factors that they consider be: the proposed use of the land; what types of information they would want on the application; how much capacity the Town has and once granted how long is the amount granted good for.

Mr. Mingo asked how the sewer shed areas that were delineated some time ago are protected.

Attorney O'Connell said that it was the Town facilities plan that is updated every so many years that provides that information. And, while it is submitted to the DEEP, it is not approved by it. The 'ticket holders' are the people who abut a sewer line and have been assessed for it.

With respect to the qualifications for a project – they might consider – length of time; engineered plans; anticipated date of need; what the Towns' available capacity is; what criteria would they use in evaluating the proposed project and the allocation once given, how long would it be good for.

Mr. Mingo said that if a ticket holder walks in asking for capacity for a project that they should be given preference.

Mr. Murphy said that he thinks that they need to put together a reasonable document as there are applications out there now.

Attorney O'Connell asked that they keep in mind that when a draft document is ready that they also need a Public Hearing on it as the people will have to be aware of what they will be adhering to.

It was agreed that they would hold a Special Meeting to work on this at 1 PM on Friday December 14, 2018.

#### **7. Billing Adjustments – Attachment A**

There were none.

#### **8. Approval of Bills – Attachment B**

Mr. Nickerson called for a motion on the Niantic & Pattagansett Pump Station PER bill.

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

**Mr. DiGiovanna moved to approve payment of the following Niantic & Pattagansett Pump Station PER bill: Weston & Sampson, Inv, #487198 in the amount of \$6,950.00 subject to staff review.**

**Mr. Zoller seconded the motion.**

**Vote: 8 - 0 - 0. Motion passed.**

#### **9. Finance Director Report**

Ms. Johnson noted that they had her report in their packets. She noted that they had just completed a billing period and that revenue was up due to this.

#### **10. Water & Sewer Operating Budget Status Reports**

Mr. Bragaw noted that they had seven (7) water main breaks since November. At this time he said that he is not overly concerned with the expense as they are balancing it with the dollars on the meter project as the meter project will come forward early next year.

Mr. Jacques asked if they know why there were so many breaks as it has not been that cold.

Mr. Bragaw and Mr. Kargl said that it is a combination of factors, the freeze to 10°, a saturated ground and old cast iron pipes that when they were put in were not to what today's standards would be.

Primarily though, it is the freeze and thaw of the wet ground.

Mr. Mingo gave thanks to the town crews for their hard work on these unfortunate projects.

Mr. Bragaw said that everyone came together – Water & Sewer and DPW to help with the traffic as there were not enough Police available to cover all traffic detail.

Mr. Kargl noted that the seven (7) breaks were over a very short period of time.

#### **11. Hydrant and Sprinkler Charges – Town Facilities**

Mr. Bragaw noted that they are ready to bill out for sprinkler and hydrant charges and that the time to speak on this is now.

Mr. DiGiovanna asked if there were charges before for sprinklers for the Town facilities.

Mr. Bragaw said no.

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

**Mr. Mingo moved that they now charge the Town facilities for sprinklers.**

**Ms. Russell seconded the motion.**

Ms. Russell asked the history on why they have not been charged.

Mr. Kargl said that the water for the sprinkler does not go through the meter.

**Vote: 2 – 6 – 0. Motion failed.**

**For: Mr. Mingo, Ms. Russell**

**Against: Mr. DiGiovanna, Mr. Zoller, Mr. Murphy, Mr. Jacques, Mr. Nickerson, Mr. Spencer**

**12. Water Project Updates**

- **Well 1A and 6 Treatment Plant Modifications and Upgrades – Discussion and Possible Action Regarding Authorization of Tighe & Bond Professional Services Agreement for Bidding and Construction Phase Services**

Mr. Kargl reported that this is moving along and in line with the time frame. It goes to the Board of Finance tomorrow evening. He noted that the engineering and other project costs had risen to \$579,500 however the SCADA Allowance had decreased from \$75,000 to \$38,000 for an overall reduction in that line item of \$32,500.

Mr. DiGiovanna asked if it could be under in the end as it is billed accordingly.  
Mr. Kargl said yes.

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

**Mr. DiGiovanna moved to authorize the Chair of the Water and Sewer Commission to execute the Agreement for Engineering Bidding and Construction Phase Services relative to the Well 1A and Well 6 Water Treatment Project in the amount of \$579,500 subject to review by the Town Attorney.**

**Mr. Murphy seconded the motion.**

**Vote: 8 – 0 – 0. Motion passed.**

**13. Correspondence Log**

There were no comments.

**14. Chairman's Report**

Mr. Nickerson reported that as a Town that they are really hurting on Health Insurance costs even while they took a big increase to the employees of 28%. He said that they expect to move to the State plan next year in an effort to help this. He also reported that they are in dire need of a new Police Building and that they have never had a centralized PD building in the history of the Town; budget season is coming up and it will be a tough one; the Costco project is moving along; the school projects are also moving along with two (2) of them on time and one a bit behind. He wished everyone Happy Holidays. He noted that they would be cancelling the Special Meeting for next week as they would be meeting this week Friday instead to formulate how they will proceed with the capacity applications.

**15. Staff Updates**

**a. Water Department Monthly Report**

Mr. Kargl said that they have received a lot of rain – over 9" in November. However, they did take water from New London as they used it for general flushing and for flushing after the breaks were repaired.

**b. Sewer Department Monthly Report**

There were no comments.

**16. Future Agenda Items**

No comments.

**17. ADJOURNMENT**

Mr. Nickerson called for a motion to adjourn.

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

**Mr. DiGiovanna moved to adjourn this Regular Meeting of the East Lyme Water & Sewer Commission at 8:48 PM.**

**Mr. Murphy seconded the motion.**

**Vote: 8 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary