

**EAST LYME WATER & SEWER COMMISSION
SPECIAL MEETING MINUTES
Tuesday, JANUARY 8th, 2019**

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

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

ABSENT: Dave Bond

FILED

JAN 15 20 19 AT 10:25 AM/PM

(Signature)
EAST LYME TOWN CLERK

1. Call to Order

Chairman Nickerson called this Special Meeting of the Water & Sewer Commission to order at 7:47 PM following the previously scheduled Public Hearing.

2. Consider Adoption of Proposed Regulation Regarding applications for Determination of Adequacy of Sewer Capacity

Mr. Nickerson called for discussion.

Mr. Mingo asked where the Clean Water Act and induced development comes into play here as he feels that it has to at some point. He would like that looked into. He said that he also wants to know about benefit assessments and if they go away once the bonds are paid. Lastly he said that he does not see where they would have enough time tonight to discuss and decide on this. He would like them to move the meeting forward and ask for time extensions as we are under time constraints.

Attorney Zamarka agreed that they could to get to all of the items this evening.

Mr. Nickerson said that he concurs with comments on the application fee and that it should be scaled – he suggested that they look at the comments.

Attorney Zamarka noted that in Attorney Heller's comments that some of the items were left open as there are or can be varying amounts of time depending on the application and if there are appeals.

Ms. Russell expressed her concern regarding an application fee and a reservation fee. She said that she sees a difference between them – with an application fee they are trying to recoup some of the burden placed upon staff and those associated costs; while a reservation fee is needed so that the applicant has 'some skin in the game' if they are going to be tying up capacity for a significant amount of time. The developer has to put something into it – perhaps a better term would be 'ernst money'.

Attorney Zamarka said that when a municipality wants to charge fees that it has to be relevant and have a 'relevant' basis; as Attorney Ranelli pointed out – it has to have a legally supportable basis. He added that he has not found other Towns utilizing it.

Mr. Zoller asked Mr. Zamarka if he has found instances of application fees.

Mr. Zamarka said yes.

Mr. Nickerson said that it is almost a moot point anyways as they are almost out of capacity and will be going to re-negotiate with New London in a couple of years. The capacity that the State has is not ours. This is a short-term situation and reservation fees might be better for large developments.

Mr. Kargl noted that they would still levy benefit assessments to cover on-going sewer upgrades. The system constantly needs to be maintained.

Ms. Russell asked if the title of the regulation should be 'Sewer treatment Capacity' as they are not addressing sewer flow capacity. She asked if that would be a housekeeping item as she thinks that both items are needed for things to come into the system.
Mr. Zamarka said that the title was created to track the statute; further he thinks that this is clear that it is dealing with treatment capacity.

Ms. Russell asked about the duration and when the meter would start ticking.
Mr. Zamarka said it would track with the initial application period.

Ms. Russell said that she did not think that it should be too open-ended – maybe up to 10 years – but only if applicable to the project as they do not want it to drag on forever.
Mr. Zamarka said that would apply to appeals that drag through the courts.

Mr. Nickerson suggested that they have another Special Meeting on this as they have the deferred approval clock ticking. He suggested next week Monday, January 14, 2019 at 7 PM where they would continue discussion and this would allow Mr. Zamarka a chance to review the comments.

3. ADJOURNMENT

Mr. Nickerson called for a motion to adjourn.

****MOTION (1)**

Mr. Mingo moved to adjourn this Special Meeting of the Water & Sewer Commission at 8:13 PM.
Mr. Murphy seconded the motion.
Vote: 8 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary