

**EAST LYME WATER & SEWER COMMISSION  
REGULAR MEETING  
TUESDAY, JANUARY 28th, 2020  
MINUTES**

The East Lyme Water & Sewer Commission held a Regular Meeting on Tuesday, January 28, 2020 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Acting Chairman Seery called the Regular Meeting to order at 7 PM.

**PRESENT:** Kevin Seery, Acting Chairman, Dave Bond, Steve DiGiovanna, Dave Jacques, Joe Mingo, Dave Murphy, Carol Russell, Roger Spencer

**ALSO PRESENT:** Joe Brogaw, Public Works Director  
Brad Kargl, Municipal Utility Engineer  
Ben North, Municipal Utility Engineer  
Attorney Edward O'Connell, town Counsel  
Anna Johnson, Finance Director

**ABSENT:** Mark Nickerson, Chairman, Dave Zoller

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

Acting Chairman Seery 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.

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

Mr. DiGiovanna moved to add Item 6.A. to the agenda – Executive Session – Discussion – 20 Columbus Ave & Ladies Aid Society.

Mr. Mingo seconded the motion.

Vote: 8 – 0 – 0. Motion passed.

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

Mr. Mingo moved to add Item 13.A. to the agenda – Notification to Town Clerk – Re: Roberts Rules of Order.

Mr. Bond seconded the motion.

Vote: 8 – 0 – 0. Motion passed.

**2. Approval of Minutes**

- Regular Meeting Minutes – December 10, 2019

Mr. Seery called for a motion or any discussion to the Regular Meeting Minutes of December 10, 2019.

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

Mr. DiGiovanna moved to approve the Regular Meeting Minutes of November 19, 2019 as presented.

Mr. Murphy seconded the motion.

Vote: 8 – 0 – 0. Motion passed.

**3. Delegations**

Mr. Seery called for delegations.

There were none.

**4. Billing Adjustments**

There were none.

FILED

February 3, 20 20 AT 10:06 AM/PM  
Brooke Stewart ATC  
EAST LYME TOWN CLERK

## **5. Approval of Bills**

Mr. Seery called for a motion on the Well 1A/6 Treatment bill.

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

Mr. DiGiovanna moved to approve the following Well 1A/6 Treatment Project bill: Tighe & Bond Inv. #R121990024 in the amount of \$8,080.30.

Mr. Murphy seconded the motion.

**Vote: 8 – 0 – 0. Motion passed.**

Mr. Seery called for a motion on the Meter Replacement Project bill.

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

Mr. DiGiovanna moved to approve the following Meter replacement Project bill: EJ Prescott, Inv. #2020AMR in the amount of \$1,319,025.00.

Mr. Spencer seconded the motion.

Mr. Jacques asked if this is the full value and if it has been checked by the meter people.

Mr. Kargl said that everything was okay.

Mr. Spencer asked if the Town has received the meters.

Mr. Bragaw said yes.

Mr. Spencer asked if EJ Prescott shouldn't come and see the meters before we pay for them.

Ms. Russell asked what the warranty on the meters was.

Mr. Kargl said that they now have a 20-year warranty.

**Vote: 8 – 0 – 0. Motion passed.**

## **6. Finance Director Report**

Ms. Johnson noted that they had her report. November is a large billing period and it helps to replenish the accounts.

Mr. Mingo asked about the revenue that has been lost from the prisons.

Mr. Bragaw said that it is around \$250,000 on the sewer side.

### **6.A. Executive Session – Discussion – 20 Columbus Ave & Ladies Aid Society**

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

Mr. DiGiovanna moved to enter into Executive Session at 7:14 PM for the purposes of discussion on 20 Columbus Ave. & Ladies Aid Society inviting Attorney O'Connell, Mr. Bragaw, Mr. North, and Mr. Kargl to join them.

Mr. Murphy seconded the motion.

**Vote: 8 – 0 – 0. Motion passed.**

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

Mr. Murphy moved to exit Executive Session at 7:43 PM and return to Regular Session with no action taken in Executive Session.

Mr. DiGiovanna seconded the motion.

**Vote: 8 – 0 – 0. Motion passed.**

## **7. 20 Columbus Avenue – Request for Reimbursement for Sewer Lateral Failure**

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

Mr. DiGiovanna moved to resolve the claim of the 20 Columbus Ave sewer lateral in the amount of \$2,301.00 in return for a general release of all liability against the Town and the Water & Sewer Commission.

Mr. Murphy seconded the motion.

**Vote: 6 – 2 – 0. Motion passed.**

**Against: Mr. Jacques, Mr. Mingo**

## **8. Ladies Aid Society, Pine Grove – Request for Sewer Assessment Adjustment**

To be discussed at the next Regular Meeting of the Commission.

## **9. Tri-town Sewer Agreement**

Attorney O'Connell reported that they had their first meeting and that the City of New London sent a letter invoking an item stating that anyone could terminate the agreement. We sent a letter back to New London noting that the contract stated that you have to give that notice two (2) years ahead of the 30 year agreement end and that time has now long since passed. It further stated that they would also have to come up with other means for our discharge. Hey also received notice from Waterford that they would like to sit down and talk with us and we felt likewise. The Commission committee talked over and worked out that the Chairs of the respective commission would be talking to each other; likewise the engineers would talk with the engineers and so forth and so on respectively.

Attorney O'Connell noted that New London sent the notices as they mistakenly felt that if they did not that they would be locked into another 30 years.

## **10. Meter Deposits**

Mr. Bragaw explained that they would like to start reimbursing customers under a payment plan as they are not able to pay it all out at once. He noted that with the \$25 fee and a \$25 refund that this would create confusion so he suggested that they pay it out at \$30/year or \$15 per billing period. That would continue until it was paid off with the interest being paid in the final installment. They would still need to establish the interest rate which would be different for nearly everyone as many of the deposits have been there for many years. All of that information would have to be determined.

Attorney O'Connell said that it is set by the State such as with the landlord/tenant items which state passbook interest rates – the issue here is that some of these go back so far that they would have some high interest rates whereas the current rates are next to nothing. That would have to all be taken into consideration.

Mr. Bragaw explained that they would have to look at everything as some people have had their meters many more years than others, so they would receive different interest. He also reminded everyone that they had stopped charging a meter deposit last year when the \$25 fees went in so that they would have an end point on the deposits.

Mr. Murphy suggested that they could get the interest information from a bank and a chart for what would have accrued.

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

**Mr. Murphy moved that the Commission approves moving forward with reimbursing Water & Sewer customers their meter deposits. The payback will be in installments of \$30/year or \$15/billing period until a time that the full deposit has been paid back. The installments will be shown as a credit on the customer's water and sewer bill. The reimbursement will include interest, if any, at an appropriate interest rate as determined by counsel and/or the Director of Finance. The interest will be paid in the final installment.**

**Mr. DiGiovanna seconded the motion.**

**Vote: 8 – 0 – 0. Motion passed.**

(Note: Attorney O'Connell left the meeting.)

## **11. Water Project Updates**

### **▪ Meter Replacement Project**

Mr. Kargl reported that they have received the next steps on the installation process.

Mr. Bond asked who gets the old meters.

Mr. Mingo said that they are worth something.

Mr. Jacques said that the contract says that they get the old meters.

Mr. Mingo asked that they look at if they want to buy the old meters back as the brass and copper are worth something and it would come to a lot of dollars that they could use.

Mr. Kargl noted that there is a line of site issue in the Saunders Point/Oswegatchie Hills area.

Mr. Seery asked that they provide that information at their next meeting.

▪ **Well 1A and 6 Treatment Plan Modifications and Upgrades – Authorization to Award Construction Contract and Notice to Proceed**

Mr. Kargl reported that they received the Okay to award the contract from the DPH and the funds have been authorized. The contractor is holding the bid pricing to February 12, 2020 and they will have a meeting on February 13, 2020 with them.

**\*\*MOTION (10)**

Mr. Murphy moved to accept Tighe & Bond's recommendation to award the Well 1A and 6 Water Treatment Project to R.H. White Co., Inc. in accordance with their bid Evaluation Letter dated November 19, 2019 and to authorize the Water & Sewer Commission chair to execute all necessary contracts and agreements for said award, and to do all things necessary to implement said project. Subject to approval of the Town Attorney as to form and procedure.

Mr. DiGiovanna seconded the motion.

Vote: 8 – 0 – 0. Motion passed.

▪ **Deerfield Booster Station – Discussion and possible action to authorize funds for pump upgrades**

Mr. Kargl said that he would have this information at a later date.

▪ **Sunrise Trail Booster Station Decommissioning**

Mr. North reported that they have been out to 10 homes now and are moving forward on the homes that need pressure reducers.

Mr. Murphy asked about the pumps in the station and where they would go.

Mr. Kargl said that everything in there is not worth anything – it is all going.

Mr. North noted that they check it daily to make sure that it is okay.

Ms. Russell asked the total number of homes.

Mr. North said that there are 15 total and that they expect that 13 would have pressure reducers. The PSI's are set to 75.

**12. Correspondence Log**

Mr. Murphy asked about the manganese letter from Ms. Mathieu.

Mr. Kargl said that it is a routine protocol notice.

**13. Chairman's Report**

Mr. Seery reported that there was a recent newspaper article that the Niantic Motel was closed as there was a medical emergency and when they went out for that they found that the fire alarm system was not working and had not been monitored since 2018.

He also reported that the new Fire Marshal is John Way.

Mr. Seery noted that they had added item 13.A.

**13.A. Notification to Town Clerk – Re: Roberts Rules of Order**

Mr. Seery called for a motion.

**\*\*MOTION (11)**

Mr. Mingo moved that the Chair inform the Town Clerk that the Water & Sewer Commission will operate under Roberts Rules of Order.

Ms. Russell seconded the motion.

Vote: 8 – 0 – 0. Motion passed.

**14. Staff Updates**

**a. Water Department Monthly Report**

Mr. Murphy noted that water seems to be running very high at 18.43%.  
Mr. Kargl said that they did have a major DOC water main break.  
Mr. Bragaw said that he would work up the billing for that.

**b. Sewer Department Monthly Report**

There were no comments.

**15. Future Agenda Items**

Ms. Russell asked about an update on sewer flows and capacity.

Mr. Kargl said that he has that completed to the end of the year and that it is very close to the 380,000 that he had projected.

**16. ADJOURNMENT**

Mr. Seery called for a motion to adjourn.

**\*\*MOTION (12)**

**Mr. Spencer moved to adjourn this Regular Meeting of the East Lyme Water & Sewer Commission at 8:31 PM.**

**Mr. Jacques seconded the motion.**

**Vote: 8 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary