

**EAST LYME WATER & SEWER COMMISSION
REGULAR MEETING
TUESDAY, FEBRUARY 25th, 2020
MINUTES**

The East Lyme Water & Sewer Commission held a Regular Meeting on Tuesday, February 25, 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 Murphy, Carol Russell, Roger Spencer

ALSO PRESENT: Joe Bragaw, 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, Joe Mingo, David
Jacques

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.

2. Approval of Minutes

- Regular Meeting Minutes – January 28, 2020

Mr. Seery called for a motion or any discussion to the Regular Meeting Minutes of January 28, 2020.

****MOTION (1)**

Mr. DiGiovanna moved to approve the Regular Meeting Minutes of January 28, 2020 as presented.

Mr. Murphy seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

FILED

3. Delegations

Mr. Seery called for delegations.

There were none.

Mar 2 20 20 AT 10:06 AM PM
(Signature)
EAST LYME TOWN CLERK

4. Billing Adjustments

Mr. Kargl noted that there had been four (4) that had fallen within the 1 in 10 policy.

Mr. Seery asked about the Liberty Way adjustment that had been requested and if the bill has been paid.

Mr. Kargl said that he has not heard if he accepted or paid but would check and let them know.

5. Approval of Bills

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

****MOTION (2)**

Mr. DiGiovanna moved to approve the following Well 1A/6 Treatment Project bill: Tighe & Bond Inv. #012090016 in the amount of \$5,561.39.

Mr. Murphy seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Seery called for a motion on the SCADA/Telemetry Improvements bill.

****MOTION (3)**

Mr. DiGiovanna moved to approve the following SCADA/Telemetry Improvements bill: ICS, LLC, Inv. #3323 in the amount of \$24,500.00.

Mr. Spencer seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

6. Ladies Aid Society, Pine Grove – Request for Sewer Assessment Adjustment

Ms. Jett-Harris said that she was speaking on behalf of the Ladies Aid Society seeking a \$3200 sewer assessment to be forgiven as well as a five-year water & sewer fee waiver. She recapped that she had spoken with Mr. Kargl late last year and had asked to be put on the agenda. She explained that the Pine Grove Association and the Ladies Aid Society are separate and that at the time that the sewers were being initiated that the Ladies Aid Society were not aware that they could have asked for monetary remuneration for the location of the system on prime waterfront property and also were not advised that they should seek Counsel to help represent them. Further the system was also put in so that Saunders Point could have sewers in the future. She read her letter to Mr. Kargl into the record. (Copy attached)

Mr. Seery asked Attorney O'Connell to explain the process.

Attorney O'Connell said that he was the Attorney for the Town at the time and that he spoke with the Ladies Aid Society at that time and many times clearly advised them that they should get an attorney just as Ms. Jett-Harris is suggesting. He said that he informed them that he represents the Town and that he could not represent them. The motivation was for the greater good of the entire Pine Grove area for the benefit of the river and the 160 homes.

David Porter represented them (PG) and advised them as to what was going on. He added that about five or six years ago when Mr. Formica was in charge that a Spiritualist came and requested the same thing. He said that they cannot 'un-ring the bell' on the sewer assessment. Perhaps they could stretch out the payments.

Mr. Kargl said that the Laurel sub-station really serves that entire Pine Grove/Ladies Aid society area and was not put in for Saunders Point or some future item.

Mr. Murphy asked if there were any figures available on the annual water usage.

Mr. Kargl said that it is around \$300 per year.

Ms. Russell asked the sewer portion of the fee as this is sewer even though they are a Water & Sewer Commission.

Mr. Kargl and Mr. Bragaw said that it is around \$110 for those properties for six months.

Ms. Jett-Harris said to Attorney O'Connell that David Porter was not for the Ladies Aid Society but was the Pine Grove President.

Attorney O'Connell clarified that Mr. Porter was the person who dealt with the Commission members on issues regarding the sewer extension.

Ms. Jett-Harris said that it was Charlotte Mariani who signed the papers and that they are seeking any type of relief that they can provide. It would be a one-time thing. She said that some members were there to speak.

Mr. Seery said that this was not a public hearing and not for public discussion.

Mr. DiGiovanna said that it seems that they are looking for compensation for the value of the property after the fact and that is out of their purview here.

Ms. Russell asked Attorney O'Connell if there was an attorney representing the Pine Grove Association or just David Porter.

Attorney O'Connell said that he constantly urged them to get an attorney and that they chose not to do so.

Mr. Bond said that this has been kicked around many times and if they were to go and give them relief on their bill for five years they would be opening a Pandora's Box. It is not that they don't care – it is that your people did not get an attorney and if they had hired an attorney maybe it would be different. It is a tough call but that's where it is.

Ms. Jett-Harris said that it is not fair and asked that they do whatever they can.

Mr. Seery said that he tends to agree with Mr. Bond – you would have many people who would say that they don't use much either – what would you do then.

Attorney O'Connell said that he does have the paperwork from that time. He noted that when dealing with an Association that you get paperwork signed. The Secretary of the Ladies Aid Association signed it and Rev. Lynn Gaffen authorized the signing of the corporate certificate on February 8, 2005. She authorized Charlotte Mariani to sign – dated February 11, 2006. He said that it is clear that the Ladies Aid Society considered this and authorized it in a meeting.

Ms. Jett-Harris said that she disagreed as it is a letterhead with names on it and those people were not there at that time.

Mr. Seery asked if there was any consideration to adding time to the current benefit assessment.

****MOTION (4)**

Mr. Murphy moved to extend the current benefit assessment term by three (3) years and to waive any penalties.

Mr. DiGiovanna seconded the motion.

Vote: 5 – 0 – 1.

Abstained: Mr. Spencer

7. Finance Director Report

Ms. Johnson said that they had her report. She noted that the Sewer Assessment fund was over \$1.9M in part because the debt obligation has been paid.

8. Water & Sewer Budget Status Reports for FY2020

Mr. Bragaw reported that on the sewer side that the treatment plant tracking appears to be about \$75,000 less at this time however they will see how this goes as the year continues. On the water side this was budgeted as debt reserve but due to the later time frame for the meters and the meter deposit dollars that have not been reimbursed yet, it is there. He noted that they have come a long way and that the budgets are still on target at this time.

9. POCD Update

Mr. Kargl noted that in November he had said that the POCD was ready for its 10 year update and that he has the form to put the comments in.

Ms. Russell noted that she had sent him notes regarding the POCD update and asked if there was any guidance from the DEEP on some of the issues or on sewer avoidance areas.

Mr. Seery cautioned that when quotes are taken from parts of the statute that there is always something before and after the quoted part that changes it.

Mr. Kargl said that their part is probably three to four (3 to 4) pages out of the whole plan and is not meant to solve the world's problems. He said that he would make a general recommendation regarding limited capacity and go from there. He said that he hopes to have more information for review at their next meeting.

10. Water Project Updates

▪ Meter Replacement Project

Mr. North reported that PMI notices were sent out and that they have about 255 appointments set up as of today. They have meter readers out now and they have put supplemental information on the Town website. They will be starting meter change outs next week and plan on being 95% done by July. The Roxbury tower is almost up and the Darrows one is a bit farther out – by about a couple of months.

Mr. Seery asked about the old meters and the brass and also retainage.

Mr. Kargl said that they held back 2% retainage and that it was in the contract price that it was to be lower as the company would get to turn in the old meters.

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

Ms. Johnson explained that there was a \$9900 discrepancy – they reclassified the expenditure as it was for the micro-grid and it was not eligible under the DWSRF – so this needs ratification.

****MOTION (5)**

Mr. Murphy moved to ratify the \$9,900 expenditure for the Micro-grid conduit Design work by Tighe & Bond that was a DWSRF ineligible cost to budget account 62-70-006-500-003 (Well 1A & 2A Well Improvements & Permit), that was approved by the Water and Sewer commission on September 26, 2018.

Mr. DiGiovanna seconded the motion.

Vote: 6 – 0 - 0. Motion passed.

Mr. Kargl reported that RH White was issued the notice of award and that it looks like an April time frame for the start. He said that he was also told that they would get a \$400,000 grant so this will help them to be able to bond less.

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

Mr. Kargl said that they are working out a scope of work for this booster station and also setting up plans for others.

▪ **Sunrise Trail Booster Station Decommissioning**

Mr. North reported that they have met with every homeowner who has let them in and they have the estimates from the plumber. It looks like they will come in under budget. They may run into issues with a couple of homeowners as one refuses to answer at all and another is on vacation. He said that he thinks that they need to work on an action plan for the unresponsive homeowners.

Mr. Seery and Mr. Bond suggested sending Certified Return Receipt letters with the subject of the letter being that the water will be shut off until they respond as not responding could present issues.

Mr. North said that he thinks that they will get 90% compliance.

11. Correspondence Log

Mr. Kargl noted that there was a letter from one of the people who owns a condo where the septic system has failed and they have to connect.

Mr. Seery noted that the appeal process for this has long since passed.

12. Chairman's Report

Mr. Seery said that they would add an Executive Session at the end of the next meeting regarding the Tri-Town Agreement to update any progress.

13. Staff Updates

a. **Water Department Monthly Report**

There were no comments.

b. **Sewer Department Monthly Report**

There were no comments.

14. Future Agenda Items

Ms. Russell asked about an update on the sewer capacity allocations.

Mr. North said that he would provide an update on this at a future meeting.

15. ADJOURNMENT

Mr. Seery called for a motion to adjourn.

****MOTION (6)**

Mr. DiGiovanna moved to adjourn this Regular Meeting of the East Lyme Water & Sewer Commission at 8:37 PM.

Mr. Spencer seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

JAN 28 2020

AGENDA # 8

RECEIVED

JAN 14 2020

PUBLIC WORKS

East Lyme Water and Sewer Commission

Bradford C. Kargl

Municipal Utility Engineer

January 13, 2020

Dear Mr. Kargl,

I am writing this letter on behalf of the Ladies Aid Society to request that their sewer assessment amount of roughly \$3,200 be forgiven and that the Ladies Aid Society be given a 5 year reprieve from paying the sewer and water bill for both their properties which are the Temple and a small cottage. These two properties are seasonal and only are occupied on a part time basis in the summer months only. The Ladies Aid Society have regular meetings at the Temple with guest speakers staying in the small cottage that only occur during the summer months. The Temple and the cottage are located in Pine Grove. We are asking for this consideration before the board due to the fact that the Town of East Lyme did not pay for the property which is located directly on the property owned by the Ladies Aid Society since approximately 1800. If it were not for the Ladies Aid Society and their generosity Pine Grove would have never been able to put in the current sewer system that is intact. The pump station is located on prime waterfront property which did hold considerable value, and at the time of the negotiations the Ladies Aid Society were not aware that there was the great possibility that their organization could have asked for a monetary amount for the piece of prime waterfront property. The Ladies Aid Society was approached due to the fact that if Pine Grove wanted a sewer system the best location would be right where they put it. I do not need to tell you the huge benefit that having the sewer system in Pine Grove for all of the 160 homes located in the grove which is a seaside community and how it impacts the Niantic River. At one point according to the paper work we have, Saunders Point was possibly suppose to hook up into this system that is located on the property of the Ladies Aid Society, but for reasons unknown to us that never happened, but the pump station was built to not only be utilized by Pine Grove but Saunders Point as well. The benefits? The environmental as well as ecological benefits the Niantic River gain are monumental. No more are the 160 homes of Pine Grove leaching the waste into the river which benefits the river which benefits the Town of East Lyme and their residents. The sewer system was installed roughly 10 years ago. The Ladies Aid Society only generate a small income from their activities which are held at the Temple in the summer months. It would be a great financial relief to grant the Ladies Aid Society this request. So in closing , Ladies Aid Society are asking for the \$3200 left on their assessment as well as a 5 year water and sewer tax free period. The Ladies Aid Society foster the idea of community, positivity and just doing what is right for the community . The Ladies Aid Society stepped up and did the right thing for so many without ever asking for anything in return. They were not

*not a day
is a fee as stated above.*

Attachment

W&S

2/25/2020

aware that when the sewer system was proposed to them that they even had the option to request some financial relief. That is why this request comes 10 years later. Mr. Kargl it was a pleasure meeting with you and discussing this situation and we would appreciate the support of the commission for this request. Debbie Jett-Harris will be our spokesperson at the hearing scheduled for the January meeting, attending also will be a member from the Ladies Aid Society.

Truly,

Debbie Jett-Harris

A handwritten signature in black ink, appearing to read 'Debbie Jett-Harris', with a stylized, flowing script.

19 Center Street

Niantic, CT 06357

860-303-8234