

**EAST LYME WATER & SEWER COMMISSION
REGULAR MEETING MINUTES
TUESDAY, AUGUST 25th, 2020
Via Zoom Meetings**

The East Lyme Water & Sewer Commission held a Regular Meeting on Tuesday, August 25, 2020 by Zoom Meetings. Acting Chairman Seery called the Regular Meeting to order at 7:01 PM.

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

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

FILED

September 3, 2020 AT 9:56 AM/PM

ABSENT: Mark Nickerson, Chairman

Bruno A. Honan ATC
EAST LYME TOWN CLERK

1. Call to Order / Pledge of Allegiance

Acting Chairman Seery called the Regular Meeting of the East Lyme Water & Sewer Commission to order at 7:01 PM via Zoom meetings. He noted there was a quorum. The Pledge was observed.

Mr. Seery asked that they move Item 10. – Executive Session on the agenda to the end of the meeting.

****MOTION (1)**

Mr. DiGiovanna moved that Item 10 – Executive Session be moved to the end of the meeting just prior to the adjournment.

Mr. Mingo seconded the motion.

Vote: 9 – 0 – 0. Motion passed.

2. Approval of Minutes

▪ Regular Meeting Minutes – July 28, 2020

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

****MOTION (2)**

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

Mr. Zoller seconded the motion.

Vote: 9 – 0 – 0. Motion passed.

3. Delegations

There were no delegations.

4. Approval of Bills

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

****MOTION (3)**

Mr. DiGiovanna moved to approve the following Well 1A/6 Treatment Project bill: Tighe & Bond Inv. #082090033 in the amount of \$32,299.27.

Mr. Zoller seconded the motion.

Vote: 9 – 0 – 0. Motion passed

****MOTION (4)**

Mr. DiGiovanna moved to approve the following Well 1A/6 Treatment Project bill: RH White, Appl. No. 04 in the amount of \$220,659.15.

Mr. Zoller seconded the motion.

Mr. Kargl noted that it is application #4; not 3.

Vote: 9 – 0 – 0. Motion passed.

5. 231 Boston Post Road Sewer Assessment

Mr. Kargl said that Attorney O'Connell is present this evening for this item.

Attorney O'Connell said that he reached back to the Hope Street project and while they had thought this was high at the time that what the Commission did is not to amend the assessment dollar amount but instead to stretch out the time by which the assessment would be payable and they also did change the interest rate. He said that he thought that they could do that here also. It is an 'opt-in' and these were set a long time ago – the assessments were levied when they opted in or when their system failed such as is the case with this one – where they have to hook in due to the failure. He said that he does not recommend changing the assessment but could stretch the payments out and adjusting the interest rate for the assessment and levy it – he asked if it is ready -

Mr. Kargl said that it has been started.

Attorney O'Connell said that they could make it due and payable over 20 years at a set upon interest rate.

Mr. Seery noted that it is normally 15 years so they would be adding five (5) more years. He asked the rate.

Attorney O'Connell asked the bonding rate of Ms. Johnson.

Ms. Johnson said 1.84%.

Attorney O'Connell said that they would add a point for the administrative costs incurred.

Mr. Kargl asked about a potential motion.

Attorney O'Connell suggested that they instruct him to prepare a motion resolution – perhaps 1.5% above what the Town bonding rate is.

Mr. Spencer said that he does not think that is fair to all the people paying the interest rates up to now as they are much higher.

Ms. Russell suggested 1.84%.

Mr. DiGiovanna suggested 2% subject to payment starting 30 days after connection.

Mr. Jacques asked what the others are paying.

Mr. Kargl said 3.5% - 5%.

Mr. Zoller suggested 3%.

Attorney O'Connell said that he would leave the rate open for discussion.

Mr. Seery said that he thinks that Mr. Spencer makes a very good point when thinking of the interest rate.

6. 67 Arbor Crossing Sewer Connection

Mr. Kargl said that they are looking for a \$12,600 waiver of the sewer fee and that he told them that they would have to come before the Commission. He explained that this lot was never intended to be sewerer – they had some remediation concerns and they went through Planning and divided the property so that they could have an engineer design the utilities for the new home that they put there. The line is low and resulted in a costly connection so they now feel that they paid the \$12,600 for the assessment up front but it cost them more just to get connected (\$20,000). There is the policy where when a lot is developed, after they put the lateral in, they offer the \$1000 reimbursement – but the owner covers all the other fees.

Mr. DiGiovanna asked if they were aware of all of this prior to getting the lot split approved.

Mr. Kargl said that it was on all drawings and that it showed all of the things that would need to be done.

Mr. DiGiovanna said that he does not think that they can waive the assessment and that they should not be acting on this.

Mr. Mingo said that he read into the record at the last meeting that no one is exempt from paying for the proper processes of treating water. This comes directly from the DEEP. So, NO ONE is exempt.

Mr. Spencer said that he does not agree with giving anything but the \$1000 that they would normally be entitled to.

Mr. Jacques asked if something had failed.

Mr. Kargl said no, it is a new house and they could have had a septic system and did not want that.

Mr. Murphy said that the email that they sent seems to say that they do not want to pay sewer fees until it is over \$12,600 – they could have had a septic system instead.

Mr. Zoller said that when they got an estimate to build their house, they should have looked into this – give them the \$1000 and that's it.

Mr. Kargl noted that it is more like \$1500 in today's dollars.

Mr. Murphy said that if they set this at \$1500 – they will have to carry it to anyone else who comes with this – so they have to be careful with what they do.

Mr. Mingo said that they did not have the option to put in the sewers and they would have had to have a septic system.

Ms. Russell said that they do have a precedent on the \$1000.

Mr. Kargl explained that the calculation was less than \$1000 and that they rounded it up to the \$1000.

This was a way of acknowledging the cost of the lateral that wasn't there.

Ms. Russell said that she thinks that the \$1000 is fair.

Mr. Mingo said that it falls under the State Statute and that they do not qualify for anything.

Attorney O'Connell said that it was based on the cost of installing a lateral rather than the amount of the assessment and everyone who pays an assessment is entitled to a lateral so the \$1500 is for the cost of the lateral and is being made whole with everyone else.

Mr. Jacques noted the sewer connection was 11' down.

Mr. Seery said that they decided to do this as this was NOT a property that was ever intended to be tied into the sewer system.

Mr. DiGiovanna said that he thinks that the \$1500 would be okay to do.

****MOTION (5)**

Mr. DiGiovanna moved that they deny the waiver request of 67 Arbor Crossing for \$12,600 but allow for the \$1500 maximum reimbursement.

Mr. Spencer seconded the motion.

Vote: 8 – 1 – 0. Motion passed.

Against: Mr. Mingo

7. Residential Project in Old Lyme Requesting Water Connection

Mr. Kargl said that Attorney Harry Heller, the developer's attorney; Ric Rovero PE and David Held, PE from Provost & Rovero of Plainfield, CT were present for this item.

Attorney Heller explained that 49 Hatchett's Hill Road in Old Lyme is 1000' from the water system in East Lyme. There is a substantial 216-unit residential project proposed that will need water. It is in the CT Water Company area; they are asking about entering into an agreement with the CT Water Company or the EL Water system and if there was any interest in East Lyme Water supplying water to this project in Old Lyme.

Mr. Held, PE with Provost & Rovero explained the project noting that the 216 unit multi-family development would have one and two bedroom units.

Mr. Rovero, PE with Provost & Rovero said that they would house two to three people each and probably use 40,500 gpd based on PURA daily demand. There would be enhancement of the pump station and there are a lot of different ways to approach this – they are just inquiring now on potential interest.

Mr. Kargl said that there was a number that they were looking for and noted that they did not think that we were looking to expand the water system beyond our own area as we have had our own challenges with water and the upswing in our development projects. He said that he thought that the Commissioners might want to think about it over the next month or so.

Mr. Seery said that he thinks that Mr. Kargl would have to do an analysis also.

Mr. Mingo said that he is totally opposed to this – they need another well and time to get the State to release the restriction on our wells due to the fish.

Ms. Russell said that she would like to know about the supply and that we can meet our East Lyme obligations. She also questioned if this would require DPH and other approvals and if we wanted to even consider this.

Mr. Kargl said that he felt that they would need approvals as they scrutinized the interconnection agreement. He also noted that CT Water is regulated by PURA.

Mr. Bond said that he thinks that 15 to 20 years down the road we will have to have these discussions as somebody is going to supply this development with water so perhaps it could pay for a new well for us as regionalization seems to be the way of the future.

Mr. Held asked if there are challenges within the East Lyme system perhaps this project could help out with the hydraulics.

Mr. Kargl said that he was not sure – perhaps.

Mr. Bond said that in the scheme of things that 750 – 1000 feet is not a long way.

Mr. Seery asked if Mr. Kargl could do a very rough benefit analysis, noting that they just got to the point where we do not have to put water restrictions on during the summers now.

Mr. Mingo said that he does not think that Mr. Kargl should do the analysis, let the developer do it and present it.

Mr. Seery agreed and asked if they would be interested in have the developer do it and present some facts.

Attorney Heller said that they are looking for something that could be mutually beneficial.

8. Finance Director Report

Ms. Johnson noted that they had her report. She noted that the water cash balance is healthier this year and that there are no surprises at this time. The sewer assessment cash balance is getting closer to \$2.5M as the debt has been paid.

Mr. Zoller noted that the billing for Water and Sewer was considerably less than last year.

Mr. North said that he is working on this with Tania and will resume when she returns from vacation to finalize it. He said that he would get them the number for next month.

9. Discussion and Possible Action to Approve the Carry-over of funds from the FY19-20 to the FY 20-21 Water Operating Budget

Mr. Bragaw explained that they are using the dollars from last year and are carrying it over so that they will not be shorted.

****MOTION (6)**

Mr. Murphy moved to the request to carry over funds in the amount of \$37,540.18 from the FY 19-20 Water Operating Budget line item #07-01-300-400-427 'Bond Interest' to the same line item in the Mr. DiGiovanna seconded the motion.

Vote: 9 – 0 – 0. Motion passed.

10. Executive Session – Tri-Town Sewer Agreement Claims/Engineering Estimates
Moved to the end of the meeting – Item 17A.

11. Discussion and Possible Action to approve a reimbursement to the Sewer Operating Fund from the Sewer Assessment Fund for costs incurred due to storm-related damage and for the purchase of a new pump for the Niantic Pump Station.

Mr. Kargl explained that they had two (2) situations that happened at the same time due to Storm Isaias where they lost power due to downed wires. They have a by-pass pump and they rented another. They incurred a number of costs (copies attached) for the Route 156 Pump Station Equipment and the Niantic Pump Station. He said that the Route 156 Pump Station is being submitted under FEMA for reimbursement due to the storm. They are looking to use dollars from the sewer benefit assessment until this is reimbursed. With respect to the Niantic Pump Station just before the storm they had a new VFD scheduled and installed and this led to the \$108,820.00 expense. Some of this is for capital upgrades that they want to take advantage of as they have the by-pass pump there now.

Mr. Bond asked what is causing this and if it is the vibration issues.

Mr. Kargl said that the vibration issue was with pump three (3) and not this.

Mr. Jacques asked if the loose wire in the VFD was internal or what –

Mr. Kargl said no and added that it was two (2) years ago when the VFD was installed.

Mr. Jacques asked about a warranty –

Mr. Kargl said no – the pump has the warranty. He added that he does not think that they are throwing good money after bad and that this could last another 30 years with some repairs.

Mr. Mingo said that he thinks that they should look into replacing some of the obsolete controls that they have.

****MOTION (7)**

Mr. DiGiovanna moved to approve a special appropriation in the amount of \$35,750 for various emergency repairs related to Storm Isaias in the Sewer Assessment Fund to an account titled, "Route 156 Pump Station Equipment (Storm Isaias)." In the event we are eligible for REMA reimbursement, funds to be returned to Sewer Assessment Fund.

Ms. Russell seconded the motion.

Mr. Jacques asked if they are not eligible for FEMA – if there could be an insurance claim.

Mr. Kargl said that he would look into it.

Vote: 9 – 0 – 0. Motion passed.

****MOTION (8)**

Mr. DiGiovanna moved to approve a special appropriation in the amount of \$108,820 for Emergency Repairs and Capital Upgrades at Niantic Pump Station in the Sewer Assessment fund to an account titled, "NPS Emergency Repairs & Capital Upgrades."

Mr. Zoller seconded the motion.

Vote: 9 – 0 – 0. Motion passed.

(Copies for both attached)

12. East Lyme POCD Update

Mr. Kargl said that he had received comments from Ms. Russell and Mr. Zoller however; he did not get the chance to incorporate them into the draft. He noted that there is still time to comment. Ms. Russell's comments were on groundwater protection and sewer capacity.

Mr. Mingo commented that the document was produced in 1977 and that they would get rid of it as it is totally useless.

Ms. Russell said that she had commented on sewer capacity and recommended that they address the sewer capacity issues. She also suggested strengthening groundwater protection and creating a formal plan.

13. Water Project Updates

▪ Meter Replacement Project

Mr. Kargl reported that he was in a Zoom meeting with CT Waterworks Association (a Legislative Lobby Group in CT) and Mr. North and Mr. Scheer. They provided them with an update on where we are for support with the proposal to essentially change the law and the large water companies agreed with it and feel that it is over-reach of the law. The proposal is to continue with our contractor and based on a regulation found in the statutes – our meter is an 'appliance' that does not require a licensed plumber. They would have a P-1 as an overseer hired by PMI – just as what they had approved for the MDC. He said that they will work with an attorney on formulating the low voltage proposal.

Mr. Spencer asked if there is a timeline for all of this.

Mr. Kargl said no however they are hoping to have it prepared for next month.

▪ Well 1A and 6 Treatment Plan Modifications and Upgrades

Mr. Kargl reported that this project is going well. Mr. Bragaw and Mr. Scheer had worked on a great plan with Parks & Rec such that when the fence was down they saw that people were pulling in and parking there so they are trying to put some parking spots in that area.

Mr. Bragaw said that this is an opportunity to make a positive impact to the Town. The BOE is contributing \$9,500 for some barriers behind the parking spaces. It is a nice joint project that arose from the original project without impacting it adversely.

Mr. Kargl continued that they have \$33,500 in the project and a \$65,000 line item for the actual building irrigation system (under Parks & Rec). He noted that they found an old pump down in the well and could not do a valid test so they still have to fish it out and that would entail spending the entire \$33,500 and they would then have to see who would pay for the rest after that. In the meantime they have temporarily tied the Parks & Rec irrigation into Well 6.

▪ Test Wells for Replacement of Well 5

Mr. Kargl said that the preliminary on this appears to be good news and that they should know more on it by the end of the week.

14. Correspondence Log

There were no comments.

15. Chairman's Report

Mr. Seery reported that school starts on Monday August 31, 2020 under a hybrid model with two (2) days off and two (2) days on. Things will change on a daily basis.

16. Staff Updates

a. Water Department Monthly Report

Mr. Murphy said that the water percentages with the July drought, etc appear low when they should be seeing heavy numbers – instead they are below the average. He asked how that happened.

Mr. Kargl said that he really did not have an explanation for it.

Ms. Russell asked what the status was of the musty taste that was in the water report.

Mr. Kargl said that it is seen sporadically in GNH and BPBC. They do testing with no issues found. They have been flushing and they also changed chlorine vendors but have not found anything.

b. Sewer Department Monthly Report

Mr. Murphy noted that the sewer is also down by some 15% and wondered why with more people being home.

Mr. Bond suggested that the restaurants are not as busy and also were not open all the time and that would account for some of it.

17. Future Agenda Items

There were none.

17A. – Executive Session – Tri-Town Sewer Agreement Claims/Engineering Estimates

****MOTION (9)**

Mr. DiGiovanna moved to enter Executive Session at 8:49 PM for the purpose of discussion on the Tri-Town Sewer Agreement Claims/Engineering Estimates inviting Attorney O'Connell, Mr. Bragaw, Mr. Kargl and Mr. North to join them.

Mr. Bond seconded the motion.

Vote: 9 – 0 – 0. Motion passed.

****MOTION (10)**

Mr. Murphy moved to exit Executive Session and return to Regular Session with no action taken at 9:24 PM.

Mr. DiGiovanna seconded the motion.

Vote: 9 – 0 – 0. Motion passed.

18. ADJOURNMENT

Mr. Seery called for a motion to adjourn.

****MOTION (11)**

Mr. Murphy moved to adjourn this Zoom Regular Meeting of the East Lyme Water & Sewer Commission at 9:24 PM.

Mr. DiGiovanna seconded the motion.

Vote: 9 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

Sewer Department

Storm Isaias - August 4, 2020

A. Route 156 Pump Station Equipment				
	Vendor	Description of Work	Cost Estimate	PO
1	Prime Electric	Electrical Evaluation/Troubleshoot/Repair	\$ 5,000.00	21-00576
2	Septic Works	Wet well Pumping	\$ 2,871.45	21-00562
3	Spencer Beers	Wet well Pumping	\$ 2,400.00	21-00563
4	Xylem	Bypass Pump (120 HP)	\$ 5,000.00	21-00522
5	AC/DC	Generator Evaluation/Repair	\$ 15,000.00	Not Issued
6	Hayes Pump	Pump Station Controls/Troubleshoot/Repair	\$ 5,000.00	21-00608
7	Grainger	Control Transformers	\$ 476.61	21-00648
		Total	\$ 35,748.06	

Attachment was 8/25/20 Item # 11

Sewer Department

24-Aug-20

A. Niantic Pump Station				
	Vendor	Description of Work	Cost Estimate	PO
1	Prime Electric	Electrical Evaluation/Troubleshoot/Repair	\$ 4,000.00	21-00488
2	Prime Electric	VFD Replacement	\$ 16,620.00	21-00488
3	Xylem	Bypass Pump	\$ 25,000.00	21-00522
4	Stonkus Hydraulics	Parco Valve - Pump 4	\$ 10,000.00	21-00473
5	Carlsen Systems	Sulzer Pump	\$ 43,000.00	21-00523
6	New England Pump & Valve	Remove and Transport Pumps (Pumps 2 and 3)	\$ 3,000.00	21-00561
7	Courville's	Crane Service	\$ 1,700.00	21-00525
8	TBD	Plug Valve - Pump 4	\$ 5,500.00	Not Issued
		Subtotal	\$ 108,820.00	

Attachment was 8/25/20 Item # 11