

**EAST LYME WATER & SEWER COMMISSION
(ZOOM) REGULAR MEETING
TUESDAY, NOVEMBER 17th, 2020
MINUTES**

The East Lyme Water & Sewer Commission held a Regular Meeting on Tuesday, November 17, 2020 via Zoom Meetings. Chairman Nickerson called the Regular Meeting to order at 7:01 PM.

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

ALSO PRESENT: Attorney Edward O'Connell, Town Counsel
Attorney Hollister, Shipman & Goodwin
Joe Bragaw, Public Works Director
Brad Kargl, Municipal Utility Engineer
Ben North, Asst. Municipal Utility Engineer

FILED

ABSENT: No One

Nov 24, 2020 AT 10 AM/PM
Brooke Stearns ATC
EAST LYME TOWN CLERK

1. Call to Order / Pledge of Allegiance

Chairman Nickerson called the Regular Meeting of the East Lyme Water & Sewer Commission to order at 7:01 PM. The Pledge was previously observed.

2. Approval of Minutes

▪ **Sewer Rate – Public Hearing I – October 27, 2020**

Mr. Nickerson called for a motion or any discussion to the Public Hearing I Minutes of October 27, 2020.

****MOTION (1)**

Mr. DiGiovanna moved to approve the Public Hearing I Minutes of October 27, 2020 as presented.

Mr. Zoller seconded the motion.

Vote: 7 – 0 – 0. Motion passed.

▪ **Water Rate – Public Hearing II – October 27, 2020**

Mr. Nickerson called for a motion or any discussion to the Public Hearing II Minutes of October 27, 2020.

****MOTION (2)**

Mr. DiGiovanna moved to approve the Public Hearing II Minutes of October 27, 2020 as presented.

Ms. Russell seconded the motion.

Vote: 6 – 0 – 1. Motion passed.

Abstained: Mr. Mingo

▪ **Regular Meeting Minutes – October 27, 2020**

Mr. Nickerson called for a motion or any discussion to the Regular Meeting Minutes of October 27, 2020.

****MOTION (3)**

Mr. DiGiovanna moved to approve the Regular Meeting Minutes of October 27, 2020 as presented.

Ms. Russell seconded the motion.

Vote: 7 – 0 – 0. Motion passed.

3. Delegations

Mr. Nickerson called for delegations.

There were none.

4. Billing Dispute – 21 Sea View Ave.

Mr. North reported that they are looking into this further as it appears that there is a very significant leak that they have been trying to find. There is also a pool and irrigation system on the property. He said that he would let them know more at their next meeting.

5. Approval of Bills

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

****MOTION (4)**

Mr. DiGiovanna moved to approve the following Well 1A/6 Treatment Project bills: Tighe & Bond Inv. #112090011 in the amount of \$29,301.57; and RH White, Inv. Appl. # 7 in the amount of \$828,922.54.

Mr. Zoller seconded the motion.

(Note: Roger Spencer and Dave Murphy joined the meeting – 7:08 PM)

Vote: 9 – 0 – 0. Motion passed.

6. Finance Director Report

Ms. Johnson was not present and there was no report.

7. Tri-Town Sewer Agreement Six-month Extension – Discussion and Possible Action

Mr. Nickerson reviewed this noting that the relation between the Towns to the plant is comprised of East Lyme at 27%; Waterford at 56% and New London in the teens. With regard to the six month extension; New London wanted it known that if something were to happen with a pipe or something during that time that they would all share in it. All three of the Towns would have to agree to the extension.

****MOTION (5)**

Mr. Mingo moved to authorize the Chairman of the Water & Sewer Commission to sign an agreement for a 6 month extension to the existing Tri-town agreement between New London, Waterford and East Lyme on the condition that the other Towns sign the agreement as well and that the final wording of the document is approved by the Town Attorney as to form.

Mr. DiGiovanna seconded the motion.

Mr. Nickerson said that this means that East Lyme would go forward with this as long as the other Towns decide to do the same.

Vote: 9 – 0 – 0. Motion passed.

8. Tri-Town Disclosure Resolution – Discussion and Possible Action

Attorney O'Connell explained that this pertains to the documents of the Tri-town Disclosure Resolution noting that it is exempt from disclosure. It is a suggested resolution by which the details of the discussion would not be in the public interest at this time.

Mr. Mingo asked if our attorney is involved in these discussions.

Mr. Nickerson said no.

Mr. Mingo said that there may be something in the FOI on that and suggested that it may be better to have the attorney present.

Mr. Nickerson said that they are working on getting the key items sorted out and agreed upon at which point the attorneys would get involved to write the document up formally.

****MOTION (6)**

Mr. Zoller moved WHEREAS, the Town of East Lyme is a party to an agreement with the Town of Waterford (“Waterford”) and the City of New London (“New London”) regarding the transportation of wastewater from East Lyme and Waterford to New London for treatment at the New London Piacenti Wastewater Treatment Facility (“Agreement”); and

WHEREAS, in December 2019 New London unilaterally declared that the Agreement terminated as of January 9, 2020, and advised East Lyme to “use due diligence in obtaining all necessary state and/or federal regulatory approvals to use alternative treatment facilities”; and WHEREAS, East Lyme disputes New London’s claim that the Agreement is or has been terminated; and

WHEREAS, while New London’s termination claim is pending, the parties to the Agreement are attempting to negotiate a possible new agreement; and

WHEREAS, the Chairman of the East Lyme Water and Sewer Commission (“Commission”) and the East Lyme Director of Public Works (“Director”) conduct negotiations on behalf of East Lyme, and from time to time report the status of same to the Commission and its negotiating subcommittee; and

WHEREAS, the Chairman and Director have determined that it is not in the best interest of the Town and its municipal sewer customers to disclose the Town’s bargaining position, strategy or any related documents while negotiations are ongoing; and

WHEREAS, the Chairman and Director have advised the Commission of same and the Commission agrees that the interests of the Town and its municipal sewer customers is best served by not disclosing or otherwise making public the Town’s bargaining position, strategies and any documentation related thereto regarding the Agreement while negotiations are ongoing.

BE IT THEREFORE RESOLVED that the Commission has determined that it is in the best interests of the Town and its municipal sewer customers that any meetings or documentation related to the ongoing negotiations with Waterford and New London regarding the Agreement not be disclosed or otherwise made public until an agreement with all parties is achieved.

Mr. DiGiovanna seconded the motion.

Vote: 8 – 1 – 0. Motion passed.

Against: Mr. Mingo

9. Proposed Water & Sewer Commission Meeting Schedule for 2021

Mr. Nickerson said that this is their regular meeting schedule for 2021 with adjustments for the holidays.

****MOTION (7)**

Mr. DiGiovanna moved to approve the Water & sewer commission meeting schedule for 2021 as presented.

Mr. Murphy seconded the motion.

Vote: 9 – 0 – 0. Motion passed.

10. Water Project Updates

▪ **Meter Replacement Project**

Mr. North reported that Mr. Kargl has had some correspondence from Mr. Formica who has brought this to the attention of the Governor’s Office seeking to move this forward with a licensed plumber on staff hired by the contractor to supervise the process.

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

Mr. North reported that this project continues to move along well.

▪ **Sewer Pump Station Flood Resiliency FEMA Grant**

Mr. North explained that this started with Mr. Scheer who found that there was some FEMA funding for pump stations that were below the flood plain. They reached out to Weston & Sampson for a proposal

and some preliminary design work to submit an application. The cost for this is \$9950 which he said they would like to pull from the sewer assessment fund. They will need authorization to do this.

Mr. Bragaw added that this is also a yearly grant.

Mr. Murphy asked if they get the grant would they reimburse the \$9950 to the sewer assessment fund.

Mr. Bragaw said that yes that could be wrapped into it.

Mr. DiGiovanna said that there are no guarantees though –

Mr. Bragaw said that was correct; adding that they will be in the FEMA pot with Louisiana and those low-lying areas that have been hit badly this year. But – this comes up yearly so they could tweak the application and re-apply next year. He noted that the Niantic Pump Station has the highest score and that it could easily cost \$4M if it were flooded out.

****MOTION (8)**

Mr. Murphy moved to authorize the use of \$9950 from the sewer assessment fund to have Weston & Sampson prepare a Flood Resiliency FEMA grant application for the Niantic Pump station.

Mr. DiGiovanna seconded the motion.

Vote: 9 – 0 – 0. Motion passed.

11. Correspondence Log

Mr. Nickerson noted that they had been provided with a copy of Attorney Hollister's letter.

12. Chairman's Report

Mr. Nickerson reported that he is watching the Covid numbers very carefully and that they may close the Town Hall to the public. He said that while very few people come in – they will keep an eye on it as he wants the employees and public to be safe.

There will be a Holiday Stroll this year – but during the daytime. He asked that they support the local businesses. There will also be a Light Parade but it will be a 'reverse' Light Parade held on December 12, 2020. The floats will be staged at McCook's Park and people will drive through the park looking at them from their cars.

In other news, the main meeting room in the Town Hall is getting a new ceiling and the cameras have been changed – everything will be digital and they will be able to watch meetings live on you tube.

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

No discussion.

15. ADJOURNMENT

Mr. Nickerson called for a motion to adjourn.

****MOTION (8)**

Mr. DiGiovanna moved to adjourn this Regular Meeting of the East Lyme Water & Sewer Commission at 7:45 PM.

Mr. Bond seconded the motion.

Vote: 9 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,

Recording Secretary

Town of East Lyme
Water & Sewer Commission
Meeting Schedule
2021 Approved

Meetings will be held at the East Lyme Town Hall
Meeting Room #1 (upstairs)
on the following listed Tuesdays at **7:00 PM**
(4th Tuesday of the Month unless otherwise noted*)

January 26, 2021

February 23, 2021

March 23, 2021

April 27, 2021

May 25, 2021

June 22, 2021

July 27, 2021

August 24, 2021

September 28, 2021

October 26, 2021

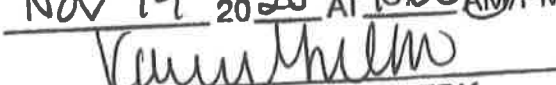
***November 16, 2021**
(Third Tuesday due to holidays)

***December 14, 2021**

(*Note: Due to the holidays the December meeting is on the Second Tuesday)

FILED

Approved at the Water & Sewer Commission Meeting of November 17, 2020

NOV 19 2020 AT 10:20 AM/PM

EAST LYME TOWN CLERK

Attachment

W&S 11/17/2020