

**EAST LYME WATER & SEWER COMMISSION  
(ZOOM) REGULAR MEETING  
TUESDAY, JANUARY 26th, 2021  
MINUTES**

The East Lyme Water & Sewer Commission held a Regular Meeting on Tuesday, January 26, 2021 via Zoom Meetings. Acting Chairman Seery called the Regular Meeting to order at 7:02 M.

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

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

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

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

Chairman Seery called the Regular Meeting of the East Lyme Water & Sewer Commission to order at 7:02 PM. Mr. Bond led the assembly in the Pledge.

**2. Approval of Minutes**

▪ **Regular Meeting Minutes – December 15, 2020**

Mr. Seery called for a motion or any discussion on the Regular Meeting Minutes of December 15, 2020. Mr. Seery noted that Ms. Russell had submitted a paper with a statement that she wanted added to the December minutes. He said that they could just attach it and that it did not have to be read. Mr. Murphy asked that on Page 3 under #9 that form be changed to read 'from'.

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

Mr. Murphy moved to approve the Regular Meeting Minutes of December 15, 2020 as amended with the attachment from Ms. Russell.

Mr. Bond seconded the motion.

Vote: 8 – 0 – 0. Motion passed.

FILED

**3. Delegations**

Mr. Seery called for delegations.  
There were none.

Feb 2, 2021 AT 9:35 AM/PM  
Brooke J. Jones ATE  
EAST LYME TOWN CLERK

**4. Approval of Bills**

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

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

Mr. DiGiovanna moved to approve the following Well 1A/6 Treatment Project bill: Tighe & Bond Inv. #012190014 in the amount of \$18,887.72.

Ms. Russell seconded the motion.

Mr. Jacques asked why they were paying for design services (\$1013.35) as it appeared to be a redundant charge.

Mr. Kargl said that he would have to check on it and discussion ensued regarding tabling payment or paying the invoice minus the charge in question.

**Mr. Mingo moved the amendment that the \$1013.35 charge in question be removed and that the invoice is paid in the amount of \$17,874.37 at this time.**

**Mr. DiGiovanna & Ms. Russell accepted the amendment to the motion.**

**Mr. Kargl said that he would look into it and provide the information at their next meeting.**

**Vote: 7 – 0 – 1. Motion passed.**

**Abstained: Mr. Bond**

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

**Mr. DiGiovanna moved to approve the following Well 1A/6 Treatment Project bill: RH White, Inv. Appl. # 9 in the amount of \$172,999.76.**

**Mr. Spencer seconded the motion.**

**Vote: 7 – 0 – 1. Motion passed.**

**Abstained: Mr. Bond**

**5. Finance Director Report**

Ms. Johnson reported that revenues and expenses are running pretty close year to date as they were in the previous year. Sewer operations paid back the past load in December.

**6. Set Public Hearing Date(s) for Sewer Benefit Assessments**

Mr. Kargl explained the schedule of assessments that they had received in their packets and the timing of them. He said that he had a discussion with Attorney O'Connell regarding them and that they have four areas – Gateway Phase II, more of the Orchards with road acceptance (he noted that the builder has had them paid off at the closings) and residential lot splits and other extras that have taken place.

Attorney O'Connell said that in terms of priority that the Orchards Phase IV is first and that while some have been paid, some have not; Gateway Phase II is second; they have time on Rocky Neck Village however the odds and ends do need to be done together. He said that they have to give notice and that he would present a resolution at their next meeting for the Orchards Phase IV and Gateway Phase II with dates.

Mr. Jacques asked about the miscellaneous list and if they could expect to see those assessments. Attorney O'Connell said that lots that are split into two are typically assessed.

**7. Request to Amend the Old Lyme Beach Associations and East Lyme Sewer Agreement – Discussion and Possible Action**

Mr. Kargl noted that the Old Lyme Beach Associations had requested the option on an additional 50,000 gpd of transmission flow as seen in a letter to Mr. Nickerson dated December 2, 2020. They already have 120,000gpd with 180,000gpd in reserve and they want to purchase 50,000 gpd of that in reserve. The 50,000 gpd would be recalculated with the formula in Schedule A.

Mr. Mingo asked about capacity.

Attorney O'Connell said that what they are asking for is transmission flow through our pipes – not capacity.

Ms. Russell said that she thinks that the language should be in keeping with the original contract.

Mr. Bond asked if the 180,000gpd is ours and if they could have it to use forever or if we could give it to others.

Mr. Bragaw clarified that it is capacity that they bought from New London in a separate agreement.

They only pay us for use through our lines.

Attorney O'Connell noted that they do assign capacity to New London and transmission flow to us.

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

**Mr. Bond moved WHEREAS, Paragraph 14 of the July 24, 2018 Agreement between the Old Lyme Beach Associations and the East Lyme Water and Sewer Commission provides that the sewage to be transmitted from the Beach Associations may be extended to additional**

communities upon the mutual consent of both parties, which will not be unreasonably withheld; and

**WHEREAS, the second paragraph of Paragraph 7 provides that the Beach Associations reserve an additional 180,000 gallons per day (g.p.d.) of transmission flow in addition to the 120,000 g.p.d. of transmission flow previously agreed to be purchased by the Beach Associations; and**

**WHEREAS, the Beach Associations have requested to purchase an additional 50,000 g.p.d. of transmission flow, said amount to be deducted from the 180,000 g.p.d. reserve amount described in Paragraph 7 of said Agreement; and**

**WHEREAS, the buy-in for said additional 50,000 g.p.d. transmission flow is to be calculated in accordance with the formula set forth in "Exhibit A" attached to said Agreement, and a revised "Exhibit A" and payment amortization schedule is to be prepared to reflect the additional 50,000 g.p.d. of transmission flow;**

**NOW THEREFORE, the East Lyme Water and Sewer Commission approves the proposed amendment to the July 24, 2018 Agreement between the Old Lyme Beach Associations and the East Lyme Water and Sewer Commission to reflect the purchase by the Beach Associations of an additional 50,000 g.p.d. of transmission flow, and directs its engineers to prepare a revised "Exhibit A" and payment schedule and its attorneys to prepare a written amendment to said Agreement to be executed by the parties.**

**Ms. Russell seconded the motion.**

**Vote: 8 – 0 – 0. Motion passed.**

#### **8. Tighe & Bond Taste and Odor Investigation Proposal – Discussion and Possible Action**

Mr. Kargl said that this type of investigation appears to be the direction that they may be going in.

Mr. Mingo suggested that they would be better served to go with a company that specializes in this area.

Mr. Kargl said that he thinks that T & B has expertise in this area also.

Ms. Russell asked if the analysis will take into account that we went through a period of drought which may have affected this situation.

Mr. Kargl noted that point.

Mr. Seery noted that Attorney O'Connell has served us for 45 years now and while he will still continue to serve us that Tracy Collins will take over the key role.

Attorney O'Connell said that he would be just an office away from her.

#### **9. Project Updates**

##### **▪ Meter Replacement Project Update**

Mr. Kargl reported that the lobby group has embraced the meter issues and that Mr. Formica has proposed a bill #191 that Title 20 of CGS state that meter replacements should not be considered plumbing work. He said that this is also being reviewed legally.

Ms. Russell asked if the bill would be retroactive.

Mr. Seery said that if it is passed that it probably would not go into effect until July 1 or October 1 as that is usually how they are done.

Mr. Kargl said that they would have to wait to see what happens.

Mr. Spencer asked about the meter installation program and if they were looking to start in March – would the installers be vaccinated for covid as they will be going into people's homes.

Mr. Bragaw said that the reality of March is just not something that will happen and they also have no intention of rushing installers into people's homes. He noted that he is trying to coordinate his own people being vaccinated.

Mr. Seery said that the reality of all of this is that it is not that easy.

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

Mr. North reported that this project continues to move along and that the roof is just about finished and the inside of the building is being worked on. Everything is coming together well.

**10. Correspondence Log**

Mr. Seery noted that they had this in their packets.  
There were no comments.

**11. Chairman's Report**

Mr. Seery reported that East Lyme saw a huge jump in Covid numbers and that he has spoken with Steve Mansfield of LLHD regarding it. Mr. Mansfield said that there is not any one thing that has caused it.

Mr. Seery noted that Town Hall is still closed to the public and that they continue to watch everything very carefully.

**12. Staff Updates**

**a. Water Department Monthly Report**

Mr. North noted that running Well 6 through the Well 1 treatment plant is working very well and has allowed us to send water to New London.

Mr. Bond suggested that with the meters potentially in place by the end of the year that they should add \$5 to each customer billing cycle for insurance for the pipe from the street to be repaired.

Mr. Bragaw said that they have looked into that and that it is a timing issue right now. With the transition from Brad to Ben and the fact that they are working on a 10-year plan of projects for the water department to work on – the timing is not right.

Mr. Murphy said that he would like to see the status of dollars left in projects that are completed as they have not seen that for awhile.

Mr. Kargl said that Mr. Bragaw was talking about that – there is around \$227,000 remaining in that fund and they would like to reallocate it to the development of Well 5.

Mr. Bragaw said that are trying to incorporate projects into a 10-year plan.

**b. Sewer Department Monthly Report**

There were no comments.

**13. Future Agenda Items**

No discussion.

**14. ADJOURNMENT**

Mr. Seery called for a motion to adjourn.

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

**Mr. Murphy moved to adjourn this Regular Meeting of the East Lyme Water & Sewer Commission at 8:05 PM.**

**Mr. DiGiovanna seconded the motion.**

**Vote: 8 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary

-----Original Message-----

From: Carol Russell <carolfrussell@sbcglobal.net>

Sent: Tuesday, January 26, 2021 1:07 PM

To: Brad Kargl <bkargl@eltonhall.com>

Cc: Mark Nickerson <mnickerson@eltonhall.com>; kseery@sbcglobal.net

Subject: FYI Proposed Clarification to W & S December Meeting Minutes

Hi Brad,

This is a follow-up to our conversation yesterday.

FYI I will be proposing the following statement be added to the December W & S meeting minutes to clarify the discussion (under Item # 6) regarding the consultant's analysis of alternative sites for the Bridebrook Sewer Pump Station:

Ms. Russell asked for further consideration of the Bridebrook sewer pump station site which ranked second in the Weston & Sampson analysis primarily based on the high cost to connect with our existing infrastructure. Because it is the only site not located in a flood zone, she asked whether weight should be given to potential long term cost savings and possible construction cost savings because flood mitigation issues would not be a significant concern with this site. Mr. Kargl stated he would follow-up on this.

If the Commission agrees to accept this addendum to the minutes, I thought it would be helpful for the secretary to have the wording available in print.

Thanks,

Carol

Sent from my iPad

submitted  
by Carol Russell

attachment  
(for clarification -  
see statement)



Old Colony Beach Club Association  
Water Pollution Control Authority  
P.O. Box 10  
South Lyme, CT 06376

December 2, 2020

Mr. Mark Nickerson  
First Selectman  
Water Pollution Control Authority, Chairman  
Town of East Lyme  
P.O. Box 519  
108 Pennsylvania Ave.  
Niantic, Ct 06357

Dear Mr. Nickerson:

I'm writing this letter representing the "Beach Associations" Miami Beach Assoc. Old Colony Beach Club Assoc. and Old Lyme Shores Beach Assoc.

This letter is a formal request per the attached Beach Associations and The East Lyme Water and Sewer Commission Agreement dated July 24<sup>th</sup> 2018 to exercise the Beach Associations option under paragraph 7 to purchase an addition fifty thousand (50,000) gallons per day of transmission capacity.

This additional fifty thousand (50,000) gallons transmission will be utilized by the Town of Old Lyme's Water Pollution Control Authority sewer project for the service areas of Sound View and Miscellaneous "B" per attached.

The Beach Associations will also be requesting to amend the Beach Associations and The East Lyme Water and Sewer Commission Agreement dated July 24<sup>th</sup> 2018 to add the Town of Old Lyme as an additional entity to the agreement with all the same terms and condition to said agreement.

Thank You in advance for your cooperation to expedite this request as soon as possible.

Best Regards

Frank Noe  
WPCA Chairman  
Old Colony Beach Club Association  
[wpea@oldcolonybeach.org](mailto:wpea@oldcolonybeach.org)

EAST LYME WATER & SEWER COMMISSION
JAN 26 2020
AGENDA # <u>7</u>

Attachment W+S 1/26/21