

**EAST LYME WATER & SEWER COMMISSION
(ZOOM) REGULAR MEETING
TUESDAY, MARCH 23rd, 2021
MINUTES**

The East Lyme Water & Sewer Commission held a Regular Meeting on Tuesday, March 23, 2021 via Zoom Meetings. Acting Chairman Seery called the Regular Meeting to order at 6:42 PM immediately following the two Public Hearings.

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

ALSO PRESENT: Joe Bragaw, Public Works Director
Brad Kargl, Municipal Utility Engineer
Ben North, Asst. Municipal Utility Engineer
George & Peter Mitchell for 255 Main Street
George & Joyce Hanna for 43 S. Washington
Anna Johnson, Finance Director
Attorney Mark Zamarka, Town Counsel

ABSENT: Mark Nickerson, Chairman, Joe Mingo

1. Call to Order / Pledge of Allegiance

Acting Chairman Seery called the Regular Meeting of the East Lyme Water & Sewer Commission to order at 6:42 PM immediately following the two previously scheduled Public Hearings. The Pledge was previously observed.

2. Approval of Minutes

▪ **Regular Meeting Minutes – February 23, 2021**

Mr. Seery called for a motion or any discussion on the Regular Meeting Minutes of February 23, 2021.

****MOTION (1)**

Mr. DiGiovanna moved to approve the Regular Meeting Minutes of February 23, 2021 as submitted.

Ms. Russell seconded the motion.

Vote: 7 – 0 – 1. Motion passed.

Abstained: Mr. Seery

FILED

Mar 30 2021 AT 10:45 AM/PM

Karen Melton

EAST LYME TOWN CLERK

3. Delegations

Mr. Seery called for delegations.

There were none.

4. Consider Adoption of Supplemental Sewer Assessments to Sewer Main Extension No. 5 – The Orchards at East Lyme

Mr. Seery called upon Mr. Kargl or Mr. North for comments.

Mr. Kargl said that they had presented this at their last meeting and noted that as part of the subdivisions come up the assessments are levied and \$12,066 is what has carried through this entire subdivision. He noted that most of these have been paid.

****MOTION (2)**

Mr. DiGiovanna moved to adopt the Supplemental Sewer Benefit Assessments to Sewer Main Extension No. 5 – The Orchards at East Lyme as presented.

Ms. Russell seconded the motion.

Vote: 8 – 0 – 0. Motion passed.

5. Consider Adoption of Supplemental Sewer Assessment for GDEL Residential, Phase 2

Mr. Kargl explained that this was also presented before. This represents Gateway Phase 2. This is just for the units being added to the property and is based on the commercial assessment formula.

****MOTION (3)**

Mr. Murphy moved to adopt the Supplemental Sewer Benefit Assessment for GDEL Residential, Phase 2 as presented.

Mr. Zoller seconded the motion.

Vote: 8 – 0 – 0. Motion passed.

6. Billing Adjustments/Disputes

▪ 255 Main Street (DD)

Mr. Kargl noted that George Mitchell and his son Peter Mitchell were present for this.

Peter Mitchell said that there really was a leak that caused the increase in the bills over several cycles here (former Dunkin Donuts building). The problem was (with the 60-day cycle) that they did not get the bills as the tenant company that ran the Dunkin donuts received them; so they did not see them. This was due to a water issue there. This dunkin donuts is not there anymore (due to Covid and the lack of a drive-thru) although there is still one at another location that has a drive-thru. The tenant told them that they had approached the Town about the bills. But, when his father (George) went in Town Hall to pay all of the bills that was when he found out that there was a lien on it so they missed the appeal period as they did not know however; they are the owner of the property.

Mr. Kargl said that there are a number of ways to look at this – they could reduce a partial amount of the water & sewer or work on the sewer as the water did not go into the sewer system – he said that he calculated it both ways for the Commission to look at. There were three billing periods when the leak was going on (approx. 1.5 years) and they are talking about approximately \$40,000. The leak was stopped in 2020. Mr. Mitchell had a plumber turn everything off.

(Note: 7 PM – Mr. Mingo joined the meeting)

Mr. Mitchell explained what consideration that he was looking for and said that he wanted them to go back four periods ago (2 years) and not two periods. He does not want to be liable for something that he had no control over and did not see. He also would like the water turned back on as he is showing the building and potential tenants want to see it with the water working.

Mr. Seery said that he thinks that they can allow the opportunity to have the water turned back on.

Mr. Bond asked Mr. Mitchell – no matter what happens – who he would go after for payment of this bill.

Mr. Mitchell said that there is an ordinance that states that he is responsible as the property owner and that he would pay it and then go after Buttercup for it.

Mr. Bond said that going back four (4) periods is really quite a stretch.

Mr. Kargl said that is where it gets hazy and he needs to get more 'back' information to try to make a determination.

Mr. Bond said to Mr. Mitchell that there is a cost for them to produce water and it has to be paid for.

Mr. Jacques asked how much there is in late fees.

Mr. Kargl said that he hasn't added it all up.

Mr. Mitchell said that he would be happy to meet with Mr. Kargl and come up with something that they could agree on and then he would pay it right away and go after Buttercup for it as they were to pay it as the tenant and per their agreement.

****MOTION (4)**

Mr. Spencer moved to table this item to their next meeting pending further information.

Mr. DiGiovanna seconded the motion.

Vote: 9 – 0 – 0. Motion passed.

Mr. Kargl said that he would bring this back next month.

• 43 South Washington Ave.

Mr. Kargl said that George & Joyce Hanna are present to explain this.

Mr. Hanna said that this involves 84,000 gallons and that his wife's parents have been residents for 60 years. They never heard the toilet leaking and this happened only once. There are two zones in the house and no one is upstairs and they did not hear any water running.

Mr. Bond explained that with a '1 in 10' that if it does happen again then they would not get any allowance again.

Mr. Hanna said that in 60 years no one has asked for any rebate so they would like the abatement even though they can't prove that this has stopped.

Mr. Jacques asked if during the period in question the house was occupied.

Mr. & Mrs. Hanna said that they do come here off and on during the winter and now they turn the water off at both areas. This period starts August 30 – they stayed thru September and then came on weekends.

Mr. DiGiovanna asked Mr. Kargl if he is confident that the meter is accurate.

Mr. Kargl said yes – he wanted to keep the old meter in and after this instance it has been normal.

When they put the new IPERL in, he found that the old meter was accurate at high flows but slowed down at the low flows. The IPERL is now in permanently.

Mrs. Hanna noted that the house was built in 2006.

Mr. DiGiovanna asked Mr. Kargl if he had developed any numbers.

Mr. Kargl said that he had not as this really did not fall under the '1 in 10' policy.

****MOTION (5)**

Mr. DiGiovanna moved that they table further discussion on this item pending more information.

Mr. Murphy seconded the motion.

Vote: 9 – 0 – 0. Motion passed.

Mr. & Mrs. Hanna noted that they may not be around for the next meeting.

Mr. Kargl said that he would notify them.

7. Approval of Bills

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

****MOTION (6)**

Mr. DiGiovanna moved to approve the following Well 1A/6 Treatment Project bill: Tighe & Bond Inv. #032190012 in the amount of \$17,923.66.

Mr. Zoller seconded the motion.

Vote: 8 – 0 – 1. Motion passed.

Abstained: Mr. Bond

****MOTION (7)**

Mr. DiGiovanna moved to approve the following Well 1A/6 Treatment Project bill: RH White, Inv. Appl. #11 in the amount of \$487,401.72.

Mr. Zoller seconded the motion.

Vote: 7 – 0 – 2. Motion passed.

Abstained: Mr. Bond, Mr. Mingo

Mr. Seery called for a motion on the Niantic Pump Station Upgrades bill.

****MOTION (8)**

Mr. DiGiovanna moved to approve the following Niantic Pump Station Upgrade bill: Weston & Sampson, Inv. #2211378 in the amount of \$18,800.00.

Mr. Zoller seconded the motion.

Mr. Kargl noted that said that the reason for holding payment on this was because there were things that had to be done. Ultimately they ended up \$5700 to the good and they did get back dollars from the valve company. This is the final bill.

Mr. Mingo asked if the vibration is doing any damage to the building.

Mr. Kargl said no.

Mr. Bond asked what the vibration was.

Mr. Kargl said that it still had not been solved yet but it is within tolerances.

Vote: 9 – 0 – 0. Motion passed.

8. Finance Director Report

Ms. Johnson reviewed her report.

There were no questions.

9. Update on Delinquent Water & Sewer Bills

Mr. Bragaw explained that \$454,283.04 of the delinquent dollars is for sewer assessments. He is providing them with this as they had asked how much is old versus new due to the Covid issue. Only a few (the last four on the list) are new – they total \$12,000 - the rest have not paid for years from 1994 – 2019. It is now time to engage an attorney for this.

Mr. Seery asked about the items and how far they can go back on this.

Attorney Zamarka said that he would have to check as if it is an on-going account it would make a difference.

Mr. Bragaw said that with the water & sewer bills the 155 accounts that are well over a year they can do a shut-off as that typically is the way to get them to pay.

Mr. DiGiovanna said that he whole-heartedly agrees with shut-offs

Mr. Bragaw said that they give them a few weeks notice prior to a shut-off.

Mr. DiGiovanna asked if the 155 accounts are still getting water.

Mr. Bragaw said yes; he noted that they want to re-coup this \$284,000 as soon as possible and that the accounts getting shut-off notices were not paying well before the Covid issue.

Mr. Mingo asked why this was never brought to the attention of this commission before now – after all these years and the Commission was kept in the dark about this.

Mr. Bragaw said that they last did some shut-offs in 2018.

Mr. Mingo said that this should have been brought to the attention of this Commission – what is their purpose if they are not informed.

Mr. Bragaw said that with the sewer assessments they have liened the properties but would have to wait until the property sells to get their money or have an attorney go after it. He noted that he would think that the attorney fees to collect would be added to the bill that is being collected as the delinquent account has caused it. He suggested that there is a sizeable amount sitting out there.

Mr. Bond asked how they would handle the delinquent water and sewer bills.

Mr. Bragaw said that they would put together a letter.

Mr. Jacques asked when the last time was that letters were sent out.

Mr. Bragaw said that they sent out two after the November billing.

Mr. Jacques said that letters are an expense and not working – they need to say 'shut-off' in the letter and stipulate a time this would happen.

Mr. Bragaw said that they will get another bill in May so he wanted to wait to do it at that time as they do not have that time frame before the billing.

10. SCADA System Equipment for New PD Building – Discussion and possible action

Mr. North explained that he has been working on this as it would have to be relocated to the new Public Safety building. He came up with an estimate of up to \$18,000 (\$15450.00 plus contingency) to do this. This ensures that the alarms for the water & sewer systems work.

****MOTION (9)**

Mr. DiGiovanna moved to appropriate and transfer up to \$18,000 from the sewer assessment fund to an account titled, 'SCADA System Equipment – PS Building' for the installation of SCADA System Equipment to be installed at the new Police Station to monitor and relay water and sewer alarms. In addition, should it be determined this to be eligible from Build America Funding, seek reimbursement from this source and reimburse the Sewer Assessment Fund.

Mr. Murphy seconded the motion.

Vote: 9 – 0 – 0. Motion passed.

11. DOT I-95 Interchange Project

▪ Weston & Sampson Preliminary Engineering Proposal – Discussion and possible action

Mr. Kargl noted that this is for the preliminary engineering for this project and that DOT will reimburse us for it. This is standard procedure that we put up the funds first. The up to \$28,000 is to get the PE estimate into the DEEP for the design.

****MOTION (10)**

Mr. Murphy moved to appropriate and transfer up to \$28,000 from the sewer assessment fund to an account titled, 'Engineering Design & Technical Specifications – CTDOT Bridge #00250 Project' for preparation of design drawings and technical specifications to resolve water and sewer conflicts associated with the CTDOT I-95 Interchange Project at Route 161 and Replacement of Bridge No. 00250. At such time as may be appropriate, staff will submit documentation to the State for reimbursement of this work and funds to be deposited to the Sewer Assessment Fund.

Mr. DiGiovanna seconded the motion.

Vote: 9 – 0 – 0. Motion passed.

12. Project Updates

▪ Meter Replacement Project Update

Mr. Kargl said that he had nothing further to report on this since last week.

▪ Well 1A and 6 Treatment Plant Modifications and Upgrades

Mr. North reported that this project is in the finishing stages at this time. There is the potential for another change order for the shingles to be replaced on the existing roof as they are coming off.

13. Correspondence Log

There was no discussion.

14. Chairman's Report

Mr. Seery reported that the Niantic River Bridge would be closed for three more days later this week. He explained that the American Rescue Plan would be discussed at the Board of Selectman's meeting as they are not exactly sure on what it would apply to. Further the funds are stretched out through the year 2024.

15. Staff Updates

a. Water Department Monthly Report

Ms. Russell asked about the water main breaks and what was causing them.

Mr. Kargl said that there is no reason – they do just happen; frost heaves, shifts in the ground – a variety of things could cause them.

Mr. Murphy asked about Old Lyme and the Bride Brook pump station and if there was any news.

Mr. Kargl said that there was nothing to report.

Mr. Murphy asked about getting the water that we need to get to New London and how that was going.

Mr. Kargl said that it would be a challenge.

Ms. Russell asked if there was any more news on the site selection for the Bridebrook pump station.

Mr. Kargl said that the corner of Rte 156 and Giants Neck Road area is out of the flood area but constructability wise it is off the table so Weston & Sampson revised this to reflect that the Rocky Neck site is still the best site.

b. Sewer Department Monthly Report

There were no comments.

16. Future Agenda Items

It was asked that an update be provided on the American Rescue Plan and the possibility of payment for some water projects coming from it.

17. ADJOURNMENT

Mr. Seery called for a motion to adjourn.

****MOTION (11)**

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

Mr. DiGiovanna seconded the motion.

Vote: 9 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

DELINQUENT SEWER ASSESSMENT-MARCH 2021

TOTAL PAST DUE	LAST PAID	COMMENTS
\$96,905.54	03/01/94	NEVER PAID
\$16,212.06	01/31/05	SHOULD HAVE BEEN PIF 3/18
\$14,939.31	10/07/05	SHOULD HAVE BEEN PIF 3/18
\$15,422.09	03/01/08	NEVER PAID-DISPUTING ASSESS.
\$9,192.17	04/01/08	SHOULD HAVE BEEN PIF 3/1/18
\$12,032.00	05/30/08	SHOULD HAVE BEEN PIF 3/18
\$9,210.31	09/02/08	SHOULD HAVE BEEN PIF 3/1/18
\$27,389.05	04/01/09	NEVER PAID
\$27,389.05	04/01/09	NEVER PAID
\$27,389.05	04/01/09	NEVER PAID
\$6,784.33	05/29/09	SHOULD HAVE BEEN PIF 4/1/2017
\$5,340.06	02/24/10	SHOULD HAVE BEEN PIF 3/1/16
\$12,372.52	11/03/10	SHOULD BE PAID IN FULL BY 5/1/2022
\$33,199.48	04/01/11	NEVER PAID
\$3,206.57	04/01/11	SHOULD HAVE BEEN PIF 3/1/16
\$2,379.50	07/06/11	SHOULD HAVE BEEN PIF 5/1/17
\$11,244.30	11/20/11	SHOULD BE PAID IN FULL BY 3/1/2022
\$7,200.35	05/09/12	SHOULD BE PAID IN FULL BY 5/1/2022
\$8,685.20	02/26/13	SHOULD HAVE BEEN PIF 3/1/16
\$12,375.09	07/03/13	SHOULD BE PAID IN FULL BY 4/1/2023
\$13,509.03	02/01/14	NEVER PAID
\$7,782.84	06/18/15	SHOULD BE PAID IN FULL BY 4/1/2022
\$16,721.97	01/21/16	SHOULD HAVE BEEN PIF 3/16
\$3,366.80	02/09/17	SHOULD HAVE BEEN PIF 3/1/18
\$5,452.47	08/23/17	SHOULD HAVE BEEN PIF 3/1/16
\$5,447.00	10/30/17	SHOULD BE PAID IN FULL BY 5/1/2023
\$18,042.04	03/17/18	\$200.00 AGAINST LATE CHRG
\$2,195.96	07/05/18	SHOULD BE PAID IN FULL BY 3/1/2022
\$3,149.41	01/29/19	SHOULD BE PAID IN FULL BY 4/1/24
\$2,836.19	01/30/19	SHOULD BE PAID IN FULL BY 4/1/24
\$1,215.04	03/12/19	New Owner 2020-HAS NOT PAID
\$585.43	05/21/19	SHOULD HAVE BEEN PIF 5/1/2020
\$498.73	06/06/19	PAID BY SELLER-NEW OWNER NOT PD
\$1,852.10	07/19/19	SHOULD BE PAID IN FULL BY 4/1/2022
\$995.44	11/17/19	
\$1,182.24	02/25/20	SHOULD BE PAID IN FULL BY 4/1/2022
\$5,503.01	01/27/21	SHOULD HAVE BEEN PIF 3/1/18
\$4,275.45	03/08/21	SHOULD HAVE BEEN PIF 3/1/16
\$803.86	03/17/21	
\$454,283.04		

Attachment was 3/23/21

WATER & SEWER BILLS

155	Accounts haven't paid in a yr totaling	\$	190,122.76
174	Accounts that have made a partial payment in the last year	\$	93,687.15
329		TOTAL \$	283,809.91

Attachment W&S 3/23/21