

**EAST LYME WATER & SEWER COMMISSION  
(ZOOM) REGULAR MEETING  
TUESDAY, APRIL 27th, 2021  
MINUTES**

The East Lyme Water & Sewer Commission held a Regular Meeting on Tuesday, April 27, 2021 via Zoom Meetings. Chairman Nickerson called the Regular Meeting to order at 7 PM.

**PRESENT:** Mark Nickerson, Chairman, Dave Bond, Steve DiGiovanna,  
Dave Jacques, Joe Mingo, 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 Mitchell for 255 Main Street  
Anna Johnson, Finance Director

FILED

May 6, 2021 AT 10:18 AM/PM

**ABSENT:** No One

*Brooke Stevens 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 PM.

The Pledge was observed.

**2. Approval of Minutes**

- **Public Hearing I Minutes – March 23, 2021 – Orchards Sewer Main Ext. No. 5**

Mr. Nickerson called for a motion or any discussion on the Public Hearing I Minutes of March 23, 2021.

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

Mr. Zoller moved to approve the Public Hearing I Minutes of March 23, 2021 as submitted.

Mr. DiGiovanna seconded the motion.

Vote: 9 – 0 - 0. Motion passed.

- **Public Hearing II Minutes – March 23, 2021 – GDEL Residential Phase II Sewer Assessment**

Mr. Nickerson called for a motion or any discussion on the Public Hearing II Minutes of March 23, 2021.

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

Mr. DiGiovanna moved to approve the Public Hearing II Minutes of March 23, 2021 as submitted.

Mr. Zoller seconded the motion.

Vote: 7 – 0 - 0. Motion passed.

- **Regular Meeting Minutes – March 23, 2021**

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

Mr. Zoller said that he was not at the February Meeting so he had abstained in the minutes.

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

Mr. DiGiovanna moved to approve the Regular Meeting Minutes of March 23, 2021 as amended.

Mr. Zoller seconded the motion.

Vote: 9 – 0 - 0. Motion passed.

### 3. Delegations

Mr. Nickerson called for delegations.  
There were none.

### 4. Billing Adjustments/Disputes

#### ▪ 255 Main Street (DD)

Mr. Kargl said that they had discussed this previously and that both he and Mr. Mitchell put their information together and discussed it again. George did his calculations over a six month billing period, while he computed it over the three month billing period that is normally used. Mr. Mitchell is looking for a reimbursement of \$30,609.37 (calculated over the six month billing period); while Mr. Kargl said that he calculated it over the three month billing period and came up with \$23,732.41. He said that his rationale was taking the three highest billing periods over a three year period.

Mr. Mitchell said that the tenants were responsible for the water and he is representing the owner who is himself – Mitchell Trust. He said that he went back six billing periods because they had not received bills as they were sent to the tenant and that he as the property owner had to contact the Water & Sewer dept. for the bill as he did not get one. He said that he is going to get whatever he has to pay from the tenant anyways so he is doing this for them. He said that he also wants all of the penalties removed and that he thinks that going back six billing periods is fair.

Mr. Nickerson said that there is some precedent and that we go through a significant expense to produce the water plus there is a 1 in 10 policy; and when the tenant is paying a utility bill – when they skip town you are the person stuck with it as the owner.

Mr. Mitchell said that he was not looking for a break on water; only on the sewer as he does not feel that it went into the sewer.

Mr. Nickerson asked Mr. Kargl if this is only a sewer relief.  
Mr. Kargl said yes.

Mr. DiGiovanna asked Mr. Kargl if it is appropriate to go back six billing periods versus the normal three.

Mr. Kargl said that he could possibly see that something was starting back then.

Mr. Jacques said that he thinks that they need to be consistent with the policy.

Mr. Kargl said that this is not consistent as it does not apply to the 1 in 10 policy.

Mr. Bond asked if the bill represents that all of the water will be paid for.

Mr. Kargl said yes.

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

**Mr. Bond moved to credit \$30,609.00 off the bill for 255 Main Street – property of Mitchell Trust.  
Mr. Zoller seconded the motion.**

Mr. Mingo said that commercial properties do not fall under the 1 in 10 policy and that they are setting a precedent here.

Ms. Russell said that the modification is strictly on the sewer side and none of the water went into the sewer.

Mr. Spencer said that according to the last six periods there was no sewer flow at all.

Mr. Kargl said no – but he used the historical average.

Mr. DiGiovanna asked if they should establish a policy of only billing the property owners rather than the tenants.

Mr. Mitchell said that the property owner is responsible and that he does not dispute that but he thinks that they should get a copy of the bill so they can pay it or give it to the tenant.

Mr. Mingo agreed that makes sense but said that the new meters will change all of this as they will know as soon as something is wrong.

**Vote: 9 – 0 – 0. Motion passed.**

▪ **43 South Washington Ave.**

Mr. Kargl synopsised this request noting that they could not find a leak with the meter or anything else. Mr. & Mrs. Hanna could not be here this evening. He said that the \$1163.94 bill would be reduced to \$617.86.

Mr. Bond said that this did not suit the 1 in 10 as they could not find the source of the leak – otherwise administratively Mr. Kargl could do this.

Ms. Russell said that if they realize that they will not be eligible for another 1 in 10 for 10 years then they would do this – but she said that she wanted it made clear to them in a letter that this was it for 10 years.

Mr. Jacques asked if this was an anomaly that went away.

Mr. Kargl said that he had provided them with the readings after that also.

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

**Mr. DiGiovanna moved to approve the 1 in 10 for 43 S. Washington Ave. as indicated by staff (\$1163.94 reduced to \$617.86) and stating that they would not be eligible to come back for any adjustments for another 10 years.**

**Mr. Bond seconded the motion.**

Mr. Mingo questioned why Mr. Hanna installed a valve to shut the water completely off off if something was not leaking.

**Vote: 9 – 0 – 0. Motion passed.**

**5. Approval of Bills**

Mr. Nickerson 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 bills: Tighe & Bond Inv. #042190006 in the amount of \$18,087.21 and RH White, Appl. #12 in the amount of \$224,715.63.**

**Mr. Zoller seconded the motion.**

**Vote: 8 – 0 – 1. Motion passed.**

**Abstained: Mr. Bond**

Mr. Nickerson called for a motion on the Meter Replacement Project bill.

**\*\*MOTION (7)**

**Mr. DiGiovanna moved to approve the following Meter Replacement bill: EJ Prescott, Inv. #5829617 in the amount of \$5,500.**

**Mr. Zoller seconded the motion.**

**Vote: 9 – 0 – 0. Motion passed.**

**6. Finance Director Report**

Ms. Johnson reviewed her report noting that revenues were up slightly from last year.

There were no questions.

**7. Consider Adoption of the Water Operating Budget for FY2022**

Mr. Bragaw noted that he had first brought this to them in February. He said that he had increased the water budget by \$50,000 for contingency due to the items that are showing cost increases.

Ms. Russell asked if there was any way to avoid the balloon payments in year 2030. She asked about the revenue side and the hydrant fees saying that they go up by 10% each year but they were \$74,000 in FY99 and we are at \$52,000 now – she asked if with additional dollars coming to the Town it was the time to make that whole again.

Mr. Nickerson asked Mr. Bragaw about the balloon payments.

Mr. Bragaw said that the 10 year plan is just that – a 10 year plan and if they can pay more – they do. Further, if they keep going back to the hydrants they need to remember that the Town can charge us for electricity, space and all the amenities – as there is a great deal that we are getting.

Mr. Nickerson recalled that it was a vote by this Commission to reduce those fees and that it is not a debt and they are not using the American Rescue funds to replenish it.

**\*\*MOTION (8)**

**Mr. DiGiovanna moved to adopt the Water Operating Budget for FY 2022 as presented.**

**Mr. Jacques seconded the motion.**

**Vote: 9 – 0 – 0. Motion passed.**

**8. Consider Adoption of the Sewer Operating Budget for FY2022**

Mr. Bragaw said that everything is as it was presented in February. In March they were showing 4.4% and projecting a 3 to 3.5% increase. But – a lot if for the new London plant and costs are out of our control.

Mr. Bond said that the cost of everything has gone up – copper is up 17%-20%.

Mr. Bragaw said that the pressure on the sewer budget is because they do not have as many customers. He noted that they already had to add \$95,000 due to New London. He said that our sewer rate is up there and already on the higher end by comparison so if they add another \$20,000 to \$50,000 to the budget they are just going to increase the rate increase.

Mr. Murphy asked Mr. Bragaw is he is comfortable with this.

Mr. Bragaw said that it is fine except for the potential expense in procuring chemicals. If they were to add \$25,000 he said that he would want it in contingency with the understanding that it is NOT spent unless it is absolutely necessary due to inflation.

**\*\*MOTION (9)**

**Mr. Murphy moved to adopt the Sewer Operating Budget for FY 2022 with the addition of \$25,000 in contingency to bring it to \$75,000.**

**Mr. DiGiovanna seconded the motion.**

Mr. Mingo asked if they could stockpile chemicals.

Mr. Bragaw and Mr. North said that some of them they just can't.

Mr. Bragaw added that they are doing the best that they can with getting the best rate for the ratepayers.

Mr. Spencer asked if they could pre-purchase chemicals and have the vendor hold them until we need them.

Mr. Bragaw said that he would talk with the vendors.

Ms. Russell asked what this does now to the range on the rate increase.

Mr. Bragaw said that it puts it in the 4% range.

**Vote: 9 – 0 – 0. Motion passed.**

**9. Set Public Hearing Date for Proposed Sewer Assessments**

Mr. North said that this is for the individual homes for sewer assessments. He said that they could do it for their next meeting.

**\*\*MOTION (10)**

**Mr. DiGiovanna moved to set the Public Hearing on the sewer assessments for their next meeting May 25, 2021.**

**Ms. Russell seconded the motion.**

**Vote: 9 – 0 – 0. Motion passed.**

## **10. American Rescue Funding**

Mr. Bragaw said that whatever funds come in, he has to say that they do have a lot of water & sewer projects that could use it.

Mr. Kargl said that they still do not know the constraints or eligibility of these funds so when that clarification comes in they can discuss it.

Mr. Nickerson said that they are getting \$1.9M divided over two (2) years time and they may also get some county dollars. They will receive direction from the US Treasury on this by May 11 on how this all works. High on the priority list here is the Shoreline Food Pantry and food banks, mental health and the business community. He said that this money goes to all the citizens so that is what they will be looking at. They are also not ready to talk about it yet as they do not have the details.

Mr. Mingo noted that they could not use that money to reduce taxes.

Mr. Nickerson said that all monies have to be invoiced and spent by 12/31/2024 – so they have to be shovel ready items.

## **11. Project Updates**

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

Mr. Bragaw said that this is in a holding pattern due to the regulation at the State level. In the next month or so they will have to see what is going on with this.

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

Mr. North reported that they are nearing the end of this project. He reviewed the list of change orders for them.

### **▪ Taste and Odor Investigation**

Mr. North said that he had been working with Tighe & Bond on this. It seems to be localized in the giants Neck Heights area.

Mr. Kargl noted that they had a T & B crew out at the treatment plant at Bride Lake and they increased the dosing which seemed to help. They will have to see how this goes over time as a treatment alteration may be the solution.

### **▪ Bride Brook Pump Station Relocation**

Mr. Kargl said that they would be having a meeting on this.

Mr. DiGiovanna suggested having the meeting right at the site at Rocky Neck.

### **▪ Niantic Sewer Force Main Assessment**

Mr. North said that they are still reviewing the report. The safest approach is to build next to the existing.

## **12. Correspondence Log**

There was no discussion.

## **13. Chairman's Report**

Mr. Nickerson reported that they changed some of the dates for the Annual Town Meeting and the Referendum on the budget as the Governor's Executive Orders are due to expire on May 20, 2021. The Annual Town Meeting will be held at the High School auditorium at 7 PM on May 3, 2021; it will also be available through zoom. The referendum on the budget will be held on May 19, 2021 and absentee ballots will be available. He strongly suggested that people pick them up and drop them off in the ballot box at Town Hall if they are not going to vote in person.

He also reported that the Tri-town agreement is getting ready to go to subcommittee. The attorney's are reviewing them now. He noted that the three towns talked about fairness. Once out of subcommittee it will come to the full board.

Mr. DiGiovanna asked if there were any plans to meet in person again.

Mr. Nickerson said yes, probably for their next regular meeting or the one after that as they are moving towards this. It could also be hybrid.

He also said that they will not have Celebrate East Lyme this year as Sailfest is cancelled – but they will have the Oyster Fest in the fall.

#### **14. Staff Updates**

##### **a. Water Department Monthly Report**

There were no comments.

##### **b. Sewer Department Monthly Report**

There were no comments.

#### **15. Future Agenda Items**

No comments.

#### **16. ADJOURNMENT**

Mr. Nickerson called for a motion to adjourn.

#### **\*\*MOTION (11)**

**Mr. DiGiovanna moved to adjourn this Regular Meeting of the East Lyme Water & Sewer Commission at 8:38 PM.**

**Mr. Zoller seconded the motion.**

**Vote: 9 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary