

**EAST LYME WATER & SEWER COMMISSION
REGULAR MEETING
TUESDAY, SEPTEMBER 28th, 2021
MINUTES**

The East Lyme Water & Sewer Commission held a Regular Meeting on Tuesday, September 28, 2021. Chairman Nickerson called the Regular Meeting to order at 7:02 PM.

PRESENT: Mark Nickerson Chairman, Dave Bond, Steve DiGiovanna, David Jacques, Dave Murphy, Carol Russell, Dave Zoller

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

ABSENT: Joe Mingo, Roger Spencer

1. Call to Order / Pledge of Allegiance

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

2. Approval of Minutes

▪ **Regular Meeting Minutes – August 24, 2021**

Mr. Nickerson called for a motion or any discussion on the Regular Meeting Minutes of August 24, 2021.

****MOTION (1)**

Mr. DiGiovanna moved to approve the Regular Meeting Minutes of August 24, 2021 as submitted.

Mr. Zoller seconded the motion.

Vote: 6 – 0 - 1. Motion passed.

Abstained: Mr. Nickerson

FILED

Oct. 5, 2021 AT 10 AM PM

Brooke Steiner ATC
EAST LYME TOWN CLERK

3. Delegations

Mr. Nickerson called for delegations.

There were none.

4. Billing Adjustments/Disputes

▪ **194 Giants Neck Road – Customer Alleging Water Left Bleach Spots on Clothing and Seeking Reimbursement**

Mr. North explained that the residents from 194 Giants Neck Road had brought clothes in alleging that they were 'bleached' after Storm Ida when they had washed them.

Joanne DeRico, 194 Giants Neck Rd. said that they had come to Town Hall complaining about a whole load of laundry that was damaged when washed after Storm Ida. She said that she was told that it was perhaps her washer however she said that she has a brand new stainless steel washer and that her special tie-dyed items were now destroyed. She said that she did not put bleach into the laundry and that it was not something in her house that made this happen. She presented the items for the Commissioners to see that were no longer white or solid color as they had been. She presented a list of the items and their value that had been destroyed in the wash. (Attached to Minutes)

Mr. DiGiovanna asked if she was saying that this occurred because of the storm.

Ms. DeRico said that she did not know but it was the only load of laundry that she had done that day.

Mr. DiGiovanna asked Mr. North if they had flushed the system at that end of Town and if that could have caused it.

Mr. North said that they have not flushed the system.

Mr. Zoller asked Mr. North if he had received other complaints from others who reside in that area.

Mr. North said no.

Mr. Nickerson asked Mr. North if this was the end of a line.

Mr. North said no.

Mr. DeRico said that it is like brown blotches and not bleach – bleach would be white. He said that the same detergent has been used and that it only happened on the Friday after the storm.

Mr. North noted that they were so strapped for water that they have not done any flushing since April.

Discussion ensued on if this had ever happened before and none of the Commissioners or staff recalled this type of issue ever coming up. The issue of setting a precedent was of concern.

Mr. Nickerson explained that there is no direct evidence that it came from the water.

Mr. DiGiovanna said that the only way that they could consider this would be if others in that area had the same problem at the same time.

Mr. Nickerson asked if there was a motion –

Hearing none – He said that he was sorry.

5. Approval of Bills

Mr. Nickerson 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 bills: Tighe & Bond Inv. #092190006 in the amount of \$14,554.99; and RH White Inv. Appl. #17 in the amount of \$186,146.25.

Mr. Murphy seconded the motion.

Vote: 6 – 0 – 1. Motion passed.

Abstained: Mr. Bond

6. Finance Director Report

Ms. Johnson reviewed her report noting that the water side revenues were a bit higher than the previous year and that it was safe to say that they were off to a good start this fiscal year.

7. Set Public Hearing for Water and Sewer Rates

Mr. Bragaw suggested that they set the Public Hearing for the rates commencing at 6:30 PM on October 26, 2021 with the Regular Meeting immediately following the Public Hearings.

****MOTION (3)**

Mr. DiGiovanna moved to set the Public Hearing for the Water & Sewer rates for 6:30 PM on October 26, 2021.

Mr. Zoller seconded the motion.

Vote: 7 – 0 – 0. Motion passed.

8. Discussion and Possible Action on a Special Appropriation to Fund the Fiscal Year 2021/2022 Debt Payments

Mr. Bragaw explained that this does not change from what he had originally provided them with however he had not included the full amount of the bond payment so this was the remedy for that situation. (Source of funds – debt reserve)

****MOTION (4)**

Mr. Murphy moved to approve a special appropriation in the amount of \$86,214 as follows:
Revenue account #07-08-900-002 and Expenditure account #07-01-300-200-201 to have sufficient funding for 2021/2022 debt payments.

Mr. DiGiovanna seconded the motion

Vote: 7 – 0 – 0. Motion passed.

9. Project Updates

▪ **Meter Replacement Project**

Mr. Bragaw explained and provided details on the plan that he wanted to move forward with to complete the meter replacement project. This would be done with the East Lyme water department employees doing the installation. He noted that it would take until the spring of 2023 to finish the project. He explained the projections with regard to how the project would be paid for.

Mr. Bond said that there should not be any option if people do not want the meter; as this is not an option item – it is something that needs to be done.

Mr. Nickerson noted that if people want to pay the extra fee for a meter reading rather than argue over a meter that they need to know that the extra fee would be charged four (4) times per year as they will be going to reading the meters four (4) times each year.

Ms. Russell suggested a zoom presentation on the change out of the meters – explaining how it is done and inviting questions from the people in the areas as they go through doing the change outs.

Mr. Bragaw agreed that they would have information for the public.

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

Mr. North updated everyone that this project is now done and all wrapped up. They have been running both and will be doing increased copper monitoring. They are averaging 1100 gpm and is has been a huge success. Also, they cleaned out the Boston Post Road tank and they expect that to stay clear.

▪ **Sodium Levels in Wells – 5 Year Analysis**

Mr. North said that he ended up doing a 16 year analysis due to information that he had; the sodium levels rose modestly until 2017; the combination of Wells 1 & 6 has helped considerably.

Mr. Bragaw added that he met with the school regarding their salt use during the winter as Public Works does not put salt there – the BOE does. It was discovered that the BOE was using exorbitant amounts of salt. Mr. Bragaw said that he has met with them again this year to remind them again to curb the use.

▪ **American Rescue Plan – Discussion of Upcoming Potential Projects**

Mr. North noted the items that they had come up with. Well 5 is only producing 540 gpm and is the only well not using green sand filters. The cost for rehabilitation of Well 5 would be \$920,000. Other items that they had come up with were: recoating the Boston Post Road water tank for \$550,000; upgrading the Niantic Sewer Pump Station for \$250,000 and upgrading the Pattagansett Sewer Pump station for \$300,000.

Discussion ensued with Mr. DiGiovanna asking what threshold amount they were working with for a request.

Mr. Bragaw said that they do not have a figure as the dollars would need to be allocated – this list is of items that they know are eligible for the American Rescue funding.

Mr. Nickerson added that the law was very specific on what is allowed. There is \$2.7M this year and there will be another \$2.7M next year for our Town. What they can do is to put something forward as a recommendation to the Board of Selectmen and then the BOS will discuss it at their meeting. There is approximately 25%-30% that should be allocated to the water & sewer infrastructure.

Ms. Russell asked about the Niantic Sewer Pump Station also in an area that could be prone to flooding and we would not have a back-up.

Mr. Bragaw and Mr. North said that they are once again applying for FEMA funding for this project and that they would rather use FEMA funding for it than American Rescue Funds.

Mr. Bond suggested that the Niantic Sewer Pump Station be last for American Rescue Funds as others would also be involved with helping us with what would be needed for that.

Mr. Nickerson suggested that they pick an item and not try to move everything forward as that total was over \$2M.

Ms. Russell said that she totally supports the Well 5 project and thinks that it is critical.

****MOTION (5)**

Mr. DiGiovanna moved to forward to the Board of Selectmen a request for American Rescue funding for the Water & Sewer Dept. for the Rehabilitation of Well 5 @ \$920,000.

Mr. Zoller seconded the motion.

Mr. Murphy asked how long it would take to do this rehabilitation project.

Mr. North said that they only have a certain amount of time left on the DPH authorization so they could get the well in and then do the filter rehab afterwards. He said that he thinks that they could get it done over the winter but they first have to determine when it should be down.

Vote: 7 – 0 – 0. Motion passed.

▪ Tri-Town Negotiations Update – Discussion and Possible Action

Mr. Nickerson commended Mr. Bragaw as he had done most of the negotiations with the panel at the table. He asked Mr. Bragaw to give a brief update.

Mr. Bragaw said that this is a 30-year agreement and that they wrote the document so that it would make sense and be fair. He noted that they had a subcommittee and that they had met last week going over the final draft. A big part was that New London has \$7.8M in an account and everyone has a share of that which has never been used. We have \$1.57M so projects will be managed from our capital account. We will also go to quarterly billing which will help.

Attorney O'Connell summarized the agreement noting that it did not have many major changes from the original agreement other than the use of capital accounts and a change in the responsible share each party would have with respect to maintaining Waterford's Evergreen Sewer Pump Station and associated force main to the Piacenti facility.

Ms. Russell asked if Point O'Woods, the three (3) beach communities and the future tie-in of the Town of Old Lyme would be included in the sharing of costs of the infrastructure named in the Tri-town agreement.

Mr. Bragaw said that they would be included by the fee structure that was established in the separate agreements with those communities and would pay their share that way.

Ms. Russell asked why the Town of Old Lyme was included as a non-party with rights to use parties' infrastructure.

Attorney O'Connell said that due to an existing capacity agreement Old Lyme had with New London, New London was insistent that they be included.

****MOTION (6)**

Mr. DiGiovanna moved to approve the Tri-Town Agreement in the form as submitted to the Commission at its meeting of September 28, 2021 subject to correction of the East Lyme Capital Account amount in appendix A, and to authorize the Chair to execute and deliver said Agreement on behalf of the East Lyme Water & Sewer Commission. Said Agreement is to be

effective on the date that the last of the three municipalities delivers a fully executed agreement to the other two municipalities.

Mr. Jacques seconded the motion.

Vote: 7 – 0 – 0. Motion passed

▪ **Purchase of Bypass Pump**

Mr. North explained the need for the purchase of the Godwin Dri-Prime diesel driven pump set trailer mounted. He noted the cost was \$13,995.

****MOTION (7)**

Mr. DiGiovanna moved to create an account in the sewer assessment fund to be labeled 'bypass pump' to purchase a bypass pump in the amount of \$13,995.

Mr. Murphy seconded the motion.

Vote: 7 – 0 – 0. Motion passed.

10. Discussion on Strategies for Collecting Delinquent Water & Sewer Bills

Mr. Bragaw synopsised the delinquent accounts – there are 541 delinquent accounts owing \$174,000; 117 customers accounts are in the arrears over \$300. This number would still create an issue with manpower to turn them off and once paid to get them back on. Upon further analysis there are 98 customers who have not paid anything in an entire year. If they move the threshold to those delinquent customers who owe \$1000 and more – they have 36 customers who owe \$82,000 collectively. He explained how they would go about handling these – they would take a copy of the bill and staple it to a door knocker and put it on their doors stating that they would be shut off. Once shut off – they would have to pay a fee of \$85 to get their water turned back on along with the delinquent amount.

Mr. Murphy asked if they need specifics on how this would be done.

Mr. Bragaw said that he felt that would create more issues as not every situation is exactly the same.

Mr. Nickerson said that he thinks that this is an operator/manager decision as they have a duty to protect all of our ratepayers so that they are not bearing an undue burden.

Mr. Bragaw said that he just wants to make sure that the Commissioners are in agreement on this and understand how it is being done.

Mr. Jacques asked if they have a strategy for landlords.

Mr. Bragaw and Mr. North said that they did and that they would go over it with Attorney O'Connell.

11. Correspondence Log

There were no comments.

12. Chairman's Report

Mr. Nickerson said that it has been a great pleasure working with all of them over these years as they are a very talented group.

13. Staff Updates

a. Water Department Monthly Report

Mr. North noted the well production report.

b. Sewer Department Monthly Report

There were no comments.

14. Future Agenda Items

There was 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 9:04 PM.

Mr. Murphy seconded the motion.

Vote: 7 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

	Retail Cost	Retail value	Wear
Polo Shirt	2 \$79.99	\$159.98	\$50.00
Nike Shirt	1 \$69.99 NEW	\$69.99	\$69.99
Short linen	1 \$89.99	\$89.99	\$45.00
Polo Shorts	1 \$79.99	\$79.99	\$40.00
Polo slacks	1 \$99.99	\$99.99	\$50.00
Saks woman hoodie	1 \$79.99 NEW	\$79.99	\$79.99
		\$579.93	\$334.98

Wes Submitted - Item # 4a. List of Items 9/28/21