

**EAST LYME WATER & SEWER COMMISSION
REGULAR MEETING
TUESDAY, MAY 24th, 2022
MINUTES**

The East Lyme Water & Sewer Commission held a Regular Meeting on Tuesday, May 24th, 2022. Chairman Seery called the Regular Meeting to order at 6:35 PM after the previously held Public Hearing.

PRESENT: Kevin Seery, Chairman, Steve DiGiovanna, Dave Jacques, Joe Mingo, Dave Murphy, Carol Russell, Dave Zoller

ALSO PRESENT: Joe Bragaw, Public Works Director
Ben North, Municipal Utility Engineer
Anna Johnson, Finance Director
Anne Santoro, Deputy First Selectman

FILED

June 1, 2022 AT 11:51 AM/PM

ABSENT: Dave Bond, Roger Spencer

Brooke Stearns ATC
EAST LYME TOWN CLERK

1. Call to Order / Pledge of Allegiance

Chairman Seery called the Regular Meeting of the East Lyme Water & Sewer Commission to order at 6:35 PM. The Pledge was previously observed.

Mr. Seery asked for a motion to add item 5.A. to the agenda - Water & Sewer Special Appropriation 2022/2023 Acquisition Program.

****MOTION (1)**

Mr. DiGiovanna moved to add item 5.A. to the agenda - Water & Sewer Special Appropriation 2022/2023 Acquisition Program.

Mr. Murphy seconded the motion.

Vote: 7 - 0 - 0. Motion passed.

2. Approval of Minutes

▪ Regular Meeting Minutes - April 26, 2022

Mr. Seery called for a motion or any discussion on the Regular Meeting Minutes of April 26, 2022.

****MOTION (2)**

Mr. DiGiovanna moved to approve the Regular Meeting Minutes of April 26, 2022 as presented.

Mr. Murphy seconded the motion.

Vote: 7 - 0 - 0. Motion passed.

3. Delegations

Seery called for delegations.

There were none.

4. Consider Adoption of Proposed Supplemental Sewer Assessments

Attorney Zamarka explained the resolution noting that some of the remaining homes in the Orchards will be in another resolution once Pumpkin Grove is finished and some other odd new properties.

****MOTION (3)**

Mr. Murphy moved to approve the Supplemental Resolution to Sewer Main Extension No. 5 - Orchards at East Lyme (Arbor Crossing & Pumpkin Grove) as presented. Resolution attached in full at end of Minutes.

Mr. DiGiovanna seconded the motion.
Vote: 7 – 0 - 0. Motion passed.

5. Resolution Concerning 231 Boston Post Road

Attorney Zamarka recalled the background on this and explained that this Resolution increases the payment from 15 years to 20 years and lowers the rate from 5% to 3.5%. The 2009 benefit assessment was already approved and this is the understanding from staff that the Commission wanted this.

****MOTION (4)**

Mr. Murphy moved to approve the Amended Payment Provisions for Sewer Main Extension No. 5 for 231 Boston Post Road as presented. Resolution attached in full at end of Minutes.

Mr. DiGiovanna seconded the motion.

Vote: 7 – 0 - 0. Motion passed.

5.A. Water & Sewer Special Appropriation 2022/2023 Acquisition Program

Ms. Johnson noted that this is with regard to the Acquisition Program and the \$65,000 for the Ford F350 w/utility body for the Water department that was discussed at the previous meeting. This needs to be included in the Town authorization process.

****MOTION (5)**

Mr. DiGiovanna moved to authorize the Water and Sewer Commission Chairman to include the Ford F350 w/utility body vehicle for the water department for a value of \$65,000 in the Town authorization process for the 2022/2023 Acquisition Plan and to sign all the necessary agreements and documents to move this forward.

Mr. Zoller Seconded the motion.

Vote: 7 – 0 – 0. Motion passed

6. Billing Adjustments/Disputes

Mr. North noted the notices that they have put out on various aspects of Water & Sewer and Public Works for the public.

Mr. Mingo said that he has seen them and that they are well done.

Mr. Jacques asked if there have been a lot of issues with the new meters.

Mr. North said that there have not been that many and that they have been working with the people with respect to paying.

Mr. Mingo asked how many customers we picked up who have never been paying a water bill.

Mr. North said that there have been a handful but they are getting that cleaned up with this new system.

7. Approval of Bills

There were none.

8. Finance Director Report

Ms. Johnson reviewed her report noting that the cash positions continue to be strong.

There were no questions.

9. Project Updates

• Meter Replacement Project

Mr. North reported that in April they changed out 286 meters and are almost 40% complete.

• Update on Well 5 Rehabilitation Project

Mr. North reported that they would be conducting 72 hour pump tests next week. It will take a month to get the testing back and it looks like we will be on the July timeline.

Mr. Mingo asked if we know the water quality yet.
Mr. North said not yet, there is some iron but we do not have that information yet.

10. Sewer Service Truck – Discussion & Possible Action

Mr. North explained that they are looking to put an auto crane on this truck.
Mr. Bragaw said that they do not have anything like this on the Water & Sewer side and that it would be very useful. He added that they had brought this up before to purchase it out of sewer assessment as it is a capital item.

****MOTION (6)**

Mr. Murphy moved to appropriate and transfer \$160,000 in the sewer assessment Fund 3 from resources available to the account titled, 'Sewer Service Truck' for the purchase of a sewer service truck for enhanced O & M activities.

Mr. DiGiovanna seconded the motion.

Mr. Mingo asked if they knew that there is one available.

Mr. Bragaw said that they keep checking each week.

Vote: 7 – 0 – 0. Motion passed.

11. VFD Replacement at Bride Brook Sewer Pump Station – Discussion & Possible Action

Mr. North noted that this came up last week – when one went down and they had to put the bypass pump on. He noted that this is a capital item.

****MOTION (7)**

Mr. Murphy moved to appropriate and transfer \$10,329 in the sewer assessment fund 3 from resources available to the account titled, 'Bride Brook PS VFD Replacement' for the replacement and installation of a new VFD at the pump station.

Mr. DiGiovanna seconded the motion.

Mr. Jacques asked how long it would take to get this.

Mr. North said that we have it now.

Vote: 7 – 0 – 0. Motion passed.

12. Sewer Wetwell Aeration System Pilot Study – Discussion & Possible Action

Mr. North explained that this is an electrical way to help with the wetwell cleaning as the area is prone to grease build-up and odors. He said that he wants to see if this is a viable method as the cost of the chemicals is always going up.

Mr. Jacques asked if it is an immersion.

Mr. North said yes – it is meant to break up the grease cap and keep it in suspension.

****MOTION (8)**

Mr. Murphy moved to appropriate and transfer \$18,000 in the sewer assessment Fund 3 from resources available to the account titled, 'Wet well Aeration Pilot Study' for the installation and monitoring of the performance of a wet well aeration system to be installed at McCook's Sewer Pump Station.

Mr. DiGiovanna seconded the motion.

Mr. DiGiovanna asked if they are using the exact same items as Waterford is using.

Mr. North said, not exactly but similar. He added that Waterford finds them beneficial.

Mr. Jacques asked how long they will run the study.

Mr. North said through the summer as he thinks that they should have something by the end of the summer.

Ms. Russell asked how long they are good for and if there is any information on that.

Mr. North said not yet – however he does not think that they will be expensive to keep up as they are a blower type of unit.

Mr. Jacques asked how much of the \$18,000 the purchase is.
Mr. North said about \$8,000.
Vote: 7 – 0 – 0. Motion passed.

13. Well 6 Permit Renewal – Discussion & Possible Action

Mr. North said that they have a permit that is due and has to be in by early July so they need to renew it. He added that he would also like to explore getting a higher diversion from that well.

Mr. Bragaw said that this was also proposed in Brad's list of items.

****MOTION (9)**

Mr. Murphy moved to authorize the expenditure in the amount of \$16,000 in the water capital projects Fund 62 from account number 62-79-006-500-005 titled, 'Security/Well Improvement & Permit' for the completion of a new Well 6 Diversion Permit.

Mr. DiGiovanna seconded the motion.

Vote: 7 – 0 – 0. Motion passed.

14. Correspondence Log

There were no comments.

15. Chairman's Report

Mr. Seery reported that in the next week that the State would start the demolition of the Starlight Motel and that the Mobil Gas station would not be far behind that. He also reported that the Touch a Truck event held from 9 – 2 the previous Saturday was very successful.

Additionally, he has been getting complaints about the garbage on Main Street and in the parks. He has suggested using the 'nips' \$12,000 that they received from the State to purchase some special cans to be placed in these areas.

16. Staff Updates

a. Water Department Monthly Report

Mr. Murphy asked if there was an update on Old Lyme.

Mr. Seery said that he has heard that it is progressing.

Ms. Russell commented that the video on the flushing of the hydrants was very well done.

Mr. Bragaw said that it was done by the newest employee, Brian Chappell who had recently moved over from Highway.

Mr. North said that they have decreased the total monthly demand and that they have stopped sending water to New London.

Ms. Russell asked about an update on the agreement with Waterford.

Mr. Bragaw said that they are getting there and still working on it.

b. Sewer Department Monthly Report

There were no comments.

17. Future Agenda Items

There were none.

18. ADJOURNMENT

Mr. Seery called for a motion to adjourn.

****MOTION (10)**

Mr. DiGiovanna moved to adjourn this Regular Meeting of the East Lyme Water & Sewer Commission at 7:25 PM.

Mr. Zoller seconded the motion.

Vote: 8 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

*Motion (3.)
by
Lowe
Murphy*

SUPPLEMENTAL RESOLUTION TO SEWER MAIN EXTENSION NO. 5

**ORCHARDS AT EAST LYME
(ARBOR CROSSING and PUMPKIN GROVE)**

RESOLUTION relative to a supplemental assessment of benefits pursuant to the Resolution for Sewer Main Extension #5 adopted by the East Lyme Water and Sewer Commission on April 28, 2009, (hereinafter the "**Resolution**") in connection with various properties located in the Town of East Lyme, Connecticut, establishing the due date of said assessments, providing for installment payments of assessments and interest thereon:

WHEREAS, the East Lyme Water and Sewer Commission, the statutory municipal Water Pollution Control Authority existing under the laws of the State of Connecticut within and for the Town of East Lyme, has heretofore adopted a Resolution relative to the assessment of benefits for public sanitary collection sewers installed in the Town of East Lyme; and

WHEREAS, said Resolution provides that assessments may be deferred until approval of a subdivision plan for excess property by the planning commission, at which time assessment shall be made in accordance with the terms of said Resolution; and

WHEREAS, the properties hereinafter specified are subdivided portions of a tract known as "**The Orchards at East Lyme**" for which a subdivision plan has been approved by the planning commission and which is on file with the Town of East Lyme; said portions being designated as Pumpkin Grove and Arbor Crossing on a map or plan entitled "Orchards at East Lyme Phase Plan Prepared for Prestige at East Lyme, Connecticut, July 17, 2006, Rev. 12-06-07, Sheet 1 of 11, Gerwick-Mereen, LLC Civil Engineering and Land Surveying;" and

WHEREAS, the owners of houses, buildings, units of a common interest community or other structures used as residences and located on the parcels of land below are required to connect said houses, buildings, units and structures to the sewer, at their own expense; and

WHEREAS, it is the intention to levy supplemental assessments upon said properties in accordance with Section 7-249 of the Connecticut General Statutes and the Resolution.

NOW THEREFORE, BE IT RESOLVED by the East Lyme Water and Sewer Commission as follows:

1. The owners, properties and the amounts of the assessments hereby levied upon said properties are set forth on **Schedule A** attached hereto.
2. The obligation to make payment of the benefit assessment, and the interest thereon, shall not accrue until such time as the owners connect to the sewer. Said

Attachment
(00548507 1)

*Motion on PH Resolution
Attachment W&S Reg. Mtg. 5/24/22 2/PSI*

assessment shall be due and payable at the time when the owners connect to the sewer. The owners may pay the entire amount of the assessment in full on or before the date of connection without interest or pay said assessment by installment payments made in accordance with Paragraph 3 hereof.

3. If the election is made to pay said assessment by installment payments, installment payments of the assessment for each property shall be made in substantially equal annual installments, the first installment to be due and payable **January 1, 2023**, and each subsequent payment of an installment to be due and payable on or before **January 1st** of each year, and the final payment shall be due and payable no later than **January 1, 2038**. Payments shall be made payable to the order of the Treasurer of the Town of East Lyme. Notice of installment payments will be recorded on the East Lyme land records as provided by the Connecticut General Statutes.

Notwithstanding any other provision herein, if any portion of any installment, including accrued interest, has not been paid by the first anniversary date after such installment was due and payable, then the entire principal sum of the assessment, together with all accrued interest, shall become due and payable.

4. That interest at the rate of **five percent (5%)** per annum on the unpaid balance of the assessment shall be due and payable at the time of the payment of each installment provided for in paragraph 3 above. Any person may pay an installment or installments for which he is liable at any time prior to the due date thereof.

5. That the assessment or any installment thereof, if not paid within thirty (30) days after the due date, shall be delinquent and shall be subject to interest from such due date at the rate and in the manner set forth in the Connecticut General Statutes for delinquent property taxes.

6. That each installment of interest shall be collectible as part of such assessment.

7. That any delinquent assessment or delinquent installment of any assessment and any interest due thereon shall constitute a lien against the real estate against which the assessment was levied from the date such levy became due. Each such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording, and releasing real property tax liens. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in same manner as real property taxes.

BE IT FURTHER RESOLVED, that the assessments of benefits stated herein and in the public record of the Water and Sewer Commission of the Town of East Lyme should be deemed duly and legally made. Notice shall be published listing the proposed properties against which benefits have been assessed, with the amount to be paid by the Owner(s) and a notice of the date when assessments become due and payable. A copy of the assessment of benefits shall be mailed to the Owner(s) of each property affected thereby in accordance with the Connecticut General Statutes.

Zaid S. H. Johnson
Vote 7-0-0

*Motion (A)
by
Mr. Murphy*

**RESOLUTION RE AMENDED PAYMENT PROVISIONS
FOR SEWER MAIN EXTENSION NO. 5**

RESOLUTION to amend the payment provisions for certain assessments of benefits for Extension No. 5 of the public sanitary sewerage system, known generally as the "Boston Post Road Extension" installed in the Town of East Lyme, Connecticut; establishing the due date of said assessments; providing for installment payments of said assessments and interest thereon;

WHEREAS, the East Lyme Water and Sewer Commission (hereinafter the "Commission"), the duly established municipal Water Pollution Control Authority existing under the laws of the State of Connecticut within and for the Town of East Lyme exercising its statutory authority under the laws of the State of Connecticut, has heretofore accepted the public improvements known as Extension No. 5 of the Town's public sanitary sewerage system, said improvements being more particularly described in as-built plans and specifications on file with the Commission; and

WHEREAS, the Connecticut General Statutes provide in part that at any time after a municipality by its Water Pollution Control Authority has authorized the acquisition or construction of a sewerage system, or portion thereof, the Water Pollution Control Authority may apportion and assess the whole or any portion of the cost thereof upon the lands and buildings in the municipality which, in its judgment, are especially benefited thereby, whether they abut on such sewerage system or not, and upon the owners of such land and buildings according to said Connecticut General Statutes and such rules as the Commission adopts; and

*Attachment Entire
Motion on ²³¹ Boston Post Rd.
Sewer Ext. No 5 —
Payment Provisions
WAS 5/24/22*

(00649608.11)

3 pgs.

WHEREAS, on April 28, 2009, the Commission adopted a sewer benefit assessment for certain properties benefitted by the Boston Post Road Extension ("Assessment"); and

WHEREAS, the Assessment was "opt in," meaning that the obligation to pay would not accrue until owners of the affected properties opt to connect to the sewer system or the condition of the property is such that connection to the sewer system is not necessary; and

WHEREAS, the Assessment provided that if election was made to pay in installments such payments would be paid in fifteen (15) substantially equal annual payments beginning on April 1, 2010, and that interest at the rate of 5% per annum would accrue on the unpaid balance; and

WHEREAS, Assessments were previously levied against the condominium units located at 231 Boston Post Road, also known as Williamsburg Manor, as set forth on Schedule A attached hereto, and none of the Assessments were appealed to the Connecticut Superior Court; and

WHEREAS, after considering requests from several owners of condominium units located at 231 Boston Post Road, the Commission hereby amends the previously levied Assessment as follows.

NOW, THEREFORE, BE IT RESOLVED by the East Lyme Water and Sewer Commission, that the Assessment referenced herein is amended as follows:

1. If election is made to pay the assessment in installments, such installments shall be paid in **twenty (20)** substantially equal annual installments.

2. Interest at the rate of **3.5% per annum** shall accrue on the unpaid balance;
3. This Amendment shall apply to only those condominium units located at 231 Boston Post Road, as set forth on Schedule A, and
4. All other terms of the Assessment shall remain in full force and effect.
5. The modified payment schedule resulting from this Amendment will, if paid in full according to its terms, result in a total Assessment substantially equal to the original Assessment.
6. As no appeal was taken from the original Assessment, no appeal may be taken from this Amended Assessment.

*2nd
Mr. D. Sivakka
V/AE 7-0-0*