

**EAST LYME WATER & SEWER COMMISSION
REGULAR MEETING
TUESDAY, SEPTEMBER 26, 2023
MINUTES**

The East Lyme Water & Sewer Commission held a Regular Meeting on September 26, 2023. Chairman Kevin Seery called the Regular Meeting at 6:43 PM after the previously held Public Hearing.

PRESENT: Kevin Seery Chairman, Steve DiGiovanna, Dave Murphy, Dave Bond, Dave Zoller, Carol Russell, Ken Roberts, Roger Spencer, Michelle Williams

ABSENT: None

ALSO PRESENT: Joe Bragaw, Public Works Director
Matt Garneau, Utility Engineer
Ben North, Chief Operating Officer
Kevin Gervais, Finance Director
Ed O'Connell, Town Attorney

1. Call to Order/Pledge of Allegiance

Chairman Kevin Seery called the Regular Meeting for the Town of East Lyme Water and Sewer Commission to order at 6:43 PM. The Pledge was previously observed.

2. Approval of Minutes

Regular Meeting Minutes – August 22, 2023

Mr. Seery called for a motion to approve or any discussion on the Regular Meeting Minutes of August 22, 2023.

****MOTION (1)**

Mr. DiGiovanna moved to approve the Regular Meeting Minutes of August 22, 2023, as presented.

Mr. Zoller seconded the motion.

Vote: 9 – 0 – 0

Motion passed.

3. Delegations

Mr. Seery called for delegations. There were none.

4. Correspondence Log

Mr. Murphy asked about the correspondence for 237 Upper Pattagansett

Mr. North spoke about the correspondence for the 237 Upper Pattagansett zone change application to revert the zoning on this property to R-40 from its previous designation of affordable housing. He also mentioned that there is only water available at the location but no sewer.

RECEIVED FOR RECORD
EAST LYME, CT
23 OCT -2 A 11:4
Michelle Williams
TOWN CLERK

5. Discussion and Possible Action on Charges for Delinquent Interest

Attorney O'Connell passed print outs containing the sections of ordinance that were being considered for amendments (Attached to the Minutes). Attorney O'Connell read aloud the parts that were being requested to be changed. He also mentioned that these changes will also match the interest rates of the State Of Connecticut interest rates per annum of 18%.

Mr. Seery asked if there were any comments or questions on the changes proposed for the delinquent interest rates.

Mr. DiGiovanna asked when the effective date of new interest rates would be.
Mr. North answered the effective date could be immediate.

Mrs. Russell asked if the state's rates would go down, would the Water and Sewer Department have something in place to also change their rates.

Attorney O'Connell answered that the rates could be amended again.

Mr. Seery asked that a motion regarding **Interest Rates on Delinquent Water Charges**

****MOTION (2)**

Mr. DiGiovanna made a motion regarding **Interest Rates on Delinquent Water Charges** and to amend the ordinance in the following manner: Subsection (C) of the ordinance designated as "**§52.20 Water Rate Generally**" and subsection (D) of the ordinance designated as "**§52.21 Various Water Charges**" are hereby amended to provide that the interest rate set forth in said subsections be changed from 12% per annum to 18% per annum effective on September 26, 2023.

Mr. Murphy seconded the motion.

Vote 9 – 0 – 0

Motion passed.

Mr. Seery asked that a motion regarding **Interest Rates on Delinquent Sewer Charges**

****MOTION (3)**

Mr. DiGiovanna made a motion regarding **Interest Rates on Delinquent Sewer Charges** and to amend the ordinance in following manner: The resolution designated as subsection (B) of "**§53.103 Billing and Late Charges**" of the Resolution titled "**Resolution Regarding Adoption of Sewer Use Charges; Sewer Rates and Charges Generally**" is hereby amended to provide that the interest rate set forth in said subsection be changed from 1% for each 30 days of delinquency to 1.5% for each such 30 days, effective on September 26, 2023.

Mr. Murphy seconded the motion.

Vote 9 – 0 – 0

Motion passed.

Mr. Seery asked that a motion would be made to amend regarding **Sewer Liens**

****MOTION (4)**

Mr. DiGiovanna made a motion regarding **Sewer Liens** to amend the ordinance in the following

manner: The resolution designated as subsection (C) of “§53.103 Billing and Late Charges” of the Resolution titled “Resolution Regarding Adoption of Sewer Use Charges; Sewer Rates and Charges Generally” is hereby amended to provide that the date that any unpaid charge becomes a lien upon the premises is the date that it becomes late, effect on September 26,2023.

Mr. Murphy seconded the motion.

Vote 9 – 0 – 0

Motion passed

6. Billing Adjustments/Disputes

Mr. North noted that the one adjustment that needed to be approved was the 10 Chesterfield Rd since it is a commercial property. He explained that the leak happened in a bathroom upstairs of the restaurant and that it had been fixed but the water did go into the Sewer.

Chairman Kevin Seery asked if there any questions on the 10 Chesterfield Rd Adjustment. There were none.

Mr. North explained that the adjustment for the 31 High St. was similar to the 10 Chesterfield Rd. because it was also a leaky toilet and that water had also gone into the sewer.

****MOTION (5)**

Mr. DiGiovanna made a motion to approve the adjustment for 10 Chesterfield Rd.

Mr. Murphy seconded the motion

Vote: 9 – 0 – 0

Motion passed.

7. Approval of Bills

Mr. Seery called for the approval of Invoices for Well 5 Lagoon Expansion Project and DOT Water and Sewer Relocation Project.

Mr. Ken Roberts asked Mr. Garneau if he was still satisfied with Tighe and Bond as a vendor.

Mr. Garneau responded yes.

Mr. North agreed.

Mr. Murphy requested that in the he prefers that if Mr. North would stamp an “approval to pay” on the invoices presented for approval.

****MOTION (6)**

Mr. DiGiovanna moved to approve the following Well 5 Lagoon Expansion Project bill: Tighe and Bond Inv. #082391006 in the amount of 6,035.00.

Mr. Murphy seconded the motion.

Vote: 9 - 0- 0.

Motion passed.

***MOTION (7)**

Mr. DiGiovanna moved to approve the following DOT Water and Sewer Relocation Project bill: Weston & Sampson Inv. #9231103 in the amount of \$2,800.00

Mr. Zoller seconded Motion.

Vote: 9 – 0 - 0

Motion passed.

8. Finance Director Report

Mr. Gervais reviewed his reports: Skid Steer Purchase - Amortization Schedule and Water Department Interest Income Calculation/STIF Interest Income with the Commission. (Attached to Minutes).

Mr. Roberts asked if interest from STIF income goes into all accounts.
Mr. Gervais replied that each fund has its own interest.

9. Discussion of Possible Action on Additional Appropriation to Water and Sewer Budgets from Account Interest

Mr. Bragaw presented the request for additional appropriation of retroactive interest payments for the period of March 2023 – July 2023 to Water and Sewer Operating Budgets. Mr. Bragaw mentioned that this interest revenue was not included in our approved budget, he would like to request that these funds be available as contingency to be used to alleviate some unexpected expenses: Water Department Foreman retirement pay out and the Sewer wastewater backup that resulted in substantial clean up costs. The recommended appropriation would be as followed (Attached to the Agenda):

Type	Account #	Description	Amount
Revenue	07-07-700-700	Investment Interest	\$ 25,000.00
Revenue	07-07-700-702	Investments- STIF	\$ 50,000.00
Expense	07-01-300-920-206	Field Salaries	\$ 23,000.00
Expense	07-01-300-930-999	Contingency	\$ 52,000.00

Type	Account #	Description	Amount
Revenue	06-07-700-701	Investment Interest	\$ 35,000.00
Expense	06-01-600-600-400	Contingency	\$ 35,000.00

****MOTION (8)**

Mr. Roberts moved to approve appropriation as recommended.

Mrs. DiGioavanna seconded the motion.

Vote: 9 – 0 - 0

Motion passed.

10. Discussion of Possible Action on the Replacement of Roofs at Attawan, Old Black Point and Woodbridge Wastewater Pumping Stations

Mr. North presented the request for \$16,500 out of the sewer assessment fund to replace the roofs at the above pumping stations.

Mrs. Williams asked how long the replacements would last.
Mr. Bragaw answered that they would probably last up to thirty years.

Mrs. Williams inquired if the new roofs had the structure to support installation of solar panels to save on energy bills.

Mr. Garneau answered that for solar panels, a large footprint is needed, and these locations were probably not feasible for their installation.

****MOTION (9)**

Mr. Roberts moved to approve and request up to \$16,500 out of funds available in the sewer assessment fund and create an account titled "Attawan/Old Black Point/Woodbridge Roof Replacement" to replace the three sewer pump station roofs.

Mrs. Williams seconded the motion.

Vote: 9 – 0 - 0

Motion passed.

11. Discussion of Possible Action on the Purchase of a Skid Steer for Water and Sewer Operations

Mr. North presented the request to buy a John Deere 333G Skid Steer. He noted that this new machinery will have more flexibility and the ability to attach a manhole cutter. This ability to attach the manhole cutter will eliminate the need to contract with a vendor.

Mr. Bond asked how much we spend on machinery rental for manholes.

Mr. Bragaw answered that the cost is \$1,700 per manhole and we have done almost 30 so far.

Mrs. Russell asked if the Water Department would make much use of it.

Mr. Garneau answered that the Water Department would most definitely use the new machine.

Mr. DiGiovanna asked if other vendors had been investigated for quotations.

Mr. North answered that the Water and Sewer staff are used to the John Deere product and would feel safer using it. The machine was also a state low bid price.

Mr. Garneau said the new machine would have to match current equipment the town has and mechanics are familiar with.

****MOTION (10)**

Mr. Murphy moved to approve and request up to \$94,762 out of funds available in the sewer assessment fund and create an account titled "John Deere 333G Skid Steer" to purchase a John Deere 333G Skid Steer and related attachments. Additionally, the water department will pay back \$47,381 or %50 of the purchase price back to said account over a period of five years at an interest rate of 5% per year, with the first payment due on July 1, 2024 and the last payment due on July 1, 2028.

Mrs. DiGiovanna seconded the motion.

Vote: 9 – 0 - 0

Motion passed.

12. Project Updates

a. Meter Replacement Project

Mr. Garneau reported that the program is moving along in a fine manner and that another 233 meters were replaced in August bringing the total to 89% completion. He also reported that the program is now fully staffed after having to refill the temp staff position.

b. Niantic Pump Station Rehabilitation Project

Mr. Garneau reported that this project is also moving forward. The department will be taking bids for the pump station pipe installation on October 6th.

c. Well 2A Raw Water Transmission Main Project

Mr. North mentioned that this project is on time at the Water Treatment Plant.

13. Chairman's Report

Mr. Seery reported that the Oyster Fest was cancelled this year. Mr. Seery commented that Ledge Light Health District reported that mosquitos in East Lyme have tested positive for the West Nile Virus and for the EEE Virus. Mr. Seery mentioned that the Health Department has advised all to take normal precautions when outdoors. No person has been tested positive for either virus.

Mr. Seery reported that the DOT will have three to four more weeks of blasting for the I-95/exit 74 project. He also reported that there would be a public meeting taking place at the High School on the evening of 09/27/23 to discuss short term rentals but nothing would be decided until January 14th or 15th.

14. Staff Updates

a. Water Department Monthly Report

Mr. North reported that water production is 22% down and it's probably because of less irrigation this year. He also mentioned that he has been looking into the sub-metering request for future structuring of billing for irrigation systems.

Mr. Roberts asked how we would measure the irrigation systems separately.

Mr. North answered that a separate meter would be installed on the service line to measure the irrigation system water usage and we will apply irrigation rates.

Mr. Roberts inquired if the sewer bills would be affected.

Mr. North answered that we would have to investigate risk and return trade-off.

Mr. Bond asked what is driving the change in the irrigation system billing.

Mr. Seery commented that other towns do it differently than East Lyme and that irrigation system customers challenge our way of billing all the time.

Mr. Bond asked if state law allows different rates for summer water usage.

Mr. Bragaw said that all these different options will be investigated and discussed in next month's meeting.

Mrs. Russell asked if the town followed the state safety levels based on the water samples tests in regards to the DPH violation letter from a positive E.coli test.

Mr. North mentioned that the water department is in compliance with the state levels. He also mentioned that due to communication issues with previous lab, going forward, ECL in Madison, will be used in the future.

Mr. North mentioned that we have not much used water from New London through the Interconnect and the billing will be kept to a minimum during fire hydrant flushing which could help the Water Budget.

b. Sewer Department Monthly Report

15. Future Agenda Items

Mr. Bragaw mentioned that there are a lot of different facets to the rate increases this time and they will be worked on by staff for the next meeting. The rate increases for Water and Sewer usage are usually proposed at the meeting in November. Mr. Bragaw also mentioned that because there are so many details on the rates increase this time, the commission should probably discuss the subject in the upcoming October meeting and, possibly, investigate the option of having the public hearing on said rates at that meeting.

16 Adjournment

Mr. Seery called for a motion to adjourn.

****MOTION (11)**

Mr. DiGiovanna moved to adjourn this Regular Meeting of the East Lyme Water and Sewer Commission at 7: 45 PM.

Mr. Zoller seconded the motion.

Vote 9 – 0 – 0

Motion passed.

Respectfully submitted.

Tania Ranelli
Recording Secretary

(F) Such liens shall not continue to exist for a period longer than one year after the charge becomes due and payable unless within that period a certificate signed by the First Selectman or his or her designee describing the premises on which such lien exists, the reason on account of which it is claimed, and the amount claimed by the town as a lien shall be filed in the town lands records. Any such lien shall cease to exist whenever a certificate discharging the same signed by the First Selectman or his or her designee shall be filed in the town land records. Such liens shall be discharged by the First Selectman or his or her designee upon payment of such unpaid benefit charges; interest (as set forth in division (E) above) and a lien fee which shall be an amount which is equal to the sum of a \$5 administrative fee and the amount charged by the Town Clerk for recording and releasing such lien.
(Ord. passed 3-22-1979; Ord. passed 11-23-1980; Ord. passed 6-1-2004; Ord. passed 1-7-2020)

Editor's note:

TM Volume 13, page 198, Amended; TM Volume 14, page 50; TM Volume 22, page 383, Amended

WATER RATES AND CHARGES GENERALLY

§ 52.20 WATER RATES GENERALLY.

(A) All rates charged for water supplied by the town shall be and remain a lien upon the buildings and land in connection with which said water shall have been used by the owner or occupant thereof until such rates, interest, shut-off charges and lien fees have been paid; and the Water Commission shall have authority and responsibility to foreclose such liens in the name of the town.

(B) Such lien shall not continue to exist for a period longer than one year after said rates become due and payable unless within that period a certificate signed by the First Selectman or his or her designee describing the premises on which such lien exists, the reason on account of which it is claimed, and the amount claimed by the town as a lien shall be filed in the town land records. Any such lien shall cease to exist whenever a certificate discharging the same signed by the First Selectman or his or her designee shall be filed in the town land records.

(C) Any such lien shall be discharged by the First Selectman or his or her designee upon payment of such unpaid water rates, interest at 12% per annum upon the unpaid water rates from the date of filing, a shut-off fee (as set forth in division (D) below) and a lien fee, which shall be an amount which is equal to the sum of a \$5 administrative fee and the amount charged by the Town Clerk for the recording and release of such lien.

(D) The Water Commission shall have the right to shut off water from the premises where the water rates remain unpaid 30 days after date of mailing of bill to the owner or occupant. If so turned off, the water shall not be turned on again without payment of all unpaid rates, interest, lien fees and a shut-off

fee in such amount as shall from time to time be established by the Commission, said amount to reasonably reflect the costs incurred in making said shut-off and resumption of service.

(Ord. passed 11-14-1962; Ord. passed 2-6-1975; Ord. passed 3-22-1979)

Editor's note:

TM Volume 8, page 304; TM Volume 12, page 73, Amended; TM Volume 13, page 196, Amended

§ 52.21 VARIOUS WATER CHARGES.

(A) The Town Water and Sewer Commission may impose the following charges upon the owner or owners of property which is served with water by the Commission; annual private hydrant charge; annual private sprinkler charge; meter deposit; frozen meter repair or replacement fee; fee for installation and disconnection of meters for seasonal residences; meter test fees; fee for inspection of inground water service pipelines being installed in subdivisions; charge for labor provided to owner at owners request for corrections or repairs that are owner's responsibility; charge for sale of materials held in stock by Water Department.

(B) The meter deposit described in division (A) above shall be due and payable on or before the date that the Commission provides water service to the owner or owners of property requesting such service. All other charges described in division (A) above shall be due and payable when the property owner is billed by the Commission.

(C) The amount of such charges shall be established and from time to time revised by the Town Water and Sewer Commission, and shall reasonably reflect the costs incurred by the Commission in providing such services and materials. The Commission shall establish and revise such charges in accordance with the provisions of Conn. Gen. Stat. § 7-239, as amended from time to time.

(D) From the time that any fee or charge described in this section becomes due and payable, it shall bear interest at the rate of 12% per annum until paid, unless paid within 30 days from the date it becomes due and payable. Any such fee or charge shall, at the time it becomes due and payable, become a lien upon the property. Any such lien shall be liable to be foreclosed in the same manner provided by law, for the foreclosure of tax liens.

(E) Any such lien shall not continue to exist for a period longer than one year after any such fee or charge becomes due and payable, unless within that period a certificate signed by the First Selectman or his or her designee describing the premises upon which the lien exists, the reason on account of which it is claimed, and the amount claimed by the town as a lien shall be filed in the town land records. Any such lien shall cease to exist whenever a certificate discharging the same signed by the First Selectman or his or her designee shall be filed in the town land records. Such liens shall be discharged by the First Selectman or his or her designee upon payment of such unpaid charges, interest (as set forth in division (D) above), and a lien fee which shall be an amount which is equal to the sum of a \$5 administrative fee and the amount charged by the Town Clerk for recording and releasing such lien.

(Ord. passed 6-23-1979)

Editor's note:

TM Volume 13, page 213

§ 53.103 BILLING AND LATE CHARGES.

(A) All users shall be billed semi-annually. Semi-annual bills shall be due and payable to the Commission on November 1 and May 1 of each year. Any payment not received within 30 days after the due date shall be delinquent and subject to interest and penalties pursuant to law.

(B) A late payment penalty of 1% of the user charge bill will be added to each delinquent bill for each 30 days or a portion thereof of delinquency. When any bill is more than 90 days in default, water and/or sewer service to such premises may be discontinued until such bill is paid.

(C) When any bill (including interest and penalty) remains unpaid for one year after the date due, such bill shall be recorded in the land records of the town by the Chairperson of the Commission and shall constitute a lien on the property. If such lien (including interest and penalty) remains unpaid for a period of one year after the date of recordation, such property shall be subject to public sale pursuant to law.

(Res. passed 5-26-1992; Ord. passed 8-25-1992; Ord. passed 11-27-2001)

§ 53.104 REPORTING REQUIREMENTS.

All users contributing more than 200,000 gallons per month and whose waste strength is greater than 240 mg/l BOD/l or 240 mg/l SS/l shall prepare and file with the Commission a report that shall include pertinent data relating to the wastewater characteristics, including the methods of sampling and measurement to obtain these data, and these data shall be used to calculate the user charges for that user. The Commission shall have the right to gain access to the waste stream and make its own samples. Should the Commission do so and should the results be substantially different as determined by the Commission from the data submitted by the user, the user charge for that user shall be revised for the next billing cycle/period.

(Res. passed 5-26-1992; Ord. passed 8-25-1992; Ord. passed 11-27-2001)

§ 53.105 REVIEW OF CHARGES BY COMMISSION.

(A) Any user(s) who feels their user charge is unjust or inequitable may make written application to the Commission requesting a review of their user charge. Said written request shall, where necessary, show the actual or estimated flow and/or strength of his or her wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

(B) Review of the request shall be made by the Water and Sewer Commission and, if substantiated, the user charges for that user shall be recomputed on the basis of the revised flow and/or strength data and the new charges shall be applicable to the next billing cycle/period.

(Res. passed 5-26-1992; Ord. passed 8-25-1992; Ord. passed 11-27-2001)

§ 53.106 ANNUAL CHARGES BY COMMISSION.

(A) The Commission will review the user charges when it deems appropriate and may revise its rates and fees as are necessary to ensure that adequate revenues are generated to pay the cost of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement cost among users and user classes.

Town of East Lyme
Water and Sewer Department
Additional Appropriation

Type	Account #	Description	Amount	Notes
Revenue	07-07-700-700	Investment Interest	\$ 25,000.00	*\$23.9k already collected, minimal investment interest earned throughout year since majority of funds are swept into STIF Account
Revenue	07-07-700-702	Investments- STIF	\$ 50,000.00	
Expense	07-01-300-920-206	Field Salaries	\$ 23,000.00	
Expense	07-01-300-930-999	Contingency	\$ 52,000.00	

Water Department Interest Income Calculation
STIF Interest Income Calculation

Month	Estimated Balance	Cash Burn (2023)	Revenues	Interest Monthly	
				4.45%	0.3708%
July	\$ 1,565,000.00	\$ 485,000.00	\$ 50,000.00	\$	5,803.54
August	\$ 1,365,000.00	\$ 250,000.00	\$ 50,000.00	\$	5,061.88
September	\$ 950,000.00	\$ 465,000.00	\$ 50,000.00	\$	3,522.92
October	\$ 615,000.00	\$ 375,000.00	\$ 40,000.00	\$	2,280.63
November	\$ 640,000.00	\$ 175,000.00	\$ 200,000.00	\$	2,373.33
December	\$ 470,000.00	\$ 285,000.00	\$ 115,000.00	\$	1,742.92
January	\$ 2,037,433.00	\$ 250,000.00	\$ 1,817,433.00	\$	7,555.48
February	\$ 1,837,433.00	\$ 250,000.00	\$ 50,000.00	\$	6,813.81
March	\$ 1,662,433.00	\$ 250,000.00	\$ 75,000.00	\$	6,164.86
April	\$ 1,492,433.00	\$ 200,000.00	\$ 30,000.00	\$	5,534.44
May	\$ 2,767,433.00	\$ 200,000.00	\$ 1,475,000.00	\$	10,262.56
June	\$ 1,892,433.00	\$ 925,000.00	\$ 50,000.00	\$	7,017.77
		\$ 4,110,000.00	\$ 4,002,433.00	\$	64,134.13

Town of East Lyme
Water and Sewer Commission
Skid Steer Purchase - Amortization Schedule

WATER DEPARTMENT PAYMENTS

Loan Amount \$ 47,381

Loan Term 5 Years (Annual Payments)

Interest Rate 5.00%

Year	Interest	Principal	Payment	Ending Balance
1	\$2,175	\$8,555	\$10,730	\$38,826
2	\$1,737	\$8,993	\$10,730	\$29,834
3	\$1,277	\$9,453	\$10,730	\$20,381
4	\$793	\$9,936	\$10,730	\$10,445
5	\$285	\$10,445	\$10,730	\$0
Totals	\$6,267	\$47,381	\$53,648	