

EAST LYME WATER & SEWER COMMISSION
REGULAR MEETING
TUESDAY, FEBRUARY 27, 2024
MINUTES

The East Lyme Water & Sewer Commission held a Regular Meeting on February 27, 2024. Chairman Dan Cunningham called the Regular Meeting at 7:00 PM.

PRESENT: Dan Cunningham, Chairman, Dave Murphy, Carol Russell, Ken Roberts, Roger Spencer,
Michelle Williams, Ann Cicchello
ABSENT: Dave Bond, Dave Zoller
ALSO PRESENT: Attorney Mark Zamarka, Town Council
Joe Bragaw, Public Works Director
Ben North, Chief Operating Officer
Attorney Bill Sweeney, Representing Applicant

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EAST LYME, CT
2024 MAR - 1 A 10:56
Dan Murphy
TOWN CLERK

1. Call to Order/Pledge of Allegiance

Chairman Dan Cunningham called the Regular Meeting for the Town of East Lyme Water and Sewer Commission to order at 7:00PM. The Pledge was observed.

2. Approval of Minutes

a. Regular Meeting Minutes – January 23, 2024

Mr. Cunningham called for a motion to approve or any discussion on the Meeting Minutes of January 23, 2024.

Mrs. Russell wished to correct a clerical error of item #10 in which her name is listed as “Mrs. Carroll” but should read “Mrs. Russell”.

****MOTION (1)**

Mr. Murphy moved to approve the Regular Meeting Minutes of January 23, 2024, as amended.

Mr. Roberts seconded the motion.

Vote: 6-0-0.

Motion passed.

3. Delegations

Mr. Cunningham called for delegations. There were none.

4. Correspondence Log

Mr. Cunningham noted there were four (4) items on the Log.

5. Discussion and Possible Action on a Request for Extension of Capacity Allocation for Nehantic Village.

Mr. Cunningham asked for a presentation.

Attorney Bill Sweeney of TCORS Attorneys, 43 Broad St, New London, spoke on behalf of Pelletier-Niantic LLC, the contract purchaser of approximately 37 acres of land located along Pennsylvania Avenue currently owned by the Trakas family, many of whom were present.

Attorney Sweeney gave an explanation of his letter to the Commission and the request before them.

His main points were:

- 110,000 gallons per day of sewage treatment were originally requested, and 75,000 gallons of sewage treatment was granted by the Commission on March 28, 2023.
- The Applicant retained architectural, engineering, environmental, and traffic professionals.

- Work had been done with the EL Zoning Department for a Text Amendment as well as for a Zone Change as the project is currently located in a Residential Zoning District.
- Due to the complexity of the plans, workshops were proposed with the then current Zoning Commission, however, it was suggested that such workshops be postponed due to the impending elections, as the possible turnover of Members.
- The Applicant is currently scheduled to hold those workshops in April 2024.
- The Applicant is seeking an extension from the Water & Sewer Commission to March 2025.
- Three (3) reasons for the extension request:
 - A. This is a large and complex project, the likes of which have not been seen since the Gateway Project. It requires, on the local level; a Zone Change, Text Amendment, Special Exception, Inland/Wetland approval, and on the state level; major traffic generator permits, DEEP stormwater permits which are time consuming.
 - B. There is a significant public benefit which is the extension of sewers from the Trakas family property down Pennsylvania Ave to Main St. This will be good for many properties on substandard septic systems. This would be funded by developer funds, not by the Town.
 - C. The delays encountered in the Fall were requested of the Applicant by Land Use Officials in order to avoid having to present the project to two (2) Boards, because of the potential for a major turnover in membership.

Mr. Cunningham asked if there were any comments from the public.
There were none.

Mrs. Russell asked whether the Commission was to consider Item #4 of the Application for Determining Adequacy of Sewer Capacity.

Attorney Zamarka clarified that the capacity allocation had already been granted and the Commission was only to consider whether the Applicant had demonstrated good cause to extend the allocation for another 12 months. He noted that the Applicant's request was intended to secure Land Use approvals not to make applications.

Mr. Roberts asked Attorney Zamarka's opinion on the veracity of the application.

Attorney Zamarka stated that was the Commission's decision to make, and based on the language of the Ordinance, what the Applicant is requesting is something the Commission is able to consider.

Mr. Roberts also asked for an explanation as to the benefits of the extension of the sewer line.

Attorney Sweeney explained that an ancillary benefit of the project would be the construction of the sewer line from the project site on Pennsylvania Ave down to Main St. These properties are currently not connected to the sewer, and this would be funded by the developer and not be a cost to the Town or Taxpayers. Many properties along the route are unable to expand or be developed further because of the substandard septic systems currently there, and this would be a positive economic development. He explained the concept behind the project.

Mr. North stated that he was unaware of any property that is in need or has a substandard septic system that would immediately benefit from sewer or has an impending issue, but he did agree that sewerage Pennsylvania Ave is not something that is currently in place and would be something that would benefit the Town in the future. He noted that this would only impact Pennsylvania Ave but there would be stub outs in place for possible future development of the sub streets along the route.

Mrs. Williams noted that the charge of the Commission was only to consider the 12 month extension and not to consider the allocation which had already been approved. Additionally, she submitted that the Town was partially

responsible for the delay.

Attorney Zamarka stated that his role in council for the Commission is to look at what the effects or consequences of decisions, and if the Commission was to deny the application, the Applicant could do what was necessary to secure their rights, noting that town officials had asked for the delay.

Mrs. Russell asked for clarity on the issue of capacity.

Mr. North responded that the most current data showed a very wet fall and winter and was evidenced in the operating report. There was over 16 inches of rain in December and January, the sewers are high as the water table is high and that allows a lot of infiltration. There are 37,000 gallons of allotment left to the sewer for the month of January. He noted that the Town is still able to honor the allotted 75,000 gallons allotted.

Mr. Cunningham clarified that the request is for a 12-month extension to secure the land use approvals.

Attorney Zamarka said that the Ordinance grants 12 months from the date of the allocation for the Applicant to make the applications. The request is for an additional 12 months to secure the Land Use approvals.

Mr. Roberts questioned what would happen if the Applicant failed to secure the Land Use approvals.

Attorney Sweeney clarified that if the extension request was granted and the Applicant failed to secure the approvals, the capacity allocation would expire as well, as noted in the Ordinance Item #II subsection 2 "If the applicant fails to obtain all land use approvals required for the proposed use of land, the sewer capacity allocated to the to the applicant shall terminate and be considered null and void".

Mrs. Russell questioned the Inland/Wetlands on the property.

Attorney Zamarka noted that was not something the Water & Sewer Commission could consider.

****MOTION (2)**

Mr. Spencer moved to approve the Request for Extension of Capacity Allocation for Nehantic Village for 12 months to secure all Land Use approvals in connection to sewage capacity application contingent upon the approval of the design criteria by the East Lyme Water & Sewer Commission.

Mr. Murphy seconded the motion.

Vote: 6-0-0.

Motion passed.

6. Billing Adjustments/Disputes

Mr. Cunningham called for billing adjustments and disputes.

Mr. North noted that the properties listed had applied for 1 in 10 Adjustments based on varying criteria.

Mr. Roberts stated he liked the policy.

Mr. Spencer questioned if the addresses met the criteria.

Mr. North affirmed that they did.

7. Approval of Bills

Mr. Cunningham called for the approval of two (2) invoices for Tighe & Bond Well 5 Backwash Lagoon Expansion.

****MOTION (3)**

Mr. Murphy moved to approve the Tighe & Bond Invoice No. 012491185 for \$2,558.75.

Mr. Roberts seconded the motion.

Vote: 6-0-0.

Motion passed.

****MOTION (3)**

Mr. Murphy moved to approve the Tighe & Bond Invoice No. 122391178 for \$9,481.25.

Mr. Roberts seconded the motion.

Vote: 6-0-0.

Motion passed.

8. Finance Director Report

Mr. Gervais was not present.

Mr. Bragaw noted there would be more information in the coming months.

Mr. North stated that the Water and Sewer departments were encumbering money to rehabilitate more wells.

Mrs. Williams questioned if there were concerns about higher percentage items on the budget.

Mr. North explained the workings of the budget line items.

Mr. Roberts questioned the Town budget status.

Mr. Bragaw reminded the Commission that the Water & Sewer Department is a separate budget as by statute the utility budget must be reported at the annual town meeting.

Mrs. Russell asked about fire hydrant maintenance.

Mr. North noted that it is very labor intensive.

Mrs. Williams wondered if hydrant replacement came from capital line.

Mr. North noted that he had not had to buy hydrants as there was an excess from the Costco project.

Mr. Bragaw stated that there are specific goals being set such as painting a specific number of hydrants because the meter replacement project is winding down.

Mr. North mentioned that there had never been a year when every hydrant in town had been flushed all in the same year, because of the manpower and water quantity needed.

Mr. Spencer suggested an Adopt-A-Hydrant Program.

Mr. Bragaw stated any suggestions are welcome.

Mrs. Russell wondered if there was a large snowfall and who would keep the hydrants clear, would the Fire Department help.

Mr. Bragaw stated that the Water Department was responsible for clearing all 831 hydrants.

9. Project Updates

a. Meter Replacement Project

Mr. North noted that 150 meters were replaced in January. The project is winding down. The inventory is growing. The customers are adhering to the large meter policy to move the 1.25" or 1.5" meter to a 1" meter. The 1" meters are under the Water Dept control and that means they can do maintenance on them or replacement on them and alleviates the responsibility of buying large meters. The 1" meter is significantly cheaper at about \$300 and the 1.25"-1.5" meters are \$1800.

Mr. Bragaw also noted that new 8" meters are going in at the high school complex during the April vacation.

b. Well 5A Lagoon Improvement Project

Mr. North noted that the original estimate would be about \$440,000-\$650,000. The winning bid was only \$206,000. The contractor is known in the area and there was very good participation. 12-13 contractors were at the pre-bid meeting and 7 bids were submitted. He stated that they would like to petition the BOS for the ARPA funds to go towards the PFAS.

c. Niantic Pump Station Rehabilitation Project

Mr. North reported the contractor had the expected issue with dewatering at 15' down, with the recent rainfall. The next phase will be to take the pump station down completely and replace four pumps, add VFD's and make the necessary piping changes. This is the first time, at least since the 1990's that the pump station had been down completely and successfully. Mr. North is still waiting on some flow data. The new meter will be much more accurate. March 18 the bypass pumps will be back and the installation will begin.

Mr. Murphy asked about New London's surcharge labeled "stormwater".

Mr. North stated that it is a calculation based on impervious area that is used. The inflow from all of the rainwater is showing sump pumps as opposed to cracks in sewer pipes.

Mr. Bragaw noted that when the houses are pumping out into the roads, and it was sitting on the roads and freezing or traveling into the sewers. We see the water East Lyme pumps in and four times as much is going out.

Mr. North mentioned that the meter installers are being trained to detect illicit connections.

10. Chairman's Report

Mr. Cunningham reported that the land around Pattagansett Lake, the Hathaway Farms property, has been purchased. The land is over the aquifer for Well 5. It will be owned in perpetuity by the Town. Next steps include putting conservation easements over it.

11. Staff Updates

a. Water Department Monthly Report

Mr. North wished to expand on the shutoff procedure. The main points are:

- 11/1/2023 bills mailed
- 12/8/2023 bills due
- 1/10/2024 (60 days) delinquent notices went out (about 1100 notices)
- 13 days between delinquent notices and shut off notices

- 2/6/2024 send out 200 door knockers (tags on the house stating that shut off is eminent)
- 2/14/2024 shut off fee assessed to every house on the shut off list, even if you aren't shut off yet. This is because shut offs are done alphabetically and it wouldn't be fair for a last name beginning with 'Z' to have longer than a last name beginning with 'A' simply because of the alphabet.
- 2/13/2024 & 2/14/2024 shut offs begin
- The shutoffs are not done within 1 hour of close of business, or on Fridays, or on the day before or after a holiday, or to tenant occupied homes.
- 78 actual shutoffs
- Less than 10 still shut off
- Payment plans can be established and are encouraged

Mr. Bragaw wished to have the Commission be aware of the process. The staff is very professional and courteous to customers.

Mrs. Cicchello wanted to know if there was an additional fee to turn the service back on.

Mr. North stated there was not a turn on fee.

Mrs. Williams asked if the customer entered a payment plan would they still get shut off.

Mr. Bragaw said no, they encourage a payment plan.

Mrs. Williams questioned the tenant/landlord shut off and if Care and Share helped with utilities.

Mr. North responded that they do not shut off the tenant if the landlord is responsible for the bill, however, the property would be liened for nonpayment. They can also lien the payment plan and the liens have to be paid at the time of sale, for example at a tax sale. He thought that Care and Share would help.

b. Sewer Department Monthly Report

Mr. North stated that he incorporated some of the changes of the capacity subcommittee and he wanted to align water and sewer reports to fall on the same new year so that is now reflected in those reports.

Mr. Murphy inquired about Rocky Neck Village pump station and wondered about metering Pine Grove.

Mr. North answered the Rocky Neck Village was moving at the State's pace. He noted that when they have another sewer subcommittee meeting to talk about capacity, they would talk about Pine Grove's sewer allocation, which is tied to Point O

Woods Agreement. He noted of there were no flow meters on the Pine Grove systems. This is not affecting the overall capacity of the

Town but is tied into the State capacity as the State allows the Town to borrow against the capacity of the Pine Grove allocation. Pine Grove flows into the system, the state gives a 40,000 gallon per day credit and town doesn't know what the flows are but they are based on the subsurface disposal guidelines which were used to assess the Trakas property and Nehantic village that have a safety factor built in which is likely above what the actual usage is.

12. Future Agenda Items

a. Well 4 and Well 1A/6 PFAS Removal Project

Selected Tighe & Bond for PFAS and have signed an agreement to get a design report for \$80,000 from bonding line from last year and that will help to understand what the costs will be associated with the project.

Mr. Murphy wondered if there was a sampling program associated with that.

Mr. North responded that there was not one yet. He stated that Well 1A went down and they are waiting for the pump to come back to sample it again. There is a month lag between sampling and getting results back. He stated that he is waiting to see what the EPA's requirements will be and they will take direction from Tighe & Bond in terms of prudent sampling schedule.

Mrs. Russell wondered if there was an indication of when a final reading would be.

Mrs. Williams noted it would be in March.

13. Adjournment

Mr. Cunningham called for a motion to adjourn.

****MOTION (4)**

Mr. Murphy moved to adjourn the Regular Meeting of the East Lyme Water and Sewer Commission at 8:30 PM.

Mr. Spencer seconded the motion.

Vote: 6-0-0.

Motion passed.

Respectfully submitted

Jessica Laroco, Recording Secretary