Water & Sewer October 28th, 2025

Regular Meeting Minutes

Minutes of East Lyme Water and Sewer Commission Regular Meeting - 10/28/25

Date and time:	10/28/25 8:24 PM to: 10/28/25 9:25 PM
Present:	Brooke Stevens, Recording Secretary, Commission Members:, Carol Russell, Dan Cunningham, Chairman, David J. Murphy, David R. Zoller, Roger L. Spencer, David B. Bond, Michelle Royce Williams, Lindsay Bollenbach, Absent:, Ken Roberts
CC:	Joe Blanchard, Utility Engineer, Ben North, Chief Operating Officer, Ann Cicchiello, Deputy First Selectman, Tracy Collins, Town Attorney, Joe Bragaw, Director of Public Works
Location:	East Lyme Town Hall, Upper Conf. Room, 108 Pennsylvania Ave., Niantic, CT, 06357

Topics

1. Call to Order

Note Chairman Cunningham called the October 28th, 2025, Regular Meeting of the East Lyme Water & Sewer Commission to order at 8:24 p.m., following the conclusion of the Public Hearing.

Note It was noted that the Pledge of Allegiance was observed prior to the onset of the Public Hearing.

2. Approval of Minutes

2-1. Public Hearing Minutes - September 23,2025

Note see attached minutes.
Water-Sewer-Commission-September-23-2025-Public-Hearing-Minutes.pdf

Note Mr. Zoller noted that he was marked present for the September 23rd, 2025, Public Hearing when he was in fact absent.

Decision MOTION (1)
Ms. Royce Williams moved to approve the Public Hearing Minutes of September 23rd, 2025, as amended.
Mr. Bond seconded the motion.
Motion carried, 7-0-1.
Mr. Zoller abstained from the vote due to his absence from the September 23rd, 2025, Public Hearing but noted for the record that he watched the recording of the Public Hearing and familiarized himself with the Meeting Minutes.

2-2. Regular Meeting Minutes - September 23,2025

Note see attached minutes.
Water-Sewer-Commission-September-23-2025-Regular-Meeting-Minutes.pdf

Note Mr. Zoller noted that he was marked present for the September 23rd, 2025, Regular Meeting when he was in fact absent.

Decision MOTION (2)
Ms. Royce Williams moved to approve the Regular Meeting Minutes of September 23rd, 2025, as amended.
Mr. Spencer seconded the motion.
Motion carried, 7-0-1.
Mr. Zoller abstained from the vote due to his absence from the September 23rd, 2025, Regular Meeting but noted for the record that he familiarized himself with the Meeting Minutes.

3. Delegations

Note Ms. Cicchiello asked a procedural question regarding the continuance for the Dan Trakas application—specifically, whether there was a statute of limitations or time frame affecting the continuation of the public hearing. She noted that timing issues have been missed in past winters, and she wants to ensure compliance.

Note Ms. Collins replied that the Commission must decide an application within 65 days of receipt. With the applicant's consent, the decision period may be extended up to an additional 65 days, allowing a decision deadline of January 3rd in this case.

3-1. Donald Danila of 24 Pattagansett Drive

Note Mr. Danila identified himself as a member of the Niantic River Watershed Committee and the East Lyme Commission for the Conservation of Natural Resources.

Note He expressed disappointment that the Commission did not follow its posted agenda, which was available on the town website. He stated that members of the public were not allowed to speak on matters before the Commission that evening, which he finds inconsistent with procedures followed by other Commissions, where the public is typically allowed to comment under both Public Delegations and Public Hearings.

Note Mr. Danila emphasized that skipping public input was a disservice to residents, particularly concerning significant developments like the Oswegatchie Hills project. He urged the Commission to uphold transparency.

4. Discussion and Possible Action on Sewer Capacity Allocation for Landmark LLC and Jarvis LLC Regarding a Development on Caulkins Rd

Note Mr. Bond recommended tabling the matter and holding another public hearing next month so the Commission could hear further public input.

Note Mr. Zoller stated that new material had been introduced by the Applicant and that he would like to review it before making a decision.

Note Ms. Royce Williams expressed apologies and empathy to members of the public who were unable to speak earlier. She acknowledged it was a misunderstanding and that she personally understood the frustration, having experienced similar situations herself. She stated that while she regretted the confusion, most materials reviewed were already part of prior meeting minutes or previously entered evidence. Therefore, she feels prepared to make a decision that evening if a motion were made.

Note Ms. Russell agreed she also felt ready to decide and Ms. Collins clarified that Mr. Russo has not consented to an extension, so a decision must be made that evening.

Note Mr. Zoller concluded that the Commission is between a rock and a hard place, having to balance capacity constraints against the development proposal. He acknowledged that while capacity may be limited, the Commission's record in court has not been strong on such matters. He stated he would approve it although reluctantly. Mr. Murphy concurred.

Note Mr. Bond expressed strongly that the Commission should use up remaining capacity and force the State to address the issue. He believes that meaningful dialogue about infrastructure and capacity will not occur until the town is completely out of capacity and must begin denying applications.

Note Mr. Bond stated the Commission's job is simply to determine yes or no on whether capacity exists, not to judge project details such as location or purpose. He emphasized that Zoning and other Boards should handle those concerns, and that this Commission has historically become the "stopgap" when others avoided responsibility.

Note Mr. Murphy sought clarification on capacity figures, noting conflicting numbers discussed that evening. He asked whether the actual request was 90,000 or 95,000 gallons, as multiple figures (including 123,000) were mentioned.

Note Mr. Russo clarified that the original application requested 123,000 gallons, later reduced to 95,000 gallons. He confirmed that others had also referenced 90,000, but 95,000 is accurate based on the Public Hearing record.

Note Ms. Collins reminded Commissioners that since the Public Hearing is closed, no new statements from the applicant (Mr. Russo) can be entered into the record.

Note Mr. North asked for clarification, noting that no new capacity request had been formally submitted. He inquired if that meant the Commission must proceed based on the original figure of 123,000 gallons.

Note Ms. Collins confirmed that because the Public Hearing is closed, the Commission must deliberate using information already submitted in the official record.

Note Ms. Collins stated that if there is documentation in the record reflecting a different request than what appears on the agenda, that may be considered; otherwise, the Commission must rely on the agenda submission. The USB drive provided by Mr. Russo confirmed the 95,000 figure as discussed in the Public Hearing.

Note Mr. North noted that this capacity figure assumes no additional allocations for ticket holders or other pending tie-ins to the system. Mr. Spencer added that maintaining the 95,000-gallon allocation would only be possible if the Commission eliminated allocations currently reserved for ticket holders and assessments.

Note Mr. North agreed, noting that this would effectively roll back prior commitments and that based on the current analysis, the system is already over capacity.

Note Mr. Cunningham and Mr. North discussed how in previous court proceedings, the court focused only on total available versus total allocated capacity, not on how capacity was internally categorized.

Note Ms. Royce Williams agreed with prior statements that it is not within the Commission's purview to judge land use or development design, only capacity allocation. She acknowledged the long-standing history of capacity disputes dating back to 1999, noting that many current Commissioners were not involved at that time. She explained that her decision is based solely on present capacity data and after reviewing allocations for current users, ticket holders, and prior commitments, the Town does not currently have 95,000 gallons of capacity available.

Note Ms. Bollenbach concurred with Ms. Royce Williams and stated that approving the request would further exceed available capacity. As a member of the Capacity Subcommittee, she believes further technical and engineering analysis is needed for long-term capacity planning.

Note Ms. Russell also concurred and stated that the Commission must preserve some reserve capacity for ticket holders and future obligations. She added that she also serves on the Capacity Subcommittee, which is working to assess and expand system capacity. Ms. Russell emphasized that while future improvements may help, current figures remain fixed and must guide their decision.

Note Mr. Cunningham concluded that approving the allocation under uncertain capacity data would unfairly disadvantage ticket holders and stated his intent to vote against it for that reason.

Decision MOTION (3)
Ms. Royce Williams moved to deny the allocation of sewer capacity in the East Lyme Sewer Conveyance System in the amount of 95,000 gallons per day for the development on Calkins Road in accordance with the East Lyme Water and Sewer Commission's Standards for Determination of Adequacy of Sewer Capacity Pursuant to General Statutes 7-246(a)(1) and in conformance to the site plan titled "River View Estates" from 11/17/2000 by Mark H. Sullivan and updates on 8/8/2025 by an unknown entity depicting building layout, project number 00-217 sheet 1 and 3.
Ms. Bollenbach seconded the motion.
Motion carried, 5-3-0.
Yay- Ms. Royce Williams, Ms. Bollenbach, Ms. Russell, Mr. Spencer and Mr. Cunningham.
Nay- Mr. Bond, Mr. Zoller, and Mr. Murphy.

5. Discussion and Possible Action on Sewer Capacity Allocation for Dan Trakas ET AL Regarding a Development on Pennsylvania Ave

Note This item has been tabled to the November 18th, 2025, meeting.

6. Correspondence Log

Note see attachment.
Scanned_20251109-2044.pdf

Note Mr. Cunningham noted the Minutes received from the New London WPCA (9/25/25) and Waterford Utility Commission (10/14/25).

7. Billing Adjustments/Disputes

Note There were none.

8. Approval of Bills

Note There were none.

9. Finance Director Report

Note see attachment.
pdf24_merged_(1).pdf

Note Mr. North noted the Finance Director's report and how they will delve deeper into it at the next meeting when Mr. Gervais is able to attend.

10. Discussion & Possible Action on Cell Tower Lease Agreement at 440 Boston Post Road

Note see attachment.
pdf24_merged_(2).pdf

Note Mr. Bragaw, Mr. North, and Mr. Blanchard discussed the cell tower lease at 1240 Boston Post Road as well as the negotiation history with T-Mobile:
*Originally $3,000/month lease, but T-Mobile wants to renegotiate down to ~$2,200/month.
*If they vacate, East Lyme still gets six months' rent.
*Noted $85,000 expense to move T-Mobile's equipment for tower repainting, which T-Mobile cooperated on at the time.
*Revised contract now includes a clause making tenants financially responsible for moving costs.

Note Ms. Royce Williams said the $3,000 per month rate was already below market and noted other towns receive $3,200 per month. She emphasized that carriers are always responsible for relocation costs when municipalities need tower access. The $85,000 payment was essentially a gift to T-Mobile, and it should have been on them.

Note Ms. Royce Williams emphasized that the Town's property is valuable to T-Mobile, even if the company doesn't act like it. She said the Town should stay firm and play hardball.

Note Mr. Bragaw said that if T-Mobile does remove its equipment, the Town would lose $36,000 in annual income. However, the $5.2 million operating budget can absorb that temporarily, and T-Mobile must still pay six months' rent even if they vacate. The current contract runs until 2028, giving the Town time to plan or find another carrier if needed.

Note Mr. Bond agreed with holding firm.

Decision MOTION (4)
Mr. Bond moved to deny authorization for the East Lyme Water and Sewer Commission to engage in renegotiation with T-Mobile regarding the cell tower lease agreement at 1240 Boston Post Road.
Mr. Murphy seconded the motion.
Motion carried, 8-0-0.

11. Discussion & Possible Action on Reallocation of Water Department Capital Funds

Note see attachment.
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Note Mr. North explained some of the following:
*The current balance column in the handout reflects remaining funds in the Water Construction Account from the 2023 bond anticipation note (BAN).
*The BAN premiums will cover bonding costs, allowing $100,000 to be moved and reallocated.
*The Well 2A / Private Treatment Plant Upgrades have been successful so far; final work is still needed.
*Well 3A is experiencing reduced yields due to declining capacity. A redevelopment project using an Aqua-Freed treatment process is planned this fall, based on successful prior results. The outcome will determine if a replacement well is needed nearby.
*Well 2A is now realistically producing 425–450 gpm. A new exploration well is proposed nearby to restore capacity and relieve strain on Wells 3A and 3D.
*In terms of Well 4, they're continuing PFAS treatment upgrades. Funds will be used for internal piping and prep work to define the project scope with contractors and engineers.
*For Well 5, the lagoon project is completed; closing out remaining funds.
*PFAS Water Treatment Upgrades are proposed for Wells 1, 8, and 6.

Note Ms. Russell supported the reallocations and asked about the State Attorney General's PFAS litigation, wondering if any settlements might eventually offset costs.

Note Mr. North said he's reviewing proposals from law firms specializing in PFAS litigation and reminded everyone that East Lyme opted out of the BASF and DuPont class actions in order to pursue its own litigation.

Decision MOTION (5)
Mr. Murphy moved to approve the reallocation of funds and create and fund a new project titled "Wells 1A/6 PFAS Water Treatment Upgrades."
Mr. Zoller seconded the motion.
Motion carried, 8-0-0.

12. Discussion & Possible Action on Meeting Schedule for 2026

Note see attachment.
Water-Sewer-2026-Schedule-of-Meetings.pdf

Decision MOTION (6)
Mr. Spencer moved to approve the 2026 Schedule of Meetings as presented.
Mr. Bond seconded the motion.
Motion carried, 8-0-0.

13. Schedule Sewer Capacity Subcommittee Meeting

Note A Sewer Capacity Subcommittee Meeting was scheduled for Wednesday, November 5th at 3:00 p.m.

14. Chairman's Report

Note Mr. Cunningham reported that utility bills have gone out successfully and the following was noted by Staff:
*The online payment portal is live and popular.
*The Town is absorbing credit card fees to encourage use and speed up payments.
* The goal is to improve cash flow and reduce inefficiencies from paper checks.
*Auto-pay options are available for customers.

Note Mr. Bond noted that, on several occasions, the Commission's legal representation has appeared to lack consistent preparedness regarding the specific details of the agenda items. He stressed the importance of having knowledgeable and consistently prepared legal counsel to ensure the Commission maintains a professional standing. There was general consensus among the members that this could be a topic for future discussions.

15. Staff Updates

15-1. Water Department Monthly Report

Note Mr. North provided the following update:
*Water production has dropped back to seasonal levels after high summer demand.
*Wells are returning to service after drought-related downtime.
*Well 3 system still under streamflow restriction status.
*Recent rainfall has helped, but annual precipitation remains below normal.
*Hydrant flushing mostly complete for the year except in problem areas.
*For the Bride Brook Pump Station wet well issues are being investigated with a new vac truck; found debris in material valve.
*Continuing Bride Brook relocation project planning — wetlands and State constraints may require rebuilding at current site despite higher costs. Coordination ongoing with DEEP and National Park Service, as part of the property lies on federal land originally granted to the State.
*Potential pump-out station for campers still under discussion but delayed by federal approvals.

Note *A new irrigation meter pilot has been installed for a residential customer.
*Some customers still refuse new electronic meters, citing privacy or radiation concerns. They pay an additional annual fee ($150) for manual readings.
*One customer has recently agreed to meter replacement, which will improve billing accuracy.

Note see attachment.
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15-2. Sewer Department Monthly Report

Note Mr. North also shared some of the following:
*Sewer flows decreasing due to dry conditions.
*They're planning to install 4 new ultrasonic flow meters to monitor infiltration and inflow.
*The meters will help compare wet vs. dry weather flow and pinpoint infiltration areas.
*The goal is to develop better data and contingency plans for infiltration events.

Note see attachment.
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16. Future Agenda Items

16-1. Sewer Capacity Subcommittee

Note A meeting has been scheduled for November 5th, 2025.

16-2. Capital Projects Subcommittee

Note Nothing new was reported.

16-3. Linebacker Service Line Repair Program

Note Ms. Royce Williams noted that she will recuse herself when this item appears on the agenda.

17. Adjournment

Decision MOTION (7)
Mr. Bond moved to adjourn the October 28th, 2025, Regular Meeting of the Water & Sewer Commission at 9:25 p.m.
Mr. Spencer seconded the motion.
Motion carried, 8-0-0.

Note Respectfully Submitted,
Brooke Stevens,
Recording Secretary