

Town of

East Lyme

Office of Water & Sewer Commission

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Post Office Box 519

Niantic, Connecticut 06357

January 8, 2026

Received

JAN 12 2026

Town of East Lyme
Land Use

East Lyme Zoning Commission
108 Pennsylvania Avenue
Niantic, CT 06357

RE: Water and Sewer Capacity for Parker's Place, LLC Affordable Housing Project
Assessor's Map #11.1 Lot #11

Dear East Lyme Zoning Commissioners,

Please be advised that the Water and Sewer Commission has made a determination on the adequacy of water and sewer capacity for the subject property.

The development was approved for capacity at the June 24, 2025, meeting of the Water and Sewer Commission; the minutes of said meeting are attached for your convenience.

Please do not hesitate to contact me with any other questions or comments concerning this matter. Thank you.

Regards,

Daniel R. Cunningham
First Selectman

DC/bn/saa

Attachment: Water & Sewer Commission Minutes of June 24, 2025

Water & Sewer June 24th, 2025

Regular Meeting Minutes

2025 JUN 30 A 8:18

Minutes of East Lyme Water and Sewer Commission Regular Meeting - 06/24/25

Date and time: 06/24/25 7:00 PM to: 06/24/25 8:17 PM

Present: Brooke Stevens, Recording Secretary, Commission Members:, Carol Russell, Dan Cunningham, Chairman, David J. Murphy, David R. Zoller, Michelle Royce Williams, Lindsay Bollenbach, Absent:, Ken Roberts, Roger L. Spencer, David B. Bond

CC: Ben North, Municipal Utility Engineer, Joe Bragaw, Director of Public Works, Joe Blanchard, Sanitarian

Location: East Lyme Town Hall, Upper Conf. Room, 108 Pennsylvania Ave., Niantic, CT, 06357

Topics

1. Call to Order

Note Chairman Cunningham called the June 24th, 2025, Regular Meeting of the East Lyme Water & Sewer Commission to order at 7:00 p.m. and led those assembled in the Pledge of Allegiance. A quorum of Commission Members were present.


2. Additions to the Agenda

Note There were none.

3. Approval of Minutes

3-1. May 27th, 2025, Regular Meeting Minutes

Note see attachment.

 [Minutes of East Lyme Water and Sewer Commission Regular Meeting 05 27 25.pdf](#)

Note It was noted that Motion (3) of the May 27th Minutes reads:

"Mr. Spencer Murphy the motion" when it should read "Mr. Spencer seconded the motion."

Decision: MOTION (1)

Mr. Zoller moved to approve the Regular Meeting Minutes of May 27th, 2025, as corrected.

Mr. Murphy seconded the motion.

Motion carried, 6-0-0.

4. Executive Session- Pending Litigation RE Parkers Place

Note MOTION (2)

Mr. Zoller moved to enter Executive Session at 7:03 p.m. for the purpose of discussing pending litigation regarding Parkers Place.

Mr. Murphy seconded the motion.

Decision MOTION (3)

Mr. Zoller amended his previous motion and moved to enter Executive Session at 7:03 p.m. for the purpose of discussing pending litigation regarding Parkers Place and invited the Town Attorney, the Deputy First Selectman, and Town Staff to join them in.

Mr. Murphy amended his second.

Motion carried, 6-0-0.

Note The Commission exited Executive Session at 7:17 p.m. with no action taken.

5. Discussion & Possible Action on Parkers Place Settlement

Note see attachment.

 [Adobe Scan Jun 29 2025.pdf](#)

Note The Commission proceeded to discuss the stipulated judgment for Parker's Place LLC.

Note Before a vote, Mr. Cunningham opened public comment. No public comments were made.

Decision MOTION (4)

Ms. Russell moved to approve the proposed stipulated judgment as presented, to settle the appeal Parker's Place, LLC versus East Lyme Water and Sewer Commission docket number KNL-CV-24-6197671-S, and to authorize the Town attorney's office to execute, file, and obtain court approval for the judgment.

Mr. Murphy seconded the motion.


Motion carried, 6-0-0.

6. Discussion & Possible Action on Sewer Moratorium

Note see attachment.

 [Adobe Scan Jun 29 2025 \(1\).pdf](#)

Note see attachment.

 [Adobe Scan Jun 29 2025 \(2\).pdf](#)

Note A resolution, prepared by the Town Attorney was presented to the Commission along with an updated sewer allocation capacity worksheet provided by Mr. North, and some of the following was highlighted in their discussion:

*A key area, Item C, which involves a holistic review of outstanding sewer assessments, is not yet complete and will take a few more months.

This is due to the lack of digitized records and incomplete computer systems from 2005.

One property on the original caveat list was found to be entitled to connect.

Note *Roughly 250,000 gallons of low capacity remain.

*Landmark holds about 120,000 gallons of this capacity (half of the remaining).

*15,000 gallons are allocated to developments still under construction or not yet started.

*Parker's Place adds 1,000 gallons.

*This leaves about 23,000 gallons, plus the Item C number, which is estimated at 137,000 gallons in a worst-case scenario.

*The Commission needs to ensure they do not exceed the agreed-upon capacity with the plant in New London.

Note *The proposed moratorium language is similar to what was presented in January/February, updated with newer numbers.

*Initially, the Commission considered adopting a regulation to impose the moratorium.

*Legal review determined that the moratorium must be imposed at the ordinance level by the Board of Selectmen, not by the Commission's regulations, to avoid conflicts with existing ordinances that grant connection rights if application requirements are met.

Note *The resolution now asks the Board of Selectmen to make the necessary ordinance amendments.

*The moratorium will not apply to connection permits already issued.

*Properties in the sewer service district already subject to benefit assessment (indicating a right to connect) will be protected.

*The moratorium will last until more capacity is available, either through expanding our plant or acquiring additional capacity.

Note *The resolution includes flexibility for the commission to grant exceptions in emergencies threatening public health and safety, such as failing private sewage treatment facilities, where connection is the most efficient protection method.

Note Ms. Russell questioned the origin of the 141,524 gallons mentioned in a resolution and how it related to other figures, specifically 137,000 gallons for Item C. Mr. North clarified that this number represents approved allocations, derived from subtracting the 137,000 gallons (likely for vacant properties or uncollected assessed buildings) from a total of 278,524 gallons.

Note Ms. Russell also inquired about whether projects typically approved administratively (those under 5,000 gallons or 20 units, and thus not usually brought before the Commission) would be exempt from the moratorium. Mr. North confirmed that the current document specifically addresses projects over 5,000 gallons or 20 units, and therefore, administrative approvals for smaller projects like single-family homes would not be affected. He emphasized that the administratively approved capacity is generally pretty small.

Note The Commission further discussed the prospect of instituting a moratorium.

Note Ms. Russell emphasized her primary concern was understanding the total available capacity, especially what's been administratively approved, rather than any attempt to exploit the system. Mr. North reassured that there isn't significant pending administratively approved capacity beyond a few single-family homes. He also mentioned a commercial expansion (Citgo) that wouldn't significantly impact sewer usage.

Note Mr. Murphy pointed out a typo in the resolution's title how the proposed motion should be corrected, changing "under certain limits" to "over certain limits."

Decision MOTION (5)

Mr. Murphy moved that the Commission adopt and approve the "Resolution to Request Board of Selectmen to Enact Ordinance Providing for a Moratorium on New Sewer Connections Over Certain Limits and a Moratorium on Applications for Allocation of Sewer Capacity," as presented tonight at the Commission's meeting and to direct Mr. North to immediately forward a copy of the Resolution to the Board of Selectmen.

Ms. Royce Williams seconded the motion.


Motion carried, 6-0-0.

7. Delegations

Note There was none.

8. Correspondence Log


Note see attachment.

 [Adobe Scan Jun 29 2025 \(4\).pdf](#)

Note Mr. Cunningham noted the two items received, which are listed on the log, for the record.

9. Approval of Bills

Note see attachment.

 [Adobe Scan Jun 29 2025 \(5\).pdf](#)

Decision MOTION (6)

Mr. Murphy moved to pay Weston & Samson \$400 for Sewer Conflict Resolutions, Project Eng21-4356, Invoice 6250568.

Mr. Zoller seconded the motion.

Motion carried, 6-0-0.

10. Finance Director Report

Note Mr. Bragaw noted that the Finance Director was unable to attend and shared some of the following:

*Sewer Billing- still collecting from the last billing cycle, updating daily, and experiencing delays due to dual accounting and new vendor lockbox procedures.


*Revenue (Water)- Mr. North said it's looking healthy and confident in hitting the budget.
Reimbursed back rent from the cell tower lease agreement is coming.

*Expenses (Water)- currently lower than typical, mainly due to unposted bond principal and interest payments (nearly \$1 million budgeted, only a third posted). Otherwise, the budget is healthy, with chemicals under budget and electricity on target.

*Water Spending- large spending accounts include transmission and maintenance of wells (approx. \$100,000 annually for redeveloping wells, cleaning screens).

*Sewer Side- Mr. Bragaw said they're on target for collections.
Revenue reporting shows what is received, not what is booked.


Note see attachment.

 [Adobe Scan Jun 29 2025 \(8\).pdf](#)

11. Project Updates

11-1. Water Quality Report

Note see attachment.

 [Adobe Scan Jun 29 2025 \(6\).pdf](#)

Note Mr. North noted the report is out, with added verbiage addressing common customer questions (e.g., pink stains on bathroom fixtures, tap vs. bottled water). He added that tap water is regulated more stringently than bottled water.

Note Mr. North noted that flushing in town is going much quicker this year with fewer discolored water complaints. Pine Grove and other northern areas of town will be flushed next week, with efforts to reach other areas before the Fourth of July.

Note: Mr. North explained that EPA protocols for reporting detected contaminant levels often require reporting the highest detected amount from numerous tests (e.g., one out of a thousand). This can lead to consumer anxiety, as people might mistakenly interpret this outlier as the average water quality. He clarified that this reported figure is not typically an average but rather the maximum detected value.

Note: Mr. North added that the wells offer more flexibility in data reporting. This allows for the presentation of actual average levels of contaminants, providing a more accurate and less alarming picture of water quality.

12. Discussion & Possible Action on 1 in 10 Policy Revisions

Note: Staff present discussed the One in Ten policy, which allows for adjustments to water bills in certain situations and updating it to make it clearer and more reflective of current technology. Some of the following key points were highlighted:

*To qualify for an adjustment, a property's bill must now be 50% above its average bill, up from the previous 33%.

*Commercial properties with three or more units that need commission approval will now only receive adjustments for water usage, not sewer usage. This change formalizes an existing practice.

*For properties with smart meters, the utility will now notify customers of leaks within 30 days. To receive the One in Ten adjustment, the customer must fix the leak within 30 days of notification. If an investigation is needed, the deadline can be extended.

The goal is to encourage customers to be proactive about fixing leaks.

*Properties with significant irrigation usage (e.g., 50 gallons per minute between 1 AM and 3 AM) will not be eligible for One in Ten adjustments for their home system.

The reasoning is that such high-water usage often masks smaller domestic leaks, and the policy is intended for truly exceptional circumstances.

It also aims to prevent adjustments for large water losses due to irrigation system failures (like a broken sprinkler head or improper winterization).

Note: The new smart meter technology allows for earlier detection of leaks, making the adjustment process more efficient for both the utility and the customer. This helps move away from the previous, more difficult verification process.

Note: see attachment.

 [Adobe Scan Jun 29 2025 \(7\).pdf](#)

Note: MOTION (7)

Mr. Zoller moved to approve the proposed 1 in 10 Policy Revisions.

Mr. Murphy seconded the motion.

Note: There was a question about how properties without smart meters would be notified of the changes and if they'd be at a disadvantage. Mr. North noted that these properties are already non-compliant with regulations and that this change might motivate them to get smart meters. Currently, there are about 70-80 such properties out of 6,000.

Decision: MOTION (8)

Mr. Zoller amended his previous motion and moved to approve the proposed 1 in 10 Policy Revisions effective July 1st, 2025.

Mr. Murphy amended his second.

Motion carried, 6-0-0.

13. Chairman's Report

Note Mr. Cunningham shared that the alewife run (a type of fish) saw 280,000 fish this year, marking one of the largest runs in recent memory and possibly the biggest in New England. This is a good sign for the local ecosystem.


Note The Annual Art Show is planned for July 5th right on Town Hall grounds.

Note Construction is progressing on the Town Hall, where the new ADA-compliant ramp has been poured. Additionally, the upstairs bathrooms are expected to be finished in the next week or two, after which work will begin on the lower-level bathrooms and chair lift installation to improve accessibility.

14. Staff Updates

14-1. Water Department Monthly Report


Note see attachment.

 [Adobe Scan Jun 29 2025 \(9\).pdf](#)

Note Mr. North reported that the water department is still in flushing mode, with plans to continue for another week or two, aiming to complete work in Pine Grove before a summer break. Water production remains on target, and the amount of lost water is low, indicating good system efficiency.

14-2. Sewer Department Monthly Report

Note see attachment.

 [Adobe Scan Jun 29 2025 \(10\).pdf](#)

Note Mr. North reported that Sewer flows are up due to recent rains, showing a clear link between precipitation and increased flow. Data suggests that about four inches of rain per month typically equates to roughly 950,000 gallons of sewer flow. The town recently experienced 8.74 inches of rain, pushing average daily sewer flows over a million gallons.

This information will be shared with the Board of Selectmen to highlight the impact of precipitation on sewer capacity. To better understand and combat this issue, a bond for an Infiltration and Inflow (I&I) study is moving to Town Meeting for a vote. This study will help identify where outside water (like rainwater or groundwater) is entering the sewer system, allowing for targeted repairs.

Mr. Bragaw also brought up the issue of illegal hookups to the sewer system, suggesting that an I&I study could help identify these as well, potentially leading to disconnections.

15. Future Agenda Items

15-1. Sewer Capacity Subcommittee

Note A meeting with the sewer capacity subcommittee is planned to discuss further criteria.

Note Mr. Murphy inquired if any water has been taken from New London and Mr. North said no.

15-2. Capital Projects Subcommittee

16. Adjournment

Decision MOTION (9)

Mr. Zoller moved to adjourn the June 24th, 2025, Water & Sewer Commission Regular Meeting at 8:17 p.m.

Mr. Murphy seconded the motion.

Motion carried, 6-0-0.

Note Respectfully Submitted,

Brooke Stevens, Recording Secretary