

**EAST LYME WATER & SEWER COMMISSION
SPECIAL MEETING
Tuesday, June 30th, 2009
MINUTES**

The East Lyme Water & Sewer Commission held a Special Meeting on Tuesday, June 30, 2009 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic CT. Chairman Formica called the Special Meeting to order at 5:00 PM.

PRESENT: Paul Formica, Chairman, Steve DiGiovanna, Mary Cahill, Dave Murphy,
Roger Spencer, Carol Russell, Joe Mingo

ALSO PRESENT: Attorney Edward O'Connell, Town Counsel
Brad Kargl, Municipal Utility Engineer
Michael Giannattasio, Director of Public Works

ABSENT: Dave Bond, Dave Zoller

1. Call to Order

Chairman Formica called the Special Meeting of the East Lyme Water & Sewer Commission to order at 5:00 PM and led the assembly in the Pledge of Allegiance.

2. Approval of Minutes

◇ **Regular Meeting Minutes – May 26, 2009**

Mr. Formica called for discussion or any corrections to the Regular Meeting Minutes of May 26, 2009.

****MOTION (1)**

Mr. DiGiovanna moved to approve the Regular Meeting Minutes of May 26, 2009 of the Water & Sewer Commission as presented.

Mr. Spencer seconded the motion.

Vote: 4 – 0 – 1. Motion passed.

Abstained: Ms. Cahill

3. Delegations

Mr. Formica called for anyone who wished to speak under delegations.

There were no delegations.

(Note: Mr. Murphy and Mr. Mingo joined the meeting)

4. Water & Sewer Billing Adjustment Requests

Mr. Giannattasio explained the letter that was received from Mr. Sudal regarding his intent to only pay half of the flat sewerage fee of \$125 which is charged every six (6) months for sewer use for those who have a well with no meter. He synopsized the events noting that with the new billing period that Mr. Sudal has sent another letter indicating that he was paying for only one-half of the flat rate of \$125 once again. As he has been sent all of the Rules, Regulations & Rate Schedule and refuses to pay or to have a water meter installed, the fact is that he still owes the whole \$125 or installs his own meter and then is charged according to the meter usage.

The Commissioners agreed that Mr. Sudal owes the \$125 flat rate and that another letter should be sent stating that fact as well as the fact that a lien will be placed for failure to pay.

****MOTION (2)**

Mr. Mingo moved to authorize Mr. Giannattasio to send a letter to Mr. Sudal informing him that he owes the additional \$62.50 or a lien will be placed.

Mr. DiGiovanna seconded the motion.

Vote: 7 – 0 – 0. Motion passed.

Mr. Giannattasio also noted that there is a very large leak at 10 Wayne Drive and that the bill is at \$5000 and they would be seeing it at their next meeting as plastic pipe is involved.

5. Zone Change Referral – Application of Mary Sanchez Quality Homes, LLC for Affordable Housing, Scott Road

Mr. Kargl synopsised the draft letter that they had been provided with on this application noting that the concerns are those that they typically have and noting that they would need further information on the number of bedrooms per unit in order to better establish water usage. It was also noted that while the municipal water system has sufficient capacity to meet current and future demand during most of the year that it lacks a sufficient reserve to meet summer time peak demand for about two to three months out of the year and therefore would ask the developer to provide other water supply alternatives such as on-site wells and associated infrastructure to supplement the Town's water supply.

****MOTION (3)**

Mr. DiGiovanna moved that Mr. Kargl forward the memorandum regarding the referral on the Application of Mary Sanchez Quality Homes, LLC, dated 6/30/09 to the Zoning Commission as presented.

Mr. Spencer seconded the motion.

Vote: 7 – 0 – 0. Motion passed.

Mr. Mingo said that they should have to prove the induced growth test.

Attorney O'Connell said that this is not an application that is before them at this time.

6. Geolnsight – Project Updates

• Regional Interconnection – April 22, 2009 Proposal – Don Iannicelli, Chris Clark

Don Iannicelli, PE with Geolnsight said that progress is being made – there was a meeting with New London in late May where they explained the project and the reception was positive. Mr. Weiner said that East Lyme would have their cooperation and that they would approach the 'concept' with an open mind. They plan on having a follow-up plant inspection and tour and they have met the project managers that run the plant for New London. They have agreed to continue the dialogue and establish a confidentiality agreement and a blending study of the water between New London and East Lyme as there are two different types of supplies. It was suggested that they meet with the DEP and bring them up to date on the project.

Ms. Russell asked if there was any benefit to looking into merging with Salem or Old Lyme regarding aquifers. Mr. Formica said that they had previously looked at Old Lyme but found that it would be more of a situation where we would be supplying them with water rather than being able to gain or share.

Mr. Iannicelli noted that Old Lyme has even more of the issues that East Lyme faces and that they are not a water source. Regarding Salem, they are so far away that the infrastructure costs would be extreme.

Mr. Clark added that Salem does not have large supplies either.

Mr. Mingo noted that it would be a win-win situation for both Towns since New London does need water.

Ms. Cahill said that she remembers when they first had sewers and they had to work with New London on them and asked that they make sure that this is a fair situation.

Attorney O'Connell asked what part Waterford plays here.

Mr. Iannicelli and Mr. Clark said that it just passes through that area. They added that there is a document that identifies potential issues and clearly defines how things will be handled.

Mr. Kargl noted that they would need to authorize Geolnsight to move forward with Tasks 1 and 2 – Project Facilitation Support and Information Review and Evaluation so that they can do the blending study and other necessary information gathering.

****MOTION (4)**

Mr. DiGiovanna moved to authorize Geolnsight to go forward with Task 1 – Project Facilitation Support and Task 2 – Information Review and Evaluation in accordance with their proposal #5743-001 on the Regional Interconnection project in an amount not to exceed \$125,000 for the two tasks indicated above.

Mr. Murphy seconded the motion.

Vote: 5 – 0 – 2. Motion passed.

Abstained: Ms. Russell, Mr. Mingo

• Darrow Pond Bedrock Wells – Additional Authorization of Work

Mr. Iannicelli reported that they have gone through the steps to be able to use the wells and they have a permit from the DEP for 60-days use. The approvals and contracts are in place and they should be up and operating on July 17, 2009. This represents a lot of hard work by a lot of departments however; it is all good news for all the hard work.

Mr. Murphy said that it is his opinion that since they have spent the money that they should pump this as much as possible and gather all of the information that they can from it.

Mr. Kargl said that this project needed an additional \$50,000 and that they have some extra dollars in other studies that came in lower that can be transferred to cover this expense. He asked that they make a motion to add \$50,000 to the total cost of the bedrock well project.

****MOTION (5)**

Mr. Mingo moved to increase the Darrow Pond Bedrock Well Development Project by \$50,000 to a total of \$381,000.

Mr. Murphy seconded the motion.

Vote: 7 – 0 – 0. Motion passed.

7. Approval of Bills

- ♦ **Amstar of Western New York – Release of 2% Retainage - \$8,883.60**
- ♦ **Maguire Group, Inc. – Invoice #7 - \$9504.44**
- ♦ **Maguire Group, Inc. – Invoice #11 - \$18,434.28**
- ♦ **S.B. Church – Invoice #09-85 - \$24,334.00**
- ♦ **S.B. Church – Invoice #09-83 - \$7,339.50**
- ♦ **S.B. Church – Invoice #09-77 - \$1,840.00**
- ♦ **S.B. Church – Invoice #09-106 - \$2,450.00**
- ♦ **S.B. Church – Invoice #09-103 - \$11,630.50**
- ♦ **Pettini Contracting Corp. – 6/22/09 Pay Requisition - \$72,957.15**
- ♦ **Geolnsight, Inc. – Invoice #20232 - \$3,500.00**
- ♦ **Geolnsight, Inc. – Invoice #20233 - \$8,400.00**
- ♦ **Geolnsight, Inc. – Invoice #20236 - \$14,799.75**
- ♦ **Geolnsight, Inc. – Invoice #20451 - \$3,500.00**
- ♦ **Geolnsight, Inc. – Invoice #20456 - \$7,963.24**
- ♦ **Geolnsight, Inc. – Invoice #20457 - \$1,732.50**

****MOTION (6)**

Mr. DiGiovanna moved to approve payment of the Amstar of Western New York – Release of 2% Retainage in the amount of \$8,883.60; the Maguire Group, Inc. – Invoice #7 in the amount of \$9504.44; the Maguire Group, Inc. – Invoice #11 in the amount of \$18,434.28; the S.B. Church – Invoice #09-85 in the amount of \$24,334.00; the S.B. Church – Invoice #09-83 in the amount of \$7,339.50; the S.B. Church – Invoice #09-77 in the amount of \$1,840.00; the S.B. Church – Invoice #09-106 in the amount of \$2,450.00; the S.B. Church – Invoice #09-103 in the amount of \$11,630.50; the Geolnsight, Inc. – Invoice

**#20232 in the amount of \$3,500.00; the Geolnsight, Inc. – Invoice #20233 in the amount of \$8,400.00; the Geolnsight, Inc. – Invoice #20236 in the amount of \$14,799.75; the Geolnsight, Inc. – Invoice #20451 in the amount of \$3,500.00; the Geolnsight, Inc. – Invoice #20456 in the amount of \$7,963.24 and the Geolnsight, Inc. – Invoice #20457 in the amount of \$1,732.50.
Mr. Mingo seconded the motion.**

Mr. Kargl synopsized what the bills were for (information included in packets).

Vote: 7 – 0 – 0. Motion passed.

Mr. Kargl asked that they authorize payment of the Pettini Pay Requisition subject to the satisfactory review and approval of the Engineer.

****MOTION (7)**

Mr. Mingo moved to approve payment of the Pettini Contracting Corp. – 6/22/09 Pay Requisition in the amount of \$72,957.15 subject to satisfactory review and approval by the Engineer.

Mr. DiGiovanna seconded the motion.

Vote: 7 – 0 – 0. Motion passed.

8. Fuss & O'Neill Report

Andy Zlotnick, VP with Fuss & O'Neill gave a synopsis of the Draft of the Phase I Environmental Site Review for the Gorton Pond Well Field. He noted that wells that pump large amounts per day could pull MTBE plumes towards them and that they could also come from drainage swales.

Mr. Kargl noted that they are flat lining on Well 1A and any others have been steadily decreasing.

Mr. Mingo asked if they investigated the Fire Marshal spill reports.

Mr. Zlotnick said that they have the data.

Mr. Kargl added that the DEP ultimately ended up with that data.

Mr. Formica noted that this is something that they felt was necessary to bring forward and get input on with regard to where they would be going in the future regarding water. He added that MTBE is unregulated at the levels that they currently have and that those levels have been steadily dropping.

Ms. Russell said that she feels that there is enough of an issue with Wells 1A and 6 that they should do GAC infiltration and because they do not have any idea of how chlorine interacts with MTBE.

Mr. Zlotnick noted that most service stations that closed have not been closed out under proper standards and that standards were not in effect.

Mr. Mingo asked about tapping into the superfund monies to study this further.

Mr. Zlotnick said that there was no funding for this aspect and that the funding was to help the stations clean up any issues they had.

Mr. Mingo asked if they could determine the source if they could sue them to get them to do what needs to be done under that funding.

Mr. Zlotnick said that he thought that they would use a lot of attorney time and not get to where they would like to be. He suggested talking to the DEP regarding an avenue for this.

Mr. Kargl said that he knows the people at the DEP and that they would need to put some numbers together on the cost of the filters and monitoring to present to them. He added that the draft report does not reflect the most current information that they have for the wells and that he would submit it to Mr. Zlotnick along with a few other things that he found in the draft that needed to be updated and changed.

9. Update on Proposed Sewer Benefit Assessments for the Orchards Subdivision

Attorney O'Connell reported on the phasing of the Orchards and passed out a new diagram. He noted that they have already authorized the Chairman to sign the Public Hearing notice when it is ready. The Orchards also needed to have a \$30,000 bond in place and they do have it in the form of a passbook along with the

standard subdivision bond that would cover improvements. These homes would be assessed at the same rate as the others at \$12,066. He also noted that the developer had already warned the homeowners that they would be responsible for the sewer benefit assessments when they purchased.

10. Water Supply Improvement Projects Status and Related

- **Authorization to proceed w/Task 2 Work for Chlorination/Bulk Chemical Storage – Maguire Group**

Mr. Kargl said that they would need to authorize the Maguire Group Amendment 20 – Task 2 for the Chlorination Project – Construction Phase Services in the amount of \$95,000 plus \$2,500 for expenses related to Task 2.

****MOTION (8)**

Mr. DiGiovanna moved to authorize Maguire Group (under Amendment No. 20 – Chlorination and Caustic Potash Systems Final Design) to perform Task Assignment No. 2 – Construction Phase Services in the amount of \$95,000 and Expenses related to Task No. 2 not to exceed \$2,500.00.

Ms. Cahill seconded the motion.

Vote: 7 – 0 – 0. Motion passed.

Mr. Kargl suggested that they should put out pamphlets on the chlorination process and other information so that people would be more aware of it.

- **Project Budget / Bonding Status**

Mr. Kargl asked that they table discussion on this item until a future meeting of the Commission.

11. T-Mobile Cell Tower Update

Attorney O’Connell reviewed a letter that he wrote regarding the proposal by Omnipoint to lease a portion of the premises used by the EL Water & Sewer Commission for the Giant’s Neck Road pump station. He noted that the Town does not own the site but rather, uses it by way of an easement agreement between the State of Connecticut and the Water & Sewer Commission. Therefore, they could not convey what they do not have. It appears that Omnipoint would have to solicit both the Town and the State.

Mr. Kargl said that he would forward a copy of Attorney O’Connell’s letter to Omnipoint Communications so that they can determine how they might wish to proceed.

12. Communications

- ◇ **See Correspondence Log**

Mr. Kargl noted that the Level A mapping has been adopted by the State.

13. Chairman’s Report

Mr. Formica said that there are a lot of projects on-going and that he was concerned with the stream flow regulations and when he inquired he was told that safe yields once established cannot be changed. He noted that the conservation measures go into effect this weekend.

14. Staff Updates

a. Conservation Measures

This was discussed previously.

b. O & M Building Renovation

Mr. Murphy asked for an update on this project.

Mr. Giannattasio said that he has sent out the specifications to a few masonry contractors and is waiting for them to get back to him so that they can be reviewed.

c. Crossley Court Sewer Extension

There was no discussion.

d. Saunders Point Sewer Extension

There was no discussion.

e. Water Department Monthly Report

Mr. Kargl noted that water consumption was down 13% in May and indicated that the leak detection program that they did has helped with this.

f. Sewer Department Monthly Report

There was no discussion.

g. Regionalization Issues

This was previously discussed.

h. Rates/Capital Improvement Plan

Mr. Giannattasio said that this is moving along and that they are looking into alternatives on using outside services. Once they gather more information this will go to subcommittee.

i. Tri-Town Wastewater Capacity

Mr. Kargl reported that they are meeting tomorrow to interview consultants for the wastewater study.

j. Other

There was none.

15. New Business

There was none.

16. ADJOURNMENT

Mr. Formica called for a motion to adjourn.

****MOTION (9)**

Ms. Cahill moved to adjourn the June 30, 2009 Special Meeting of the East Lyme Water & Sewer Commission at 8:40 PM.

Mr. DiGiovanna seconded the motion.

Vote: 7 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary