

**REGULAR MEETING Tuesday, JANUARY 27th, 2009  
EAST LYME WATER & SEWER COMMISSION  
MINUTES**

The East Lyme Water & Sewer Commission held a Regular Meeting on Tuesday, January 27, 2009 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic CT. Chairman Formica called the Regular Meeting to order at 5:10 PM.

**PRESENT:** Paul Formica, Chairman, Steve DiGiovanna, Roger Spencer, Dave Bond, Dave Murphy, Joe Mingo

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

**ABSENT:** Mary Cahill, Dave Zoller

**1. Call to Order**

Chairman Formica called the meeting to order at 5:10 PM.

**2. Approval of Minutes**

◇ **Regular Meeting Minutes – December 16, 2008**

Mr. Formica called for discussion or any corrections to the Regular Meeting Minutes of December 16, 2008.

Mr. Kargl asked that on Page 2 in the discussion under Motion (4) that \$7700 be changed to read: \$700.

**\*\*MOTION (1)**

**Mr. Mingo moved to approve the Regular Meeting Minutes of December 16, 2008 of the Water & Sewer Commission as amended.**

**Mr. DiGiovanna seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

**Abstained: Ms. Cahill**

**3. Delegations**

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

There were no delegations.

**4. Approval of Bills**

◆ **Cinami Excavation – Application No. 16 - \$22,307.56**

Mr. Formica called for a motion.

**\*\*MOTION (2)**

**Mr. DiGiovanna moved to approve payment of the Cinami Excavation Application No. 16 in the amount of \$22,307.56.**

**Mr. Spencer seconded the motion.**

Mr. Kargl said this was the release of the retainage that has been held for over a year.

**Vote: 6 – 0 – 0. Motion passed.**

◆ **S.B. Church Co. – Invoice #09-3 - \$4,844.00**

Mr. Formica called for a motion.

**\*\*MOTION (3)**

**Mr. DiGiovanna moved to approve payment of the S.B. Church Co. – Invoice #09-3 in the amount of**

**\$4,844.00.**

**Mr. Spencer seconded the motion.**

**Vote: 8 – 0 – 0. Motion passed.**

◆ **S.B. Church Co. – Invoice #09-4 - \$31,625.00**

Mr. Formica called for a motion.

**\*\*MOTION (4)**

**Mr. DiGiovanna moved to approve payment of the S.B. Church Co. – Invoice #09-4 in the amount of \$31,625.00.**

**Mr. Spencer seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

◆ **Machnik Bros. Inc. – Invoice #005557 - \$7,840.00**

Mr. Formica called for a motion.

**\*\*MOTION (5)**

**Mr. DiGiovanna moved to approve payment of the Machnik Bros. Inc. – Invoice #005557 in the amount of \$7,840.00.**

**Mr. Spencer seconded the motion.**

Mr. Mingo asked how this work turned out.

Mr. Kargl and Mr. Giannattasio said that it was fine.

**Vote: 6 – 0 – 0. Motion passed.**

◆ **Smith Construction Co. – Invoice Date: 1-02-09 - \$4,831.00**

Mr. Kargl explained that this was for the Scacciaferro property and that it would be paid from the benefit assessment fund. He asked that they approve it with the stipulation that it be paid minus \$500 that needs to be held for some future work.

**\*\*MOTION (6)**

**Mr. Mingo moved to approve payment of the Smith Construction Co. – Invoice Dated: 1-02-09 in the amount of \$4,831.00 minus \$500.00 to be held for future work.**

**Mr. DiGiovanna seconded the motion.**

Mr. Bond asked how many other parcels like this are there.

Mr. Kargl said that there really are not that many and that this was the best way to address this.

**Vote: 6 – 0 – 0. Motion passed.**

◆ **Smith Construction Co. – Invoice Date: 1-15-09 - \$276.08**

Mr. Formica called for a motion.

**\*\*MOTION (7)**

**Mr. DiGiovanna moved to approve payment of the Smith Construction Co. – Invoice Dated: 1-15-09 in the amount of \$276.08.**

**Mr. Spencer seconded the motion.**

Mr. Kargl noted that this was for police services.

**Vote: 6 – 0 – 0. Motion passed.**

**5. Boston Post Road Sewer Benefit Assessment Status**

Attorney O'Connell passed out a draft of Sanitary Sewer Benefit Resolution for Sewer Main Extension No. 5 and Schedule A (listing of properties) and gave an update on where they are with this. He said that Attorney Zamarka has worked on this with Town staff and that it is an 'opt-in' resolution as it is done at the expense of parties other than the Town. Another change from other resolutions is the dollar amount – by utilizing 2007 rates the amount for an assessable unit is set at a flat rate of \$12,066.00 per unit. Page 3 delineates what and how an 'assessable unit' is defined. He noted that attached and detached condominium units were classified differently as they had previously discussed and voted on. He further explained that the Boston Post Road area has a mixture of commercial and residential properties and that they brought the 1991 frontage, acreage and unit charges up to

today's rates except for the land valuation rates where they used the 2006 re-val dollar amounts without adding the CPI from 1991. This can be found starting on Page 4 of the resolution. On Page 10 Item No. 6 reminds them that it is an 'opt-in' system. The person can pay all at once or in 15 equal installments. All have an April 1, 2009 starting date and he noted that they might need to amend that depending upon when they hold the Public Hearing. Updates have been made to reflect current rates. (Draft Copy attached at end of Minutes of Resolution and Schedule A).

Mr. Mingo said that he has a problem with properties that have both residential and commercial on them. Attorney O'Connell recalled that it follows the higher formula and said that the method is explained on the bottom of Page 8.

Mr. Murphy asked why they were going as far as Scott Road and suggested that they say Dean Road as it is closer to where they are going.

Mr. Mingo suggested Plum Hill at the Orchards.

After working out a sample property with both residential and commercial on it –

Mr. Formica called for a motion.

#### **\*\*MOTION (8)**

**Mr. Mingo moved to authorize the Chairman to sign the Notice of Public Hearing for the Boston Post Road Sewer Benefit Assessment upon presentation of the Benefit Resolution for Sewer Main Extension No. 5 incorporating all of the changes as discussed and agreed upon.**

**Mr. DiGiovanna seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

(Note: Attorney Zamarka left the meeting)

#### **6. Water Supply Improvement Projects Status and Related**

Mr. Formica gave an update on the DWSRF project status noting that the Board of Selectmen authorized bond counsel to prepare the resolution and that the Board of Selectmen had passed the resolution at its last meeting and the Board of Finance will see it at their meeting on February 11, 2009. It will go to Town Meeting for approval on February 18, 2009.

Mr. Kargl noted that he had put notice in their yellow folders that the DWSRF funding has been extended to February 17, 2009.

Mr. Formica said that in speaking with Congressman Courtney regarding the 'shovel-ready' projects that it has been determined that 'shovel-ready' is a term that has a variety of meanings. He also noted that at the recent Water Supply meeting that it was mentioned that the regional interconnection could get federal stimulus monies.

#### **7. Water Supply Memorandum of Understanding – CTDPH**

Mr. Formica recapped the history of his discussions with the DPH regarding turning on the wells on July 20, 2008. Many measures were discussed and this has now become a Memorandum of Understanding which does not mandate them to do anything other than what they have been doing and what they have been proposing to do to mitigate the issue.

Attorney O'Connell explained that the State realizes that they cannot make decisions regarding things such as regional hook-ups, etc. and that it is more of a reporting system than an action system.

Mr. Formica said that as part of the regional effort that he has had conversations with many parties and that Mr. Clark from the Mohegan's who helped with other regional connections will help us to get the necessary paperwork done. Between this and hiring the consultant, we have gone a long way in working with the State to help solve the issues that we face.

Mr. Mingo commended Mr. Kargl for his excellent power point presentation, given at the Water Supply meeting.

Mr. Formica called for a motion.

#### **\*\*MOTION (9)**

**Mr. Murphy moved that it be RESOLVED that the Chair is authorized, in the name and on behalf of the East Lyme Water and Sewer Commission, to execute and deliver to the Connecticut Department of Public Health a Memorandum of Understanding between the Commission and the Department of Public Health in the form presented to the Commission at its meeting of January 27, 2009.**

**Mr. Bond seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**  
(Copy attached at end of Minutes)

#### **8. Water & Sewer Bill Adjustment Requests**

There were none.

#### **9. Waterford Evergreen Pump Station Upgrade – East Lyme Costs**

Mr. Kargl updated the Commissioners on the costs noting that it is a work in progress. He noted that the service equipment items are not part of the capital calculation but will be charged to the operations side that we pay Waterford. The capital line has been reduced by \$17,000 so far and he said that it seems to be pretty close to where it will end up although, they are still working on it.

Mr. Mingo asked if it would be paid from the sewer benefit fund.  
Mr. Kargl said that was correct.

Mr. Murphy asked if we owe Waterford around .86M; and how they would pay that – all at one or over time.  
Mr. Giannattasio said that they would work out the mechanics of the repayment with Waterford.

Mr. Formica asked if for a volunteer from the Commission to work on the repayment process with Staff.  
Mr. DiGiovanna volunteered to work on the mechanics of the repayment with Staff.

#### **10. Communications**

##### ◇ **See Correspondence Log**

Mr. Kargl noted that they received a sanitary survey report from the DPH and in it they suggested that they would like to see maintenance done on the lagoons.

Attorney O'Connell said that they have had correspondence from Attorney Kanabis regarding the Sleepy Hollow 55+ project. The main has been installed and there are a few things that have not been completed. He said that they know that they have to get their contractor there to get them done.

#### **11. Chairman's Report**

Mr. Formica reported noted that his time had been spent working on the water supply presentation/forum.

#### **12. Staff Updates**

##### **a. Conservation Measures**

Mr. Formica reported that he has received from Mr. Carlson some recommendations for water conservation.

##### **b. O & M Building Renovation**

Mr. Giannattasio reported that the leaky window issue has exacerbated itself however; the building now has heat, a new floor installed made of flex-mar and some carpeting. They have had the blocks epoxied for the moisture problem and are waiting to see how that takes as the weather has not allowed them to work on it.

##### **c. Point O' Woods Sewer Connection**

There was no discussion.

##### **d. Pine Grove Sewer Extension Project**

There was no discussion.

##### **e. Orchard's Subdivision**

There was no discussion.

##### **f. Crossley Court Sewer Extension**

Mr. Kargl said that this is close to going out to bid.

##### **g. Saunders Point Sewer Extension**

Mr. Kargl said that this has gone out to bid for engineering services. The process is that they select a firm and negotiate prices. He said that he would have more information on this for their next meeting.

**h. Spinnaker Sewer Agreement**

There was no discussion.

**i. Camp Rell Readiness Center**

There was no discussion.

**j. Maguire Group Monthly Status Report**

There was no discussion.

**k. Water Department Monthly Report**

Mr. Kargl said that had a concern with the December 2008 figure running higher than normal. He noted that he had provided the 2007 to 2008 comparisons on usage and the year's monthly usage showing that June, July and August are still the months of concern.

Mr. Formica noted that they had two (2) water breaks during the month.

Mr. DiGiovanna suggested that people may not have traveled much during this December due to the economy and stayed home more which would account for more water usage.

Mr. Murphy said that they are showing nine (9) service reports this year and asked about the infrastructure and if it was related to the age of it.

Mr. Kargl said that it varies and that there is some older infrastructure replacements that they would itemize.

**l. Sewer Department Monthly Report**

There was no discussion.

**m. Regionalization Issues**

This was previously discussed.

**n. Rates/Capital Improvement Plan**

It was noted that this would be discussed during their budget review session as they normally increase rates every three years.

**o. Tri-Town Wastewater Capacity**

There was no discussion

**p. Other**

There was none.

**13. New Business**

There was none.

**14. ADJOURNMENT**

Mr. Formica called for a motion to adjourn.

**\*\*MOTION (10)**

**Mr. Mingo moved to adjourn the January 27, 2009 Regular Meeting of the East Lyme Water & Sewer Commission at 6:32 PM.**

**Mr. Bond seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary