

**EAST LYME WATER & SEWER COMMISSION
REGULAR MEETING
Tuesday, MAY 25th, 2010
MINUTES**

The East Lyme Water & Sewer Commission held a Regular Meeting on Tuesday, May 25, 2010 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Deputy First Selectman/Acting Chairman Nickerson called the Regular Meeting to order at 7:00 PM.

PRESENT: Mark Nickerson, Acting Chairman, Steve DiGiovanna, Roger Spencer,
Dave Zoller, Dave Murphy, Joe Mingo, Carol Russell, Dave Bond

ALSO PRESENT: Brad Kargl, Municipal Utility Engineer
Michael Giannattasio, Director of Public Works

ABSENT: John Jasper

1. Call to Order

Acting Chairman Nickerson called the Regular Meeting of the East Lyme Water & Sewer Commission to order at 7:00 PM and led the assembly in the Pledge of Allegiance.

2. Approval of Minutes

◇ **Public Hearing Minutes – April 27, 2010**

Mr. Nickerson called for a motion or any discussion or corrections to the Public Hearing Minutes of April 27, 2010.

****MOTION (1)**

Mr. DiGiovanna moved to approve the Public Hearing Minutes of April 27, 2010 as presented.

Mr. Zoller seconded the motion.

Vote: 7 – 0 – 1. Motion passed.

Abstained: Mr. Nickerson

◇ **Regular Meeting Minutes – April 27, 2010**

Mr. Nickerson called for a motion or any discussion or corrections to the Regular Meeting Minutes of April 27, 2010.

****MOTION (2)**

Mr. Zoller moved to approve the Regular Meeting Minutes of April 27, 2010 as presented.

Ms. Russell seconded the motion.

Vote: 7 – 0 – 1. Motion passed.

Abstained: Mr. Nickerson

3. Delegations

Mr. Nickerson called for anyone who wished to speak under Delegations.

There were no delegations.

****MOTION (3)**

Mr. Zoller moved that they address Item 12.a. here – Request of Spinelli – 33 Marshfield Rd. as they are present and waiting in the audience.

Ms. Russell seconded the motion.

Mr. Mingo said that he was uncomfortable with doing this, this evening without having Town Counsel present as the request is for a reduction in the sewer assessment which they cannot do.

Mr. Nickerson said that they do not have to vote on anything this evening, they can listen and discuss.

Vote: 8 – 0 – 0. Motion passed.

◆ **Request for Reimbursement – Supplemental Sewer Assessment – 33 Marshfield Rd.**

Mr. Nickerson asked Mr. Spinelli to explain this to them.

Jim Spinelli, 33 Marshfield Rd. said that he built a new home and a large boulder caused them greater expense as they had to move it and run the lateral as this was a new lot. He said that he wants the Town to consider reimbursement of half of the assessment cost of \$7838 as it was a new lot and the Town incurred no cost in providing a sanitary hook-up. And, like others, considering the present economy, they built a house that will now be difficult for them to pay for and the assessment adds to their yearly budget.

Mr. Mingo asked Mr. Spinelli if he had an estimate of what the cost would be to put in a septic system.

Mr. Spinelli said that he had not but that he has the process required for one that was done on a plan that Mr. Pfanner did.

Mr. Kargl said that does not state the cost and that what Mr. Spinelli is referring to is part of the 'induced growth' which is required as it is a small lot.

Mr. Mingo said that in 1979 a septic system at his house cost him over \$15,000. He said that by ordinance they cannot reduce the benefit assessment which is what he is asking them to do. He noted that he thinks that they got away cheaply with the benefit assessment and explained that it is not a bargain for the Town as they are still paying for the sewer system.

Mr. Spinelli said that he wants a 50% reduction of the \$7838 assessment.

Mr. Kargl noted the question of the rock and said that the rock is actually on Mr. Spinelli's property and not on the public ROW and as such he could not recommend to the Commission that the cost to do that work be considered.

Mr. Spinelli said that they moved the rock onto their property since they had to pay for it to be removed and he decided that it could just be placed on their property.

Mr. Kargl said that they went out to bid on a similar comparable project for a Mohawk Drive lateral and also figured what it would cost for the Town to do the work plus the engineering and both costs come to around \$3900. He noted that the lot was not there when the sewers went through and because it was added later there is some question about if they have to provide a lateral at that point.

****MOTION (4)**

Mr. DiGiovanna moved to reimburse \$3900 to the Spinelli's of 33 Marshfield Rd., Niantic, CT for work done to install a sewer lateral from the main to the property line.

Mr. Zoller seconded the motion.

Mr. Murphy said that they should make sure that for the future that Planning and Zoning charge for laterals if they approve a new lot or lot split and create a lot that was not previously there so that they do not have to run into this issue in the future.

Mr. Nickerson said that he thought that was an excellent idea.

Vote: 8 – 0 – 0. Motion passed.

4. Billing Adjustments – from Attachment A

Mr. Kargl explained that this is a tenant / rental property and that the problem was a leaking toilet flapper valve.

****MOTION (5)**

**Mr. DiGiovanna moved to deny the '1 in 10' request of 285 Boston Post Road (rental property) as it does not meet the '1 in 10' policy.
Mr. Mingo seconded the motion.**

Mr. Mingo said that as it is not covered under the '1 in 10', they could keep coming back if they had granted it.

Mr. Bond said that it is also commercial property.

Mr. DiGiovanna suggested that perhaps they should re-publish the '1 in 10' policy.

Vote: 6 – 2 – 0. Motion passed.

Against: Mr. Bond, Mr. Zoller

5. Approval of Bills – from Attachment B

Mr. Nickerson called for a motion on the Well 2A bill.

****MOTION (6)**

Mr. DiGiovanna moved to approve payment of the following Well 2A bill: Pettini Contracting, Pay Appl. #5 in the amount of \$12,311.07.

Mr. Zoller seconded the motion.

Vote: 8 – 0 – 0. Motion passed.

Mr. Nickerson called for a motion on the Regional Interconnection bills.

****MOTION (7)**

Mr. DiGiovanna moved to approve payment of the following Regional Interconnection bills: Geolnsight, Inc. Inv. #22383 in the amount of \$7000.00; Geolnsight, Inc. Inv. #22384 in the amount of \$4,929.25 and Geolnsight, Inc. Inv. #22385 in the amount of \$12,201.38.

Mr. Zoller seconded the motion.

Vote: 8 – 0 – 0. Motion passed.

Mr. Nickerson called for a motion on the Chlorination – Treatment Upgrades bills.

****MOTION (8)**

Mr. Zoller moved to approve payment of the following Chlorination – Treatment Upgrades bills: Maguire Group - Invoice #18 in the amount of \$9552 and C.H. Nickerson & Co., Inc. – Payment Appl. #5 in the amount of \$115,961.75.

Mr. DiGiovanna seconded the motion.

Mr. Bond asked if Nickerson is on schedule.

Mr. Kargl said that they would be substantially completed on time.

Vote: 7 – 0 – 1. Motion passed.

Abstained: Mr. Murphy

Mr. Nickerson called for a motion on the Replacement Well 3B bills.

****MOTION (9)**

Mr. DiGiovanna moved to approve payment of the following Replacement Well 3B bills: Maguire Group - Invoice #19 in the amount of \$6,500.00 and State of CT – Inv. #DEP127985 in the amount of \$625.00.

Mr. Spencer seconded the motion.

Mr. Zoller asked what the State of CT billing was for.

Mr. Kargl said that it was for one permit where the permit fee had changed.

Vote: 8 – 0 – 0. Motion passed.

6. Water Supply Improvement Project Updates

Mr. Kargl said that he had provided them with a project update listing in their packets.

- **Regional Interconnection**

Mr. Kargl said that they held the Stakeholders meeting this afternoon at Camp Rell on this project and that he thought that it went well and that there were a lot of key State and local officials present who can make decisions and help with requests for funding.

Mr. Mingo said that the point of the regionalization concept that was not made clear is that they are regionalizing our supply and that the Towns have come together to manage the water supply on a regional basis. He said that originally he had his doubts about this but that he has been won over and that they will be solving a problem with this project.

Ms. Russell said that she attended this meeting and that she was concerned about the stream flow regulations and would like to have asked a question on that but thought better of it at the time. She said that she would like to know that has been taken care of so that it does not stand in the way of this project.

- **System-wide Chlorine Disinfection**

Mr. Kargl stated that this will be substantially completed on time.

- **Replacement Well 3B – General Construction Work Proposals**

Mr. Kargl reported that the lagoon needs to be relocated 200 feet away from Well 3B and that they have asked for sludge samples to be taken so that they will not have any potential problems down the road.

- **Stream Augmentation**

Mr. Kargl reported that the DEP is excited over this concept proposal. This proposal will allow them to pump at least one well rather than not being able to pump either well during the summer months.

- **Other**

Mr. Kargl noted that the Chair has been given the authority to implement mandatory water conservation measures should they be necessary this summer.

(Note: 7:55 PM – Mr. Giannattasio joined the meeting)

7. Water & Sewer Capital Projects

Mr. Kargl said that they could discuss the sewer capital at another time as the water was more of a priority. He said that he had also received a suggestion from Mr. Murphy that he put on a sheet a breakdown of the costs of each of the items. He explained that he had met with Ms. Johnson, the finance Director and asked about switching the Darrow Pond dollars to other items such as the meter replacement program, lagoon work, etc.

Mr. Bond asked what the \$43,000 would get them in terms of the meter replacements.

Mr. Kargl said that they would use it for Saunders Point because it is the one area that would not fit well with the rest of the system. He continued that what he is looking for here is a consensus that the FY2011 Capital Projects plan is consistent with the type of projects that they want to move forward with so that they could authorize Mr. Formica to work with bond counsel to get the Darrow Pond monies reallocated. He said that he would speak with Mr. Formica and that they could have Ms. Johnson attend their next meeting. With regard to Darrow Pond he said that all they have to do is for staff to monitor and get the data and they can write the diversion permit application. The Darrow Pond water is high in iron and manganese.

Mr. Mingo said that the meter upgrade/replacement project should be a priority.

Ms. Russell said that she would agree that the meter upgrades should be a high priority.

8. Report on O & M Building Improvements

Mr. Giannattasio did a power point presentation on the O & M Building noting that it had a smoldering fire of oil as the oil burner would not ignite and it caused a total mess of the building. They easily met the \$5000 deductible as they also had a moisture and mold problem in the building. He presented slides showing what it looked like before and what it currently looks like as they spent some \$23,000 along with the insurance claim and now have a really nice building that no longer leaks water.

9. Communications

◇ See Correspondence Log

Mr. Kargl noted that they received grant approval to move forward with the Tri-Town Wastewater Treatment Study – which was \$141,800 less the \$77,900 from the grants leaving \$63,900 to be divided in three ways for the study.

10. Chairman's Report

Mr. Nickerson said that he could agree with doing something regarding the laterals for newly created lots and would suggest engaging Town counsel to advise them on how to do it.

Mr. Bond said they would have to put something in their regulations also that states that after such date – people would have to pay for the laterals for newly created lots if the lateral was not already there.

11. Staff Updates

a. Water Department Monthly Report

Mr. Kargl reported that they did have a small fire at Well 1 and that it did not meet the \$10,000 deductible. The cause of the fire was related to an overheated extension cord.

b. Sewer Department Monthly Report

Mr. Kargl noted the sewer flows during the storm event and that they would undertake a manhole cover sealing project to try to keep out more of the water from the intense storms that flows into the system.

c. Saunder's Point Sewer Extension

Mr. Kargl said that he received an email from the DEP stating that they would not approve funding for this sewer extension project.

d. Tri-town Wastewater Capacity Study

Mr. Kargl said that they would be setting up a Tri-Town meeting in the near future.

e. Crossley Court Sewer Extension

Mr. Kargl reported that they are close to going out to bid on this. They are in the process of a plan review and then it will go out to bid.

f. Other

There was none.

12. Old Business

◆ Request for Reimbursement – Supplemental Sewer Assessment – 44 Marshfield Rd.

This was previously addressed.

13. New Business

There was no New Business.

14. ADJOURNMENT

Mr. Nickerson called for a motion to adjourn.

****MOTION (10)**

Mr. Spencer moved to adjourn the May 25, 2010 Regular Meeting of the East Lyme Water & Sewer Commission at 8:38 PM.

Mr. DiGiovanna seconded the motion.

Vote: 8 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary