

**Draft Minutes of the October 21, 2019 Water Authority Meeting  
Southeastern Connecticut Water Authority  
1649 Route 12, Gales Ferry, CT**

**Present**

**Authority:** Chairman Edward Monahan, Treasurer Paul Eccard, Peter Balestracci, Barbara Lee Franciosi, Nicholas Mullane, Claudia Koerting.

**Authority Staff:** General Manager Josh Cansler

**Call to Order**

Chairman Monahan called the meeting to order at 5:15 p.m.

**Public Comment on any Item on the Agenda** – None

**Approval of Prior Minutes**

On a motion of Mr. Eccard, seconded by Mr. Mullane, the Authority approved the minutes of the September 9, 2019 Water Authority Meeting, by a vote of 6-0.

**Correspondence** - None

**General Manager's Report**

**1. Vandalism and Break-in at Tower Large Pumphouse**

On the morning of September 23, 2019, SCWA field crews discovered that the Tower Division pump station had been vandalized. This was the third incident at Tower in a week. On the two previous occasions the perpetrators spray painted the buildings. During the third incident they broke into our storage shed onsite where we keep spare parts and equipment for all of our divisions. They destroyed many of the spare parts and then started a bonfire outside the shed and burned several more spare parts. They also dumped them in the retention pond next to the pump station. Their most serious violation was breaking into the pumphouse, however they apparently did not tamper with the water supply or equipment providing water supply.

Based on the recommendation from DPH, SCWA sent out a "Do Not Drink Water" advisory to all of the Tower customers using the Town's reverse 911 system. The same day SCWA sent multiple water samples to our lab to ensure the water was still safe to drink. SCWA also contracted with an environmental emergency response team to clean up the oil in the pond (total cost was \$4900). SCWA staff repaired the storage shed and pumphouse doors, and installed cameras around the property the same day. The test samples came back negative at 3:30 on the day after the incident, and DPH finally authorized SCWA to lift the advisory at 7:17 that evening.

On the evening of Wednesday, September 25<sup>th</sup> Ledyard Police arrested two juveniles in connection to the vandalism and break-in at the pumphouse. They were charged with 3<sup>rd</sup>-degree burglary, 1<sup>st</sup>-degree criminal mischief, and 3<sup>rd</sup>-degree trespassing.

On September 27<sup>th</sup> DPH forwarded an Administrative Order requiring a series of corrective actions in response to the vandalism at the pump station. The Authority held a Special Meeting on October 15<sup>th</sup> to discuss the SCWA response to the Administrative Order. At the meeting the Authority approved a motion to hire Attorney Rich Cody, of Suisman Shapiro in New London, to represent SCWA; and to have him prepare a Request for an Appeal, and a Request to Stay the Administrative Order.

At this meeting General Manager Cansler presented a draft Request for an Appeal, and a draft Request to Stay the Administrative Order, both prepared by Attorney Cody. After some discussion Mr. Eccard made a motion to approve the Request for an Appeal and to authorize Attorney Cody to sign and forward the Request on behalf of SCWA. His motion, seconded by Mr. Balestracci, was approved by a unanimous vote of all members present.

Mr. Eccard made a second motion to approve the Request to Stay the Administrative Order, and to authorize Attorney Cody to sign and forward the Request on behalf of SCWA. His motion, seconded by Mr. Balestracci, was approved by a unanimous vote of all members present.

## **2. CodeRed Implementation Update**

At the September meeting the Authority approved a motion to contract with the company CodeRed to establish, maintain, and operate an emergency notification network for all SCWA Divisions, at an annual cost of \$4,000. CodeRed, a division of Onsolve LLC, offers the ability to send voice or text messages based on specific geographical areas, to all our customers, at one time. This system can also be used to send out notifications for scheduled maintenance, such as flushing water mains. Customers will have to provide phone numbers, or sign themselves up, for this system to work.

General Manager Cansler stated that he and the Office Manager participated in a web conference/meeting with CodeRed on September 25<sup>th</sup>. During this meeting CodeRed staff demonstrated how to establish the geographical areas online and how to send out alerts. Mr. Cansler stated that SCWA staff had the all divisions established on the CodeRed website by October 2<sup>nd</sup>. Based on the established boundaries, CodeRed conducted a database search of all phone landlines within the geographical boundaries. In the meantime messages were placed on the SCWA website and Facebook page requesting customers sign-up for alerts. On October 15<sup>th</sup> the Office Manager sent out an "all-call" alert to all the numbers in the database alerting customers to customize how they are alerted. They were also offered the option to opt out. Mr. Cansler said that overall the call-out went very well, though there were a few customers that were confused and/or needed help updating the online database.

## **3. Tower Division - Well #3**

SCWA is continuing to move forward on the replacement of Tower Division Well #3, which failed last summer. In conjunction with Department of Public Health (DPH) and the CT Water Works Association (CWWA), SCWA was able to get language inserted into a legislative bill to allow installation of replacement wells within wetlands constrained boundaries, as long as the replacement well is not closer to wetlands.

In June, SCWA resubmitted the application for the replacement well, and on September 26, 2019 SCWA finally received approval to install the well. In the interim SB Church Well & Pump installed a test well. Mr. Cansler stated that SCWA had received the results of the test well analysis, and a cost proposal, from SB Church for the installation of the permanent well the previous Friday. He said that it was much greater than anticipated, and that he intended to get a few more estimates before proceeding.

#### **4. Ledyard Center Easement**

In April, General Manager Cansler and SCWA Attorney Nick Kepple met with the Town of Ledyard Mayor regarding the development of an easement for the section of property where the SCWA Ledyard Center pumphouse and wells are located. This land, which was owned by the Town, was sold to a private developer. The Easement Agreement, coordinated by the Town Attorney as part of the transaction, is between the new property owner and SCWA. At the April 2019 meeting, the Authority authorized Chairman Monahan to sign the easement, once it has been reviewed and approved by SCWA legal counsel. After several legal reviews Chairman Monahan signed the Easement on October 2, 2019.

#### **5. Emergency Interconnections with Ledyard/Groton Utilities**

In 2017 SCWA signed an agreement with Groton Utilities and Ledyard WPCA to install emergency water main interconnections between all five SCWA Ledyard divisions, and the Ledyard WPCA system. These projects are fully funded through a funding package Groton Utilities received from the State. Groton Utilities completed the Tower/Ferry View and Barrett interconnections last fall, and the Chriswood and Ledyard connections in May of this year. Construction of the interconnection between the SCWA Ledyard Center and the Gray Farms Divisions started in September.

At the September 17 meeting in Ledyard to discuss the August outage at Tower Division several people asked why we didn't turn on the emergency connection between the Tower/Ferry View Division and Ledyard WPCA. General Manager Cansler stated that this interconnection can only serve the Ferry View section of Tower because the interconnection was placed at the bottom of the hill. The reason for this is the significant elevation change, and the fact that there is only a 2" water main along Christy Hill Road. The interconnection at the bottom simply cannot provide enough pressure for water to reach the roughly 800 customers at the top. Mr. Cansler said he and our Engineering Consultant pointed this out to DPH and Groton Utilities before construction started.

Senator Osten, who attended the meeting in Ledyard asked what it would take to make the emergency interconnection functional for the entire division. Mr. Cansler stated that the 800 feet of 2" water main on Christy Hill Road would have to be replaced, and a booster station would have to be installed to pump the water to the top. Senator Osten requested SCWA send her an estimate of the costs. Mr. Cansler sent her two estimates:

Option 1 - Utilizing SCWA's emergency pump trailer on a temporary basis to pump water to the top. This option requires permanent hookups, and time to set up the pump trailer (\$ 760,000).

Option 2 –Constructing a permanent pumping booster station (\$ 1.1 million).

Both estimates include replacing the 2" line on Christy Hill, with an 8" water main.

#### **6. Thames Aquatic Club –Ledyard**

*(Attachment #1: SCWA Letter to DPH requesting more clarification on SCWA's responsibilities regarding the Aquatic Club water supply)*

The new Thames Aquatic Club in Ledyard, which is in an SCWA Exclusive Service Area, opened for business in July. During the planning process SCWA offered to provide water from our Ledyard Center system. Instead DPH granted approval of a well for the Aquatic Club, with the stipulation that they connect to the water main if it is ever extended to their property as part of a proposed Fairway Drive extension in the future. However after the Aquatic Club opened, SCWA was informed by DPH that due to the Aquatic Club's small full-time staffing requirements they are designated as a Transient Non-Community facility, meaning the Club is not required to have a certified operator.

At the August meeting the Authority expressed concern that SCWA could still be held liable for any water related problems at the Aquatic Club because the Club is within the SCWA Exclusive Service Area of Ledyard, especially considering the original letter granting the Aquatic Club approval for a well states that SCWA is required to be the certified operator. At the September meeting the Authority approved a formal letter requesting more clarification from DPH regarding SCWA’s responsibilities related to water purification at the Aquatic Club.

**7. Sanitary Surveys**

Sanitary Surveys are conducted at each community public water system (PWS) by the DPH Drinking Water Section every 3 years, and at each non-community PWS every 5 years. A Sanitary Survey is an on-site inspection of the water sources, treatment, distribution system, finished water storage, pumping facilities and controls, monitoring and reporting data, system management and operation, and operator compliance with State requirements.

General Manager Cansler stated that the Sanitary Survey for Tower/Ferry View Division was conducted on September 10<sup>th</sup>. Other SCWA community systems that are scheduled for inspection this fall are:

Hillcrest Division, Montville	November 7, 2019
Montville Division, Montville	November 7, 2019
Chesterfield Division, Montville	November 12, 2019
Seven Oaks Division, Montville	November 12, 2019
Ledyard Center Division, Ledyard	November 14, 2019

**8. Replace Montville Manor Distribution System**

Over the past year General Manager Cansler and Foreman Brandon Belair have met twice with the Montville Director of Public Works, along with their consulting engineer to discuss paving of several roads in SCWA areas of Montville. The Town is concerned that the frequent water line leaks in Montville Manor will result in numerous patches in their new pavement. Mr. Cansler stated that he has scheduled a meeting for the next day with the Montville DPW to discuss possible resolutions to this issue.

**9. Four-log Applications and North Stonington Chlorine Treatment Application**

Applications were submitted to DPH on January 17, 2019 requesting 4-log certifications for all SCWA systems which treat water with chlorine, and meet minimum storage requirements. Currently 10 of our 14 systems meet both requirements. If the applications are approved, SCWA will be able to reduce our sampling/testing requirements, and SCWA will not have to conduct a public notification for positive e-coli results, from samples taken before treatment.

General Manager Cansler stated that the 4-log applications are still under review at DPH, and that SCWA have responded to multiple requests for additional information over the past few months.

**10. PFAS (Per- and Polyfluoroalkyl Substances)**

Earlier this year DPH required all water systems that prepare water supply plans, which includes SCWA, to conduct an evaluation of potential contamination resulting from possible nearby sources of per- and polyfluoroalkyl substances (PFAS). All utilities were required to complete a vulnerability assessment study for each system. In late March assessments for all 14 SCWA divisions were submitted to DPH. SCWA has not heard anything back from DPH regarding the assessments.

In July 2019 Governor Lamont announced he is convening a working group to examine issues related to the PFAS contamination. On September 27, 2019 the State released a Draft PFAS Action Plan for review. As expected the draft plan requires testing of all public wells for PFAS chemicals. Currently there is only one lab in the state that can test for PFAS in water. Mr. Cansler stated that they are looking for other labs that test for PFAS, in anticipation of required testing in the future.

#### **11. Updated Asset Management Plan**

In February 2019 SCWA submitted an updated application to the Drinking Water State Revolving Fund (DWSRF) program for a project to upgrade the Tower Division pumphouse, and add a water tank. The DWSRF program provides low-interest loans, with the potential for up to 25% subsidization, for eligible projects in the form of principal forgiveness. As part of the program SCWA is required to have an updated Asset Management Plan. DPH has indicated that SCWA's current plan, submitted in 2016, needs to be updated for SCWA projects to be funded under the DWSRF program. At the May meeting the Authority approved a motion to have Lenard Engineering update the 2016 Asset Management Plan.

#### **12. Claim by Raspberry Junction Holding, LLC vs SCWA**

In 2016, Raspberry Junction LLC, owners of the Bellissimo Grande Hotel in North Stonington, filed a legal claim against SCWA for losses incurred during the water outage that resulted from the rupture of a pressure tank in 2015. This claim was forwarded to our insurance company at the time, Gladfelter Insurance. They hired Attorney Stephanie Berry, of the law firm of Tang & Maravelis, in New London, to handle the case. Although Gladfelter, has proposed settlements on two occasions, Raspberry Junction did not agree to either proposal.

After a series of hearings at the lower courts, the case was forwarded to the Connecticut Supreme Court in September 2017. The Connecticut Supreme Court heard the case on November 13, 2018, and on April 3, 2019 the State Supreme Court issued a ruling that reversed the trial court's granting of the summary judgment motion, holding that the SCWA lacks authority to promulgate a rule that immunizes it from liability for disruption in water service. As a result, the case was remanded back to the trial court for consideration of the summary judgment argument, based on the alternative grounds of the economic loss doctrine, which the trial judge declined to rule on.

This trial has been scheduled to commence on April 6, 2020 at the New London Superior Court. On July 10<sup>th</sup>, and again on July 22<sup>nd</sup>, Attorney Berry met with Mr. Cansler regarding written interrogatories and requests for documentation submitted by the Attorney representing, Raspberry Junction. On August 28, 2019 Attorney Berry informed Mr. Cansler that the insurance company was making another formal settlement offer to Raspberry Junction.

#### **13. Fiscal Year 2019 Annual Audit**

General Manager Cansler stated that Sandra Welwood conducted her on-site audit visit on September 19, 2019. She intends to present her audit findings to the Representative Advisory Board (RAB) Finance Committee and the Authority at 6 pm on January 16, 2020, prior to the 7 pm RAB meeting the same evening. Ms. Welwood will be available to answer questions during the Finance Committee's presentation to the rest of the RAB that evening.

#### **14. 2020 Authority Meeting Schedule**

*(Attachment #2 – 2020 SCWA Meeting Schedule)*

General Manager Cansler stated that the proposed Authority Board and Representative Advisory Board (RAB) meeting dates for 2020 were attached. He proposed that the Authority continue to meet at SCWA on the second Monday of each month, unless the Monday conflicts with a federal holiday. The only conflict in 2020 is in October, when Columbus Day falls on the second Monday. Mr. Cansler recommended moving the Authority meeting in October to the third Monday of the month. He stated that the RAB had already approved their meeting dates, which will remain the same; quarterly meetings, at rotating locations within the SCWA district, on the third Thursdays of January, April, July, and October.

Mr. Eccard made a motion for the Authority to approve the proposed 2020 meeting dates as presented. His motion, seconded by Mr. Balestracci, was approved by a unanimous vote of all members present.

#### **15. Performance Evaluation of General Manager and Salary Study**

At the last Authority meeting Chairman Monahan mentioned that it has been a while since the last formal written evaluation of the General Manager. He asked that Mr. Cansler send him a copy of the evaluation form that the Authority had agreed to use, which he did. Chairman Monahan requested that Mr. Cansler also send the other members of the SCWA Human Resources Committee (Ms. Franciosi, Mr. Eccard, and Mr. Balestracci) a copy of the approved performance evaluation. He also proposed that the members of the Human Resources Committee meet 30 minutes prior to the next scheduled Authority meeting to discuss the General Manager's evaluation.

Mr. Eccard also mentioned that it might be time to have CBIA conduct a salary review of the Authority staff to determine if our salary structure was compatible with our counterparts in the water utility industry. The Authority asked the General Manager to contact CBIA regarding a salary study.

#### **16. Regional Considerations**

**a) State Water Plan:** The State Water Plan was approved by the legislature in early June. A State Water Plan Implementation Workgroup has been created by the Water Planning Council (WPC) to monitor adherence to the plan, and provide guidance to the WPC regarding implementation.

**b) Water Utility Coordinating Committee (WUCC):** The Eastern Water Utility Coordinating Committee (WUCC) last met on Nov. 14, 2018 at the Southeastern Connecticut Council of Governments (SCCOG) office. The date of the next meeting is to be determined. These meetings are open to the public.

**c) SCWA Interaction with SCCOG:** SCWA and the SCCOG continue to interact cooperatively. To this end, Chairman Monahan attends the monthly SCCOG meetings if there are items relating to water on the agenda. He also attends meetings of the SCCOG Regional Water Committee, which meets only as needed. The General Manager participates on the SCCOG Regional Water Committee's Technical Advisory Subcommittee (TAS).

**d) SCWA Interaction with the Water Planning Council (WPC):** The General Manager represents SCWA as a member of the Connecticut Water Planning Council Advisory Group (WPCAG), which meets monthly. Mr. Cansler is currently Chair of the WPCAG Nominating Committee, which prepares the annual membership slate for appointment/reappointment of members to the WPCAG. Starting January 1, 2020 General Manager will begin a two-year term as Co-Chair of the Advisory Group

**e) SCWA Interaction with AWWA and CWWA:** General Manager Cansler is also a member of the Connecticut Water Works Association (CWWA) Legislative Affairs Committee, which meets monthly between November and June.

**Other Business**

General Manger Cansler stated that he and our Office Manager met with our bank, Chelsea Groton to discuss the possibility of re-financing our bonds in order to enable SCWA to finance some much needed capital projects. He stated that they had also discussed their bonding capability with the bonding agent they used before; Michael Botelho of Updike, Kelly & Spellacy, P.C.

**Report from Chairman - None**

**Report from Authority Members- None**

**Public Comment** – None

**Adjourn**

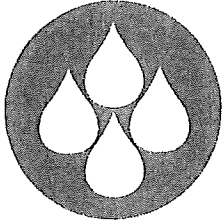
On motion of Mr. Eccard, seconded by Ms. Franciosi, the Authority voted to adjourn the meeting at approximately 6:00 p.m.

It was noted the next Authority meeting is scheduled to occur on November 18, 2019, 5:15 pm at 1649 Rt. 12, Gales Ferry, CT.

Josh Cansler  
Secretary

ATTACHMENT 1





**Southeastern Connecticut Water Authority**

*Water For Your Future*

September 17, 2019

Ms. Lori Mathieu, Chief  
Drinking Water Section  
Department of Public Health  
410 Capitol Avenue  
Hartford, CT 06134-0308

RE: CPCN Phase 1-A Well Site Suitability Certification for Well #1 – Approved withdrawal rate of less than ten gallons per minute.

Dear Ms. Mathieu,

On April 17, 2017 DPH sent a letter to the developers of the Thames Aquatic Club, LLC in Ledyard regarding approval of their well application. Your letter stated that Well #1 had been inspected and found suitable for drilling a well with a withdrawal rate of less than ten (10) gallons per minute (GPM) at the location specified in the application.

In the same letter you state that "Southeastern Connecticut Water Authority (SCWA) has indicated that they can provide water to the 14 Iron Street parcel upon completion of an expected water main extension. Given the timing of this project, SCWA will operate this public water system until the main extension is completed". The water main extension referred to in this letter was to be constructed when a proposed project by the Town of Ledyard connecting Fairway Drive to Route 117 is completed. To our knowledge there is no timeline for this project.

After the Thames Aquatic Club was completed, our General Manager, Josh Cansler, reached out to DPH regarding the status of the Aquatic Club's well approval and operation. Mr. Cansler was informed by Chris Urena at DPH that due to the Aquatic Club's small full-time staffing requirements, DPH designated the Aquatic Club as Transient Non-Community facility. We were told this meant the Club is not required to have a certified operator.

Since the Aquatic Club is in the SCWA Exclusive Service Area (ESA), and your April 17, 2017 letter states SCWA will operate this public water system until the main extension is completed, SCWA is concerned that we are still responsible for operation of their well, and therefore possibly liable for any violations that could potentially occur during the operation, maintenance, and monitoring of their well. The Authority kindly requests DPH provide clarification regarding the SCWA's responsibilities for the operation of the well at the Thames Aquatic Club.

Sincerely yours,

Edward C. Monahan, Ph.D., D.Sc.  
Chairman

Cc: Josh Cansler, SWCA General Manager  
Members, SCWA Authority Board

## ATTACHMENT 2



October 17, 2019

TO: Municipal Clerks of the Southeastern Connecticut Water Authority Region

FROM: Secretary, Southeastern Connecticut Water Authority (SCWA)

SUBJECT: SCHEDULE OF MEETINGS FOR 2020

1. Southeastern Connecticut Water Authority Meetings:

Notice is hereby given that the regularly scheduled meetings of the Authority will be held at 5:15 PM on the following dates:

January 13	July 13
February 10	August 10
March 9	September 14
April 13	October 19
May 11	November 9
June 8	December 14


Authority meetings are held at the SCWA office, which is located at 1649 Route 12, Gales Ferry Commons, Gales Ferry, CT.

2. SCWA Representative Advisory Board Meetings:

Regularly scheduled joint meetings of the SCWA Representative Advisory Board and the Southeastern Connecticut Water Authority will be held at 7:00 PM, at rotating locations, on the following dates:

<u>Date</u>	<u>Location</u>
January 16	Groton Public Library, Groton, CT
April 16	Waterford Public Library, Waterford, CT
July 16	Montville Public Safety Building, Uncasville, CT
October 15	TBD (To be determined)

3. All meetings are open to the public.

  
Joseph C. Cansler  
Secretary