

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

Present

Authority: Chairman Edward Monahan, Vice-Chairman Harry Watson, 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 5:17 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 July 8, 2019 Water Authority Meeting, by a vote of 7-0.

Correspondence - None

General Manager's Report

1. Ledyard Center Easement

In April, General Manager Cansler and SCWA Attorney Nick Kepple met with the Town of Ledyard Mayor, Fred Allyn III, and Town Attorney, Meredith Diette, regarding the development of an easement for the section of property where the SCWA Ledyard Center pumphouse and wells are located. This land, which is currently owned by the Town, is in the process of being sold to a private developer, so the Town is interested in completing the easement as soon as possible.

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. The site survey for the easement was completed in early May. General Manager Cansler stated that the draft of the easement has also been completed, and is still under review by the Town of Ledyard attorney.

2. Tower Division - Well #3

SCWA is continuing to work on different strategies to replace or rehabilitate Tower Division Well #3, which failed last summer. An effort to install a new well at an alternate site, outside current wetlands restraints, produced a minimal yield. 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. The bill this language was included in has now been approved and signed by the Governor.

General Manager Cansler said that he resubmitted the application for the replacement well in June, and reached out to SB Church Well & Pump to schedule the installation of the well. He said that DPH is still reviewing the resubmitted application. SB Church has agreed to begin test wells as soon as the application is approved.

3. 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 is expected to start this summer, pending approval of a state right-of-way permit for the section along Route 214.

General Manager Cansler stated that SCWA expressed concern to the project engineers at Groton Utilities regarding increased velocity and water pressure due to the decrease in elevation between Ledyard and Gray Farms. Our calculations, verified by our consulting engineer, have determined that a pressure reducing valve (PRV) should be installed during construction of this line. Mr. Cansler said that SCWA is currently working with Groton Utilities regarding installation of the PRV.

4. Thames Aquatic Center –Ledyard

The new Thames Aquatic Center 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 Center, 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. General Manager Cansler stated that after he learned that the Aquatic Center was open he reached out to DPH regarding their requirements for a certified operator. He said that DPH stated that due to their small full-time staffing requirements they had designated the Aquatic Center as Transient Non-Community facility, meaning they are not required to have a certified operator. DPH did say that the Aquatic Center is required to have a certified lab conduct periodic sampling.

Several members of the Authority expressed concern that SCWA could still be held liable for any water related problems at the Aquatic Center because the Center is within the SCWA Exclusive Service Area of Ledyard. General Manger Cansler stated that he did not think SCWA could be held liable since we are not the certified operator. Chairman Monahan said he thought the letter from DPH granting the Aquatic Center a waiver to install a well stated that the Aquatic Center had to use SCWA as certified operator. He said he was concerned that this might create the impression, and possible misconception, that SCWA was responsible for water quality and/or capacity at the Thames Aquatic Center. He felt that SCWA should get something in writing stating that SCWA was not responsible for water at the Aquatic Center, based on their designation as a Transient Non-Community Center.

After some discussion Mr. Cansler agreed to find the original letter granting the Center approval for a well, and that if the letter states that SCWA is required to be the certified operator, then he will prepare a formal letter to DPH asking for more clarification on SCWA's responsibilities regarding water at the Aquatic Center.

5. 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 10th, and again on July 22nd, Attorney Berry met with Mr. Cansler regarding written interrogatories and requests for documentation submitted by the Attorney representing, Raspberry Junction. The General Manager stated that he and SCWA staff have spent many hours working to provide voluminous documentation, records, and emails regarding the incident, in response to the written interrogatories.

Chairman Monahan asked if this qualified as FOIA requests for information, in which case it would be within our rights to request payment for each page copied. Mr. Cansler said that he felt that the interrogatories weren't quite the same as FOIA requests. Ms. Franciosi agreed, stating that unlike a FOIA request SCWA was not required to provide any documentation supporting our interrogatory responses. She said however it was certainly to our benefit to provide as much information as possible supporting our side of the case. After some discussion the Authority decided not to pursue payment for providing documentation.

6. 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.

General Manager Cansler stated that last month Governor Lamont announced he is convening a working group to examine issues related to the PFAS contamination. His PFAS Interagency Working Group held its first meeting on July 30th. The working group established three committees to focus on addressing PFAS: 1) Human Health; 2) Pollution Prevention; and 3) Remediation.

Mr. Cansler said the Governor has requested a State Action Plan for PFAS contamination no later than October 1st. He said it appears that the Human Health Committee will be tasked with developing a recommendation for state drinking water standards due to the absence of any federal regulation in this area. He said he would be attending a PFAS seminar the next day to learn more about PFAS contamination, proposed maximum levels, and sampling procedures.

7. FY 2020 SCWA Annual Budget

At the May 13, 2019 meeting the Authority approved the Fiscal Year (FY) 2020 budget. The Authority also approved a motion that the Authority notify the Representative Advisory Board (RAB) of its intention to increase service rates during FY 2020, and request a public hearing prior to the July RAB meeting. At their July 2019 quarterly meeting the RAB found the proposed 5% rate increase to be appropriate, and recommended to the Authority adoption of the proposed rate increase.

Based on the recommendation of the RAB, Mr. Eccard made a motion that the Authority adopt the proposed 5% rate increase, effective September 1, 2019. His motion, seconded by Mr. Mullane, was approved by a vote of 7-0.

8. Town of North Stonington – Discussion of Extension of Water Main on Route 2

On June 21, 2019 SCWA met with the North Stonington First Selectman, Mike Urgo, and members of the Casey family about the possibility of extending the North Stonington Division water main approximately ½ mile north on Route 2 (Norwich-Westerly Highway). The Casey's are analyzing the feasibility and costs of building a 40-unit development on several properties they own just north of the Route 2 and Route 201 intersection. They were informed that SCWA has the capacity to support their proposed development, but that they would have to run the line from where it ends, at the Bellissimo Hotel, to their property. Mr. Cansler stated that SCWA has not heard anything new regarding this potential expansion.

9. 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. General Manager Cansler stated that SCWA is still working on the plan with Lenard Engineering.

10. 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 9 of our 14 systems meet both requirements. In addition SCWA has submitted a request to start chlorine treatment at the North Stonington system in November 2018. A 4-log certification request was submitted for North Stonington as well. 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.

The North Stonington application to start chlorine treatment was approved on June 21, 2019, and treatment started on July 1st. The 4-log applications are still under review at DPH. General Manger Cansler said that they have responded to several requests for additional information from DPH over the past few weeks.

11. Regional Considerations

a) State Water Plan: The State Water Plan was approved by the legislature in early June and is awaiting a formal signature by the Governor. 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 reports to the State Water Planning Council (WPC). The WPCAG meets monthly. Mr. Cansler is currently Chair of the WPCAG Nominating Committee, which prepares the annual membership slate for appointment/re-appointment of members to the WPCAG.

Mr. Cansler said that the WPC has expressed an interest in making him the co-chair of the WPCAG, representing Utilities and other interests within the state designated as Out-of-Stream water users. On a motion from Mr. Eccard, seconded by Mr. Watson, the Authority approved Mr. Cansler serving in the role as WPCAG co-chair, if nominated, and approved by the Water Planning Council.

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.

12. Meetings

General Manager Cansler discussed recent meetings he has attended since the last Authority meeting. In addition to meetings discussed previously in the General Manager's Report, he mentioned that SCWA has spent a lot of time working on a lead remediation issue with DPH and the Wood Pond Office Building, one of the SCWA Contract Operation. Currently the owners of the office building are providing bottled water to its occupants.

Other Business – None

Report from Chairman

Chairman Monahan mentioned that under previous governors the Connecticut Academy of Science and Engineering would have addressed the PFAS issue, rather than establishing a separate working group. The Academy of Science and Engineering is a private, nonprofit, public-service institution patterned after the National Academy of Sciences.

Report from Authority Members

Mr. Eccard brought up the concerns expressed at the last RAB, by Representative Siragusa of the Town of Montville, that SCWA needs to do more to address issues in Montville Manor regarding the ongoing problem of service line repairs in the Montville Manor. The Montville DPW intends to pave some roads in the Manor in the next couple of years and Mr. Siragusa is concerned that SCWA will destroy the new paving unless something is done to repair the service lines beforehand. Mr. Cansler said he would set-up a meeting with the Montville DPW Director to discuss. Chairman Monahan said that we should try and find out who is attending the meeting for Montville. He said he would attend if the Mayor was also attending.

Mr. Mullane mentioned that he had stopped by a booth representing the Save the Bay organization in Westerly. He said they had an interesting exhibition with water samples that had micro particles of plastics in the water. He showed the Authority a brochure outlining some of the issues related to the problem.

Ms. Koerting showed the group an EPA quick reference guide she had printed out on the Ground Water Rule. She said this was a very handy guide that was well worth reading. Mr. Cansler stated that he would make copies for the other Authority members.

Public Comment – None

Adjourn

On motion of Mr. Eccard, seconded by Ms. Franciosi, the Authority voted to adjourn the meeting at approximately 6:23 p.m.

It was noted the next Authority meeting is scheduled to occur on September 9, 2019, 5:15 pm at 1649 Rt. 12, Gales Ferry, CT.

Josh Cansler
Secretary