

Draft Minutes of the June 14, 2021 Water Authority Meeting
Southeastern Connecticut Water Authority
1649 Route 12, Gales Ferry, CT

Due to the COVID-19 pandemic this meeting was held virtually using public meeting guidelines established by the Governor to limit the spread and impact of the virus.

Present

Authority: Chairman Edward Monahan, Vice-Chairman Harry Watson, Treasurer Paul Eccard, Barbara Lee Franciosi, Peter Balestracci, Nick Mullane, and 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 May 10, 2021 Authority Meeting, by a unanimous vote of all members present.

Correspondence – None

General Manager's Report

1. Draft FY 2022 SCWA Annual Budget

(Attachment: Proposed SCWA Fiscal Year 2022 Budget)

General Manager Cansler stated that the SCWA Finance Committee met on May 19, 2021 to discuss the FY 2022 SCWA draft annual budget. Finance Committee members present were Paul Eccard, Edward Monahan, and Nick Mullane. After Mr. Cansler presented the budget to the Authority, Mr. Eccard said that he was pleased with the proposed budget, and stated that the Finance Committee had voted to endorse the FY 2022 budget as proposed, and to present the budget to the full Authority at this meeting, for review and approval. Mr. Eccard added that he thought the budget was sound and well prepared, and that he was pleased with our current capital projects process. After some discussion on the budget, Mr. Eccard made a motion to adopt the proposed Fiscal Year 2022 budget, as presented, for a total of \$1,752,260. This motion, seconded by Ms. Franciosi, passed by a vote of 7-0.

2. COVID-19/Coronavirus Pandemic Update

General Manager Cansler stated that SCWA staff are continuing to work a full schedule with social-distancing measures and sanitation procedures in place. He said that as of today (June 14th), none of the staff at SCWA have been infected by the virus, and that most of the staff are now fully vaccinated. Mr. Cansler stated that although the Governor lifted the ban on most indoor/outdoor activities on May 19th, there was no mention of modifications to guidance regarding public meetings. He added that most State agencies are continuing to work from home and conduct all meetings virtually.

Chairman Monahan asked for thoughts from the Authority members regarding when they should go back to in-person meetings. Mr. Eccard stated that regardless of when the Authority went back to in-person meetings he felt the Authority should keep virtual meetings as an option for any future meetings that coincide with inclement weather. Mr. Watson stated that he had heard that the governor's executive orders on all COVID restrictions were set to expire at the end of June. After some discussion the Authority decided to hold the July meeting virtually and discuss future meetings after additional consideration of the latest State and Federal guidance regarding COVID.

3. Board Member Officers and Terms

General Manager Cansler stated that the terms for the Authority offices of Vice-Chairman, Treasurer, and Secretary are for one-year each, and will expire on June 30, 2021. The Authority Chair serves a three-year term, which expires on June 30, 2022.

Chairman Monahan asked if the current Vice-Chair (Mr. Watson), Treasurer (Mr. Eccard), and Secretary (Mr. Cansler), wanted to stay in their current positions. They all stated they did. The Chairman asked if there were any other nominees for any of the expiring positions. There were none, so Mr. Mullane made a motion that current Vice-Chair, Treasurer, and Secretary all be re-appointed for another year. Mr. Mullane's motion, seconded by Mr. Balestracci, was approved by a vote of 7-0. The terms of Mr. Watson (Vice-Chair), Mr. Eccard (Treasurer), and Mr. Cansler (Secretary) will expire June 30, 2022.

General Manager Cansler also pointed out that the Authority term for Mr. Mullane will expire on September 18, 2021. His appointment is for one of the two positions on the Authority which are nominated by the Southeastern Connecticut Council of Governments (SCCOG), and approved by the Representative Advisory Board (RAB). Mr. Cansler stated that he sent a letter to the SCCOG requesting nominations for this seat. In the letter he stated that Mr. Mullane would like to serve another term, if nominated and approved by the RAB. Mr. Cansler said that he had heard back from the SCCOG that they would discuss the nomination request letter at their next meeting. He added that Mr. Mullane will continue to serve until he is either re-appointed, or another person is appointed in his place.

Mr. Cansler also pointed out that Ms. Franciosi's term will expire at the end of the calendar year. Her appointment will be addressed by the RAB at their meeting in October or January.

4. Capital Projects Update

a) Montville Division Tank and 7 Oaks/Montville Interconnection Project

During the last Sanitary Survey/Inspection of the Montville pump station, DPH indicated the raw water concrete storage tank has cracks that need to be repaired. At the April 2021 meeting the Authority approved a motion authorizing the General Manager to accept a proposal by Mass Tanks to clean-out and repair the tank at a cost not-to-exceed \$25,000.

General Manager Cansler stated that Mass Tanks begin cleaning out the tank on May 18th, but shortly after starting announced that the repair portion would require more work than originally estimated. After some discussion Mr. Cansler directed Mass Tanks to clean-out the tank, and power wash the inside. This work took approximately four days. SCWA crews then repaired the tank using approved sealants, and subcontracted to have the tank painted using a special paint that helps seal tanks.

The second part of this project to improve capacity and facilities serving Montville Manor involves the construction of an interconnection project between 7 Oaks and Montville divisions. At the March meeting the Authority accepted a proposal by Lenard Engineering to complete the design and engineering for this project. Installation of this interconnection will greatly relieve pressure on the Montville system, and make it much easier to repair the tanks and other facilities serving the Montville Division. Construction of this project will be paid for using DWSRF funds.

Lenard Engineering researched the current ownership of the parcel between the end of the Montville water main extension and 7 Oaks, and determined it is currently owned by 100 Waterfall, LLC. A formal letter was sent to 100 Waterfall, as well as their legal counsel, on April 27, 2021. On May 10th their attorney, Harry Heller, responded. Attorney Heller said that 100 Waterfall is working on concept drawings for a proposed housing development, and that they would forward the drawings to SCWA with 2-3 weeks. At that time we can begin discussion of an easement for the water main interconnection. Mr. Cansler said that as of today we have not heard back from Attorney Heller.

b) Tower Division – Main Replacement

In November SCWA crews installed new valves in the existing water mains leading from the Tower Division pump stations to the main distribution located on East Drive in Gales Ferry. Over the past few years there have been several breaks in this water main, each resulting in system wide outages. The second phase of this project, installation of a new water main from the two Tower pumphouses to East Drive, is scheduled for the third week in June. General Manager Cansler said that this phase has been rescheduled multiple times due to weather, material shortages, and contractor scheduling issues. The second phase should not include a system wide water outage.

5. Robin Division Water

At the April meeting the Authority approved a motion authorizing the General Manager to contract with Lenard Engineering to conduct a manganese treatment study, and chemical feed modification design for Robin Division in Montville. Over the past few years SCWA has received an increasing number of calls regarding discoloration, and occasional sediment in the water, from residents of Robin Division. Mr. Cansler said that SCWA is still awaiting the results of the engineering study.

6. EPA Drinking Water Infrastructure Needs Survey and Assessment (DWINSA)

Every 4 years, the Environmental Protection Agency (EPA) conducts a nationwide survey of public drinking water systems to gather information regarding their 20-year capital investment needs. For the first time this needs survey also includes small water systems. The SCWA-Barrett Division was one of 3900 systems across the country selected to participate in this Drinking Water Infrastructure Needs Survey and Assessment (DWINSA).

The purpose of this study is to analyze the overall investment needed for water infrastructure nationwide, and also establish funds allocated from the EPA for Connecticut's Drinking Water State Revolving Fund (DWSRF) Program. EPA is utilizing contractors to work with these small systems to complete the needs survey, with assistance from the DPH as needed. General Manager Cansler stated that the Cadmus Group LLC was assigned to work with the utilities small systems in Connecticut. He said an engineer from the Cadmus Group visited the Barrett pump station on June 11, 2021, and that the visit had gone very well. Mr. Cansler said he had stressed the need for Federal funding to replace pressure tanks in the older pump stations, as well as the need for funding to replace old distribution systems.

7. Green Village II – Salem

In November 2020 the Authority authorized the General Manager to sign the New Water System Agreement between SCWA and Green Village II, on behalf of SCWA. Green Village II is a 48 unit, 55+ Community complex being constructed in Salem. The complex will have townhouses with individual garages per unit. Each unit will have individual meters. Once completed SCWA will take over as the owner/operator of the Green Village pumphouse and water distribution system. The developer plans to complete the complex in 2021. To date the site has been cleared and installation of most sub-grade infrastructure has been completed. In addition, the structural framing and roofing has been completed for about a dozen townhouse units.

8. Construction of Millwood Subdivision (part of Hillcrest Division) in Montville

Sun Communities, Inc. has finally started construction of the proposed development (called Millwood) adjacent to their Hillcrest subdivision in Montville. The roads and infrastructure were completed in 2019 before Jensen Communities was sold to Sun Communities. The proposed Millwood development will have 46 modular homes for people age 55+, and will tie into the existing Hillcrest water distribution system. The first homes are expected to be sold this year. SCWA staff have been working with Millwood contractors installing the water distribution lines and meter pits for each unit. General Manager Cansler stated that SCWA installed a meter for one new house so far.

9. 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. After a series of hearings at the lower courts, the case was forwarded to the Connecticut Supreme Court, which issued a ruling in April 2019 reversing the trial court's granting of the summary judgment motion. 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. At a Pre-argument Conference in February 2020 the judge proposed a settlement range that was much higher than our insurance company was willing to accept. This past fall both sides filed their Brief to the Courts for the next round. A pre-trial oral argument was held before the Connecticut Supreme Court on January 15, 2021. Attorney Berry informed SCWA that the argument went well, and while the court could certainly rule against our position, it did seem they favored our arguments based on the questions the justices asked both sides. She said the court has no official time limit to make its decision by, but generally, decisions are rendered within 4-6 months of the hearing. Mr. Cansler stated that we are nearing the end of that window now.

10. PFAS (Per- and Polyfluoroalkyl Substances)

To address concerns regarding PFAS, the Governor's proposed budget included \$408,000 in FY 2022 and \$420,000 in FY 2023 to support the Department of Public Health (DPH) in implementing certain recommendations of the Connecticut Interagency PFAS Task Force. The budget also works toward permitting more Connecticut laboratories to do PFAS testing, supports testing of public water systems, and includes a PFAS education program. The State legislature approved a bill that prohibits using firefighting foam with PFAS substance, and also prohibits offering the use of food packaging with PFAS made using PFAS materials. In addition the President's initial proposed infrastructure program designates \$10 billion to monitor and remediate PFAS in drinking water and to support cleanup of rural and small water systems. Congress has also introduced a bill which would require the EPA to set a national drinking water standard for two PFAS within two years.

11. SCWA Response to Administrative Order DWS 19-072-063

In 2019, SCWA received an Administrative Order from DPH requiring a series of corrective actions in response to the vandalism at the Tower Division pump station on September 23, 2019. The Authority requested an Appeal, and a Stay the Administrative Order, which were both granted in November 2019. The Hearing has yet to be scheduled.

12. Regional Considerations

a) FY 2022 State Legislative Cycle- Potential Bills Impacting SCWA and other Water Utilities:

General Manager Cansler stated that there were several proposed bills that had been considered during the State Legislature that just ended that could impact water utilities. He addressed the following bills:

HB-6443- An Act Concerning Revenue Items to Implement the Governor's Budget, Section 24

This bill continues the Safe Drinking Water Assessment, eliminates the sunset provision, and eliminates DPH's reporting requirement to demonstrate how the funds have been used and how they have attempted to streamline costs. The bill also changes the method for calculating the assessment. This bill was approved by the State House and Senate.

HB-6666 - An Act Concerning Safe Drinking Water

The House adopted HB-6666 which include provisions originally in HB-6615. This bill is awaiting final action by the Senate. As amended, the bill requires water utilities to update their emergency contingency plans and emergency response plans to include information on providing their consumers an alternative drinking water source as a temporary measure when there is a water supply emergency. Under the bill, a "water supply emergency" is an event lasting longer than 12 hours that causes a company's water supply to become non-compliant with DPH regulations on drinking water quality or quantity. This bill also requires utilities to promptly report their status to the State via WebEOC, and send out notices to customers.

SB- 460- AN ACT REQUIRING A POTABLE WELL FOR THE PAWCATUCK EASTERN PEQUOT TRIBE

Mr. Cansler stated that although SB-460 never got any traction on its own, the final budget approved by the House and Senate include additional funding for the Department of Energy and Environmental Protection (DEEP) to provide various grants, to include one for \$1,500,000 for the Eastern Pequot Tribe, for design and construction of a well, septic system and access road.

b) Planning for Future Water Demands North Stonington: Last fall General Manager Cansler discussed long-term water needs in North Stonington, specifically the area near the Rt.187/Rt. 2 traffic circle, with Attorney, Ken Labbe, who is representing the Town. Mr. Labbe indicated that they are trying to involve all the regional utilities.

c) Water Utility Coordinating Committee (WUCC): The Eastern Connecticut Water Utility Coordinating Committee (WUCC) last met in May 2020. A Statewide WUCC meeting was held on May 19, 2021. This meeting included an update from the WUCC workgroups to address: Interconnections/Regionalization; Non-Community Water Systems Design Requirements; Updating Process requiring Non-Community Systems to Connect to an Existing Community Water Systems, Conservation/Drought. General Manager Cansler said he is serving on the Interconnections and Regionalization Workgroup, which was scheduled to meet on June 9, 2021, but a link to the meeting was never sent out.

d) 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).

e) SCWA Interaction with the Water Planning Council (WPC): The General Manager, representing SCWA, is co-chair of the CT Water Planning Council Advisory Group (WPCAG), which meets monthly. All meetings are currently being conducted virtually via Zoom.

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

13. Meetings

General Manager Cansler said that in addition to meetings discussed previously in the General Manager's Report, there was also a half-day webinar meeting on cybersecurity on May 26th. He said this meeting was hosted by the Environmental Protection Agency (EPA) and all utilities in New England were invited. Mr. Cansler also mentioned that SCWA had their kick-off meeting with our Auditor, Sandra Welwood, in preparation for the FY 2021 annual audit, slated for later this year.

Other Business - None

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 6:10 p.m.

It was noted the next Authority meeting is scheduled to occur on July 12, 2021, at 5:15 pm, either virtually, or at 1649 Rt. 12, Gales Ferry, CT.

Josh Cansler
Secretary