

**Draft Minutes of the September 13, 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, Treasurer Paul Eccard, Barbara Lee Franciosi, Peter Balestracci, Claudia Koerting, and Nick Mullane.

**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 August 9, 2021 Authority Meeting, by a unanimous vote of all members present.

**Correspondence** - None

**General Manager's Report**

**1. COVID-19/Coronavirus Pandemic Update**

General Manager Cansler stated that although COVID-19 cases surged recently in New London County, so far none of the staff at SCWA have been infected, and operations at SCWA have not been affected. The Authority continues to meet virtually until further notice.

**2. Capital Projects Update**

**a) 2021 Bond Anticipation Note (BAN)**

General Manager Cansler stated that based on the long-term Capital financing plan approved last year, the 2020 BAN (Bond Anticipation Note) will be rolled over into another BAN this year, and most likely at least two more years before the BANs are rolled into a Bond that SCWA will begin to pay off. This will align our payment schedule with the expiration of the 2007 Bond that SCWA is currently paying off, while enabling the Authority to do some small projects. Mr. Cansler said that as part of this year's issuance we need to add a couple of new projects, so the 2019 Bond Resolution will require an amendment.

Mr. Cansler said the first project we need to add is an upgrade of the meter reading software and office computers. SCWA had hoped to put the meter reading software upgrade off a few years, but we were informed in July that next year is the last year our current software will be supported. The cost for that upgrade, including new meter readers is \$20,000. Included in this proposed project is an upgrade to the office computers. Our current computer hardware ranges from 7-12 years old.

General Manager Cansler stated that the second project that should be added to the 2021 BAN issuance is roof replacements at three more pumphouses. The roof at Ledyard Division leaks regularly, and the roofs at Chriswood and Barrett Divisions are sagging. Estimate to replace all three roofs is \$30,000. Mr. Cansler stated that the total issuance will be \$270,000 and will include the \$175,000 issuance from last year. The bid opening for the BAN is scheduled for September 22<sup>nd</sup>, and the closing is scheduled for October 14<sup>th</sup>.

After some discussion, Mr. Eccard made a motion to approve the proposed Amendment to the 2019 Bond Resolution for Capital Projects as presented, and approve the issuance of a new BAN for 2021. His motion was seconded by Mr. Mullane. Per the requirements of the proposed Bond Resolution, Chairman Monahan conducted a roll call of Authority members present to determine if they were in favor of the resolution amendment, opposed the amendment, or if they wanted to abstain from voting either way. All six of the members of the Authority present for the roll-call voted "in favor" of the Amendment to the Bond Resolution.

**b) Montville Division Tank and 7 Oaks/Montville Interconnection Project**

In March 2021, DPH approved SCWA's Preliminary Engineering Report requesting approval of a project to upgrade the Montville pump station and complete the interconnection between Seven Oaks and Montville divisions. The first phase of the interconnection was completed in 2007. Completion of this interconnection will greatly relieve pressure on the Montville system and make it easier to work on the tanks in the Montville system, which are in need of minor repairs.

In April SCWA reached out to the current owners of the parcel between the end of the Montville water main extension and the existing Seven Oaks distribution system (100 Waterfall LLC) to request a meeting regarding an easement across their parcel. The attorney for 100 Waterfall responded by asking for time to develop concept drawings for a proposed housing development, which they plan to build in the future. General Manager Cansler stated that as of September 8, 2021 the attorney representing 100 Waterfall LLC has not indicated the owners are prepared to discuss the future plans for this parcel.

**c) Tower Division Upgrades**

Over the past few months SCWA crews have installed new valves and a backup water main 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 will be replacement of the original water mains. This phase can be completed without shutting water off by using the newly installed backup mains, and the trailer-mounted mobile pump station SCWA built a few years ago. General Manager Cansler stated that SCWA intends to test the back-up water main using emergency power and the mobile pump station within the next few weeks.

In August SCWA also installed a new perimeter fence and three new gates around the Tower pumphouses. In addition a cellular monitoring system was installed in May. This along with cameras installed in 2019 will greatly increase security at Tower Division, and significantly enhance the ability of the SCWA field staff to react to changes in the system such as power outages, low water pressure, and fluctuations to the chemical feed systems.

**d) Spicer Hill Booster Station**

General Manager Cansler stated that included on the list of projects in the BANs is replacement of the hydropneumatic tank at the Spicer Hill Booster Station, which is part of the Ledyard Division. SCWA plans to replace the existing pressure tank at the Spicer Hill booster station with a small booster pump package. Costs will include the purchase and installation of the new pump package, new piping to reroute distribution through the new pumps, and the elimination of the pressure tank from the system. Estimated total cost is \$30,000. Lenard Engineering completed a concept design of the Spicer Hill Booster Station upgrade several years ago, and has presented a proposal to complete the engineering, design, and specifications for \$4,200. Mr. Cansler recommended approval of this design estimate cost.

Mr. Eccard made a motion to approve the proposal from Lenard Engineering to complete the engineering, design, and specifications for the Spicer Hill Booster Station, at a cost of \$4,200. His motion, seconded by Mr. Mullane, was approved by a unanimous vote of all members present.

**3. 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. SCWA received the design for a proposed phosphate injection system at Robin Division in July. General Manager Cansler said he is now working with Lenard Engineering on the documents required by DPH to request approval for a change to the treatment process at Robin.

**4. 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 General Manager and Foreman visited the site on September 10, 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 most of the townhouse units. The developer informed SCWA in July that he plans to be open by the end of the year. The developer also stated that he has a waiting list.

General Manager Cansler stated that during the site visit on September 10<sup>th</sup> the developer mentioned that he had an almost identical development in East Haddam. The developer asked if SCWA would be interested in taking over the system. Mr. Cansler and Foreman Belair visited the East Haddam site the same day. Mr. Cansler said this might be an good opportunity to expand revenue for SCWA, however since East Haddam is outside the SCWA District established by Act 381, the enabling state legislation for SCWA, he was not sure if this was feasible. He suggested that perhaps SCWA could run the East Haddam site through a contract operation agreement, similar to the systems SCWA runs for the Town of Preston, and several non-community systems in the area. Mr. Cansler suggested that he seek legal counsel from the SCWA attorney, Nick Kepple. Chairman Monahan asked who the assigned ESA (Established Service Area) holder was for the East Haddam site. Mr. Cansler stated that he would have to look into that. After some discussion the Authority agreed that this opportunity was worth looking into.

**5. 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. SCWA staff have been working with Millwood contractors installing the water distribution lines and meter pits for each unit. Mr. Cansler stated that there are currently about a dozen units under construction at Millwood.

**6. 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 said the first of the surveys for 2021 occurred in July at the Preston Town Hall and Preston Library, both of which are contract operations for SCWA. For SCWA owned systems, on-site Sanitary Surveys were conducted by DPH at North Stonington, Barrett, and Chriswood Divisions on August 27<sup>th</sup>, and at Mohegan, Robin Hill, and Birchwood Divisions on September 2<sup>nd</sup>. Mr. Cansler said that SCWA has not received the results of the inspections at these six divisions yet.

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

This year's approved State Budget included \$408,000 in FY 2022, and \$420,000 in FY 2023, to support Department of Public Health (DPH) implementation of recommendations of the Connecticut Interagency PFAS Task Force. This will include additional staffing for toxicological expertise, permitting of more Connecticut laboratories to do PFAS testing, support testing of public water systems, and a PFAS education program. In addition the State legislature approved bills that prohibit using firefighting foam with PFAS substance, and as well as banning the use of food packaging made using PFAS materials.

Despite objections by the American Water Works Association (AWWA), and other organizations representing the water sector, the U.S. House of Representatives passed H.R. 2467, the PFAS Action Act in July. AWWA and others objected to the fact that the bill will put water utilities and their customers on the hook for paying for PFAS cleanups even though the water systems were not the sources of PFAS contamination. The bill is now with the Senate. AWWA has requested the House consider an amendment that would exempt water systems from PFAS cleanup liability under the Comprehensive Environmental Response, Compensation and Liability Act, also known as Superfund, just as airports are exempted. The exemption is sought because water systems are not the sources of PFAS pollution.

**8. 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 2019 sending the case back to the trial court for consideration of the summary judgment argument. A pre-trial oral argument was held before the Connecticut Trial Court on January 15, 2021.

On August 23, 2021 SCWA was informed by Attorney Berry that the Connecticut Supreme Court affirmed the trial court's granting of their motion for summary judgment in this matter. She stated that unless the Plaintiff appeals this decision to the U.S. Court of Appeals, this matter is resolved. Below is the slip opinion that was released. The full opinion will be released at a later date.

*SC20454 - Raspberry Junction Holding, LLC v. Southeastern Connecticut Water Authority ("The plaintiff, Raspberry Junction Holding, LLC, the owner of a 164 room hotel in North Stonington, commenced this negligence action against the defendant, Southeastern Connecticut Water Authority, a municipal corporation that provides water to twenty-one towns and boroughs in southeastern Connecticut, seeking damages for economic losses it incurred when an explosion at the defendant's North Stonington pumping station caused an interruption in the hotel's water service. The defendant moved for summary judgment, contending that (1) it was immune from liability under rules it had adopted pursuant to the rule-making authority conferred on it by the legislature, and (2) the plaintiff's claim was barred by the economic loss doctrine, a common-law rule, which, "generally characterized, reflects the principle that a plaintiff cannot sue in tort for purely monetary loss unaccompanied by physical injury or property damage." Raspberry Junction Holding, LLC v. Southeastern Connecticut Water Authority, 331 Conn. 364, 368 n.3, 203 A.3d 1224 (2019). The trial court, Vacchelli, J., agreed with the defendant's first contention and granted its motion for summary judgment. Id., 368. The plaintiff appealed, and this court reversed the trial court's judgment and remanded the case for consideration of the defendant's alternative ground for summary judgment. Id., 378.*

*Presently before us is the plaintiff's appeal from the judgment of the trial court, Calmar, J., again granting the defendant's motion for summary judgment, this time on the theory that the defendant owed the plaintiff no legal duty of care. On appeal, the plaintiff claims that the trial court incorrectly determined that the defendant could not be held liable for the plaintiff's losses because public policy does not support the imposition of a duty on the defendant under the circumstances of this case. We disagree and, accordingly, affirm the judgment of that court."*

#### **9. 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.

#### **10. Regional Considerations**

**a) 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.

**b) Water Utility Coordinating Committee (WUCC):** The Eastern Connecticut Water Utility Coordinating Committee (WUCC) last met in May 2020. A meeting scheduled for June 2020 was cancelled and has not been rescheduled. The next Statewide WUCC meeting is scheduled for September 15<sup>th</sup> and will include updates from the WUCC workgroups addressing: 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 is serving on the Interconnections and Regionalization Workgroup.

**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, 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.

**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 generally meets monthly between Nov. and June.

**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 5:55 p.m.

It was noted the next Authority meeting is scheduled to occur on October 18, 2021, at 5:15 pm, either virtually, or at 1649 Rt. 12, Gales Ferry, CT.

Josh Cansler  
Secretary