

**Draft Minutes of the March 9, 2020 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, Barbara Lee Franciosi, 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. Watson, the Authority approved the minutes of the February 10, 2020 Water Authority Meeting, by a vote of 5-0.

Correspondence

Mr. Cansler also referenced a letter from the Ledyard Lions Club asking if SCWA was interested in posting an advertisement in the Ledyard Memorial Day Parade booklet. Purpose of the proceeds from booklet is to support this patriotic annual event. SCWA has supported this request in the past. On motion of Mr. Eccard, seconded by Mr. Watson, the Authority approved, by a unanimous vote of all members present, to place a half-page ad in the Ledyard Lions Club booklet, at a cost of \$60.

General Manager's Report

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

Last September, 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. At a Special Meeting on October 15th, the Authority approved a motion to have Attorney Rich Cody, of Suisman Shapiro, prepare a Request for an Appeal, and a Request to Stay the Administrative Order, on behalf of SCWA. Both requests were sent by Attorney Cody to the Department of Public Health (DPH) on October 23, 2019, after approval by the Authority.

On November 13, 2019 the Request to Stay the Administrative Order was granted. On November 26th Attorney Cody met with a State Assistant Attorney General, Dan Shapiro, via teleconference, to discuss the Administrative Order. To date a Hearing has not been scheduled by DPH. Chairman Monahan stated that he had the opportunity to talk to SCWA Attorney Nick Kepple on another matter. Attorney Kepple said that he had asked Attorney Cody about the issue and was informed that there had not been anything new from the State.

2. Budget

a) Refinancing of 2007 Bond

SCWA is working with Bond Counsel to refinance our 2007 bond to allow for capital funds to complete some key projects, such as Tower Division upgrade and well, interconnection of Seven Oaks and Montville Manor, and replacement of some hydro-pneumatic tanks. At the December meeting the Authority approved the Bond Resolution for Capital Projects, as presented by Bond Counsel. General Manager Cansler stated that they were still working on the refinancing. He said currently they were still not on the State Docket for bond approval.

b) New Lab Costs for Testing/Analysis

In November Phoenix Labs sent out notices that their prices for sampling will be increasing. Some of the price increases are significant, and will result in almost doubling of our annual budget for testing/analysis (\$21,500 in FY 2020). Mr. Cansler said that he had reached out to three other labs for their price schedules. Two of the labs do not pick-up of samples in our area, and both were too far to feasibly send SCWA staff for drop-off. The third lab has not responded yet.

3. Tower Division - Well #3

SCWA is continuing to move forward on the replacement of Tower Division Well #3. In September 2019 SB Church Well & Pump installed a test well and conducted an analysis of the potential capacity of the replacement well, and in October DPH approved installation of the well. In mid-October SCWA received an estimate of \$122,000 from SB Church Well & Pump to install the permanent well. Their estimate was approximately three times what SCWA and Lenard Engineering estimated for installation of the well.

As a result General Manager Cansler reached out to LaFramboise Well Drilling Inc. for another estimate. Their estimate, for a slightly smaller diameter well, was for \$66,000. Mr. Cansler reached out to Jim Ericson of Lenard Engineering for their thoughts on the differences between the two estimates, and the well diameters. Mr. Ericson thought that the larger diameter wasn't justified by doubling the cost. At the February Authority meeting Mr. Cansler stated that he preferred the LaFramboise estimate based on cost. He said they were shooting for April for the installation of the well.

4. 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. 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.

Several times this past summer Mr. Cansler met with Attorney Berry regarding written interrogatories and requests for documentation submitted by the Attorney representing, Raspberry Junction, and in August Attorney Berry informed Mr. Cansler that the insurance company was making another formal settlement offer. In November SCWA received notice that the judge granted a motion for summary judgement, which limited the plaintiff's right to claim for negligence, which was appealed by the Plaintiff's attorney the following month. In February, SCWA received notice that the scheduled trial date of April 6, 2020 has been postponed.

Mr. Cansler said that on February 26, 2020, a Pre-argument Conference was held in New Haven. At the request of the Authority, he had reached out to Attorney Langhammer, representing SCWA, regarding the need for SCWA representation at the Pre-argument Conference. Attorney Langhammer recommended Mr. Cansler attend, but the day before the judge decided the conference would only include the attorney's representing the two sides. After discussing the case the judge proposed a settlement range that was much higher than our insurance company was willing to accept. On March 9, 2020, SCWA received word that the judge sent the appeal back to the State Supreme Court for adjudication.

5. PFAS (Per- and Polyfluoroalkyl Substances)

To address concerns regarding PFAS, Governor Lamont released a State PFAS Action Plan last November. The Action Plan calls for the establishment of a Safe Drinking Water Advisory Council to advise DPH regarding the potential development of Maximum Contaminant Levels (MCLs), prioritize testing locations and parameters, and establish treatment requirements.

To support this Action Plan the Governor's budget includes \$857,119 in the General Fund for FY 2021 to address PFAS. This includes: \$354,000 for DEEP to initiate statewide surface water and sediment sampling; \$282,599 to enhance the Department of Public Health's staffing and operating resources to provide toxicological expertise to assist with updating standards and action levels for drinking water, review environmental laboratories to become approved for PFAS testing, and implement PFAS testing of drinking water at the state's Public Health Laboratory; \$100,000 to DPH to support consultant services to assist the Safe Drinking Water Advisory Council in its work. It has not been determined whether the Safe Drinking Water Advisory Council will be established by Executive order or through legislation.

6. Contract Operations

Contract Operations refers to water systems, not owned by SCWA, where the owners have contracted with SCWA to serve as their certified operator. As the certified operator we collect samples, complete all reporting, and monitor operation of their treatment systems. These systems are privately owned, or are owned/managed by a municipality. The owners/managers pay SCWA a monthly fee, plus costs for all sampling. They are also responsible for all system upgrade costs, plus the maintenance of their system, under SCWA guidance, in accordance with State and Federal regulations.

Existing facilities that SCWA has contracts with include several Preston Town facilities and parks, Lincoln Park Elderly Housing, and the Cheerleading Facility in Montville. Over the past two years SCWA has taken on several new contract operations, to include Groton School District Administration Building, Kingdom Hall of Jehovah's Witnesses in North Stonington, the Wood Pond Office Building in North Stonington, and an apartment building in Montville. At the February meeting General Manager Cansler stated that during the next budget cycle he wanted to make all the contract operations fees equal. He discussed two of the Contract Operations specifically:

a) Wood Pond Office Building

The Wood Pond Office facility, near the circle in North Stonington, tested positive twice for lead samples. As a result DPH required them to develop a plan for an upgraded treatment system to remediate lead in the water. The State DPH approved their treatment plan in October and gave them 8 weeks to install the new treatment system. Through SCWA, Wood Pond requested a 120 day extension to install the new system. DPH responded they would only approve an extension through an Administrative Order. General Manager Cansler stated that on February 14th SCWA and the Wood Pond Owners (Northeast Properties) met at the DPH offices in Hartford to discuss changes to the sampling procedures, treatment systems, and the timeline. On February 21st, Northeast Properties formally requested an extension for installation of the new treatment system.

b) Amos Lake Campground

Mr. Cansler said that on February 24, 2020 SCWA signed an agreement with the Amos Lake Campground and Beach, LLC, in Preston, to take over as the certified operator of the two public water systems at their campground and beach. Since they are a seasonal system they will only be charged for each month they are open, plus a system start-up fee.

7. Thames Aquatic Club –Ledyard

The new Thames Aquatic Club in Ledyard opened for business in July. Because the Aquatic Club is within the SCWA Exclusive Service Area of Ledyard, and DPH originally granted the Club approval based on SCWA being their certified operator, the Authority sent a letter to DPH in September requesting more clarification regarding SCWA’s responsibilities related to water purification at the Aquatic Club. Mr. Cansler stated that as of today, SCWA has not received a response to our letter.

8. Replace Montville Manor Distribution System

Over the past year SCWA staff 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 water line leaks in Montville Manor will result in numerous patches in their new pavement, specifically along Connecticut Boulevard. During a meeting on October 22nd, the General Manager and SCWA informed the DPW that most of the leaks in Montville Manor are service line leaks, not main breaks. SCWA suggested replacing all of the service lines on Connecticut Blvd that cross the road, and have not already been replaced recently. This cost for just this work will be approximately \$150,000. The Montville DPW said they would discuss this with the Town at their next meeting.

9. 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.

The Sanitary Survey for Tower/Ferry View Division was conducted on September 10th. Inspections were completed for Hillcrest, Chesterfield, and Seven Oaks Divisions, on November 7th, and for Montville and Ledyard Center Divisions on November 14th. General Manager Cansler stated that we have not received the results back on any of the five sanitary surveys conducted last year.

10. Four-log Applications and North Stonington Chlorine Treatment Application

Applications were submitted to DPH in January 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. SCWA responded to multiple requests for additional information over the summer, but the applications are still under review at DPH.

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. SCWA Salary Study

At the November meeting, the Authority's HR Committee requested that the General Manager arrange for an external salary review prior to next year's budget preparation. The committee recommended reaching out to Attorney Dugan at Suisman Shapiro, who has helped the Authority with HR issues in the past. Attorney Dugan's office agreed to assist with the external salary review. Mr. Cansler said that they have requested information regarding SCWA structure and position descriptions, which has been provided. He said he expected the survey to be completed prior to preparation of the FY 2021 Budget.

13. 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. FY 2021 State Legislative Cycle

General Manager Cansler stated that he had included summaries of a few proposed bills that could have an impact on SCWA operations if approved:

- **HB-5186 - An Act Concerning Safe Drinking Water** – will require water companies to provide drinking water to consumers in the event of a water main break or loss of system pressure and require small community water systems to prepare capacity implementation plans.

- **SB-175 - An Act Concerning Electricity Shutoff Notifications** – was expanded to include water utilities. This bill would broaden the notice requirements prior to termination of utility service to include electronic mail, text message, and phone calls. Currently SCWA sends out three late notices in the mail, and prior to shut-off visits the residence and leaves a door hanger notice.

- **Proposed SB-43 - An Act Authorizing Bonds of the State for a New Sewer and Water Extension in North Stonington** - to authorize bonds of the state for a new sewer and water extension in the vicinity of exit 92 of I-95 in North Stonington.

c) Water Utility Coordinating Committee (WUCC): The Eastern Connecticut Water Utility Coordinating Committee (WUCC) met on February 27, 2020, to discuss implementation of a Statewide Coordinated Water System Plan (CWSP). The next meeting is scheduled for April 3, 2020, at the Southeastern Connecticut Council of Governments (SCCOG) office. These meetings are open to the public.

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.

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 meets monthly between November and June.

Other Business

Mr. Cansler said he wanted to discuss emergency preparedness for the ongoing coronavirus epidemic. He said his two biggest concerns were if one person in the office got the virus that may require quarantine of all the other employees, or worse case the virus could impact the rest of the staff. His plan was to reach out to Groton Utilities and ask for their support if the entire office is out for the virus. Mr. Cansler stated that Groton Utilities was in the best position to assist SCWA because two of our former employees now work at Groton Utilities. He also pointed out that SCWA is a member of CT Warn, an organization created for the purpose of utilities providing assistance to other utilities in time of need. Regarding the supply concerns Mr. Cansler said he has talked to the Foreman about stocking up on supplies that could affect treatment operations at the pump stations. Unfortunately stocking up on some chemicals is difficult due to shelf life and/or storage tanks available.

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 5:45 p.m.

It was noted the next Authority meeting is scheduled to occur on April 13, 2020, 5:15 pm at 1649 Rt. 12, Gales Ferry, CT.

Josh Cansler
Secretary