

**Minutes of the June 10, 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, and Barbara Lee Franciosi.

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. Balestracci, the Authority approved the minutes of the May 13, 2019 Water Authority Meeting, by a vote of 4-0, with one abstention (Ms. Franciosi).

Correspondence - None

General Manager's Report

1. Board Member Officers and Terms

General Manager Cansler stated that the terms for the Authority offices of Chair, Vice-Chair, Treasurer, and Secretary will all expire on June 30, 2019. The term for the Authority Chair is three years; the terms for the Vice-Chair, Treasurer, and Secretary are one year. If no one is nominated and/or appointed to an Authority office prior to the end of the expiration date, the incumbent continues to serve until they are either re-appointed, or another person is appointed in their place.

As a point of reference; the terms for the current Authority members are as follows. No more than four members of the Authority can be from the same party.

<u>Member</u>	<u>Party</u>	<u>Current Appointment Expiration</u>
Edward Monahan (Chairman)	D	12 / 31 / 2019
Harry Watson (Vice-Chair)	R	09 / 18 / 2020 (SCCOG nominated)
Peter Balestracci	D	12 / 31 / 2020
Nicholas Mullane	R	09 / 18 / 2021 (SCCOG nominated)
Barbara Franciosi	D	12 / 31 / 2021
Claudia Koerting	U	12 / 31 / 2022
Paul Eccard (Treasurer)	U	12 / 31 / 2023

Mr. Balestracci made a motion that the incumbents for each of the four officer positions serve another term in their respective positions. Ms. Franciosi seconded this motion. Chairman Monahan asked if there were any other nominations. There were none. He then asked if any of nominees did not desire to serve another term, and then opened the motion for discussion.

The motion was approved by a vote of 5-0. As a result of this vote Dr. Monahan will serve another 3-year term as Authority Chair; and Mr. Watson (Vice-Chair) and Mr. Eccard (Treasurer) will each serve another year in their current Authority offices. Since no Authority members were nominated for the position of Secretary, General Manager Cansler will serve another one-year term as Secretary.

2. Ledyard Center Easement

In April, General Manager Cansler and SCWA Attorney Nick Kepple met with 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 currently under review by the SCWA and Town of Ledyard attorneys.

3. 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 has been trying 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. After meetings with State Senators Heather Sommers and Cathy Osten, SCWA was able to get language that was agreeable to all parties inserted in this year's State Budget Bill. The exact language is:

Sec. 73. (Effective from passage) Notwithstanding any provision of title 19a or 25 of the general statutes and not later than March 1, 2020, a director of health of a town, city or borough or of a district department of health appointed pursuant to section 19a-200 or 19a-242 of the general statutes may issue a permit for a replacement public well if the Department of Public Health has approved such replacement public well pursuant to subsection (b) of section 25-33 of the general statutes. For purposes of this section, "replacement public well" means a public well that (1) replaces an existing public well in a town in southeastern Connecticut with a population between fifteen thousand and fifteen thousand three hundred, as enumerated by the 2010 federal decennial census, and (2) does not meet the sanitary radius and minimum setback requirements as specified in the regulations of Connecticut State Agencies.

General Manger Cansler stated that this bill has now been approved and signed by the Governor. He said that they would be resubmitting the application for the replacement immediately, and that they will also be reaching out to SB Church Well and Pump to schedule the installation of the well, as soon as DPH approves the resubmitted application.

Mr. Cansler mentioned that they had previously discussed the feasibility of rehabilitating the existing Well #3 and had received an estimate for \$23,097 to rehabilitate the well. However SB Church stated there is the risk that the attempted relining of the well may not work. This option was initially tabled because the well is in the pumphouse, and initial estimates to rehabilitate the well inside the pumphouse were very high. At the May meeting the Authority decided to table approval of this expenditure until after the bill allowing a replacement well went through the legislative cycle.

4. Thames Aquatic Center –Ledyard

SCWA continues to monitor construction of the Thames Aquatic Center in Ledyard, which is in the SCWA Exclusive Service Area. Although SCWA proposed alternatives to provide water from our Ledyard Center system, DPH granted approval of a well for the Aquatic Center, with the stipulation that they connect to the water main on Fairway Drive extension, if/when it is installed. DPH also specified that the Aquatic Center use SCWA for all required testing and monitoring of the well.

The well was drilled late last year, and in April SCWA received a copy of the Phase 1 well review from DPH. The Phase 1 review approved the water quality of the well, but did not indicate whether the current safe yield of 972 GPD was adequate. Mr. Cansler reached out to DPH regarding the quantity issue, and was told that the Aquatic Center's application stated their demand would only be 700 GPD. In May DPH sent an email to the Aquatic Center stating they would have to install a 1000 gallon storage tank before DPH will approve their Phase 2 request.

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 DWSRF (Drinking Water State Revolving Fund) package Groton Utilities received.

Groton Utilities completed the Tower/Ferry View and Barrett interconnections last fall, and they completed the Chriswood and Ledyard connections in May. General Manager Cansler stated that Groton Utilities is waiting on a state right-of-way permit, for the section along Route 214, before they can start the interconnection between the SCWA Ledyard Center Division and the Gray Farms Division.

6. 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, at the request of the General Manager, the Authority approved a motion to expend no more than \$4,000 to have Lenard Engineering update the 2016 Asset Management Plan.

7. 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. Mr. Cansler stated that these applications are still under review at DPH. He added that DPH has reached out to SCWA for more information, which has been provided.

8. Vulnerability Assessments for Per- and Polyfluoroalkyl Substances (PFAS)

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 February the Authority authorized the General Manager to have Lenard Engineering prepare all the vulnerability assessments, to include mapping and land use research. In late March assessments for all 14 SCWA divisions were submitted to DPH. SCWA has not heard anything back from DPH regarding the assessments.

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. Although Gladfelter, working with SCWA, 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. General Manager Cansler stated that this trial has been scheduled to commence on April 6, 2020 at the New London Superior Court. On May 25th Attorney Berry informed Mr. Cansler that the judge was strongly encouraging both sides to settle beforehand. Ms. Franciosi stated that it is very common for the two sides not to agree to a settlement until just before the trial date.

10. DPH Safe Drinking Water Primacy Assessment Fee

A bill amending the Safe Drinking Water Primacy Assessment statute was submitted to the State Legislature in February. This Drinking Water Assessment fee, which was originally approved two years ago, was created to fund a percentage of DPH staff through fees charged to each water utility, or company, based on the number of customers served. The original statute states that the assessment may be collected from each customer, and may be included as a separate item on every bill. The new amended statute originally included a proposal to raise the fee cap from \$4 to \$5 per service connection, however the version approved by the House capped the fee at \$3. The new language also eliminates the cap on the total dollars raised under this fee, currently \$2.5 million. The new language, which is part of the State Budget bill, was approved the first week in June.

11. Regional Considerations

a) **State Water Plan:** The State Water Plan was approved by the legislature in early June and has been signed by the Governor. This plan was formally re-submitted to the Connecticut General Assembly by the Water Planning Council (WPC) on November 28, 2018. The plan was originally submitted to the General assembly during last year's legislative cycle, but no action was taken.

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 AWWA and CWWA: 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. Mr. Cansler is also a member of the Connecticut Water Works Association (CWWA) Legislative Affairs Committee, which meets monthly between November and June.

12. 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. The next RAB meeting is scheduled to be held on July 18, 2019, at 7 pm, at the Waterford Library.

Other Business – None

Report from Chairman – None

Report from Authority Members

Ms. Franciosi said that she had heard there was a new development going into Franklin and wondered if this fell into the SCWA ESA for Franklin. General Manager Cansler said that Franklin was split into three ESA's belonging to SCWA, Norwich Utilities, and the Town. He said he would verify which ESA the new development was in.

Public Comment – None

Adjourn

On motion of Mr. Eccard, seconded by Ms. Franciosi, the Authority voted to adjourn the meeting at approximately 5:53 p.m.

It was noted the next Authority meeting is scheduled to occur on July 8, 2019, 5:15 pm at 1649 Rt. 12, Gales Ferry, CT.

Josh Cansler
Secretary

