

**Draft Minutes of the May 10, 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, 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 April 12, 2021 Water 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 SCWA staff are continuing to work a full schedule with social-distancing measures and sanitation procedures in place. As of today (May 10<sup>th</sup>), none of the staff at SCWA have been infected by the virus. Five of the staff are now fully vaccinated. Because of safety concerns, and the Governor's ban on in-person public meetings, the scheduled Authority and RAB meetings are being conducted virtually until further notice. Mr. Cansler said that although the Governor announced an end to capacity restrictions for most businesses starting May 19<sup>th</sup>, there hasn't been any mention of modifications to guidance regarding public meetings.

**2. 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 indicted the raw water concrete storage tank has cracks that need to be repaired. Since this will require shutting the tank down completely, SCWA requested a delay until spring 2021 due to the ongoing drought and upcoming winter. At the April 2021 meeting the Authority approved a motion authorizing the General Manager to accept a proposal by Mass Tanks to repair the tank at a cost not-to-exceed \$25,000. General Manager Cansler stated that Mass Tanks is scheduled to begin repairing the tank on May 18, 2021, and the repairs are expected take 3-4 days.

As part of the efforts to improve capacity and facilities serving Montville Manor, the Authority authorized the General Manager at the March meeting to accept a proposal by Lenard Engineering to complete the design and engineering for the interconnection project between 7 Oaks and Montville divisions, at a cost not to exceed \$30,000. 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.

Mr. Cansler reminded the Authority that 1200 feet of the water main needed for the interconnection was installed in 2006, and is connected to the Montville distribution system. Lenard Engineering researched the current ownership of the parcel between that 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 10<sup>th</sup> 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.

#### **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, will be completed in May. The second phase should not include a system wide water outage. General Manager Cansler stated that completion of the second phase had been delayed by water main repairs which had diverted assets away from this project.

### **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. The discoloration is very similar to that found in the Chesterfield Division water several years ago. Due to the proximity of Robin to Chesterfield, SCWA staff believe Robin may have the same problem.

To address the Chesterfield issues Lenard Engineering conducted a manganese treatment study in 2015 and ultimately developed a chemical feed modification plan to add phosphate to the Chesterfield water to isolate the manganese in the water. The addition of phosphate has worked well at Chesterfield. Mr. Cansler said that preliminary results from the wells at Robin Division indicated the iron/manganese levels at may be too high to work as well at Robin; however he was still inclined to try phosphate treatment before considering much more expensive filtration alternatives.

### **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 developer plans to complete the complex in 2021. Mr. Cansler said he drove by the site last week, and 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.

**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. 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 the first completed unit that day.

**6. 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 within that window now.

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

To address concerns regarding PFAS, the Governor's proposed budget includes \$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 legislature is also considering a bill that would prohibit the sale of consumer packaging that contains PFAS and authorize DEEP to "periodically revise and publish a list of packaging chemicals of high concern".

General Manager Cansler added that President Biden's infrastructure program designates \$10 billion to monitor and remediate PFAS in drinking water and to support cleanup of rural and small water systems. In addition Congress has introduced a bill which would require the EPA to set a national drinking water standard for two PFAS compounds, perfluorooctane sulfonate (PFOS), and perfluorooctanoic acid (PFOA), within two years. The bill also orders the EPA to determine whether to list other PFAS compounds, of which there are hundreds, as toxic within five years, and to set discharge limits on industrial releases.

## **8. SCWA Response to Administrative Order DWS 19-072-063**

In September 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 hired Attorney Rich Cody, of Suisman Shapiro, to prepare a Request for an Appeal, and a Request to Stay the Administrative Order, on behalf of SCWA. On November 13, 2019 DPH granted the Request to Stay the Administrative Order. Although a Hearing has yet to be scheduled, the subject of the Administrative Order was discussed briefly during the July Bond Refinancing meeting with representatives from Treasury, OPM, and DPH.

## **9. Regional Considerations**

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

General Manager Cansler stated that there are several proposed bills under consideration by the State Legislature that could impact water utilities if passed. 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. Currently awaiting action by the Finance Committee.

#### **HB-6615 - An Act Concerning Safe Drinking Water**

Includes provisions requiring water utilities to provide alternative water supplies in the event of a main break, loss of system, pressure, or other event anticipated to last more than 8 hours that DPH determines may affect water quality or quantity. This bill also requires multilingual notifications in "languages predominately spoken by the consumers in the water company's service area". This bill was approved by the Public Health Committee, and has been sent to the House.

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

To provide for potable water to the Pawcatuck Eastern Pequot Tribe's reservation in North Stonington, and to establish paved road access to such reservation. Mr. Mullane said he had reached out to State Senator Sommers for more information regarding this bill, but had not been able to discuss it with her yet. Mr. Cansler said that he had reached out to CWWA for more information about this bill.

#### **SB 191- An Act Concerning Plumbing and Piping Work.**

Bill provides that any employee of a public service company, or of a contractor while such contractor is performing work on behalf of a public service company, is exempt from the occupational licensing requirements provided such work is (A) limited to water meter installation or the replacement of a water meter, and (B) in connection with the rendition of public utility service. Approved by the General Law Committee, and has been sent to the House.

**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. Mr. Cansler said he has not heard anything new regarding this issue in a while.

**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 in February 2021, and another meeting is scheduled for May 19<sup>th</sup>. These meeting include breakout sessions for 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 is serving on the Interconnections and Regionalization Workgroup.

**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.

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 5:35 p.m.

It was noted the next Authority meeting is scheduled to occur on June 14, 2021, at 5:15 pm, either virtually, or at 1649 Rt. 12, Gales Ferry, CT.

Josh Cansler  
Secretary

