

**Draft Minutes of the January 11, 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. Members attended via the Zoom app, either by calling in, or logging in through their computer.*

**Present**

**Authority:** Chairman Edward Monahan, Vice-Chairman Harry Watson, Treasurer Paul Eccard, Barbara Lee Franciosi, Peter Balestracci, and Nicholas Mullane.

**Authority Staff:** General Manager Josh Cansler

**Call to Order**

Chairman Monahan called the meeting to order at 5:16 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 December 14, 2020 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 January 11<sup>th</sup>, none of the staff at SCWA have been infected by the virus. 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. In addition, DPH is still conducting weekly webinar meetings via computer, which the General Manager has been attending.

On November 3, 2020 DPH called an emergency virtual meeting to discuss planning and prioritizations for COVID-19 vaccinations in the State of Connecticut. In alignment with federal guidelines, a workgroup convened by DPH has developed a list of critical workforce sectors and subgroups that will be considered for early vaccination efforts. During this meeting DPH stated there will likely be three phases to a statewide mass vaccination, and that essential workers such as those in water utilities, will be in the second phase. General Manager Cansler said that on December 22<sup>nd</sup> he sent a note to the DPH vaccine coordinator requesting an update on the status of vaccinations for essential employees. Mr. Cansler said that he received a generic response back several days later that basically said "don't call us, we'll call you".

## **2. Capital Projects Update**

### **a) Tower Division – Main Replacement**

General Manager Cansler stated that in November SCWA crews began replacing the water main leading from the Tower Division pump stations to the main distribution located on East Drive in Gales Ferry. There have been several breaks in this water main over the past few years. This will be a two phase project.

Mr. Cansler said the first phase includes installation of a new water main from the Tower Small pumphouse to East Drive. The first part of this project, the installation of valves in the existing water mains, was completed on December 3<sup>rd</sup>. That took about 5 days. The second part of this project; the installation of a temporary water main to the Tower Small pumphouse has been delayed by weather several times. Phase Two will include installation of a new main from the Tower Large pumphouse. This phase will be completed in the spring, and should not include an outage.

### **b) Replacement of Pumphouse Roofs at Chesterfield and Birchwood Divisions**

SCWA requested bids from 3 carpenters/contractors to replace the pumphouse roofs at both Chesterfield and Birchwood Stations in Montville. We only received one proposal back for both projects. Nutmeg Building and Remodeling LLC, of Ledyard bid \$18,062 to replace the two pumphouse roofs (\$10,091 for Birchwood and \$7,971 for Chesterfield). The estimate for these two projects was \$28,000. Both projects require replacement of the entire roof (rafters, roofing, shingles, and insulation) and are expected to take about 10 days to complete both. The earliest Nutmeg can start is late January. Mr. Cansler said he requested a start date the first week in April due to concerns about equipment in the pump stations freezing while the roofs are exposed.

### **c) Montville Division Tank and 7 Oaks/Montville Interconnection Project**

During the last Sanitary Survey/Inspection of the Montville pump station, DPH stated that the raw water concrete storage tank has cracks that need to be repaired. This would require shutting the tank down completely, so SCWA requested a delay until spring 2021 due to the ongoing drought and upcoming winter. In the meantime Mr. Cansler said he is working with DPH to expedite the DWSRF project to construct the interconnection between 7 Oaks and Montville divisions. Installation of this interconnection would greatly relieve pressure on the Montville system and make it much easier to take the untreated concrete tank offline for repairs. In October Mr. Cansler sent a Preliminary Design packet, proposed Project Schedule, and DWSRF Engineering Project Checklist to DPH for approval. If approved for DWSRF funding this interconnection project will be eligible a 50% subsidy with a 50% loan. The estimated cost for the Seven Oaks to Montville Manor Interconnection project is \$435,000.

## **3. Green Village II – Salem**

At the November meeting 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 by fall 2021.

#### **4. Construction of Millwood Subdivision (part of Hillcrest Division) in Montville**

Mr. Cansler stated that Sun Communities, Inc. has finally started construction of the proposed development (called Millwood) adjacent to their Hillcrest subdivision in Montville. This development was originally started by Jensen Communities in 2017. The roads and infrastructure were completed in 2019 before Jensen Communities sold out to Sun Communities. He said 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 early next year. SCWA staff have been working with Millwood contractors installing the water distribution lines and meter pits for each unit.

#### **5. 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.

On March 9<sup>th</sup>, SCWA received word that the judge sent the appeal back to the State Supreme Court for adjudication. On September 30, 2020, attorneys representing Gladfelter Insurance filed their Brief to the Courts for the next round. The Plaintiff filed their reply brief in late October, and the oral argument is tentatively expected to occur in mid-December 2020.

#### **6. Insurance Claims**

Recently SCWA has reached out to our insurance carrier with two claims by SCWA customers. The first claim, by a homeowner claiming that a SCWA water main break caused his basement to flood, was found to be unjustified by the insurance adjustor. The second claim was regarding an exceptionally high invoice from a contractor who repaired a service line for a customer, even after pointing out that the service line leak was on the other (SCWA) side of the curb box. Mr. Cansler stated that the insurance company is still working on this case, as of January 11<sup>th</sup>. Mr. Mullane asked if SCWA had requested estimates from other contractors to verify that the contractor's invoice was not in line with industry standards. Mr. Cansler said that he had requested and received estimates from another contractor, as well as Lenard Engineering.

#### **7. 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.

## **8. 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. There has not been any updates over the past 6 months regarding PFAS, presumably due to the ongoing COVID-19 crisis, which has shut most state offices down. On December 8<sup>th</sup> CWWA hosted a virtual PFAS update by DPH and DEEP, via Zoom.

## **9. Fiscal Year 2020 Annual Audit**

Sandra Welwood conducted her annual audit visit of SCWA in August and September. She intends to present her audit findings to the Representative Advisory Board (RAB) Finance Committee and the Authority prior to the January 2021 RAB meeting. Based on the ongoing pandemic her presentation will probably be virtual. Ms. Welwood will be available to answer questions during the Finance Committee's presentation to the rest of the RAB that same evening.

## **10. Regional Considerations**

**a) Drought Update:** In mid-December 2020 the Connecticut Interagency Drought Workgroup announced that drought conditions have improved statewide and they reduced all counties to Stage 1 (Below Normal Conditions), with the exception of New London County, which remains in Stage 2 (Incipient Drought). Stage 2 was formerly known as a Drought Advisory.

**b) Planning for Future Water Demands North Stonington:** In September SCWA received an inquiry from an Attorney, Ken Labbe, who is heading up an effort to address long-term water needs in the area near the Rt.187/Rt. 2 traffic circle in North Stonington, and the I-95 interchange at Pawcatuck. They are also trying to solve a short-term shortage of quality water at the KOA in North Stonington and several surrounding facilities. Mr. Labbe indicated that they are trying to involve all the regional utilities.

Potential solutions include development of the so-called Romanella aquifer/wellfield near the 187/2 circle, extending the water main from Groton Utilities down 187 (7 miles), and extending a water main from the Westerly water main in Pawcatuck. General Manager Cansler suggested extending our North Stonington system 1.5 miles down Route 2 to the circle. Mr. Labbe called Mr. Cansler again on December 1<sup>st</sup> to let us know they are still looking at various options. SCWA and North Stonington Town staff are both on a WUCC workgroup developed to address regionalization and interconnections statewide. This workgroup has not met yet.

Mr. Mullane asked if our North Stonington pump station has the capacity to provide water to businesses around the Rt.187/Rt. 2 traffic circle. Mr. Cansler stated that there was enough capacity to provide water to existing potential customers near the circle, but any significant future development would probably require an upgrade of the North Stonington pump station, depending on proposed future water requirements. Ms. Franciosi asked who controls the Exclusive Service Area (ESA) near the circle. Mr. Cansler said that the Town of North Stonington retained control of the ESA for the entire town.

**c) Water Utility Coordinating Committee (WUCC):** The Eastern Connecticut Water Utility Coordinating Committee (WUCC) last met (virtually) on May 27, 2020, to elect new officers and discuss implementation of a Statewide Coordinated Water System Plan (CWSP). On November 5, 2020 there was a Statewide WUCC meeting to discuss the CWSP.

**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, however due to the COVID-19 crisis CWWA hasn't met since February.

#### **11. Miller's Pond**

Mr. Cansler stated that during the January 5, 2021 Water Planning Council (WPC) the subject of Miller's Pond was introduced as a New Business agenda item. Tom Schacht began the discussion by giving a long history of Miller's Pond, and efforts to develop the pond as a water source, dating back to the 1800's. Most of his background centered on multiple negotiations and litigations between the Miller Family and the City of New London, and Town of Waterford. He mentioned that they have sent a letter to the City of New London to re-open negotiations regarding use of Miller's pond as a water source.

Mr. Schacht also mentioned negotiations with SCWA over the past 15 years. General Manager Cansler said he corrected Mr. Schacht on a few comments regarding SCWA and the pond. The WPC Chairman asked what Mr. Schacht was looking for from the WPC. Mr. Schacht stated he was looking for the WPC to act as sort of a consultant during negotiations. Some of the WPC members voiced concern about getting involved in what could be perceived as a legal issue. There was also discussion if this issue fell under the WPC purview. Discussion on this subject ended with the council deciding to reach out to the municipalities involved to hear their side of the conversation. The Authority discussed this subject at length before agreeing that SCWA should not get involved at this point. Mr. Cansler stated he would provide an update on any future discussions regarding Miller's Pond at the WPC.

**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 6:00 p.m.

It was noted the next Authority meeting is scheduled to occur on February 8, 2021, at 5:15 pm, either virtually, or at 1649 Rt. 12, Gales Ferry, CT.

Josh Cansler  
Secretary