

# Housatonic Water Utility Coordinating Committee

## Minutes of 17 June 2009 meeting Brookfield town hall

- 1) Call to order at 01:10 PM by Co-Chairman Russ Posthauer

Prior to the meeting, co-Chair Posthauer had asked Jim Mellett of New Fairfield serve as secretary pro tem.

Attendees: As recorded on attendance sheets:

Richard Amorossi	Brookfield Water Company
Shaun O'Farrell	Whisconnier Village
Shawn Barrett	High Meadow Condos
Bob Bernhardt	Candlewood Trails Association
Erik Bernard	Aquarion Water Company
Ron Black	Olmstead Water Company
William E. Cates	Water System Solutions
Frank Cochran	Cooper, Whitney, Cochran, Francois
David Connors	Aquarion Water Company
David Day	Danbury Water Department
Rick Ellis	Garden Homes Management, New Milford
Joe Emons	High Meadow Condos
Tom Fisher	Indian Fields Homeowners Assn.
David Giardano	Water Systems Solution & Design
Lori Mathieu	State of CT, DPH
Jim Mellett	New Fairfield resident
Steve Messer	State of CT-DPH
Kevin Moran	United Water CT
Andrew Morosky	Town of Bethel
Robert Parker	Brookfield Water Company
M. B. Polizzi	Rural Water Company
Russ Posthauer	Candlewood Springs
Steve Polizzi	Rural Water Company
Peter Robinson	5 Nabby Road, Brookfield

Other attendees did not sign either attendance sheet.

- 2) **Opportunity for Public Participation.**

Peter Robinson asked about delays in approving water systems, and asked how one could speed up the process. Lori Mathieu and Steve Messer noted that ownership issues and easements had to be finalized before the state (DEP and DPH) could act.

- 3) **Approval of Minutes from 6 November 2008 meeting.**

Motion to accept made by Bob Parker, second by Steve Polizzi. Mr. Polizzi noted that the minutes had just been distributed and no one would have had time to read them before approval. Lori

Mathieu said that the state's policy was to try and go to paperless systems. After further discussion, minutes were then approved unanimously.

4) **Department of Public Health Presentation.**

Steve Messer opened the presentation with a Powerpoint program (appended to these minutes, with relevant sections inserted) to discuss the state's regional concerns about water systems.

**Top 10 List for Future State Water Planners**

- ◆ The American Water Resources Association's 2008 meeting included the following "**Top Ten List for Future State Water Planners**":
- ◆ 1) **Start by Developing a Vision.** A product that is cost-effective and that resonates with policy-makers is one in which participants brainstorm what they want the landscape to look like in 20 or 50 years, putting recommendations up front and identifying benchmarks that help get there. By comparison, plans often start with data collection and a gap analysis, which is resource intensive and controversial.
- ◆ 2) **Develop a Political Plan.** This is the piece that will make a technically good plan into a politically acceptable plan. It includes the development of an overall game plan and identifies up front which issues may be deal makers versus deal killers.
- ◆ 3) **Build a Solid Foundation on Water Law.** Planners must convey how they plan to allocate any "new" water (i.e., have water laws in place and well understood). Certainty helps build and maintain support during the planning process.
- ◆ 4) **Establish Funding Sources.** Planning is not a one-time effort. On-going funding is a key ingredient to ensure buy-in, participation, quality, and implementation of each plan. Find a dedicated funding source, but also leverage additional funding. Integrated planning that includes quality and quantity, water and land, etc., helps leverage additional funds from the federal government, foundations, etc.
- ◆ 5) **Employ an Open, Transparent Process.** Give stakeholders plenty of opportunities to suggest goals, methodologies, data sources, and content. Post documents on-line so they are easy to access. Establish Advisory, Stakeholder, and/or Technical Groups that will ensure a wide range of perspectives and expertise.
- ◆ 6) **Turn Challenges into Opportunities.** Challenges such as droughts, floods, climate change conditions, population growth, or other water-related events provide opportunities to establish or strengthen a water plan. Water challenges can provide needed insights and political support to improve plans and their implementation.
- ◆ 7) **Collaborate across Political Boundaries.** Planning is an inherently political process and must account for the fact that multiple counties, states, and even countries depend on water from the same river basins, watersheds, and aquifers.
- ◆ 8) **Use Regional Partnerships to Create Local Solutions.** In states with limited financial resources, supporting a series of disconnected local projects is no longer practical. Foster region-wide or basin-wide partnerships that will account not just for water quantity, but also water quality, ecological needs, land-use planning, and other factors.
- ◆ 9) **Standardize Data Sets and Methodologies.** Robust, state-wide forecasting tools, water budgets, and program evaluations require access to data sets that are developed with standardized methodologies. Use incentives to encourage the adoption and sharing of these methodologies.
- ◆ 10) **Strive for Consistency (and Flexibility)!** Provide a sense of continuity by building upon the work begun in previous plans and studies. At the same time, those with a background in planning recognize that times change, leaders change, and so does climate. Address important issues of the day to keep your plan relevant. As much as anything, this process is about managing "change," not just managing "water."
- ◆ The WUCC believes that a form of financial incentives is needed to deal with orphan (failing) utilities. Ideally, a grant and/or loan system designed to allow the failing system to solve its own problems is preferred. However, if it is determined by DPUC that the failing system is incapable of generating its

own solution, then financial assistance programs, such as the following, should be considered to allow the designated utility to rectify the immediate supply problems as well as bring the failing utility's entire system up to par:

- ◆ 100% grants
- ◆ Combination grants and loans
- ◆ Revolving state loans with zero interest
- ◆ Guaranteed (state backed) loans from local lending institutions

Ellen Blaschinski from DPH was introduced. She is working on the plan to establish a Water Utility Coordinating Committee Technical Advisory Group to be set up to provide guidance for all local WUUCs in meeting future challenges in water supply issues. The plan is to provide procedural guidelines for amending Exclusive Service Areas (ESAs) and other issues. The group should be expanded to include and obtain input from citizens, municipal officials, health directors, and environmental groups. The new group will not exist to fund projects.

WUUC membership for water systems serving more than 25 people was established in February 1985 for a few hundred systems. There are now over 3,000 in the state, in 7 areas. CT would like to see the number of areas reduced to 3.

- The first regional forum [to discuss consolidation] has been scheduled for the Northeast management area and will be held July 14, 2009 in Ashford at the Knowlton Memorial Hall auditorium. A mechanism needs to be developed to consolidate the existing public water supply management areas.
- Given the changes that have taken place in Connecticut and the water industry over the past twenty years, the planning process would be more effectively served by consolidating the current structure of seven areas into a more manageable structure of three or four areas based upon similar water supply issues.
- ***DPH will facilitate this issue by convening a Commissioner's WUCC Advisory Committee, initially comprised of existing statewide WUCC Chairs, to make recommendations on potential revisions to the existing WUCC management areas and how to best incorporate the areas yet to be convened into the existing process.***
- ***The DPH will also sponsor regional forums in 2009 in the three management areas yet to be convened. These regional forums are intended to apprise chief elected officials, regional planning officers, local health directors and Community public water systems of the WUCC process and to seek their input for necessary changes to the process that may suit their respective communities in ensuring an adequate supply of water for all residents.***
- Major challenges in the Housatonic WUCC management area include the immediate need for new sources of supply at Danbury Water Department, United Water-CT New Milford Division; Heritage Water-Southbury; and in the Towns of Brookfield and New Fairfield.
- This WUCC management area currently has the most pressing need in the state for additional sources of supply and public health, safety, and economic development all will be affected if regional partners do not work together to bring additional supply into the area.
- Working together and with municipal leaders to craft a regional solution to resolve water supply issues/needs in Bethel, Brookfield, Danbury, New Fairfield, New Milford, Newtown, Ridgefield, and Southbury is the major challenge facing the water suppliers in the this management area.
- The vast majority of the municipalities within the Housatonic WUCC management area would benefit greatly from the resolution of this current water availability problem.
- One possible regional option would be to connect Danbury Water Department as a regional hub for water supply in the Housatonic area to Aquarion of CT whose water mains are currently located approximately one half mile away on Route 7 in Ridgefield.

Steve Polizzi complimented Mr. Messer on his tenacity in pursuing water issues in the state. He asked how the DPH will be part of the process. Ray Gabarosi said that many people are not now at the meeting. How do we get more participation? Mr. Messer said 2 factors will operate; one is the momentum and enthusiasm that appears to have arisen in this meeting, and the other is having attorneys work with local WUCCs, which could make their own rules on changing ESA's, etc. Important to have town officials, BOS and other town leaders involved.

Russ Posthauer and Steve Polizzi noted that the Housatonic Valley Council of Elected Officials (HVCEO) now represents the towns in planning issues. Steve Messer said we need more participation and suggested the HWUCC send personal invitations to each town official. Russ Posthauer then said we should add officials as voting members.

Bob Parker asked Steve Messer what authority and resources will WUCCs have at state level. Right now the WUCC is a monopoly. He asked if the town BOS and BOF would have authority and responsibility. Lori Mathieu said we must deal with supply and demand issues. We should have a 50-year plan, and be looking at solutions to problems.

Bob Parker said he has been a WUCC member since 1997-1998, we are a passive group. Parker said that top-down leadership requires authority. The state should delegate more to the WUCCs. Steve Messer said the state would look at everything.

Russ Posthauer notes that when problems arise, the HWUCC meets. We should be looking at the regional picture, and should take a more active role.

Bob Parker asked why the DPUC and DOH want to reduce the number of water systems. Steve Messer said that the eastern half of the state is far ahead of the western part in terms of infrastructure and regional plans. Messer continued that a number of water engineers in the state are concerned about supplies for their grandchildren.

Bob Parker said we develop patchwork solutions. If the DPUC and DPH want to reduce the number of water companies, would they support regionalization? Steve Messer noted that because "water is a safe investment," funding would not be a problem.

Leonard de Palma of Ledgewood Condos, which has 38 units, asked about the unfairness of having seniors in his complex fund water systems that go to younger families. This should be a town problem. Steve Messer said that these are state regulations.

Joe Emons of Brookfield made a query about material on the DPH website. Russ Posthauer said that many small companies do not know about the WUCC at all.

Request by Russ Posthauer to switch items 5 and 6 on the agenda. Motion made by Steve Polizzi, second by Kevin Moran. Motion approved unanimously.

**5) Request from Cooper, Whitney, Cochran and Francois, Attorneys representing High Meadow Association, Inc., for discussion of Rural water's "breach of its obligations to provide service to customers within its service area." See letter dated May 5, 2009.**

Prior to Mr. Cochran's comments, Steve Polizzi noted that a pipeline was in existence on Federal Road and another line will serve 4 condos, including High Meadow, Long Meadow, Silvermine and Ledgewood. Plans and bids have already been approved. Brookfield will fund the pipeline, and then turn the system over to Rural Water.

Mr. Cochran then stated that all participants have been trying to move forward on resolving the issue. DPH had issued an order. This required attorneys to find a solution. They needed specifics coming from all parties to agree upon a plan. No hearing has been held yet, but a stronger commitment from DPH was needed. Mr. Cochran had a number of discussions on this matter, and had resolved their differences. Mr. Posthauer said that there is no need for the WUCC to discuss this further.

Bob Parker said that the term "breach of obligations" should be stricken from any discussion because there were many new participants, a great deal of misinformation was out there. Many parties contributed to the delay, and the burden should not be put on Rural Water. Many delays were from attorneys for some of the condos who obstructed movement. Shawn Barrett of High Meadow condos said that one attorney in particular was responsible for the delay.

6) **Request for a portion of Rural Water Company's ESA to be granted to United Water. Connecticut.**

Kevin Moran of United water noted that he inherited the ESA, which included Greenwood condos. United Water is clarifying the expanded ESA and plans to run a water line from Newtown United Water, which needs approval. Someone noted that the water in the condos contained radon. The state chose United Water to run the main from Route 6 to Route 25, past the tracks to Whisconnier Road and make a right into Greenwoods. Rural Water is now doing regionalization, and will cede the ESA to United. The map will have to be revised. Emily McFadden asked who would pay for all of this?

Don Morrissey of Aquarion said that United already owns the ESA, and what is required is a more accurate map.

A motion was made to transfer the ESA to United Water, passed unanimously.

7) **Old Business.**

No old business.

8) **New Business.**

Kevin Moran said that United will close on Bethel Consolidated Water Company. The unit has expanded, and he will revise boundaries and produce new maps. Mr. Moran requested approval for an expanded Bethel Consolidated Water. Erik Bernard had a question about any company claiming unclaimed ESAs. Andrew Morosky said that all of this information should be available ahead of time to make a decision. Steve Polizzi asked if we should approve the request. Rick Amorossi made a motion to table and continue this discussion at a later meeting, seconded by Steve Polizzi. Approved unanimously.

Emily McFadden said that there once was a water line on Silvermine Road and this was supposed to serve Green Ridge Condos. There was a surcharge to the customers receiving the water. Ms. McFadden asked who would pay for all of this? Bob Silvaggi said that Brookfield had set aside \$1.6 million to fund the water lines.

Mr. Cochran said that it would be a good idea to consolidate all of the condo systems, including High Meadow.

Donna Colbert of the Newtown Health Department asked if United had enough water to supply all of these units, including Greenwood? Kevin Moran said there was sufficient water.

**Establish subcommittee to explore regional water supplies.**

Russ Posthauer said that this group would include not just one person from the water companies, but also town officials as well. He asked who would volunteer for this group? He complimented Mr. Hodge and Mr. Silvaggi for their presence at this meeting. Those who volunteered included all representatives of water companies who were present, as well as Bob Silvaggi, Donna Colbert from Newtown, John Hodge, and Steve Messer. Russ asked Mr. Mellett (secretary pro tem) if he would volunteer, and Mr. Mellett said that he was there as a private citizen and could not vote. Mr. Hodge said that Mr. Mellett had no right to be present without the express approval of the New Fairfield BOS. Russ Posthauer said that no secretary was available at the start of the meeting, and he drafted Mr. Mellett to serve as recording secretary.

Russ Posthauer said that local health directors should be involved as well in the subcommittee. Jim Vocolina of the DPUC said he would also participate.

9) **Date(s) for future meeting(s): Annual meeting proposed for 2<sup>nd</sup> Tuesday in November.**

The date for the next HWUCC meeting was set for 15 July 2009 at 1:00 PM. Steve Messer said that was a good time of day for him and other state reps. The new subcommittee would be discussed then.

Mr. de Palma asked about the required testing of water at his condo, and could the number of test be reduced? Lori Mathieu said that testing is a state DPH requirement, and must be done.

10) **Adjournment.**

Meeting adjourned at 03:20 PM.

Respectfully submitted 24 June 2009,

James S. Mellett, New Fairfield,  
Secretary pro tem HWUCC