

**Southeast Water Utility Coordinating Committee (WUCC)  
Meeting Minutes of March 31, 2005**

**Attendees**

**John Bilda**, Norwich Public Utilities; **Robert Congdon**, Town of Preston; **Gregory Leonard**, Southeastern Connecticut Water Authority; **Wayne Fraser**, Town of East Lyme; **Mark Decker**, Town of Colchester; **Rick Stevens**, Groton Utilities; **Marshall Chiaraluce** and **Terry O'Neill**, Connecticut Water Company; **Betsy Henley-Cohn**, **John Tomac**, **George Gager** and **Jack Keefe**, Birmingham Utilities; **Sigrid Kun**, Wiggin & Dana; **Donald Cameron** and **John Lawrence**, Town of Ledyard WPCA; **David Bobbi**, Chatham Acres and Bellwood Court; **Patrick Bernardo** and **Jackson King**, Mashantucket Pequot Tribal Nation and Preston Plain Water Company; **Nicholas Mullane** and **Santa Mendoza**, Town of North Stonington; **Jonathan Avery** and **Robert Sherwood**, Jewett City Water Co.; **James Fogarty**, Town of Salem; **Grant Weaver**, Water Planet; **Chris Clark** and **Richard Smith**, Mohegan Tribal Utility Authority; **Michael Hillsberg** and **John Geary**, Town of Montville WPCA; **Joseph Jaskiewicz**, Town of Montville; **Susan Mendenhall**, Town of Ledyard; **Dennis Popp**, City of Groton; **Paul Eccard** and **Naftali Soto**, Town of Waterford; **James Butler** and **Thomas Seidel**, Southeastern Connecticut Council of Governments; **Deputy Commissioner Norma Gyle**, **Warren Wollschlager**, **Gerald Iwan**, **James Okrongly**, **Dominic DelVecchio** and **Jason Sirois**, Department of Public Health; **Commissioner John Betkoski** and **Sharon Mann**, Department of Public Utility Control.

**Call to Order**

By agreement between Co-Chairman Bilda and Co-Chairman Congdon, Mr. Congdon served as meeting chairman. Co-Chairman Congdon called the meeting to order at the Southeastern Connecticut Council of Governments office, Norwich at approximately 1:00 p.m.

**Approval of Meeting Minutes**

On motion of Mr. Fraser, seconded by Mr. Bobbi, the committee voted unanimously to approve the February 17, 2005 meeting minutes as distributed.

**Correspondence**

Co-Chairman Congdon identified correspondence received, as follows:

- February 22, 2005 letter from the Town of Montville WPCA Chair John Geary to Southeast WUCC, entitled "Re: Modification of Exclusive Service Area, Route 32 Montville".
- March 28, 2005 letter from Birmingham Utilities, Inc. President John Tomac to Southeast WUCC, entitled "Re: North Stonington Exclusive Service Area".
- March 29, 2005 letter from Mashantucket Pequot Tribal Nation General Council Jackson King to Southeast WUCC, entitled "Re: North Stonington Exclusive Service Area".

- March 30, 2005 letter from Mashantucket Pequot Tribal Nation General Council Jackson King to Southeast WUCC requesting that the agenda item for the March 31, 2005 meeting involving the Exclusive Service Issue in North Stonington be continued to a later date.

*(Note: the above referenced February 22, 2005 letter had been distributed to the WUCC mailing list in advance of the March 31, 2005 meeting. The remaining three (3) items were distributed at the March 31, 2005 meeting.)*

There was discussion regarding the mailing of the agenda, minutes and correspondence and maintenance of the WUCC mailing list. DPH indicated that they maintain the mailing list and distribute the materials. DPH welcomed any input from WUCC members to assure that the appropriate contact person is listed as the WUCC member addressee.

**Audience of Citizens** – none

**New Business**

a. Request by Mashantucket Pequot Tribal Nation to modify Exclusive Service Area in section of North Stonington.

The committee referenced the above listed March 30, 2005 letter from the Mashantucket Pequot Tribal Nation (Tribe) which requested that this agenda item be continued to a later date to allow the opportunity of additional meetings between the Tribe and the Town of North Stonington.

Mr. Fraser made the motion, seconded by Ms. Henley-Cohn, to table this agenda item until May 19, 2005. During the discussion of the motion, Mr. Mullane stated that the Town of North Stonington does not object to tabling this matter to a later date. He further stated that the town has recently filed its Individual Water Supply Plan with DPH and is prepared to defend its Exclusive Service Area. The committee voted unanimously in favor of the motion.

b. Request by Town of Montville to modify Exclusive Service Area in section of Montville.

Mr. Geary, Mr. Hillsberg, Mr. Clark and Mr. Smith requested the committee to modify the Exclusive Service Area from Norwich Public Utilities (NPU) to the town of Montville in the vicinity of Route 32 in Montville, extending from Crow Hill Road south to Podurgiel Lane, stating various items including the following: the modification would allow water service by the WPCA in support of the Thames Basin Regional Water Interconnection Project (Thames Project); the Thames Project was developed in response to the need for additional water supply to the area in question; the Thames Project has received a DEP “water diversion permit” and a DPH “sale of excess water permit”; the Thames Project is scheduled to begin this spring, with a bid opening for some critical

construction components scheduled for April 4, 2005; the ESA modification has been extensively discussed between NPU and the town of Montville, but has reached an impasse; the area involved is approximately 1500 linear feet, which currently results in a “finger” of NPU Exclusive Service Area extending into Montville’s Exclusive Service Area; the NPU Individual Water Supply Plan states an anticipated decrease in water demand due to the impending regional water interconnection supplying water to Montville and the Mohegan Sun Casino; Montville paid for and owns the water mains in the area in question.

Mr. Bilda spoke in favor of not modifying the Exclusive Service Area, stating various items, including the following: NPU has helped the town of Montville meet its water service needs on many occasions; the area in question is an Existing Service Area of NPU and not subject to the same WUCC consideration and/or action as an Exclusive Service Area; the committee should not vote/act to modify the area in question, because it is the Existing Service Area of NPU as opposed to being an Exclusive Service Area; NPU is interested in reaching a fair agreement with Montville on this matter; the area in question is not under contract/agreement between Montville and NPU, but rather is being served in the same way any other segment of the NPU owned water system; fifteen (15) years ago the town of Montville requested NPU to extend water service into the area in question in response to failed wells; NPU owns the water mains and water system components in the area in question.

Discussion by the committee of the Montville and NPU presentations involved various items including: the WUCC encourages parties to resolve disputes between themselves, if possible; water issues require “big picture” solutions; “Sale for Resale” could be considered as a solution, even if one of last resort; regional consideration requires that barriers must be lowered not raised; whether the issue is one of Exclusive Service Area or Existing Service Area; whether WUCC’s are empowered to modify Existing Service Areas; WUCC actions are recommendations to DPH who acts upon any such recommendations.

Mr. Eccard made the motion, seconded by Mr. Cameron, that the request by the Town of Montville be approved to modify the Exclusive Service Area from Norwich Public Utilities to the town of Montville in the vicinity of Route 32 in Montville, extending from Crow Hill Road south to Podurgiel Lane.

Substantial discussion ensued involving various items, including: discussion between parties has not resulted in the resolution of this matter; the Thames Project holds DEP and DPH permits; construction on the Thames Project is being planned for spring 2005; the Thames Project was developed to meet water service needs, in the area in question, that could not be readily met otherwise; the area in question is a critical component of the Thames Project.

Mr. Bilda moved that the motion be amended to state that the committee modify the Exclusive Service Area by removing the entire NPU Exclusive Service Area in Montville

and transferring it to the town of Montville. There was no second to the motion, which thereby failed.

Dr. Iwan requested clarification of Mr. Bilda’s motion, specifically if the proposed transfer of Exclusive Service Area within the town of Montville from NPU to the town of Montville would include all areas in Montville currently served by NPU. Mr. Bilda responded that the proposed transfer would include all areas in Montville currently served by NPU. Co-Chairman Congdon indicated that the motion did not advance due to the lack of a second.

Mr. Cameron made the motion, seconded by Mr. Fraser that the motion on the floor be brought to a vote. The committee voted in favor of the motion, with one opposed (Mr. Bilda).

Co-Chairman Congdon brought the motion to vote, which passed by a vote of ten (10) in favor and five (5) opposed, as follows:

<u>Name</u>	<u>Organization</u>	<u>Vote</u>
Mr. Cameron	Ledyard WPCA	Aye
Mr. Jaskiewicz	Town of Montville	Aye
Ms. Henley-Cohn	Birmingham Utilities	Aye
Mr. Fogarty	Town of Salem	Aye
Mr. Stevens	Groton Utilities	Aye
Mr. Eccard	Town of Waterford	Aye
Mr. Fraser	Town of East Lyme	Aye
Mr. Leonard	SCWA	Aye
Mr. Mullane	Town of North Stonington	Aye
Mr. Congdon	Town of Preston	Aye
Mr. Bilda	Norwich Public Utilities	Nay
Mr. Avery	Jewett City Water Co.	Nay
Mr. Bobbi	Chatham Acres	Nay
Mr. Decker	Town of Colchester	Nay
Mr. O’Neill	CT Water Co.	Nay

**Other New Business**

a. Ms. Henley Cohn and Mr. Tomac addressed the committee, providing an overview of Birmingham Utilities, Inc. They referenced printed material distributed to meeting participants which outlined various aspects of the company.

b. Dr. Iwan of DPH referenced the impending emergency drill, known as “TOPOFF” which is scheduled to occur the week of April 4, 2005, centered in New London. He emphasized the importance of ongoing public water supply emergency planning.

**Old Business** – none

**Date of Next Meeting**

May 19, 2005, 1:00 p.m. at the Southeastern Connecticut Council of Governments office,  
5 Connecticut Ave. Norwich.

**Adjournment**

On motion of Mr. Lawrence, seconded by Mr. Mullane, the committee adjourned at  
approximately 2:50 p.m.

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Approved:

Gregory C. Leonard  
Secretary

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