

**Meeting Minutes**  
**Eastern WUCC Convening Meeting**  
**Southeastern Connecticut Council of Governments – 5 Connecticut Avenue, Norwich, CT**  
**June 17, 2016 1:00 p.m.**

The Eastern Water Utility Coordinating Committee (WUCC) was convened on June 17, 2016 at 1:00 p.m. The meeting was held at the Southeastern Connecticut Council of Governments offices at 5 Connecticut Avenue, Norwich, Connecticut. Prior written notice of this meeting was given via mailings from the Department of Public Health (DPH) to eligible WUCC members, chief administrative officials, local health directors, town clerks, the Secretary of the State, state agencies (OPM, PURA, DEEP, CT Office of Consumer Counsel, CT DOT, CT DECD, the Commissioner of Agriculture), and other interested persons. Notice of the meeting was also posted in newspapers in the region. Finally, notice of the meeting was posted on the DPH website <http://www.ct.gov/dph/wucc>.

The following WUCC member representatives were in attendance (listed in alphabetical order of affiliation):

WUCC Member Representative	Affiliation
Craig Patla	Connecticut Water Company
David Radka	Connecticut Water Company
Brad Kargl	East Lyme Water & Sewer
Richard Matters	Town of Franklin
Raymond Valentini	Groton Utilities
Rick Stevens	Groton Utilities
Mike Benoit	Hide Away Cove Family Campground
Bob Sherwood	Jewett City Water Company
Brendan Avery	Jewett City Water Company
Jonathan Avery	Jewett City Water Company
Mary Hiney	Jewett City Water Company
Chris Clark	Mohegan Tribal Utility Authority
Samuel Alexander	Northeastern Connecticut Council of Governments
Mark Decker	Norwich Public Utilities
Jerry Morin	Rogers Corporation
Michael Werbecki	Rogers Corporation
Amanda Kennedy	Southeastern Connecticut Council of Governments
Ed Monahan	Southeastern Connecticut Water Authority
Josh Cansler	Southeastern Connecticut Water Authority
Bob Congdon	Town of Preston
Patrick Bernardo	Town of Putnam
Diana Perkins	Windham Water Commission
Paul Devery	Windham Water Commission

The following non-WUCC member representatives were in attendance (listed in alphabetical order of affiliation):

Non-WUCC Member Representative	Affiliation
Kirk Westphal	CDM Smith
Eric Lindquist	Connecticut Office of Policy and Management
Melissa Czarnowski	Connecticut Department of Energy & Environmental Protection
Rob Hust	Connecticut Department of Energy & Environmental Protection
Rich Iozzo	Connecticut Department of Public Health
Madeline Kollegor	Connecticut Department of Public Health
Lori Mathieu	Connecticut Department of Public Health
Eric McPhee	Connecticut Department of Public Health
Justin Milardo	Connecticut Department of Public Health
Alex Tabatabai	Connecticut Department of Public Health
Danny White	Connecticut Department of Public Health
Scott Bighinatti	Milone & MacBroom, Inc.
Jeanine Gouin	Milone & MacBroom, Inc.
David Murphy	Milone & MacBroom, Inc.
Margaret Miner	Rivers Alliance

A copy of the meeting agenda is attached. The following actions took place:

**1. Welcome & Introduction**

Lori Mathieu of DPH opened the meeting at 1:05 p.m. Amanda Kennedy welcomed everyone to the Southeastern Connecticut Council of Governments (SCCOG), and Ms. Mathieu thanked Ms. Kennedy and Jim Butler for providing use of their facility.

Ms. Mathieu asked for a roll call of attendees. She introduced her staff and the consultant team from Milone & MacBroom, Inc. (MMI). She also announced that the meeting was being recorded, and it was her hope that all meetings would be webcast or at least recorded for later viewing by the public.

Ms. Mathieu briefly reviewed the history and importance of the WUCC process, particularly with regard to the need to deliver safe, high-quality water for drinking to where it is necessary, and having established utilities on standby to provide water through main extensions or through development of small satellite systems.

**2. Overview of Approach and Process**

Ms. Mathieu turned the meeting over to Scott Bighinatti from MMI. Mr. Bighinatti introduced the lead facilitators of the WUCC process within each of the three regions. David Murphy will primarily handle the Western WUCC, Jeanine Gouin the Central WUCC, and Mr. Bighinatti the Eastern WUCC. Each has an assigned backup. Mr. Bighinatti indicated that Mr. Murphy and Ms. Gouin would be taking minutes at the convening meeting. In the future, this task will be conducted by the WUCC's elected Recording Secretary.

Mr. Bighinatti reviewed MMI's role in the process, which is to help the WUCC facilitate the planning process. MMI will assist the WUCC by developing planning documents, serving as a resource during

meetings, and providing much of the "heavy lifting" between meetings in order to assist each WUCC in adhering to the regulatory schedule.

Mr. Bighinatti briefly discussed that in the previous planning process for the former Southeastern WUCC, the first 6 months were taken up with data collection. Statewide WUCC data collection was completed under contract in 2015; therefore, the current WUCC is in a significantly better position relative to initiation of the planning process. All utilities serving greater than 1,000 people or 250 customers will soon receive information for review that represents the data collected to date as well as a request for 2015 water demands. Utilities are asked to review this information and provide corrections prior to the next meeting.

The regulatory schedule requires the components of the Areawide Supplement to be completed within set timeframes. The Final Water Supply Assessment must be approved and submitted within 6 months of the initial meeting (December 2016). The preliminary Exclusive Service Area (ESA) boundaries must be developed within 9 months of the initial meeting (March 2017), with the final ESA boundaries being submitted within 12 months of the initial meeting (June 2017). The Coordinated Water System Plan must be completed within 24 months of the initial meeting (June 2018).

Mr. Bighinatti briefly provided an overview of the Eastern WUCC region, noting that ESAs are established in the south, but none have been established in the northern portion of the region. He then presented a high-level overview of the components of the Areawide Supplement and the Statewide Coordinated Plan.

Mr. Bighinatti discussed how the WUCC process will interface with the State Water Planning process, noting that the concurrent schedule is beneficial because each planning process will be able to inform the other. The State Water Plan has a broader scope than the Statewide Coordinated Water System Plan, which is focused on drinking water supply.

Finally, Mr. Bighinatti provided an overview of WUCC communications. For routine communications, WUCC members will contact their WUCC Officers (Chairs or Recording Secretary). The WUCC Officers will interface with other WUCCs, MMI, and DPH as necessary. For formal communications, the WUCC Officers (with MMI assistance) will provide correspondence to DPH, and DPH will distribute it to WUCC members and the general public. Correspondence, meeting agendas, documents, etc. will be posted on the DPH WUCC Webpage under the appropriate WUCC region page. The WUCC website was placed on the screen for viewing. Connecticut DPH intends to make the process as transparent as possible so that those stakeholders who cannot attend every meeting can stay current through the website. In addition, a WUCC webinar is planned by DPH in July with full details on the process. A question and answer session will be included as part of the webinar.

### **3. Work Plan, Rules of Order, & Organizational Procedures**

Mr. Bighinatti noted that a work plan is required per the Statutes and Regulations, but is not defined in the Statutes and Regulations. He noted that the work plan will contain several components such as rules of order (which may take the form of bylaws), a schedule, meeting locations, protocol for public comment, and the like. He introduced draft bylaws that had been developed based on the rules of order from prior WUCCs. The draft bylaws are intended to serve as guidance for the WUCC; however, each WUCC may adopt its own set of bylaws, which may differ from the other regional WUCCs. Copies of draft bylaws were distributed to attendees upon arrival.

Mr. Bighinatti provided a high-level overview of each of the eight articles of the draft bylaws. He asked the WUCC members if an open discussion of the bylaws would be permissible. Rick Stevens (Groton Utilities) moved to open discussion of the bylaws, and the motion was seconded. An open discussion period ensued.

Mr. Bighinatti reviewed Articles I and II of the bylaws.

- Mr. Stevens asked if the bylaws need to specify that water utilities need backup representatives. Mr. Bighinatti clarified that per the Statutes and Regulations, COGs are members, but they must formally elect a member representative. Public water system members do not need to send the same representative to each meeting.
- Bob Congdon (Town of Preston) asked if the COGs could send elected officials as representatives instead of staff. Mr. Bighinatti stated that was permissible and recommended that the COGs elect a backup member representative in case the primary is unable to attend a meeting.

Mr. Bighinatti reviewed Articles III, IV, and V of the bylaws. He noted that the Western WUCC determined that its bylaws did not need to specify a number of members comprising a quorum for certain matters, and the Central WUCC settled on a quorum of nine. He also noted that both of the other WUCCs struck a provision in the bylaws that would allow for WebEx or telephone conference meetings, as that type of provision should be handled in the work plan.

- Several members had questions regarding who was responsible for notifications. Ms. Mathieu reiterated that ultimately Connecticut DPH is responsible for notifications and that the Recording Secretary will be the point person for incoming correspondence as well as helping DPH maintain the required list of interested parties who wish to be notified of the process.
- Ed Monahan (Southeastern Connecticut Water Authority) expressed concern over Article V, Section C in the bylaws that allows unnoticed workshops to occur, which may not be a sufficiently transparent process.
- David Radka (Connecticut Water Company) explained that the thought process behind Section C is that the regulatory timeframe requires diligent progress such that workgroups may be needed that cannot comply with the 14-day notice restriction. However, the bylaws would forbid any votes or taking of action at such workgroup meetings. Any conclusions would need to be brought back to a formal WUCC meeting for consideration.
- Amanda Kennedy asked for an example of a workshop. Mr. Murphy provided one.
- Mark Decker (Norwich Public Utilities) gave the example of a phone call between Chairs to set the agenda. Does that qualify as a workshop?
- Mr. Murphy noted that "workshop" could be better defined.
- Mr. Congdon concurred with Mr. Monahan and expressed his desire to ensure that any actions taken by the WUCC comply with Freedom of Information (FOI) laws.
- Margaret Miner (Rivers Alliance) stated that FOI allows for setting up meetings to set agendas, and there is the potential for holding special and emergency meetings that are held without the standard notice. However, the ability to get a quorum would be a concern if there is insufficient notice.
- Samuel Alexander (Northeastern Connecticut Council of Governments) suggested that the bylaws specify that ESAs would not be decided at workshops.

- Mr. Congdon noted that technical committees worked very well in the former Southeastern WUCC. Such are allowed in the bylaws with notice. Ms. Gouin asked for an example. Mr. Congdon described the planning undertaken by the Southeastern Water Task Force.
- Ms. Mathieu indicated that workshops are typically decided on and authorized during a regularly scheduled WUCC meeting. The existence of such a workgroup would be in the meeting minutes and people would know about it.
- Mr. Monahan stated his belief that the provision is unnecessary. Mr. Bighinatti stated that it could be removed from the bylaws and be part of the Work Plan.
- Mr. Congdon suggested adding a phrase that FOI rules would be followed for unnoticed meetings.
- Ms. Mathieu agreed that transparency is important and noted that intent of allowing workshops was not to hide discussions, but rather to allow the study of a specific issue and bring back to the larger group.
- Pat Bernardo (Town of Putnam) noted that in the Southeastern WUCC workgroups, all sidebars came back to the WUCC for action.
- Ms. Mathieu stated that it is up to the members to decide how to proceed.
- There was a brief discussion regarding the quorum number of 12 in the bylaws. It was noted that there were at least 14 members present.

Mr. Bighinatti reviewed Article VI, Article VII, and Article VIII of the bylaws.

Mr. Congdon moved to adopt the bylaws and Mr. Bernardo seconded. Formal discussion of the bylaws proceeded.

- Mr. Radka addressed the issue of quorum in Article V, Section D and asked the group to consider relaxing the quorum of 12 given the number of members present.
- Mike Benoit (Hide Away Cove Family Campground) favored a quorum of zero.
- Mr. Bernardo suggested that a quorum of nine may be appropriate.
- Mr. Alexander noted that 12 may be untenable, and it may not be possible to amend the bylaws later to less than 12, since a quorum would be needed for that action.
- Mr. Congdon noted that the former Southeastern WUCC did not use a specific quorum since attendance was very good. He recommended a quorum of six, but was not opposed to zero.

Mr. Bernardo moved to amend Article V, Section D of the bylaws to include a quorum of six. Mr. Congdon seconded. There was no further discussion. Mr. Bighinatti asked for a voice vote. The motion passed unanimously.

Mr. Monahan moved that the second paragraph of Article V, Section C (discussion of unnoticed workshops) be removed from the bylaws. Mr. Alexander seconded. Formal discussion proceeded.

- Mr. Radka asked if removing this provision would cause problems for the WUCC in reviewing technical issues.
- Ms. Kennedy (SCCOG) asked for clarification regarding whether or not two Officers being present constituted an unnoticed WUCC meeting. Ms. Gouin clarified that two Officers are necessary to have a regular WUCC meeting. A workaround would be that Officers do not all attend workshops.
- Mr. Bernardo inquired what it would mean if a workshop was held to discuss an ESA dispute between WUCC members who happened to be represented by the Officers.

- Ms. Miner noted that the discussion may be making the process much stricter than required under FOI. She suggested rewriting the provision such that two Officers do not constitute an official meeting.
- Mr. Decker asked for clarification regarding which provision to strike regarding the Officers. There was some additional discussion.
- Mr. Monahan reminded the group that the motion to strike Article V, Section C, paragraph 2 was still before the WUCC. There was no further discussion.

Mr. Bighinatti asked for a voice vote on the motion to strike Article V, Section C, paragraph 2 from the bylaws. All members voted in the affirmative, with the exception of Norwich Public Utilities. No members abstained. The motion passed.

Mr. Bighinatti asked if there was any additional formal discussion on the bylaws. There being none, Mr. Bighinatti asked for motion to adopt the bylaws as amended by the formal discussion. Several members moved and seconded. Mr. Bighinatti asked for a voice vote. The motion passed unanimously.

#### **4. Responsibilities/Election of Leadership**

Mr. Bighinatti reviewed the suggested qualifications for Officers (Chairs and the Recording Secretary). A provision in the bylaws also allows for an Assistant Secretary. Mr. Bighinatti reminded the group that the bylaws allow for either Co-Chairs or Tri-Chairs. He asked for a show of hands of who was interested in being a Chair. Mr. Decker, Mr. Congdon, and Mr. Alexander volunteered. Mr. Bighinatti asked for consensus that Tri-Chairs would be acceptable. There were no comments.

Mr. Bighinatti asked each of the potential Tri-Chairs to give a brief introduction to the group. Mr. Congdon introduced himself as the First Selectman of Preston, which has a non-community water system. He is a former Co-Chair of the Southeastern WUCC. Mr. Decker introduced himself as the Water Integrity Manager for Norwich Public Utilities (a large municipal water utility) and he is also a former Co-Chair of the Southeastern WUCC. Mr. Alexander introduced himself as a Planner with the Northeastern Connecticut Council of Governments and represents the interests of 16 communities in the WUCC process.

Mr. Bernardo moved to elect the three nominees as Tri-Chairs. There were several seconds. Mr. Bighinatti asked for a voice vote. The motion passed with all members voting in the affirmative. None abstained.

Mr. Bighinatti asked for a show of hands of who was interested in being the Recording Secretary. No hands were raised. Ms. Gouin reminded the group that MMI would be assisting the Recording Secretary during this process. Mr. Congdon nominated Jim Butler from the Southeastern Connecticut Council of Governments. Ms. Kennedy indicated that she was not authorized to accept on his behalf. The consensus of the group was that someone present should be nominated.

Mr. Alexander stated that he would be willing to act as Recording Secretary. Mr. Congdon stated that it would be good to have another utility from the northern part of the region acting as an Officer to balance representation across the region. Mr. Bernardo volunteered to be Tri-Chair. He operates the Town of Putnam water system and is representing the town in this process.

Mr. Bighinatti asked for a motion to amend the previous resolution such that Mr. Bernardo would be elected Tri-Chair and Mr. Alexander would be elected Recording Secretary. Mr. Congdon moved and the motion was seconded. Mr. Bighinatti asked for a voice vote. The motion passed with all members voting in the affirmative. None abstained.

Mr. Bighinatti turned the meeting over to the newly elected Tri-Chairs. The public comment period was briefly tabled as Mr. Congdon needed to leave. Mr. Decker asked to determine the time, date, and location of the next meeting. Following a brief discussion, the second Wednesday of each month at 1:00 p.m. was decided for the regular monthly Eastern WUCC meetings. The next meeting of the Eastern WUCC will be on Wednesday, July 13<sup>th</sup> at 1:00 p.m. at the Southeastern Connecticut Council of Governments.

## **5. Public Comment**

Mr. Decker and Mr. Bernardo opened the public comment period.

- Ms. Miner noted that, as of this convening meeting (the last of the three WUCCs), all three WUCCs did not include a provision in their bylaws to allow for meetings by WebEx or teleconference. She stated that it is unusual for an agency to not allow participation by phone or via the web as it limits the channels for citizen involvement. Ms. Miner reminded the group that there are many stakeholders who are not allowed to be members in this process, including customers, environmental groups, and local health directors. In regard to the latter, she noted that Western Connecticut experiences many issues with uranium in wells and further noted that many stakeholders are concerned with water quality. She noted that the bylaws allow for Executive Sessions whereat any WUCC member is allowed to attend and potentially see secure information. If 600 members of the Eastern WUCC are involved in that Executive Session, how is that secure? She also questioned if the WUCC plans would adequately address issues crossing WUCC boundaries. She noted that the Southeast was the only region with an approved Coordinated Water System Plan and that the other plans that were developed are technically still in draft format. How will the approved Southeastern WUCC plan be addressed as this process moves forward? Finally, Ms. Miner noted that although the intention is to have a transparent process, there is limited information regarding how it will be put into practice, particularly given the limitations on allowing others to directly participate.
- Mr. Decker was appreciative of the public comments. He noted that membership is by statute, but that there are opportunities for public comments at meetings and on the components of the Areawide Supplement. Mr. Decker indicated that he hopes for a less formal process during meetings that will include the opportunity for the public to comment on proceedings.
- Ms. Mathieu reminded the group that DPH takes notification seriously and listed the various agencies that were notified by circular letter. For those public water systems and others who could not be contacted by email, paper mailings were conducted to notify of the meeting. She noted that many of the Town Clerks who were notified posted the notification on the municipal website as well on the local bulletin board for notices. In addition, public notices were placed into eight newspapers across the state. She noted that DPH currently had a list of 60 to 70 interested persons who wished to be notified of the process and reiterated that the goal was to have live webcasts of the meetings so that people could watch if they could not attend.
- Ms. Miner thanked DPH for making the extensive effort to notify people of the kickoff of this process. She asked if DPH knew how many people had read the notification. Ms. Mathieu responded that it was unclear as no response to the mailing was necessary.

- Diana Perkins (Windham Water Commission) asked if there were any other states that have similar water supply coordination issues, and if this planning process was designed to move water out of Connecticut to drier states. Ms. Mathieu responded that the WUCC process is unique to Connecticut but was modeled after planning in the State of Washington. Many other states have also adopted regulations for regional and statewide water supply planning. This plan is solely to determine how to meet the needs of the State of Connecticut. Mr. Decker concurred stating that a national water plan is beyond the scope of this process.
- Mr. Bernardo noted that the establishment of ESAs has been very good for the state in regards to public health as it gets a responsible utility into the development process. Many small systems came on line in the 1980s that failed as soon as they were turned over from the developer.

After calling for any additional comments, Mr. Decker and Mr. Bernardo closed the public comment period.

## **6. Other Business**

Mr. Decker asked for clarification on when utilities would receive their DPH database information packets. Mr. Bighinatti responded that these should go out within the week.

As there was no other business, Mr. Decker asked for a motion to adjourn. Mr. Monahan moved and there were several seconds to close the meeting. The motion passed unanimously and the meeting closed at 3:11 p.m.

Respectfully Submitted,

Scott Bighinatti, Milone & MacBroom, Inc.