

Meeting Minutes
Western WUCC Convening Meeting
Brookfield Municipal Center – 100 Pocono Road, Brookfield, CT
August 9, 2016 10:00 AM

The Western Water Utility Coordinating Committee (WUCC) held a meeting on August 9, 2016 at 10:00 a.m. at the Brookfield Municipal Center at 100 Pocono Road in Brookfield, Connecticut. Prior written notice of this meeting was given via emails from the Department of Public Health (DPH) to eligible WUCC members, chief administrative officials, local health directors, town clerks, the Secretary of 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 on the DPH website <http://www.ct.gov/dph>.

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

WUCC Member Representative	Affiliation
Dan Lawrence (Co-Chair)	Aquarion Water Company
Kenneth Skov	Aquarion Water Company
Doug Arndt	Town of Bethel
Russ Posthauer (Co-Chair)	Candlewood Springs Property Owners Assoc.
Dave Connors	Connecticut Water Company
Joanna Wozniak-Brown	Northwest Hills COG
Meghan Sloan	Metropolitan COG
Bart Halloran	Metropolitan District Commission
Carol Youell	Metropolitan District Commission
Aaron Budris	Naugatuck Valley COG
Wesley Marsh	Town of New Hartford
Mike Crespan	Town of New Milford, Health Director
Donna Culbert	Town of Newtown
Michael Elliott	Norwalk 1st Taxing District
Scott Halstead	Town of Oxford
Gregory Bleau	Southbury Training School
Rose Gavrilovic	South Central CT Regional Water Authority
Tom Villa	South Norwalk Electric & Water
Curtis Read	WestCOG
Mike Towle	WestCOG

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

Non-WUCC Member Representative	Affiliation
Melissa Czarnowski	CT Department of Energy & Environmental Protection
Corinne Fitting	CT Department of Energy & Environmental Protection
Mike Sullivan	CT Department of Energy & Environmental Protection
Eric McPhee	CT Department of Public Health
Nick Neely	Connecticut Public Utilities Regulatory Authority

Gail Lucchina	Connecticut Public Utilities Regulatory Authority
Eileen Fielding	Farmington Riv. Watershed Assoc.
Matt Rose	Milone & MacBroom, Inc.
David Murphy	Milone & MacBroom, Inc.
Hugh Rogers	Rivers Alliance
Peter Galant	Tighe & Bond, Inc.
Jeffrey Manville	Town of Southbury

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

1. Welcome & Roll Call

The Chairs opened the meeting at 10:04 AM. The chairs requested a roll call of attendees.

2. Review of July Meeting Minutes

Mr. Lawrence began by the discussion by mentioning the availability of the draft minutes of the Western WUCC meeting were available on the DPH website. Mr. Lawrence asked if there were any comments or changes from the floor. No comments/changes were received. Mr. Posthauer moved to approve the amended meeting minutes. Mr. Elliott seconded. All members voted in the affirmative.

3. Review of Formal Correspondence

Mr. Lawrence stated that he had received an email from Aaron Budris regarding the survey to be sent to the communities in the Western WUCC. Mr. Lawrence said that the draft Coordinated Water System Plan, Part I: Preliminary Water Supply Assessment for the Western Connecticut Public Water Supply Management Area dated August 1, 2106 was sent out to active members, and a separate letter was sent to all WUCC members to notify them of the availability of the report.

4. Public Comment

The Chairs opened the public comment period.

- Corrine Fitting asked if it was acceptable to have appropriate state agencies to take a look at the Preliminary Water Supply Assessment, as this is consistent with the Statutes. Mr. Lawrence said it would be appropriate after the WUCC members fact check their data.
- Mr. McPhee mentioned the DPH had received a request for the approval of a water system for AJ's Steak and Pizza Restaurant in Goshen CT. Mr. McPhee pointed out that according to Connecticut General Statutes (CGS) Section 25-33i states "(b) No public water supply system may be approved within a public water supply management area after the commissioner of Public Health has convened a water utility coordinating committee unless (1) an existing public water supply system is unable to provide water service or (2) the committee recommends such approval."
- Mr. McPhee stated that the DPH will need the WUCC's recommendation for the DPH to approve this Transient Non-community public water supply.
- A discussion ensued regarding if the approval of this Transient Non-community water supply would need to be noticed on the Western WUCC's agenda for review and then approved at a meeting or if the Co-chairs can recommend approval and it could be mentioned at the next meeting.
- Mr. Halloran asked if we could get unanimous consent by WUCC members in order to approve it.

- Ms. Culbert asked what would have happened if the WUCC had not convened. Eric indicated that the DPH would just review and approve the application if no feasible water utility can serve the property.
- Ms. Wozniak-Brown stated that whatever is decided today could set a precedent for future CPCN reviews. Mr. Posthauer said that there should be a way for the WUCC to let the Chairs approve it, but this may set a precedent so it should be done the right way. Is there a way to approve it without setting a precedent?
- Mr. Villa asked when the application was received by DPH. Mr. McPhee said that this application had been received in October 2015, prior to the WUCC convening. Now as soon as DPH gets applications they notify the applicant that the WUCC has convened. Mr. Villa noted that therefore, this was simply a timing issue and it should not happen again.
- Mr. Lawrence said if you read the section of the regulations it says if “an existing public water supply system is unable to provide water service” then it doesn’t need WUCC recommendation and approval and the DPH can act on it.
- Mr. Crespan asked if there was a specific distance where water utilities will not extend a water main.
- Mr. Connors stated that the business owner can pay to extend the water main, but it may be cost prohibitive. Mr. Galant reiterated that it is not that the water company can’t serve, but that it is may be cost prohibitive.
- Mr. Posthauer said that business owners should be asking water utilities up front – can you serve me and at what cost.
- Ms. Culbert asked if the property owner could become a water utility. Yes a Non Transient Non-community system can, however a community system would have to be served by the ESA holder once ESA’s are established. She also noted that other options would be letting the ESA holder be the operator or perhaps establishing a satellite systems.
- Mr. Elliott noted that whatever is decided today could possibly be an interim measure, and a more formal process could be established later.
- Mr. McPhee suggested that CPCN applications could be a rolling agenda item, but Mr. Lawrence noted that it was easy enough to add the item as needed.

5. Discussion of Potential Bylaw Amendment Regarding Quorum and Voting

The Chairs and Mr. Murphy opened a discussion regarding the potential Bylaw amendments.

- Mr. Lawrence went through the potential amendments:
- Article III, Section E. Removal. If you read the section, if there is no quorum it doesn’t work. The amendment will simplify the section by removing by a majority vote of the members attending a meeting for which and replacing the language with “by the members at a meeting of the WUCC for which”
- Article III, Section H. Executive Session. The language “Freedom of information requests, and legal Matters”. Was recommended to be added to the end of the first sentence in the section.
- Ms. Culbert questioned the word “shall” because shall means must. Is there an instance that the WUCC would not want a State Agency in Executive Session? In the second sentence if the words “State Agencies and their agents” were removed it would allow the State Agencies and their agents to be invited into the Executive session, but it would not be required. The WUCC members agreed to the change.

- Article IV, Section D. Other Matters. The language in the first sentence “other than” was proposed to be struck and changed to “including” and the words “approval or modification of ESA boundaries and assignments,” was to be removed. The WUCC members agreed to the change.
- Article V, Section D. Meetings. The language “except as required in Article IV D,” was proposed to be struck. The WUCC members agreed to the change.
- Article VIII – Amendments. The proposed change was to strike the word “thirty” and replace it with “twenty eight” days. Mr. Elliott said why don’t we shave off a few more days, and make it “twenty one”. Ms. Fitting also suggested that we strike the words “where a quorum is present.” The WUCC members agreed to these changes.
- Mr. Rogers referred back to Article III, Section H. Executive Session, and asked if votes could be taken in Executive session. Mr. Posthauer replied that votes could not be taken in Executive Session.
- Mr. Galant noted that Article IV, Section C. Certificates of Public Convenience and Necessity cover the AJ. Steak house issue. By this section the chairs can move it forward. Mr. Elliott also mentioned it says may not shall. This lead to another discussion about the CPCN process during the agenda item dedicated to the bylaw changes:
 - Mr. Villa noted that CPCN applications should approach the WUCC. Ms. Gavrilovic said that the WUCC should have input into the decision to allow a new water system and who might serve it. Mr. Posthauer stated that in two years after the monthly meetings stop it would make sense for the Chairs to take care of it since there may only be meetings once a year.
 - Ms. Wozniak-Brown explained that, from the COG’s perspective, advance notice to the WUCC also helps the municipalities plan.
 - Mr. McPhee reminded attendees that the goal is to avoid situations that a new development could have been served by other water systems.
 - Mr. McPhee and Mr. Posthauer asked how do the business owners know to come to the WUCC. Mr. Crespan said that it’s a learning experience, and they usually come to the Health Department too late. The Health Department walks them through the process which is not an easy process to understand. It works best when the business owner has a consultant to guide them.
- Mr. Lawrence went back to a discussion of the Bylaws. To change the Bylaws a petition from at least ten WUCC members is required to change the Bylaws and then a vote on the Bylaw changes. During the meeting a petition was circulated and 18 WUCC members signed the petition, so a vote on the Bylaw amendments will be taken at the next meeting.

6. Water Supply Assessment Review & Feedback

The Chairs opened the floor for questions and discussion of the draft Preliminary Water Supply Assessment (WSA).

- Mr. Lawrence stated that each utility should fact check their utility’s information contained in the draft Preliminary Water Supply Assessment.
- There was a discussion that not a lot of information is included for the small rural water utilities. Mr. Murphy noted that Appendices C and D were forthcoming; these focus on small community systems.
- Mr. Connor’s stated that a lot of the information is from old documents that are over 10 years old, so the data is not up to date. He also noted that the water quality data is not consistent from one

water utility to another. Mr. Murphy noted that this is because it is based on what has been presented in existing reports that reflect the utility's approach to presenting this information.

- Mr. Murphy said that Milone and MacBroom took the data they received (reports, plans, sanitary surveys etc.) and used this as the basis for the Preliminary Water Supply Assessment. The Assessment is meant to be factual and concise, according to the Statutes. Interpretations and evaluations of reports, plans, sanitary surveys etc. was not a part of the assessment.
- Mr. Murphy presented a power point which reviewed each section of the Water Supply Assessment
 1. Introduction
 2. Existing Public Water Systems
 3. Assessment of Water Supply Sources
 4. Existing Service Areas
 5. Populations, Land use, and Projected Growth
 6. Status of Water System Planning
 7. Issues, Needs, and Deficiencies in the Region
- Mr. Murphy said that the COGs should also take a look at the data and point out areas that have issues that need to be resolved. Mr. Crespan inquired how the internet-based survey should be used, and Mr. Elliott noted that the survey was forwarded from the Norwalk commissions to staff to the water districts (thereby passing it along to the utility, which is not the intended audience for the survey).
- Ms. Wozniak-Brown noted that it is a global issue that there is not much information available for the small water systems. Ms. Culbert responded that the report shouldn't spend too much time on the small systems, but the small system issues need to be kept in view.
- Prompted by a discussion about the population projections, Ms. Sloan noted that the COG would favor using the CT DOT projections because they are conservative and also because water system development tends to be similar to transportation networks, thereby making these projections appropriate for water system planning. Mr. Villa noted that presenting both sets of projections in the document may be appropriate.
- Mr. Murphy said that they want everyone's comments to be in writing and would like all of the comments by August 31st.

7. Discussion of Meeting Schedule and Public Review Period

- Mr. Murphy reviewed the Water Supply Assessment schedule
 - To be reviewed at the September 13th WUCC meeting to start the public comment period
 - October 11th – Discussion of public comments
 - November 1st – Draft Final to WUCC members
 - November 8th – Discussion of Draft Final at WUCC meeting
 - December 1st -Final Draft of Final WSA to WUCC members
 - December 13th – Adoption of final WSA
 - December 14th – Submission of Final WSA to the DPH
- Mr. Murphy said that the Preliminary Water Supply Assessment was emailed to active members for comments. He also said that this is a factual report about water systems and will not have a detailed environmental discussion, although environmental issues are noted in some sections such

as the presentation of future sources. The integrated report will have a more robust environmental discussion.

- Mr. Rogers asked when the integrated report would be developed, and Mr. Murphy responded that it was the second half of the 2-year process.
- Mr. Sullivan asked when the environmental review would happen, and Mr. Murphy responded that this would be during the Integrated Report.
- Ms. Fielding asked for an explanation about why the ESA process is prior to the Integrated Report [aside from the statutory and regulatory reasons for this sequence]. Mr. Lawrence explained the logistical reasons for this.
- The Chair's said that thought should be given to troubled system and who has the ability to serve them.
- Mr. Murphy said information in the WSA can be corrected up until December 1st (throughout the Preliminary Water Supply Assessment process and then during the Final Water Supply Assessment).
- Attendees asked if the small systems should be invited to review the PWSA after Appendix C and D are added. Mr. Murphy noted that they were already invited to review the document, regardless of the status of the appendices, and none of them responded. Therefore, an additional invitation would not draw out different responses.

8. Other Business

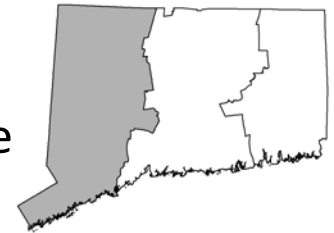
As there was no more business, the Chairs requested a motion to adjourn. Mr. Posthauer made a motion to adjourn. Mr. Connors seconded the motion. The motion passed unanimously and the meeting closed at 11:50 AM.

The next scheduled Western WUCC Meeting is scheduled for Tuesday September 13th, 2016 to be held at the Brookfield Municipal Center at 100 Pocono Road in Brookfield, Connecticut.

Respectfully Submitted,

Kenneth Skov, Temporary Recording Secretary – Western WUCC

Western Region Water Utility Coordinating Committee



Meeting Agenda
August 9, 2016
Location: Brookfield Town Hall
Time: 10:00 a.m. to 12:00 p.m.

Russell Posthauer, Jr., Co-Chair
russellposthauer@ccaengineering.com
203-775-6207

Daniel Lawrence, Co-Chair
DLawrence@aquarionwater.com
203-362-3055

David Banker, Recording Secretary
DBanker@themdc.com
860-278-7850 Ext. 3650

1. Welcome & Roll Call (5 Minutes)
2. Review and Approval of July Meeting Minutes (5 minutes)
3. Review of Formal Correspondence (5 minutes)
4. Public Comment (10 minutes)
5. Discussion of Potential Bylaw Amendment Regarding Quorum and Voting (15 minutes)
6. Water Supply Assessment Review & Feedback (45 minutes)
7. Discussion of Meeting Schedule and Public Review Period (10 minutes)
8. Other Business (15 minutes)