

1. Oct 2 Board Of Selectman Meeting Materials

Documents:

[FY23 OCT 2 MARY DALY LETTER.PDF](#)

I believe all of the Selectmen have received from the SVSC, the charts and data of the CT Health Department's 7 years of clean water tests for Sound View Beach. I hope you also had time to review the last two charts you were sent – those pertaining to Rogers Lake for 2022 -23. Not so clean. If you need a fresh copy please let me know and I will resend them.

In regard to the letter from Graham Stevens – DEEP – to the SVSC:

- 1 - DEEP and CT Dept of Health don't agree. While the State of Connecticut Health Department, based on current weekly testing, reports that Old Lyme is not polluting the Sound, DEEP, based on data from 2012, says we are. DEEP suggests in 2012 we had some failing septic systems. Ok. Which ones? If they haven't already been fixed, let's fix them. Many homeowners have upgraded their systems to modern engineered systems in the intervening years. The town's program of mandatory pumpouts has also made a difference, but DEEP and the Town WPCA insist on using this flawed, outdated data to push for sewers.
2. DEEP (per Graham Stevens) says that passive code complaint septic systems are acceptable. We agree. DEEP also recognizes and accepts alternative systems. We agree. Let's pursue this option further.
3. DEEP (Stevens) notes that back in 2012, sewers were the most cost efficient way to handle the issues in the beach area. Perhaps then, but not now - that's clear to just about everyone.
4. Graham Stevens suggested that going forward, the SVSC should contact Carlos Esguerra directly. We gladly accept, and will be reaching out to Mr. Esguerra shortly.

On the issue of signatures for the revised IMA:

1 - This contract will have a long-term lasting effect not just on the property owners directly impacted, but on the town as a whole. We still have so many unanswered questions regarding this project. We do not know for sure what the design is (60%), what the costs really are (maybe going out to bid again in 2024?), if Senator Marx's request for \$14 million will be funded, if the application to DEEP for a forgivable loan -whatever that is, will be granted based on affordability, or rejected. And if DEEP deems it affordable and doesn't give the town this loan - that doesn't mean it is. As Chairman Prendergast stated during the September 2023 WPCA meeting, there is disagreement between the Private Beach Associations and town as to ownership, partnership, and therefore financial responsibilities for the proposed sewer project. Which is understandable, given that the division for this project is based on EDUs, and yet each of the parties define EDUs differently! For this "forgiveable loan" application, estimates for the Sound View/Area B portion will be based on property values in Old Colony – not Sound View. These two communities are not comparable. Old Colony is private, while Sound View is public, and includes commercial properties. Old Colony property values are much higher than those in Sound View or Area B. And, Old Colony supposedly is only responsible for 24.3% of the project vs. 29.7% in SV/Area B. And to add insult to injury, the Private Beach Associations are now arguing that should there be a grant, Sound View/Area B should only receive 25% of these grant funds. Seems like there is too much disagreement to sign anything right now. And this is without putting a shovel to the ground! Can you imagine going forward what it will be like?

2 – Two of the three members of this Board of Selectmen are retiring this year, and not running for re-election. This IMA agreement should be decided by the new BOS that will be voted on in the next 29 days because it is that BOS that will have the responsibility of managing it. New London has already proven to not be good neighbors with this contract negotiation which is only good for 5 years, and does not stipulate a limitation on increases when those 5 years are up. Once this IMA is signed, and if sewers are eventually installed, then New London will have Old Lyme by the tail for probably hundreds of years. Let's remember—New London can't go to other towns and demand participation—we are their only new customer at this time and that should be leverage to negotiate future limitations. But once this agreement is signed, Old Lyme loses all leverage, and we will be stuck with this one-sided agreement that favors New London.

All of these disastrous and fiscally onerous scenarios could be avoided. Our town could maintain its independence by pushing back on DEEP and implementing new green solutions to resolve whatever pollution problem really exists. We all understand, as Vice Chair Cinami once again reminded us at the close of the September WPCA meeting, that the WPCA is “a voluntary board doing the best we can.” We get that. But for \$55 million up front, and an eternity of an unregulated surcharge and maintenance fees, we should step back at this point and make sure this is the right thing to do. Whatever steps and direction we move in next, should be decided by the new BOS – not the outgoing Board.

The SVSC is asking the BOS to please refrain from signing this agreement tonight, and to wait until the actual design of the system is closer to completion. To rush in only benefits New London at the expense of Old Lyme. We can wait. It's the prudent thing to do.