

2022 Fall Meeting - Resident's Concerns

September 26, 2022

Note: Some of the complaints or allegations we heard have been presented here as concerns or questions in the interest of brevity and being concise. Please contact the Chairman, Al Roy with any follow-up questions.

Q1: Is the role or objective of the WPCA board, or that of the chairman, Al Roy, to ensure we proceed with the project and install sewers regardless of cost?

Absolutely not. As evidenced in multiple meeting discussions, meeting minutes, and updates, the role of the WPCA is as follows:

The WPCA is responsible for seeking economically feasible means to comply with requirements of the Unified Consent Order, and specifically to implement remediation measures prescribed therein. The WPCA is also bound by the current, existing resolution, voted upon on August 11, 2012.

Additionally, the chairman has stated the following on numerous occasions:

I am serving in this role at the pleasure of your BOG and I am committed to representing the best interests of our beach community in navigating a cost-effective and economically feasible path forward, or a path to some other logical conclusion as the situation may dictate.

Q2: Has the WPCA and BOG operated in accordance with our charter, conducted formal, announced meetings in an appropriate manner, and with complete transparency? Were all requirements to acquire land, obtain easements and enter into various agreements discussed and voted upon in an open forum?

Yes. Every decision was thoroughly vetted at either or both a scheduled meeting of the WPCA or the BOG. Proper advance notice was provided in meeting announcements regarding decisions for discussion which required a vote. Motions to approve were solicited and voted upon.

Q3: Why did the WPCA and BOG acquire property, obtain easements, numerous permits, and enter into various agreements such as Intermunicipal Agreements, and agreements with the other beaches, the Town of Old Lyme, etc. prior to going to bid? Wasn't this totally unnecessary? Why couldn't this all wait until we went to construction?

Connecticut DEEP administers federal Clean Water Fund programs on behalf of the EPA and is bound with strict fiduciary responsibilities. DEEP is required to ensure all prerequisites are met prior to giving us permission to obtain bids. We had to submit and certify all these requirements to DEEP, who in turn takes about a week to review and then provides their Plans and Specifications Approval which then permits us to advertise the bids.

Q4: Is the Unified Consent Order issued in 2018 (which superseded the original one in 2012) still a valid and enforceable document, even if we have no tangible knowledge of pollution activity (e.g., beach closings, private septic system/cesspool failures, etc.)?

Yes, the consent order remains in force. Article A of the [Unified Consent Order](#) specifically outlines the basis for the order, which is summarized in Article A.7: "By virtue paragraphs A.2, A.4, and A.6 above, a community pollution problem exists and the beach associations are causing pollution of waters of the state." When signed by the beach associations and the Town of Old Lyme, the parties officially consented to the terms, conditions, and remedies prescribed therein.

Q5: Did Fuss & O'Neil actually write the consent order for DEEP and at someone's request?

Absolutely not. The consent order is an instrument commonly written and used by DEEP in such matters and is carefully constructed following specific and detailed statutory and regulatory requirements.

Q6: Why didn't we let the town health department just do their job and force individuals with failed septic systems or cesspools to correct their problems?

The Town of Old Lyme has partnered with [Ledge Light Health District](#) (LLHD) who serves as the local health department for 9 area towns. Their responsibilities include administration of the [Septic/Wells](#) programs outlined on their website. Our understanding is LLHD does not provide proactive inspection and compliance services, but relies on complaints or self-reporting to deal with septic or cesspool failures.

Q7: It has been suggested the total cost per resident to build the sewer system and connect to the systems could be as high as \$85,000. Can the BOG or WPCA verify that?

No. The detailed basis and assumptions for that private estimate are very unclear. Your WPCA is focussed on dealing with the facts and seeking the most economically feasible solution possible and will not speculate. In the event we are able to secure substantial additional grant funding, we would then obtain new bids for construction. This information would then allow us to formulate a new estimate of cost per resident.

Q8: We need to know what all this will cost us going forward, and before we are given an opportunity to vote on a new proposal/resolution. Everything should be included, like operating and maintenance costs (including utilities), the costs for conveyance through East Lyme and Waterford, and fees for treatment at New London. Will there be future costs to upgrade treatment facilities as well?

The original [Budgetary Level Opinion of O&M and Capital Costs](#), dated September 8, 2020, as posted on our website itemizes all the component costs to build and operate the system,

including those mentioned in the question. In the event system upgrades or expansion were needed we would be obligated to pay our pro rata share based on flow, which is relatively minor, as provided in the agreement. In the event we are able to secure substantial additional grant funding, we would then obtain new bids for construction, and subsequently re-estimate all O&M costs, allowing us to prepare a refreshed all-inclusive Opinion of Cost (a.k.a “pro forma”) for our residents to consider.

Q9: As a member of the association, why can't I get specific or detailed financial information related to the project?

The WPCA has strived to provide detailed information at meetings and has posted numerous documents on the website including periodic detailed financial statements. The WPCA has also responded to multiple Freedom of Information (FOIA) requests in a comprehensive and timely manner, and in accordance with FOIA requirements. Each response addressed the specific information requested. Note that this level of FOIA activity required us to obtain advice of legal counsel, at considerable expense, to ensure both the WPCA and association are in compliance.

Also, to clear up any confusion or misunderstanding, the following statement was included in one of the recent FOIA responses:

We reject any suggestion or inference that either board (BOG or WPCA) is hiding information to either intentionally withhold information from our residents or further some clandestine, nefarious objectives. Our volunteer members deserve far better.