



February 1, 2023

Timothy Griswold, First Selectman, Town of Old Lyme
Richard Prendergast, Chairman WPCA, Town of Old Lyme
Douglas Whalen, Chairman Old Colony Beach Club Association
Frank Noe, Chairman WPCA Old Colony Beach Club Association
Mark Mongillo, President, Miami Beach Association
Scott Boulanger, Chairman WPCA, Miami Beach Association

Gentlemen,

As President of the Old Lyme Shores Beach Association (“the OLSBA”), and with the unanimous support of its Board of Governors, I write to supplement our recent conference call. We have been considering many issues related to this Project since last Summer, when we learned that federal and state funding was not available. We jointly agreed that we should schedule a meeting to inform DEEP that we collectively believe that the Project is no longer economically feasible (if it ever was). Without significant infusion of federal and state grant funding, the Project cannot proceed. Therefore, the Consent Order needs to be modified or revoked.

Costs have increased dramatically since Fuss & O’Neill proposed this Project back in 2012. We believe the total costs will remain at this unacceptable level or continue to increase. Collectively, we have expended more than \$1 million into the design phase of the system, acquisition of land, easements, and legal fees. The Project will require tens of millions of dollars to complete the design and to construct a complex and uniquely designed sewer system, including a yet-to-be-built pump station, and miles of shared infrastructure within the three private beaches, public neighborhoods, and State highway 156 of Old Lyme. The system will require operation and maintenance, including technical skills and expertise for the life of the Project not factored into the current analysis. Who, and how, will this be paid for? In short, major revisions to the Cost Sharing Agreement (“CSA”) are needed and required. Moreover, we believe that the CSA is incapable of being performed and, following discussions with DEEP that we believe should result in a modification or revocation of the existing Consent Order, the CSA may be terminated.

We appreciate that our legislators have shown an interest in the Project and understand the need for State and Federal funding to make it work. It is clear to us that \$14 million of State funding is wholly inadequate, and even the \$30 million figure people have been discussing may not be nearly enough. Representative Carney understands and has expressed that “this Project is prohibitively expensive, and I am worried about people being forced from their homes due to cost.” We will encourage Representative Carney, and new State Senator Marx, to join us in meeting with DEEP and discussing a modification and/or revocation of the Consent Order.

It is also far from clear to us that the Project is even necessary. Testing of the waters of Long Island Sound offshore from our beach has failed to reveal any significant levels of pollutants of any kind. More than 85% of the OLSBA homeowners are seasonal residents, and cannot understand why such a complex and expensive system is necessary given their marginal contribution to the problem, if there is a problem.

Accordingly, I believe our Association membership will not support continued participation in this Project as it is currently structured. As costs continue to increase, and with insufficient grant funding, those costs will necessarily be imposed on our homeowners. I am not prepared, or willing, to ask my membership for more funding for additional RFP's or a new study by Fuss & O'Neill or some other firm.

For a Project of this scale to be viable, we believe it should be a Town of Old Lyme initiative, integrated into the existing town infrastructure and funded in the same manner as any other Town-sponsored Project.

Putting the Project on "pause" does not make sense to us. Waiting for the economy to improve will not reduce its cost. We will only spend more money on new RFP's and consultants, costs which we believe will only make the Project less economically feasible.

Therefore, we must determine what alternatives exist to the current Project and organization. As President of the OLSBA I cannot recommend that we agree to any modifications of any other agreement to which we are a party, including the existing CSA or the agreement with New London that expires in September, 2023.

Among the alternatives that OLSBA is strongly considering is a withdrawal from the existing alliance and proceeding on our own. We hope that you will continue to agree with our position that the Project is not economically feasible and agree to approach DEEP collectively to seek a modification or rescission of the Consent Order. We should also collectively agree to pursue alternatives, especially new designs for septic systems. If not, the OLSBA is prepared to move forward on its own.

The comments and positions outlined in this letter are unanimously held by the OLSBA Board of Governors and were decided upon at a recent special meeting that included members of our association.

We believe that time is of the essence, and I look forward to your individual thoughts.

Bryan Even

President Old Lyme Shores Beach Association