

# BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

Wednesday, October 26, 2011 Room 135 7:00 p.m.

## MINUTES

1. **Convene Meeting** - The regular monthly meeting of the Brookfield Water Pollution Control Authority was held on Wednesday, October 26, 2011 at the Brookfield Municipal Center, Room 135. Chairman Malwitz called the meeting to order at 7:00 p.m. with the following persons in attendance:

### W.P.C.A.

Chairman Malwitz, Chairman  
L. Trojanowski-Marconi, Vice Chair (7:30)  
P. Donohue  
\* P. Kurtz, Alternate  
\* T. Lopez, Alternate

### Others

J. Pisco, Commission Engineer  
J. Sienkiewicz, Commission Attorney  
R. Prinz, Chief of Maintenance  
D. Will, Inspector  
S. Welwood, Commission Accountant  
K. McPadden, Executive Administrator

\* Regular voting members this evening

2. **Approval of Minutes** – 8/26/11 Special Meeting - **A motion to approve the minutes of the August 26, 2011 special meeting was made by P. Kurtz, seconded by T. Lopez and passed unanimously.**  
9/28/11 Regular Meeting - **A motion to approve the minutes of the September 28, 2011 regular meeting was made by T. Lopez, seconded by P. Kurtz and passed unanimously.**

### 3. **New Business**

- a. 331 Federal Road – Application to Connect – Present on behalf of the property owner was Richard Howard, CCA Engineering. He submitted a plan and explained that the application is to connect only the front building, which will be a coffee shop; the rear building will remain on septic. Chairman Malwitz explained that the entire property will be assessed, and Atty. Sienkiewicz stated that the front building septic connection will need to be abandoned. **A motion was made by P. Donohue to accept the application, to set the additional application fees at \$1,300 (\$300 inspections, \$1,000 engineering), and once that fee comes in, to refer the plans to J. Pisco for engineering review. The motion was seconded by T. Lopez and passed unanimously.**
- b. 200 Federal Road – Application to Connect – Present for the owner was Raymond Gradwell, BL Companies, the site engineer for the Costco expansion. He explained that Costco is seeking a sewer connection for the gas station kiosk, and the expansion will be done in phases: build the new bank building, build the gas station/kiosk, build the new entrance with traffic signal, demolish the existing bank and re-configure the parking lot. Atty. Sienkiewicz explained that an application to connect is necessary for the new bank building, as well as an application to disconnect for the existing bank connection. He also stated that this expansion will be subject to the 2% Capital Cost Recovery Connection Charge. Mr. Gradwell will apply for a grease trap waiver for the gas station

- kiosk, with the understanding that the use of the building will not be permitted to change.
- c. 195 Federal Road – Application to Connect - Present were Greg Steiner, owner, and Richard Howard, CCA Engineering. Mr. Steiner gave a brief explanation of their proposed connection consisting of two (2) phases, which will do away with the pump up system to Federal Road. **A motion was made by P. Donohue to accept the application, to set the additional application fees at \$1,600 (\$600 inspections, \$1,000 engineering), and once that fee comes in, to refer the plans to J. Pisco for engineering review. The motion was seconded by L. Trojanowski-Marconi and passed unanimously.**
  - d. 28 Old Grays Bridge Road – Application to Connect - Present on behalf of the property owner was Richard Howard, CCA Engineering. He explained that the owner is proposing to build a flex-space building with a grease trap and pump up system. Mr. Howard was unsure of how many tenants there will be and/or whether the units will be condominiumized; he will check with the owner and report back. If the owner decides not to condominiumize the building, a condition will be attached to the approval stating that it is a single use building, and if, down the road, the owner decides to condominiumize the building, he will need to come before the Authority to modify the approval. This property will be subject to an Outlet Capacity Charge (\$10 per gallon) and a benefit assessment. **A motion was made by L. Trojanowski-Marconi to accept the application, to set the additional application fees at \$2,400 (\$1,400 inspections, \$1,000 engineering), and once that fee comes in, to refer the plans to J. Pisco for engineering review. The motion was seconded by P. Donohue and passed unanimously.**

#### **4. Old Business**

- a. 28 Old Route 7 – Application to Connect – Present for the owner was David Cole, Cole Construction. K. McPadden explained that years ago there was an administrative error and although this property was listed as assessed, it never was. A second error was uncovered, that being that it was labeled as ‘assessed but not connected’ on the Sewer Map, but not assessed or connected. Atty. Sienkiewicz suggested that this property be assessed in 2011, which will make it eligible for sewer service. Then once the building is complete, the building will receive a supplemental benefit assessment. This application is continued to November 16, 2011.

#### **5. Accountant Report/Banking**

- a. YTD financials through September – S. Welwood handed out and reviewed her accounting reports.
- b. Federal Road North Re-Assessment – S. Welwood compiled a report using P. Donohue’s information as a starting point and calculated future collections through the end of the Federal Road North bond period. Chairman Malwitz handed out this report, as well as a graph explanation, and proposed that the assessment rate be lowered from 8.3% to 7.3%. Mr. Donohue asked if this re-calculation allowed for any future capital projects, and felt the starting number in the bank account was too high. **A motion was made by L. Trojanowski-Marconi to work up the credit adjustment for each individual property within the Federal Road North District and present it in the form of a**

**Resolution to go to public hearing** [in January 2012]. **The motion was seconded by P. Kurtz and passed unanimously.** Note: Chairman Malwitz abstained from the vote. S. Welwood will get the list of credits to Atty. Sienkiewicz for the Resolution, including those properties that are completely paid off. The Federal Road North billing will be delayed until February 2012. R. Prinz stated his concerns about lowering the assessment creating the potential for not having enough funding in case of an emergency.

## **6. Engineer Comments/Project Update**

- a. Old New Milford Road Sewer Extension Project – J. Pisco reported that all of the piping is in, and the target completion date is November 1, 2011. There has only been one invoice submitted to date. The staff will send a letter to each property in this district letting them know the procedure if they wish to connect. The public hearing will be held late first quarter 2012.
- b. Sandy Lane Sewer Extension Project – J. Pisco reported that Sandy Lane Village is connected and flowing, and applications for surrounding properties are coming in to connect. Atty. Sienkiewicz suggested that new users pay an assessment *and* a 2% Capital Cost Recovery Connection Charge, while current users pay just the assessment.
- c. Caldor Pump Station Grinder – J. Pisco reported that bids are due on November 2, 2011, with the bid opening that morning at 10:00 a.m. An addendum will be sent out tomorrow as a response to the many questions that have been asked about the project.
- d. Dean Road/Pocono Road Sanitary Sewer Extension – Chairman Malwitz explained that he spoke with First Selectman Bill Davidson and the Town is unable to fund the \$50,000 study costs for this project. An informational public hearing will be held in January explaining that the project will cost between \$2 and \$2.5 million. A letter will be sent prior to the public hearing to every property owner. **A motion was made by P. Kurtz to authorize the Chairman to schedule an informational meeting during the month of January or February for the Dean Road/Pocono Road Project and the Delmar Drive II Project as he deems appropriate. The motion was seconded by P. Donohue and passed unanimously.**
- e. High Meadow/Ledgewood/Newbury Crossing Project – J. Pisco stated that he received the Wetland Assessment Report from Ecologist Jodie Chase. Her conclusion is, although the wood turtle was not observed, the habitat is suitable; therefore, caution should be exercised during construction, utilizing silt fencing. Mr. Pisco is meeting with Ms. Chase and the Army Corps of Engineers on Thursday, 11/3/11, and will then make formal application to the Wetlands Commission shortly thereafter.
- f. Other Engineering Matters – Mr. Pisco expressed his concerns that there is less than a foot of cover over the building sewer at 360 Federal Road. The staff will send out a letter to the property owner with a copy to CCA, indicating that the Authority is very concerned that the building sewer does not comply with the regulations in that it is not at least 30” below grade, and that is one of the things that will be inspected when it is installed. Mr. Pisco asked that the Authority consider putting future bid documents online in order to save paper and time.

## **7. Legal Matters**

- a. Delinquencies/Collections – Chairman Malwitz reviewed the delinquency report from the Collector. There are still two levy and sales scheduled for November 10<sup>th</sup>.

- b. Permanent Maintenance Agreement Update – Atty. Sienkiewicz had drafted an amendment to the Sandy Lane Permanent Maintenance Agreement which he will wait to send until the construction totals are finalized.

The R&F Danbury termination agreement has been drawn up, but he is waiting for the pump station repairs to be completed prior to finalizing it. The Caldor agreement letters have been sent to the owners and Atty. Sienkiewicz would like to clear this up prior to BJ's purchase of the property.

- c. Other Legal Matters – Atty. Sienkiewicz received a response from CIRMA with a few minor changes in the wording of the bid documents that he sent them last month for review.

**8. Chief of Maintenance Report** – R. Prinz handed out and reviewed his report with the Commission. He stated that the Sandy Lane Project contractor ran into extra rock along Old Grays Bridge Road. **A motion was made by L. Trojanowski-Marconi to enter into Executive Session at 9:56 p.m. to discuss a pending claim by the contractor for Sandy Lane, inviting the Commission Engineer, Attorney and staff to remain. The motion was seconded by P. Kurtz and passed unanimously.**

**A motion was made by L. Trojanowski-Marconi to come out of Executive Session at 10:28 p.m., making note that no motions were made. The motion was seconded by P. Kurtz and passed unanimously.**

Mr. Prinz reported that the infiltration study north of the Four Corners has been initiated, and there have been several disturbed and missing clean-out caps found. This study will continue. Chairman Malwitz guesstimates that we are sending (yearly) 10% more sewage to Danbury than we should be. Separately, Mr. Will met with the State and they reaffirmed that there should be no sewer structures within 75' of any well. This is something that will need to be added to the sewer regulations. Mr. Will will get the regulatory citation to Atty. Sienkiewicz.

**9. Other WPCA Business/Ongoing Projects**

- a. Insurance Review – Chairman Malwitz explained that due to the upcoming election, the meeting with the First Selectman was never held. This will be further discussed next year.
- b. 2012 Meeting Calendar – Following discussion of the proposed calendar, **a motion was made by L. Trojanowski-Marconi to approve the meeting calendar for 2012 as amended. The motion was seconded by P. Donohue and passed unanimously.** A letter will be sent to the Town Clerk notifying her of this December's canceled meeting.
- c. Interlocal Agreement – Chairman Malwitz explained that the Authority will need to reapply for the Danbury Interlocal Agreement and handed out a sheet showing current and possible future usage. The current allocation is 500,000 gallons per day, and his recommendation is to apply for an additional 100,000 gallons in April 2012. This will be further discussed next month.

**10. Vouchers** – Chairman Malwitz explained that the City of Danbury bill is being paid this month. Following discussion, **a motion was made by L. Trojanowski-Marconi to approve the vouchers for payment as presented. The motion was seconded by T. Lopez and passed unanimously.**

**11. Adjournment - There being no further business, on motion by L.  
Trojanowski-Marconi, seconded by P. Donohue, the meeting adjourned at 10:56 p.m.**

\*\*\* Next meeting scheduled for November 16, 2011 \*\*\*