

BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

Wednesday, December 14, 2011 Room 133 3:00 p.m.

SPECIAL MEETING APPROVED MINUTES

1. **Convene Meeting** - The Special Meeting of the Brookfield Water Pollution Control Authority was held on Wednesday, December 14, 2011 at the Brookfield Municipal Center, Room 133. Chairman Malwitz called the meeting to order at 3:00 p.m. with the following persons in attendance:

W.P.C.A.

N. Malwitz, Chairman

* T. Lopez, Alternate

* P. Kurtz, Alternate

* Regular voting member

Others

H. Lasser, Ex-Officio Member

J. Sienkiewicz, Commission Attorney

W. Davidson, First Selectman

J. Wahlberg, Controller

R. Jaffe, Board of Finance

K. McPadden, Exec. Administrator

A. Boyd, Brookfield Patch

2. **WPCA Agreement with Board of Selectmen and Board of Finance** - To consider a proposed resolution 1) authorizing the refund to the Town of Brookfield of \$485,000.00, representing a portion of the High School benefit assessment paid by the Town in December, 2009, 2) rescinding Paragraph 4(b) of the resolution adopted on December 16, 2009 acknowledging that the High School benefit assessment was paid in full and 3) reinstating the original High School benefit assessment to secure repayment of the portion of the benefit assessment refunded by the Authority. Following discussion of the (attached) resolution, **a motion was made by T. Lopez to adopt the proposed Resolution as read and explained by Atty. Sienkiewicz. The motion was seconded by P. Kurtz and passed unanimously.**
3. **Consider scheduling an Informational Public Hearing for Possible Sewering to High Meadow, Ledgewood and Newbury Crossing Condominiums** (suggested date 1/25/12) – Chairman Malwitz explained that this proposed sewer project has Board of Selectmen and Planning Commission approvals, but has yet to get Wetlands approval, for which a complete engineering package is required. **A motion was made by P. Kurtz to hold an informational Public Hearing for Possible Sewering to High Meadow, Ledgewood and Newbury Crossing Condominiums on January 25, 2012 at 7:00 p.m. The motion was seconded by T. Lopez and passed unanimously.** A letter will be sent to each affected property notifying them of the informational meeting on January 25, 2012.
4. **Vouchers** - **A motion was made by T. Lopez to approve the vouchers for payment as presented. The motion was seconded by P. Kurtz and passed unanimously.**
5. **Adjournment** - There being no further business, on motion by T. Lopez, seconded by P. Kurtz, the meeting adjourned at 3:30 p.m.

*** Next regular meeting scheduled for January 11, 2012 ***

HIGH SCHOOL BENEFIT ASSESSMENT

Whereas, by resolution made on May 26, 2004, the Authority, at the request of the Selectmen, agreed to contribute up to the sum of \$600,000 towards the construction of a sewer connection for the Brookfield High School, subject to the Town's repayment of the expenditure through a benefit assessment to be levied against the Town of Brookfield and the high school property; and

Whereas, pursuant to the delegation by the Board of Selectmen, the Authority extended the sewer system by connecting the Brookfield High School to the municipal sewer system at a cost of \$549,761.00 in Authority funds; and

Whereas, on August 26, 2009, following notice and public hearing, the Authority levied a benefit assessment in the amount of \$549,761.00 against the High School property (45 Long Meadow Hill Road) and the Town of Brookfield to recover the monies expended by the Authority in the construction of the High School sewer connection; and

Whereas, in December 2009, following discussion among the Controller, and representatives of the Authority, the Board of Selectmen and the Board of Finance, the Town of Brookfield paid the benefit assessment in full; and

Whereas, the Board of Selectmen and the Board of Finance have requested 1) that the Authority refund the Town of Brookfield the sum of \$485,000.00 constituting a portion of the benefit assessment paid in December, 2009 on the representation that the payment of the benefit assessment was made by Town officials in the erroneous belief that funds were properly available for such purpose; 2) have agreed that the original benefit assessment in the amount of \$549,761.00 adopted on August 26, 2009 remain in effect to secure repayment of the sum of \$485,000.00, with interest at the rate of 4.25% per annum; and 3) have agreed that the benefit assessment, with interest, shall be fully paid not later than July 26, 2012:

Now Therefore, in consideration of the request and agreement of the Board of Selectmen and the Board of Finance as summarized herein, the Authority authorizes the expenditure of \$485,000.00 from the unrestricted Capital Account to be made to the Town of Brookfield to refund the Town of Brookfield a portion of the \$549,761.00 payment heretofore made on account of the High School benefit assessment. Said authorization is made in reliance upon the representation by the Board of Selectmen and the Board of Finance that the Town of Brookfield will repay said sum, together with interest at the rate of 4.25% per annum, in full not later than July 26, 2012. Paragraph 4(b) of the Resolution adopted by the Authority on December 16, 2009 acknowledging that the High School benefit assessment has been fully satisfied is rescinded. Staff is directed to record such documentation as may be necessary with the Town Clerk and on the land records to reflect that the benefit assessment remains outstanding. Should payment in full not be made on or before July 26, 2012, said assessment shall be delinquent and shall bear delinquency interest at the rate of 18% per annum as provided by Section 7-254 and 12-146 of the Connecticut General Statutes. In such event, the Authority shall have all rights provided by Section 7-254 of the Connecticut General Statutes with respect to delinquent assessments.