

# BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

Wednesday, February 22, 2012 Room 135 7:00 p.m.

## DRAFT MINUTES

1. **Convene Meeting:** Chairman Malwitz called the meeting to order at 7:00 p.m. with the following persons in attendance:

### W.P.C.A.

N. Malwitz, Chairman  
L. Trojanowski-Marconi, Vice Chair  
T. Lopez  
\*C. Scott  
P. Kurtz (arrived at 8:30)

### Others

J. Sienkiewicz, Commission Attorney  
M. Finan, Commission Engineer  
R. Prinz, Chief of Maintenance  
D. Will, Inspector  
S. Welwood, Commission Accountant  
W. Charles Utschig, Birdsall Engineering  
K. McPadden, Executive Administrator  
E. Cole, Recording Secretary

\* Regular voting member this evening

2. **Approval of Minutes** – 1/25/12 Special Meeting – **L. Trojanowski-Marconi made a motion to approve the minutes. T. Lopez seconded the motion, and it carried unanimously, 4-0.**

3. **Correspondence**

- a. **The Commission reviewed an email submitted from E. McPadden dated 02/20/12.** Chairman Malwitz read the letter for the record. Ms. McPadden's letter was a request for the WPCA to visit her apartment and give a special circumstance in regard to the size of the property and the usage fee. Ms. McPadden lives in the Ledgewood Condominium Complex.

Chairman Malwitz stated that in regard to the usage fee, until her property is on the system, nothing would happen. Ms. McPadden stated that she would like to put the letter in place before the assessments are established. Chairman Malwitz stated that the Commission would take the letter under advisement.

Chairman Malwitz stated that there will be a public hearing coming up for the assessment, and Ms. McPadden could have her comments heard at that time as well.

- b. **The Commission reviewed Howard Lasser's email dated 02/01/12 Re: Fiscal 2011 financial report.** Chairman Malwitz stated that this email has an opinion about how the assessments should be used to pay for the bonds. Chairman Malwitz stated that Howard Lasser believes that the assessment fees should pay for the bonds and the bonds only. Chairman Malwitz stated that these funds are allowed by State Statues to support bond repayment and any necessary upgrades and repairs relating to a district. Chairman Malwitz stated that he will present the budget and financial status to the Board of Finance in April to show that there is enough money coming in to pay the bonds and maintain each district. Chairman Malwitz stated that the WPCA just finished an analysis on the three-condo district, which is the newest district. If the WPCA projects out twenty years to 2029 from when the bond was started in 2009, there is a \$200,000 projection over the amount necessary to pay the bond principal and interest. Chairman Malwitz stated that if property owners pay their bond obligation early, the amount of

excess will be reduced. Chairman Malwitz stated that he has petitioned to give a presentation to the Board of Finance and, possibly, the Board of Selectmen in April.

J. Sienkiewicz stated that the numbers for the bonds that the WPCA uses are generated from the Controller's Office.

**4. Old Business**

**a. 195 Federal Road – Application to Connect (Existing Building)**

*Steve Sullivan of CCA, LLC, 40 Old New Milford Road was present to discuss the application.*

S. Sullivan stated that CCA, LLC is in receipt of a recommendation of approval from Birdsall Engineering. S. Sullivan stated that the applicant is proposing to remove the pump station that pumps up to Federal Road to tie into the new gravity line on Sandy Lane.

M. Finan stated that Birdsall Engineering is recommending the application for approval with a couple of notes: 1) If the volume capacity of the grease trap changes, the applicant must return to the WPCA; 2) That an easement for the right to grade needs to be obtained. S. Sullivan clarified that the same property owner owns the lot where the grading is to be done, and that the property owner will grant himself the right to grade. Chairman Malwitz noted that the engineering and other required fees had been collected.

**L. Trojanowski-Marconi made a motion to approve this application based on the recommendation of the engineer and that everything is in order. T. Lopez seconded the motion, and it carried unanimously, 4-0.**

**b. 48 Old Grays Bridge Road – Application to Connect (Existing Building)**

*S. Sullivan of CCA, LLC, 40 Old New Milford Road, was present to discuss the application.*

S. Sullivan stated that CCA, LLC is in receipt of a recommendation of approval from Birdsall Engineering.

M. Finan stated that this application was reviewed in conjunction with 58 Old Gray's Bridge Road and explained that this will be a force main system that will be turned over to the WPCA within Old Gray's Bridge Road once the project is complete. M. Finan stated that he has reviewed how the valving and pits will work with S. Sullivan and R. Prinz. All of the required information is in the letter and on the plans.

J. Sienkiewicz stated that he would like to be sure that the utility easement is filed on the land records. S. Sullivan clarified that 28 Old Gray's Bridge Road needs a utility easement to get out to 48 Old Gray's Bridge Road. It was clarified that the forced main in the road would be a shared cost between 48 and 58 Old Gray's Bridge Road.

S. Sullivan stated that he had noted in the plans that the forced main is to be deeded to the Town of Brookfield for ownership. S. Sullivan, J. Sienkiewicz and M. Finan briefly reviewed the plans. J. Sienkiewicz stated that he would like to see the final utility easement, most likely before recording.

**L. Trojanowski-Marconi made a motion to approve the application, subject to approval by Counsel of the proposed sewer easement, and that before any discharge permit is issued, the system has to be inspected, and if satisfactory, a bill of sale for the force main in the public right-of-way must be issued to the WPCA. T. Lopez seconded the motion, and it carried unanimously, 4-0.**

c. **58 Old Grays Bridge Road** – Application to Connect (Existing Building)

*S. Sullivan of CCA, LLC, 40 Old New Milford Road, was present to discuss the application.*

S. Sullivan stated that this application is similar to 48 Old Gray’s Bridge Road, with the exception that no utility easement is necessary in this case.

**L. Trojanowski-Marconi made a motion to approve 58 Old Gray’s Bridge Road with the stipulation that before any discharge, that the bill of sale must be granted to the Brookfield WPCA for the force mains located in the public right of way. T. Lopez seconded the motion, and it carried unanimously, 4-0.**

5. **New Business**

a. **20 Old Grays Bridge Road** – Application for Connection Permit (Existing Building)

*S. Sullivan, CCA, LLC, 40 Old New Milford Road, was present to discuss the application.*

S. Sullivan stated that this application is for a connection to the existing lateral that was left as part of the Sandy Lane sewer project. S. Sullivan stated that there would be twenty employees with a sewage flow of 400 gallons per day.

The dedicated fees are \$1,250.00 for engineering, legal and site inspection. Atty. Sienkiewicz stated that the regulations read that the Outlet Capacity Charge should be paid at the time of application and read the WPCA Commission’s regulation aloud. He stated that the Outlet Capacity Charge should be paid before the construction permit is issued, similar to the approval stipulation of 28 Old Gray’s Bridge Road that stated that the Outlet Capacity Charge was to be paid at the time of the construction permit.

**L. Trojanowski-Marconi made a motion to accept the application for 20 Old Grays Bridge Road, to forward it to the engineer for review upon receipt of \$1,250.00 escrow fees, and to table this application to next month. Also noted, the applicant is advised that before the start of construction, they will be required to pay the Outlet Capacity Charge in the amount of \$4,000.00. C. Scott seconded the motion, and it carried unanimously, 4-0.**

The Commission discussed 48 Old Gray’s Bridge Road:

J. Sienkiewicz inquired as to how much the Outlet Capacity Charge will be for 48 Old Gray’s Bridge Road.

**L. Trojanowski-Marconi made a motion to require payment of the Outlet Capacity Charge of \$5,000.00 for 48 Old Gray’s Bridge Road prior to construction. T. Lopez seconded the motion, and it carried unanimously, 4-0.**

P. Kurtz arrived at 8:30 PM.

**b. 125 Commerce Rd. – Application for Addition to Existing Building**

*S. Sullivan, CCA, LLC, 40 Old New Milford Road, was present on behalf of the applicant.*

S. Sullivan stated that in 2008 approval was granted from the WPCA to connect the addition to the existing sewer line. D. Will stated that the original permit has expired, and now the owner is moving forward with the project. S. Sullivan stated that this was just a renewal of the original application, because nothing is being changed from the original plans. D. Will stated that M. Finan would also need to review the application.

J. Sienkiewicz suggested that the Commission move to accept the application. S. Sullivan stated that there was probably an escrow fee paid in 2009, and that he would need to check on that information. K. McPadden will check the escrow, and D. Will stated that \$1,300 would cover their fees. M. Finan stated that \$750.00 would cover the engineering review fees.

J. Sienkiewicz stated that he believes that a 2% connection fee would apply to this connection when the addition is built.

**L. Trojanowski-Marconi made a motion to accept the application contingent upon paying the \$1,300 escrow fees, with the understanding that the applicant will pay a 2% Capital Cost Recovery Connection Charge. T. Lopez seconded the motion, and it carried unanimously, 5-0.**

**c. 84-140 Federal Road - Discharge of Remediation Wastewater to the Sanitary Sewer**  
*Gary Cluen, GZA GeoEnvironmental, Glastonbury, CT was present to discuss the application.*

G. Cluen explained that this project involves a contaminated site under the previous location of the dry cleaner, and the contaminated water needs to be removed. G. Cluen stated that the applicant is planning to excavate the contaminated water and store it in frac tanks. G. Cluen also stated that the applicant would need to pump the water out and that they would like to discharge the treated, filtered water to the sanitary sewer.

Chairman Malwitz stated that there is to be an analysis presented to the WPCA before the water is discharged. Chairman Malwitz stated that the fee is based upon the number of tanks, and not the gallon amount. G. Cluen stated that they will be posting public notice of remediation tomorrow, and would like to start excavating at the end of March, if possible. G. Cluen stated that in order to get a permit to discharge, the applicant needs to acquire approvals from the Brookfield WPCA and the Danbury DOPW, because all of the discharge ends up at the Danbury Plant. G. Cluen stated that after the applicant has these approvals, the next step is the State approval. G. Cluen stated that the applicant will use large frac tanks, capable of holding up to 20,000 gallons of liquid, that would be pumping from the excavation to the tank and running through filters that would be polishing the discharge through granulated activated carbon canisters to get the levels of the voluble contents down to the limits that are allowed in the permit.

G. Cluen stated that the developer anticipates three weeks of excavation to complete the project. J. Sienkiewicz asked what the substance of the application is currently filed with the WPCA. G. Cluen stated that he had submitted the form for the discharge of the contaminated water, and G. Cluen also stated that it would be subject to the discharge limitations of the DEEP. G. Cluen stated that the discharge limitations are attached to

this application. M. Finan stated that these applications had not been reviewed in the past, but have been monitored by R. Prinz and D. Will.

Chairman Malwitz stated that the discharge/pumping of the tank would be inspected prior to each discharge. Chairman Malwitz stated that the analysis needs to be sent to the WPCA office prior to discharge. In addition, D. Will needs to be notified of the pumping to observe the pumping, and the inspection fees and the other fees based upon the number of frac tanks pumped need to be paid. G. Cluen stated that the sewer line would have to be brought and connected at that site in order to discharge into the sewer line. R. Prinz stated that he spoke with Cherry Hill Construction, and the connection to the sewer underground will be installed in the month of March.

J. Sienkiewicz stated that all of these details, including the contractor name, and the details, need to be submitted as part of this application. J. Sienkiewicz also suggested that the location of the frac tanks may need to be included as part of the application.

K. McPadden read the approval motion for 30 Federal Road from the November 16, 2011 minutes.

G. Cluen clarified that there was some petroleum from a petroleum tank in the area. J. Sienkiewicz asked what contaminants are going to be pumped. G. Cluen clarified that the volatile compounds, petroleum, oil and grease, lead and aromatic compound are the contaminants. G. Cluen stated that there will be frac tanks for the contaminants from the dry cleaner operation and the petroleum.

M. Finan suggested that the work be summarized in a letter or memo.

**T. Lopez made a motion to approve the discharge permit for S& W Brookfield LLC and prior to any discharge, S&W Brookfield LLC will provide the WPCA with certified test results that are within the parameters specified in the general permit for discharge groundwater remediation wastewater to a sanitary sewer and prior to any discharge a copy of the certification be faxed to the office of the Staff to approve and then authorize discharge. The fee is calculated at \$250 per frac tank discharged to cover the cost of treatment and inspections, and the request is that the discharges occur after 10 AM and before 4 PM Monday through Friday. If there are any issues, the Staff has the authority to decline discharge approval. A water meter needs to be installed, either R. Prinz or D. Will needs to be on site when the samples are taken and also to be on site when the frac tank is pumped into the sanitary sewer. L. Trojanowski-Marconi seconded the motion, and it carried unanimously, 5-0.**

Chairman Malwitz stated that the WPCA will collect all fees and send one bill to GZA GeoEnvironmental, Inc.

**d. Nomination & Election of Officers**

**L. Trojanowski-Marconi nominated Nelson Malwitz as Chair. C. Scott seconded the motion, and it carried unanimously, 5-0.**

**T. Lopez made a motion to nominate L. Trojanowski-Marconi as Vice Chair. C. Scott seconded the motion, and it carried unanimously, 5-0.**

**e. Meadowbrook Manor**

Chairman Malwitz stated that Meadowbrook Manor should be added to the “red map.” Chairman Malwitz stated that currently sewers cannot be installed because of the flooding in that area. Chairman Malwitz asked M. Finan to call R. Tedesco to decide whether a preliminary engineering review is required.

**6. Accountant Comments/Report**

S. Welwood reviewed the results of the January report with the Commission. She stated that the budget remains pretty much status quo, and there are no major issues. S. Welwood also reviewed the results of the previous year’s fiscal report with the Commission.

The Commission moved to item 9, Chief of Maintenance Report.

**9. Chief of Maintenance Report**

R. Prinz noted that the estimated construction cost for the Sandy Lane project will be \$328,591.70. S. Welwood noted that this amount will be part of a Bond Anticipation Note which was issued in January. Chairman Malwitz stated that this estimate is over by at least ten percent. S. Welwood stated that the Commission should consider that the WPCA is charged for legal fees and banking fees when the WPCA posts the bond and the Commission may want to consider these additional fees in their calculation of the bond estimate amount.

M. Finan stated that he and R. Prinz had a meeting with Iapaluccio regarding the rock quantity, which has now been resolved. They were looking for \$225 per cubic yard. M. Finan stated that they have agreed to \$200 a yard.

Chairman Malwitz stated that the road was dug up so wide, that it may make sense to pave the whole thing, and maybe the opinion of R. Tedesco should be consulted. R. Prinz stated that the last time he spoke with R. Tedesco, he wanted the WPCA to take care of the issue. R. Prinz stated that the pavement has a pay limit to it, and it was close to what the contract was. The contractor thought that the bid for the rock was misrepresented because the cost of rock removal was increased. Chairman Malwitz asked M. Finan to give him an estimate of what needs to be paved from a field observation to determine the cost should another contractor have to do the work. R. Prinz stated that if the work is not done by the original contractor, the Commission should pull the bond and the WPCA should be sure that the work is completed.

J. Sienkiewicz stated that he has not yet received the final sewer easement from Sandy Lane Village, and the Commission still does not have the drawings of the escrow for the community sewer system so as to establish a the amounts to be required be held in escrow.

The Commission moved to item 10.a., Preliminary Budget.

**10.a. Preliminary Budget**

Chairman Malwitz reviewed the user fee income and the user plan charge. Chairman Malwitz stated that the user fee and the plant charge are put in one sum. The plant charge is to pay the bond debt that the WPCA owes to Danbury.

Chairman Malwitz stated that he is proposing to increase the fee to \$95 per quarter. Chairman Malwitz stated that the WPCA is anticipating completing some projects that would be moved to capital.

The Commission reviewed the proposed Capital Improvement Plan compiled by R. Prinz. This budget is tabled until the March meeting.

**7. Engineer Comments/Project Update**

**a. Old New Milford Road Sewer Extension Project –**

M. Finan stated that the project is dormant at this time until final pavement. For the most part though, it is complete.

**b. Sandy Lane Sewer Extension Project –** This item was discussed earlier; see above.

**c. Caldor Pump Station Grinder**

M. Finan asked that the design support during construction fees be accepted. Chairman Malwitz noted that the total proposal was \$35,000 and the WPCA had approved \$24,000. Chairman Malwitz stated that at this point, the remaining \$11,000.00 needed to be approved.

**L. Trojanowski-Marconi made a motion to authorize \$11,000 for engineering work to complete the project for design and support work during the project. T. Lopez seconded the motion, and it carried unanimously, 5-0.**

**d. High Meadow/Ledgewood/Newbury Crossing Project**

M. Finan stated that he is estimating about twenty borings through the network that he is proposing. M. Finan also stated that the system will be videoed to determine that the pipes are still in good condition. M. Finan stated that one of the first steps is to complete the topographical survey, which will probably take about two months. CCA will complete a flight for the survey. M. Finan stated that a geotechnical survey could be completed around the same time.

Chairman Malwitz stated that currently there is no State permit for the septic system at Newbury Crossing. In 2002, they applied for the permit but it has been in “Technical Review” all of this time due to the issues with radon in the water. T. Lopez asked about the progress of the geotechnical survey. J. Sienkiewicz stated that he believes statutorily the surveyor has a right to complete a survey. J. Sienkiewicz asked K. McPadden if she has the contact information for the condo associations in this area. J. Sienkiewicz will draft a letter for K. McPadden to send to the property owners for notification and approval for the surveyors to be on the property to complete the

surveys necessary for approval of the project from the homeowners' associations of the condominium complexes.

M. Finan and the Commission agreed that this project will probably be completed in 2013, approximately. The Wetlands Commission approval is anticipated to take several months. Only then can the engineering start.

**e. Delmar Drive Sewer Extension**

M. Finan stated that he has a concept plan to review with R. Prinz. The borings will be done next week, and R. Prinz will be present when the borings are done.

K. McPadden asked for clarification of the cost and whether it would be part of the Southwest Area or the Federal Road District, or if it would be its own district. Chairman Malwitz stated that he would like to know what the engineering fees are before this is decided.

**f. Other Engineering Matters – None.**

**8. Legal Matters**

J. Sienkiewicz stated that he is holding the close-out check from the Joseph Ades Permanent Maintenance Agreement account, and he is waiting to give it to R&F Danbury, LLC. He stated that he is waiting for the easement map from Sandy Lane Village and he is working on the Pocono Crossing properties, and clarified that Pocono Crossing is a community system but does not fall under the statutes for a condominium.

**10. Other WPCA Business**

**a. Preliminary Budget** – Discussed above.

**b. 20 Year Sewer Capacity Study**

Chairman Malwitz stated that two bids had been solicited to do the work, and Birdsall Engineering has been selected to complete the work.

The estimate from Birdsall is \$3,500.00. Chairman Malwitz stated that Birdsall has done several 20 year studies for New Jersey towns, and their estimate is the lowest. Chairman Malwitz stated that in April, the twenty-year inter-local agreement with Danbury is up and the WPCA will have to pay for future infrastructure and use. Chairman Malwitz stated that he is looking for this analysis to help with the negotiations.

J. Sienkiewicz suggested that Birdsall Engineering review the Town's Plan of Conservation and Development. T. Lopez suggested that the sewer 20 year capacity study should be included in the next Plan of Conservation and Development to be created by the Town.



**c. WPCA Computer/Server**

K. McPadden distributed the quote regarding a new computer server for the WPCA office. She stated that the current server in the office was built from another, older computer and that it is often displaying memory error messages. C. Scott stated that he will review this information.

**d. Other WPCA Business**

K. McPadden handed out the Collector's list of delinquent properties. J. Sienkiewicz reviewed the list and asked that the Collector contact his office to discuss. The largest delinquency is Branhaven River & Farm Products, LLC, with an amount due of over \$33,000.

Chairman Malwitz stated that this is a large number, and asked J. Sienkiewicz what he recommends. J. Sienkiewicz stated that since the original payment agreement has been breached, the next step is to do a title search and start the levy & sale proceedings. D. Will is meeting someone from the property management company at the property on Friday to review the charges for each unit. Atty. Sienkiewicz recommends correcting any future bills based on the meeting, but if they are looking for any past charges to be waived, they will need to come before the entire Commission.

Chairman Malwitz also noted the amount owed by 632-640 Federal Road, LLC of \$9,278.56. J. Sienkiewicz asked if this property had been referred to him for collections. K. McPadden clarified the location of the building and will check with the Collector.

**d. Other WPCA Business/Employee Review Discussion:**

Chairman Malwitz stated that he is looking to do employee appraisals for the WPCA. T. Lopez stated that he will review job descriptions, etc.

Chairman Malwitz stated that the Town is doing a review system, and he thought it would be more professional for the WPCA to complete a review as well. R. Prinz asked if these reviews would be submitted to the Sewer Authority or the Town. Chairman Malwitz stated that he had spoken with Catherine Greenwood about the job evaluation forms, and he stated that he believed that it would be to everyone's benefit to start implementing. Chairman Malwitz stated that nothing would be yet implemented. Chairman Malwitz stated that no one else other than the WPCA would see these employee reports. This would basically serve as a mentoring program as a service to WPCA staff.

**11. Vouchers**

The Commission reviewed the voucher list.

**L. Trojanowski-Marconi made a motion to approve the vouchers. T. Lopez seconded the motion, and it carried unanimously, 5-0.**

12. **Adjournment**

**L. Trojanowski-Marconi made a motion to adjourn at 10:08 PM. C. Scott seconded the motion.**

At this time, the Commission added Employee Review Discussion under Other WPCA Business. Please see item 10.d.

**L. Trojanowski-Marconi made a motion to adjourn at 10:16 PM. T. Lopez seconded the motion, and it carried unanimously, 5-0.**

\*\*\* The next meeting is scheduled for March 28, 2012 \*\*\*