

BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

Wednesday, March 28, 2012 Room 133 7:00 p.m.

APPROVED 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
J. Jove
T. Lopez
*C. Scott

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 – 2/22/12 Meeting**

L. Trojanowski-Marconi made a motion to approve the minutes from the 2/22/12 meeting. Attorney Sienkiewicz asked that following phrase in the second to the last line in legal matters be removed from the record “...and he is working on the Pocono Road properties.” T. Lopez seconded the motion and it carried unanimously.

3. **Correspondence**

- a. **Letter from Philip & Diane Jones, 33 Homestead Lane to WPCA dated 03/01/12 Re: 201160000033** – Chairman Malwitz read the letter for the record. Chairman Malwitz stated that the matter before the Commission is to waive the delinquent fee due to an administrative era. K. McPadden noted that the Assessor’s report of property transfers was missing a page and the bill was sent to the previous owner because the property information was never transferred into the system due to that missing page. K. McPadden asked that the Commission consider waiving the fee and also consider allowing the administrative office to correct administrative errors up to \$100.00 for delinquent and interest fees.

L. Trojanowski-Marconi made a motion to waive the [delinquent] fee of \$14.03. J. Jove seconded the motion and it carried unanimously.

L. Trojanowski-Marconi made a motion to allow the Administrator to make corrections of administrative error of up to \$100.00 without coming back to the full authority. The correction could deal with any financial transaction, but not more than \$100.00 maximum per occurrence, and that a record will be kept. J. Jove seconded the motion and it carried unanimously.
The Commission noted that K. McPadden is designated as the Administrator.

- b. **Memo from William Davidson, First Selectman to WPCA dated 03/07/12, Re: WPCA Benefit Assessments**

Chairman Malwitz read the memo for the record. Chairman Malwitz stated that he followed up with William Davidson about this memo, and that the memo was not on the First Selectmen’s agenda for March. Chairman Malwitz stated that there was nothing actionable in this statement, except that the

WPCA consider its fee structure. Chairman Malwitz noted there are two issues noted: 1. that is was the opinion of Selectman Lasser that the assessment should only be to pay for the bond. (The state allows recovery of major repairs and upgrades), 2. If the project is bonded, the WPCA cannot charge more than the bond interest rate. Attorney Sienkiewicz clarified that the statute works with the maximum interest amounts. Chairman Malwitz stated that the interest rate fluctuates on the Federal Road North Bond, and that the WPCA is reimbursing the Town the bond obligation amounts including the interest.

Attorney Sienkiewicz stated that historically, the Controller's Office told the WPCA what the interest rate should be, and that all of the resolutions allow the appropriate authority to lower the rate. Chairman Malwitz stated that in reference to the Three Condo Project, for example, he believed that it would be better to pay the BAN off instead of using a bond. The Commission would then be left to pay the State bond of two percent. Attorney Sienkiewicz suggested that the Commission review section 7-249 of the resolution which allows collection for anything involving construction of the project. Chairman Malwitz stated that he promised a comprehensive review of the bonding process, that he will work on most likely in June. Chairman Malwitz will follow up with the First Selectmen.

4. Old Business

a. 20 Old Gray's Bridge Road – Application to Connect (Existing Building)

Steve Sullivan of CCA, LLC, 40 Old New Milford Road, was present.

S. Sullivan stated that he is in receipt of a letter of approval from Birdsall Engineering dated March 19, 2012. Chairman Malwitz reviewed the letter from Birdsall Engineering, and M. Finan stated that he recommended the application for approval. Chairman Malwitz asked if the fees were paid. K. McPadden stated that \$4000 had to be paid for the outlet capacity charge, which should be paid at the time of the construction permit.

Chairman Malwitz stated that the Commission needs to determine the benefit assessment amount for this property. Attorney Sienkiewicz stated that all new properties that have never been previously connected or paid any assessment should be charged a 2% Capital Cost Recovery Connection Charge.

S. Sullivan noted that there is currently a building on this property, and the applicant is hooking up to the sewer line. S. Sullivan clarified that 28 Old Gray's Bridge Road is a new building. It was noted that neither property is currently on sewer.

L. Trojanowski-Marconi made a motion to approve the application to connect for 20 Old Gray's Bridge Road, with a note that this property will pay the Sandy Lane assessment *plus* the two percent Southwest Capital Recovery fee. This will apply to any new property that is not now currently on the Southwest District sewer line. Chairman Malwitz noted that this will not include 195 Federal Road or Sandy Lane Village condos for example, because these properties are already on the line. There should be a notation in the resolution that new properties on the Sandy Lane line will be subject to a benefit assessment levied probably sometime in the summer. T. Lopez seconded the motion and it carried unanimously.

b. 125 Commerce Road – Application to Existing Building

S. Sullivan of CCA, LLC, 40 Old New Milford Road, was present.

M. Finan stated that this application was previously approved some years ago, and had expired so Birdsall Engineering re-reviewed the packet and re-submitted a recommendation with the stipulations

of the previous approval letter. M. Finan reviewed the conditions of the approval with the Commission. S. Sullivan noted that he is fine with the letter. Chairman Malwitz stated that the term, large quantities, should be defined. Attorney Sienkiewicz suggested that the Commission put a limit of discharge to 1,000 gallons a day and that it is domestic waste only and that there will be no commercial or industrial discharges without an additional permit.

T. Lopez asked if there was money in escrow for this project. K. McPadden clarified that the applicant paid \$1,400.00 in 2008, and the WPCA is still holding the escrow. K. McPadden noted that there was a previous invoice for the application review from Birdsall Engineering for \$740.00. Attorney Sienkiewicz noted that the remainder of the escrow will be used for additional inspections. S. Sullivan clarified that there is currently no outlet capacity charge for this property; Attorney Sienkiewicz stated that there will be a supplemental benefit assessment in the future. The Commission clarified the location of the property.

L. Trojanowski-Marconi made a motion based on the recommendation of the engineers, to approve the application with a condition that the waste will be domestic only, and no commercial or industrial discharges will occur without an additional permit. T. Lopez seconded the motion and it carried unanimously.

c. Sand Cut Properties

D. Will stated that he had received a call around 6:30 PM on a weeknight from somebody in the building stating that there was sewer running down Sand Cut Road. D. Will stated that he had inspected the pump station, and there was nothing wrong with the station. D. Will stated that gray water had been pumping from the ground into the storm drain. Someone in unit 4 had let a toilet running for weeks, which filled out the pump chamber and filled the septic and caused the flow. D. Will stated that the building was built with a temporary septic with no reserves, and D. Will stated that the septic is not designed for what the units are being used for, and that this problem has the potential to occur again. Chairman Malwitz stated that since the Health Department knew that the sewer line would be present within five years, they limited the requirement for the septic reserve area when the units were approved. Chairman Malwitz stated that he believes that the WPCA Commission should not require the property owners to hook up to the sewer line, especially if the Sanitarian is not forcing the properties to connect. Chairman Malwitz noted that the Sand Cut Properties are paying the benefit assessment fees and are paying a Danbury plant charge.

T. Lopez asked if there should be a penalty or fine in order to prevent a similar future occurrence. Attorney Sienkiewicz stated that this is not within WPCA's jurisdiction. K. McPadden suggested that possibly the WPCA could send a bill to the owners to reimburse Mr. Will's inspection time.

Attorney Sienkiewicz suggested that the bill amount be \$280.00 based on the amount of staff hours required. C. Scott stated that he disagreed with sending a bill for the inspection. C. Scott stated that the WPCA did not have a problem and used this inspection to determine that there was not a problem. J. Jove stated that he agreed with the \$280.00 charge.

R. Prinz asked D. Will who called for the inspection, and stated that he believed that the inspection should be a type of good neighborhood deed. D. Will responded that one of the tenants had notified him of the problem.

T. Lopez made a motion to charge \$280.00 for this particular instance to send to the condo association for reimbursement of D. Will's time spent. L. Trojanowski-Marconi seconded the motion; motion failed 2-3.

5. New Business

No new business.

6. Informal Discussion

Chairman Malwitz stated that he had spoken with D. Bertram, and stated that Barnbeck has determined that the new plan will include 165 rental units and no coffee shop. Chairman Malwitz noted that D. Bertram will attend the next meeting with a plan.

The Commission moved to Engineer Comments/Project Update.

8. Engineer Comments/Project Update

a. Old New Milford Road Sewer Extension Project

M. Finan stated that there were no updates, and that he is waiting for final pavement. Attorney Sienkiewicz stated that the benefit assessment had to be done for the property. Chairman Malwitz stated that the Commission will review this item later on in the meeting.

b. Sandy Lane Extension

M. Finan noted that as of last week Birdsall had an agreement with the contractor to pave the roadway, but stated that the numbers were no longer agreeable to the contractor. M. Finan will send the contractor a letter, and have Attorney Sienkiewicz review the letter before it is sent. Chairman Malwitz stated that the letter should be sent by Birdsall to the contractor. R. Prinz noted that the rock excavation has been resolved.

Chairman Malwitz stated that the final cost is projected at \$365,000.00 and that the bond interest rate would be probably no more than 2.5 to 3 percent. Chairman Malwitz stated that the Town will finalize the bond in January 2013 according to Jay Wahlberg. The office would like to apply the new benefit assessment using the grand list value, using the three percent and the \$365,000 for a public hearing in June or July so that sewer use billings could begin in September.

S. Welwood clarified that the amount of \$365,000 is the cost with bond costs included but not the bond interest which is \$5,610.00. S. Welwood noted that if the three percent were to be used for the bonding normally what the office would do is add the bond interest to the cost of the project.

Chairman Malwitz stated that at the April meeting the public hearing date will be set for June or July. Attorney Sienkiewicz stated that he will draft a resolution.

Attorney Sienkiewicz noted that he received the Sandy Lane easement today, but it needs to be revised. Attorney Sienkiewicz also noted that he still does not have the site plan to conclude the escrow agreement. R. Prinz stated that he has some drawings on the comprehensive plan. R. Prinz stated that he will send the comprehensive plan to M. Finan and Attorney Sienkiewicz.

c. Caldor Pump Station Grinder

M. Finan stated that this project is continuing through the shop drawing submittal review process. He will check with the contractor to verify whether the grinder unit has been ordered – this will determine whether or not it will be ready for June start up.

d. High Meadow/Ledgewood/Newbury Crossing Project – Proposal for Birdsall Engineering Services

Chairman Malwitz stated that the Commission has received a quote from Birdsall Engineering for the High Meadow/Ledgewood/Newbury Crossing Project. Chairman Malwitz stated that the total engineering fees for the project are estimated at \$152,000.00. Chairman Malwitz stated that the owners at Newbury Crossing are in agreement with the project, as well as the Ledgewood and High Meadow Condo owners. Chairman Malwitz stated that there was an informal public hearing, and that the project will be done in two phases. The first phase is to get the preliminary design to apply for the Inland Wetlands Commission approval. Chairman Malwitz noted that in order to determine a complete engineering estimate, scoping would need to be done to determine what is in the ground. Chairman Malwitz proposed that the Commission authorize Birdsall to proceed with the work not to exceed \$92,100.00. Chairman Malwitz stated that the project will most likely take one year to approve and will probably be built in the dry season in 2013. Chairman Malwitz stated that he has spoken with K. Daniel, the Wetlands Enforcement Officer, about the project.

K. McPadden asked if the Commission had an estimate as to what the assessment rate would be, especially since she has been getting many calls asking. Chairman Malwitz stated that he would estimate the amount to be anywhere between six and eight percent.

Chairman Malwitz noted that the condominium should probably own the easement. T. Lopez also asked about the borings. Attorney Sienkiewicz stated that he will draft a letter to send to the property owners to get permission to have the surveys and the borings done.

L. Trojanowski-Marconi made a motion to authorize \$92,100.00 to Birdsall to move forward with the engineering work for the High Meadow, Ledgewood and Newbury Crossing project. J. Jove seconded the motion and the motion passed 4-0, with T. Lopez abstaining.

e. Del Mar Drive Sewer Extension

M. Finan stated that the borings have been done along the road ways and no rock was hit until ten or so feet. M. Finan stated that the estimate for construction is around \$731,000.00. Chairman Malwitz stated that so far the WPCA has spent \$421,000.00 on the Old New Milford Road project. The appropriation was for \$550,000. Chairman Malwitz stated that now the Commission needs to look for a larger bond for the project. K. McPadden asked if Del Mar Drive was going to become part of the Old New Milford line. Chairman Malwitz asked K. McPadden to put all of the information together for the Del Mar Drive Sewer Extension, including the grand list values. Chairman Malwitz stated that the next step is to pursue bond money. Chairman Malwitz also noted that there are eight or nine properties that will be added to the Del Mar Drive Sewer Extension. Chairman Malwitz stated that a letter should be sent to the owners on this line to inform them that the sewer connection is available.

K. McPadden noted that there is a Town Meeting on April 4th for the water line.

f. Meadowbrook Manor

M. Finan stated at the last meeting it was discussed that he look into Meadowbrook Manor, and stated that he met with R. Tedesco to determine the time period. R. Tedesco stated that it would probably be one year or so before the storm drainage plans could be completed. M. Finan stated that the current plan by CCA, LLC does not offer a great location for a sewer line along the roadways, but rather for general improvements. M. Finan stated that there is probably not a great benefit to installing sewers and new drains simultaneously.

g. Other Engineering Matters

Pocono Road/Dean Road Discussion:

Chairman Malwitz stated that he had wanted to put together a questionnaire for the property owners. Chairman Malwitz suggested that C. Scott work on this project. K. McPadden stated that she had drafted a letter and Chairman Malwitz was going to consult with P. Avery about the letter to the property owners. Chairman Malwitz stated that the previously-held public hearing seemed to encompass a small representation of the property owners. Chairman Malwitz stated that the Sanitarian could order the properties to hook up to the sewer line and stated that the Sanitarian does support the project. Chairman Malwitz stated that the WPCA has approval from the Board of Selectmen. C. Scott will work with K. McPadden to complete this letter.

The Commission discussed the Twenty Year Sewer Capacity Study.

Twenty Year Capacity –

Chairman Malwitz stated that he met with William Davidson and K. Daniel about the Twenty Year Capacity Study. Chairman Malwitz noted that he had done a historical grand list value analysis for the Town, and he noted that he used the grand list values is a good predictor of sewer flows. Chairman Malwitz distributed a graph entitled “Brookfield GLV Sewer Flow, Past and Projected Compound Growth Rate 2.5%”. Chairman Malwitz stated that Birdsall Engineering have added all the potential properties onto a preliminary plan to determine what the WPCA will need in the future, and Birdsall will come up with final adjustments to the report. J. Jove asked if Brookfield is the only town negotiating with Danbury about the inter-local agreement. Chairman Malwitz stated that Bethel and Newtown and possibly Ridgefield each have an inter-local agreement with Danbury, but their timing is not the same in regards to renewing the agreement. Chairman Malwitz stated that this inter-local agreement is heavily regulated by the State.

The Commission moved to the Accountant Report.

M. Finan and W. Charles Utschig left the meeting at 8:33 PM.

7. Accountant Report

a. YTD Summary – S. Welwood reviewed her report with the Commission.

S. Welwood stated that she has been working with the WPCA Office to create more functionality within the office with accounting as far as efficiency and better data. S. Welwood stated that the new QuickBooks is on sale for \$319 (before April 8th) and asked that K. McPadden use the new version for more functionality. S. Welwood stated that Sue from her office will train K. McPadden to use the system. S. Welwood noted that she relies heavily on excel spreadsheets to accumulate data, which could be more efficiently done with QuickBooks. J. Jove stated that if K. McPadden will be accumulating more accounting skills this should be taken into consideration when personnel evaluations are done.

The Commission agreed to buy Quickbooks 2012 for the WPCA office.

b. Budget –

S. Welwood reported her work on the budget.

Chairman Malwitz reviewed the WPCA Operation Budget 2012-13 – Cash Basics with the Commission. Chairman Malwitz stated that the sewer use rate would need to increase from \$85 to \$95 per unit, and this would allow for approximately a \$120,000 necessary revenue boost. Chairman Malwitz stated that the last payment for the CWF Debt Payment Interest will be finished by July 2013 resulting in approximately \$75,000 less obligation in 2013-14 and beyond. That should allow the new rate to hold for several years to come assuming no major change in Federal or State requirements to Brookfield or Danbury.

Chairman Malwitz noted that a public hearing would need to be held in order to increase the user rate. T. Lopez noted that the rate for health insurance has been reduced because the Town has re-negotiated the health plans. The personnel expenses have been increased by an estimated four percent.

Chairman Malwitz noted that in regard to the inter-local agreement with Danbury, the agreement has to do with capacity. Chairman Malwitz noted that the current sewer use bills are applied to this fee amount. Chairman Malwitz also noted that the Federal government is requiring phosphorous remediation and that this could have a substantial impact on the fee amount, if required.

The WPCA billing process was discussed. S. Welwood noted that the WPCA office is billing in advance.

Chairman Malwitz noted that the public hearing should be held in June or July. The Commission noted that the increase of sewer use fees, if approved after the public hearing, would go into affect in September. K. McPadden will send the budget to the Board of Finance.

L. Trojanowski-Marconi made a motion to approve the budget as presented and proceed with the \$10.00 increase for the use fee. T. Lopez seconded the motion and it carried unanimously.

c. Direct Labor Rate Increase –

S. Welwood stated that when she calculates fully absorbed labor costs, the fee is not correct because the Commission is short money per inspection. S. Welwood proposed that the amount be changed to \$50 per hour for inspections. J. Jove asked how long the \$35 hourly rate has been in effect. K. McPadden noted that she believes that the fee has been in effect for over ten years. J. Jove stated that this information should be presented along with the presentation for the Board of Finance.

Chairman Malwitz noted that a public hearing should be scheduled for June in order to discuss this labor rate increase, and that the rate increase would most likely become effective after the public hearing. The Commission, by consensus resolved to increase the labor rate from \$35 to \$50 and will include that with the public hearing for April in June and will allow the Board of Finance and the Board of Selectmen to make a comment on the budget and the rate increase, if they so choose. K. McPadden will send a memo to the Board of Finance and the Board of Selectmen with the budget submittal.

d. Dedicated Fee Process –

S. Welwood stated that internally, once a project is complete, the office should have the ability to bill overruns or refund excess without having to take up Commission meeting time. C. Scott suggested that the office complete a report with the overruns and excesses for the Commission to approve at one time each month. The Commission noted that there is generally not any excess amount in the escrow fees. R. Prinz stated that if the construction is not completed for a year, the applicant is supposed to

ask for an extension. If the applicant has not asked for an extension, the money should not continue to be held. Attorney Sienkiewicz stated that he will draft a resolution for the next meeting.

Chairman Malwitz stated that if R. Prinz states that the project is closed, the remaining unused money can be released. C. Scott stated that before any money is refunded, there should be a form for release that is signed and filed in the project file. C. Scott suggested that these refunds should be included as part of the vouchers. T. Lopez suggested that the Commission follow the voucher approach.

S. Welwood asked that discussion of policies be included in next month's agenda.

9. Legal Matters

a. Resolution Concerning Center School Sewer Extension Benefit Assessments

Attorney Sienkiewicz stated that this resolution would allow the money to come out of the restricted fund to repay the WPCA the funds that it advanced on the Center School project once there were sufficient funds available to pay the bond and what is left on the interest of the bond. Attorney Sienkiewicz stated that the principal balance that is due on the Town bond is \$240,000.00 and the interest amount as of January 15, 2012, any additional funds can go to the WPCA as unrestricted funds to reimburse the WPCA what amounts to approximately \$740,000.00. Chairman Malwitz noted that there was a 1997 resolution that the loan would be paid, and it was never paid. Chairman Malwitz noted that once enough money is collected to satisfy the bond, the remaining amount of money will go into unrestricted funds for the WPCA. Attorney Sienkiewicz stated that this current resolution will amend the original resolution from 1995.

T. Lopez made a motion to adopt the resolution concerning the Center School Sewer Extension Benefit Assessments to amend paragraph 13 as presented. L. Trojanowski-Marconi seconded the motion and it carried unanimously.

J. Sienkiewicz recommended that the Commission go into Executive Session to discuss possible litigation on a pending client.

L. Trojanowski-Marconi made a motion to go into executive session at 9:30 PM to discuss a pending client. T. Lopez seconded the motion and it carried unanimously.

L. Trojanowski-Marconi made a motion to come out of executive session at 9:50 PM. J. Jove seconded the motion and it carried unanimously.

Attorney Sienkiewicz stated that he is holding a check from Joseph Ades, and he has been in touch with the current property owners (14 Candlewood lake Road) about the money.

10. Chief of Maintenance Report

R. Prinz distributed copies of the Chief of Maintenance Report and reviewed the report with the Commission.

R. Prinz stated in regard to the Caldor Pump Station Grinder, that he expects that the cost of the grinder should be approximately \$40,000.00.

In regard to the Sandy Lane Extension project, R. Prinz stated that the WPCA will order the contractor to proceed, and the contractor is required to do the work by the contract. Chairman Malwitz noted that as discussed earlier, M. Finan will draft a letter to the contractor.

As part of his report, R. Prinz also included a Water Pollution Control Plan. Attorney Sienkiewicz stated that some of the items need to be edited, but it is almost ready. R. Prinz asked the Commission to review and make comments on the plan. Attorney Sienkiewicz stated that he will also review and edit the document again.

R. Prinz stated that the applicants for BJ's Wholesale Club would like to change the conditions of the approval which limit their discharge times to between 10 AM and 4 PM each day and they would like to draw more water out of the ground and may have to pump twenty four hours a day. The applicant would like to know if the WPCA would inspect the discharge after hours. T. Lopez asked how many frac tanks are being used. R. Prinz clarified that there are three frac tanks currently in use on the property.

R. Prinz noted that the first two tanks would need to be tested and the results would need to be sent to the WPCA. R. Prinz noted that if the frac tanks are discharge around the clock, unfortunately the WPCA will not have time to wait for test results for each tank.

The Commission discussed the price rate per additional amount of water. D. Will noted that the operator stated that they would need to go thirty feet deep. R. Prinz noted that there will be a two day waiting period for the results of the test. C. Scott asked what the liability is for the WPCA in case the tests came back negatively after the water had already been discharged. D. Will stated that there is almost no way that something could get through the filter. R. Prinz noted that any problems with the test results would be the responsibility of the applicant and contractor. R. Prinz noted that the tank takes sixteen hours to fill, and it would take three or four hours to dump. T. Lopez suggested using four frac tanks instead of three frac tanks. R. Prinz stated that there is not much for him and D. Will to inspect except to be sure that the test is taken and that the material is discharged into the sewer line. T. Lopez suggested that either the WPCA require that a fourth frac tank be used or that the dumping be done without an inspection. R. Prinz stated that the project should be ready for remediation in April. R. Prinz stated that BJ's has to be ready to open in November, and that this is a critical component of the project.

Attorney Sienkiewicz stated that R. Prinz and D. Will need to be on-call around the clock. If inspection is required there is a minimum of 3 overtime hours paid. Chairman Malwitz stated that after-hours should be billed at \$500.00 per frac tank. During the day it will be \$250 per frac tank. T. Lopez asked the rate of discharge, and R. Prinz stated that twenty gallons per minute will be removed from the ground.

R. Prinz stated that if any of the tests come back the developer is responsible for the discharge. D. Will clarified that after the first one or two tests, if they come back good, they will be allowed to dump with the agreement that every frac tank will be tested. If the tests come back too high, the developer is responsible.

Attorney Sienkiewicz reviewed the prior motion from last month's meeting minutes of the project approval. J. Jove commented that there should be an applicant present at tonight's meeting for the project. T. Lopez stated that he agreed with J. Jove.

L. Trojanowski-Marconi made a motion to amend the motion with respect to 84-140 Federal Road that was adopted on February 22, 2012 to permit discharges to occur at any time during

the day or night and that if staff is required to be on site earlier than 10 AM and later than 4 PM Monday through Fridays or at any time over the weekend, the discharge fee per frac tank will be \$500.00 instead of \$250.00. T. Lopez seconded the motion and it carried unanimously.

R. Prinz noted that the contractors will need to use additional frac tanks.

D. Will noted that India Kitchen (483 Federal Road) has closed and the grease trap has not been pumped. The owner would like the pumping to be moved from every month to every three months. The Commission agreed to re-visit this issue in six months but the owner should continue to pump every month in the interim since other restaurants are still active. Attorney Sienkiewicz stated that the staff will need to determine if fewer pumpings could be done.

12. Vouchers

L. Trojanowski-Marconi made a motion to approve the vouchers as submitted. T. Lopez seconded the motion and it carried unanimously.

13. Adjournment

L. Trojanowski-Marconi made a motion to adjourn at 10:22 PM. C. Scott seconded the motion and it carried unanimously.

***** Next meeting date April 25, 2012 *****

**RESOLUTION CONCERNING CENTER SCHOOL
SEWER EXTENSION BENEFIT ASSESSMENTS**

WHEREAS, the Water Pollution Control Authority, acting for the Town of Brookfield, has expanded the municipal sewerage system by construction of the Center School Sewer Extension; and

WHEREAS, by Resolutions adopted on October 27, 1997 and February 23, 2003, the Authority levied benefit assessments, supplemental benefit assessments and established connection charges to recover the capital costs associated with the construction and acquisition of said project, all as of record appears; and

WHEREAS, the Authority has determined that it is necessary and appropriate to amend Section D, Paragraph 13 of the “Resolution Establishing Benefit Assessments, Connection Charges, Supplemental Benefit Assessments and a Segregated Recovery Account with Respect to the Center School Extension” adopted on October 27, 1997;

NOW, THEREFORE, it is hereby resolved by the Brookfield Water Pollution Control Authority that Section D, Paragraph 13 of the “Resolution Establishing Benefit Assessments, Connection Charges, Supplemental Benefit Assessments and a Segregated Recovery Account with Respect to the Center School Extension” adopted on October 27, 1997 is amended, effective as of July 1, 2010, to provide as follows:

D. Establishment of Center School Recovery Account

13. a) Effective as of July 1, 2010, the funds derived from the benefit assessments, connection charges and supplemental benefit assessments levied with respect to the Center School Sewer Extension, together with any Center School funds transferred to the Authority by the Town, shall be deposited by the Authority in a segregated account to be known as the Center School Restricted Fund. Such funds shall be used to reimburse the Town of Brookfield the remaining outstanding balance due with respect to \$980,000 paid by the Town on

behalf of the Center School Extension, together with accrued interest at the rate of 5.5% per annum; and to reimburse the Authority the sum of \$407,000 expended by it on account of said project, together with interest from January 1, 1997 at the rate of 5.5% per annum.

As of January 1, 2012, the remaining outstanding principal balance due the Town of Brookfield on the \$980,000 bonds issued to fund said project totals \$240,000, plus accrued interest of \$6,345 payable on January 15, 2012. As of January 1, 2012, the remaining outstanding principal balance due to reimburse the Authority totals \$407,000, plus accrued interest of \$333,910.

b) On an annual basis on or about July 1, the Authority shall evaluate the amount available in the Center School Restricted Fund to determine whether sufficient funds exist to fully reimburse the Town of Brookfield the outstanding principal balance and future interest payments coming due in ensuing fiscal years on the \$980,000 bonds in accordance with the amortization schedule provided by the Town of Brookfield for such issue. When sufficient funds exist for such purpose, the Authority will transfer any additional funds held in the Center School Restricted Fund from the Restricted Fund to unrestricted funds to reimburse the Authority the \$407,000 expended by it for said project, plus interest from January 1, 1997 at the rate of 5.5% per annum. Such reimbursements to the Authority shall be applied first to the payment of accrued interest, and only then to principal.

c) Any additional funds derived from payment of Center School Sewer Extension benefit assessments, connection charges or supplemental benefit assessments after full reimbursement of the funds described in Paragraphs 13(a) shall be held as unrestricted funds for extensions and improvements to the Brookfield sewage collection or treatment system, including, for example, the acquisition of additional treatment capacity or for capital projects.