

BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

Wednesday, June 6, 2012 Room 209 7:30 p.m.

APPROVED MINUTES

1. **Call to Order**: Chairman Malwitz called the meeting to order at 7:30 p.m. with the following persons in attendance:

W.P.C.A.

Chairman Malwitz, Chairman

T. Lopez

P. Kurtz

C. Scott

Others

J. Sienkiewicz, Commission Attorney

W. Davidson, First Selectman

H. Lasser, Selectman

G. Walker, Selectman

R. Jaffe, Board of Finance Member

C. Greenwood, BoS Recording Secretary

K. McPadden, Executive Administrator

Members of the public and press

2. **Water Pollution Control Authority – Discussion regarding various matters including governance, finance, and the request of funding for the Del Mar Drive Sewer Extension**

There was discussion between the Board of Selectmen and the WPCA Commission members on various matters relating to governance and sustainability of the commission. Chairman Malwitz handed out and reviewed material reflecting the sustainability of the WPCA and their ability to repay current and future bond debts. The presentation was interactive with active dialogue throughout. Mr. Lasser suggested that he sit down with the Authority's accountant to cover remaining questions he has. He also asked that the Authority look into lowering the Benefit Assessment interest rate for the 2009 3-Condo Project properties, since the amount collected to repay the bond will be considerably greater than the bond interest amount.

Discussions continued with a focus on WPCA Brookfield Ordinance 71. The Board of Selectmen requested changes in the proposed Ordinance, including the following items: 1) Section 71-6 (A&B) Capital improvements and sewer extensions: Mr. Davidson requested to change the 35 day requirement for the Board of Selectmen to respond to the WPCA regarding such requests to 45 days, with the option to allow one (1) 30-day extension in writing; 2) Section 71-4 Powers and duties: Mr. Lasser asked that the proposed Ordinance be modified to withhold authority by the WPCA to condemn property and specifically place this discretion under the authority of the Board of Selectmen instead. His reasoning is elected officials vs. appointed officials should have this power. Attorney Sienkiewicz noted that most of the condemnations are when A) a property owner proves obstinate or holds out for a higher price, so the matter goes before a judge or B) there is no one to deal with in the case of a bundled mortgage, so condemnation is the only legal recourse. Both actions are only taken after the project has undergone the gauntlet of approvals including by the Board of Selectman; and 3) Section 71-5 Finance: It was requested by Mr. Lasser that the WPCA's budget be sent to the Board of Selectmen at least 35 days prior to the Authority's approval and adoption for review and written comment. After that, the WPCA has independent discretion to set its budget. This construct is in

accordance with the State guidance on isolation of funds. Following discussion, it was agreed upon by the Board of Selectmen that the WPCA's role to condemn all or part of a property will be not be mentioned in the Ordinance, allowing the current status to continue, and the other two (2) changes will be made along with minor edits. Atty. Sienkiewicz will draw up the revised Ordinance and forward it to the WPCA prior to their June 27, 2012 meeting, and the Board of Selectmen, prior to the public hearing they will hold on July 2, 2012 at 7:15 p.m.

Del Mar Dive Sewer Extension: Chairman Malwitz reviewed the scope of the project and explained that all of the affected Del Mar Drive property owners were polled. All are in favor of the Del Mar Drive sewer extension proposal. Following discussion, the Board of Selectmen unanimously approved a motion to recommend to the Board of Finance the appropriation for \$750,000.00 to pay for the costs of the Del Mar Drive sewer extension, including legal, engineering, easement and land acquisitions as may be necessary and to meet said appropriation to authorize the issuance of bonds in the amount of \$750,000.00, and pending the issuance thereof temporary borrowings to fund said project. The project will include the installation of approximately 1,500 linear feet of gravity main sewer line and approximately 650 linear feet of force main, and sanitary sewer pump station and is intended to provide sewer services to industrial properties on Del Mar Drive.

3. Adjourn - A motion was made by C. Scott to adjourn at 9:41 p.m. The motion was seconded by T. Lopez and passed unanimously.

*** Next meeting scheduled for June 27, 2012 ***