

BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

Wednesday, October 24, 2012 Room 133 7:00 p.m.

APPROVED MINUTES

1. Convene Meeting

Chairman Malwitz called the meeting to order at 7:00 PM with the following people in attendance:

W.P.C.A.

N. Malwitz, Chairman
L. Trojanowski-Marconi, Vice Chair
C. Scott
P. Kurtz, alternate
J. Jove

Others

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

2. Approval of Minutes – 9/26/12 Regular Meeting – **L. Trojanowski-Marconi made a motion to accept the minutes of the 09/26/12 meeting. C. Scott seconded the motion, and it carried unanimously.**

3. Correspondence

- a. Email from R. Saluga to the Commission – Chairman Malwitz noted that he met with Mr. Saluga to answer his email questions regarding the rate increases and budgets of the WPCA. Chairman Malwitz also noted that many of these questions are addressed on the WPCA's website.

4. Old Business

- a. 871 Federal Rd. – Application to Connect (Buildings 1-5)
Anthony Lucera, one of the owners of Riverview @ Brookfield, LLC was present. M. Lillis, Engineer of CCA, LLC was also present. M. Lillis stated that he had received Birdsall's comments, and CCA submitted revised plans as a result of Birdsall's comments. M. Finan stated that from a technical perspective, Birdsall Engineering is in agreement with the drawings. Atty. Sienkiewicz reviewed the modified Permanent Maintenance Agreement, but didn't realize there were revisions to the plans, so he will need to revise the Permanent Maintenance Agreement once again. A. Lucera stated that the sewer and the water fees are normally part of the common charges and will be collected by the management company. Atty. Sienkiewicz stated that normally the WPCA charges the owner of each condominium, and not a property management company. Mr. Lucera noted that the WPCA can bill the individual owner(s), if preferred. Atty. Sienkiewicz stated that he assumes that there was some sort of assessment for the current house on the property and the vacant land, but as these units will be built and declared, the WPCA's practice is to levy a benefit assessment on each of the individual units. Atty. Sienkiewicz asked if the individual units would have water meters, and A. Lucera replied that there will only be one water meter per building (not per unit). Atty. Sienkiewicz noted that this is a project that was previously approved and \$13,900 was deposited for the initial Permanent Maintenance Agreement. He stated that the agreement then provided that once the applicant started to discharge there would be an additional \$7,250.00 deposited based upon 6.7 percent of the pump station and 5% of everything else. Atty. Sienkiewicz stated that the WPCA's estimate is that the project will cost \$129,548.00. This amount is based upon six manholes at \$4,000.00 each, the 3,000 gallon pump chamber and all the electrical and pump equipment at \$50,000, 426 feet of eight-inch sewer line at \$88.00 a foot, equaling \$37,488.00, and 420 feet of force main at \$43 a foot. Atty. Sienkiewicz noted that this is a double force main and that he eliminated a contingency number from the initial agreement. The initial deposit, which is what the WPCA would be giving back from the escrow account, is approximately \$13,999.00. At the same calculation at 6.7 percent for the pump station and 5.5% for the sewer pipe manholes and the force main, the annual deposits after discharge would be \$7,327.40 which would need to be deposited into an escrow account. Chairman Malwitz stated that this process is required by the State. Atty. Sienkiewicz noted that when the WPCA initially approved this project and did the escrow calculations, it was to be

paid off in twenty and not fifty years, which yielded higher numbers. Atty. Sienkiewicz stated that he re-calculated the numbers using fifty years and with the revised calculations would be reduced from \$7,327.40 to \$4,841.00. Atty. Sienkiewicz stated that he revised the former agreement so that it is in conformance with the current regulations and before the property can discharge, the association would need to provide documentation which would show that the condo association is a properly formed condominium association, and the developer would also have to get a permit to discharge from the DEEP. M. Lillis mentioned that the property has a general permit to discharge from the DEEP and that the association is a formed association, with the name Riverview at Brookfield, LLC. Atty. Sienkiewicz noted that the agreement also requires the seller to notify each buyer that they will be responsible to pay the sewer use and assessment fees. **L. Trojanowski-Marconi moved to approve the application for issuance of the connection permits noting that the applicant is Riverview at Brookfield, LLC, as submitted subject to finalization and execution of a satisfactory amended Permanent Maintenance Agreement. J. Jove seconded the motion and it carried unanimously.**

C. Scott made a motion to authorize the Chairman to sign the amended Permanent Maintenance Agreement once it is finalized by Counsel subject to his approval. L. Trojanowski-Marconi seconded the motion and it carried unanimously.

Atty. Sienkiewicz noted he had used language from the prior agreement that stated that the Commission had received a supplemental application fee of \$7,500.00 paid in connection with the PMA, and there is now \$4,640.00 remaining in escrow. Atty. Sienkiewicz noted that he will amend the agreement to include the revised amount remaining in escrow.

5. New Business

a. 84-140 Federal Rd. – Application for Permit Modification (BJ's Gas Station)

Jaime Anderson of R.J. O'Connell & Associates was present on behalf of the applicant.

J. Anderson showed a map of the property to the Commission with the proposed location marked for the gas station. He stated that the former (approved) plan showed a 3,200 square foot restaurant, which is removed from the plan and replaced with a gas station to include fourteen pumps and seven bays. J. Anderson stated that there is minimal change to the sewer aspect, which would eliminate a sewer manhole and run a new sewer line along the backside to feed a line to the kiosk building. This kiosk will have one toilet and one sink for the attendant. J. Anderson stated that there is a total discharge of 5,000 gallons per day, and nothing in the actual BJ's building is changing. M. Finan stated that he reviewed the application, and he recommends it for approval. D. Will stated that the project needs a waiver for the grease trap that was part of the original design for the restaurant. Atty. Sienkiewicz noted the location of the oil grit separator on the plan for the tire shop, and D. Will stated that the store manager will receive a schedule of when the separator will need to be pumped after the Certificate of Occupancy is issued. J. Anderson stated that it is standard to have the separator pumped quarterly. Atty. Sienkiewicz stated that he is not sure if pumping was one of the conditions of the project approval. **L. Trojanowski-Marconi made a motion that, based on the recommendation of the engineer and the discussion of the grease trap, to approve the application [to modify the permit to remove the restaurant and its grease trap from the original approval and build a gas station (without grease trap) in the same location]. C. Scott seconded the motion and it carried unanimously.**

6. Accountant Reports

S. Welwood reviewed the accountant report with the Commission.

7. Engineer Comments/Project Update

a. **Caldor Pump Station Grinder** – M. Finan stated that the project is complete, and the change orders have been worked out. The final two change orders with the contractors were for the removal of the clay pipe and the additional days spent on construction, which came to \$16,900. There was also a change order in the amount of \$500.00 for an increased conduit size. M. Finan stated that he has just received as-built plans from the contractor, which he will review and provide comments as necessary. R. Prinz stated that the grinder is working.

- b. **67 Federal Road** - M. Finan stated that he has been trying to get an easement for this property. He has sent a request to CCA for a survey of the property so an easement and control panel can be defined. Chairman Malwitz summarized that the WPCA is installing electrical service to run their remote monitoring equipment. He stated that the engineering cost to prepare the easement is approximately \$1,700.00. Atty. Sienkiewicz stated that he had received an email about the power draw for equipment. It was noted that the transformer is rated for 3.5 amps, and Atty. Sienkiewicz noted that maybe the WPCA would need to allow a credit of more units for the electricity. M. Finan stated that power would need to be dropped below the ground to allow for a meter to be added to the building. Chairman Malwitz stated that it seems as though 3.5 amps is a high amount. R. Prinz noted that there is a heater in the panel because the equipment cannot get too cold, which could add to the number of amps. Atty. Sienkiewicz stated that it would be worth looking into installing an individual meter for the WPCA on the building. R. Prinz stated that if there was a separate meter the WPCA could pay their own electricity, similar to a tenant payment. M. Finan noted that the first step of this process is to receive and review the plan.
- c. **High Meadow/Ledgewood/Newbury Crossing Project** – Set Public Hearing – M. Finan stated that Birdsall has completed all borings except for four, and he mentioned that there have been a lot of utility conflicts throughout the process. Birdsall has done a ground-penetrating radar to locate where the four remaining borings are located, and the borings will be finished on Monday. There was a lot of rock found in the areas mostly along Ledgewood, and M. Finan reported that in some areas it was fourteen feet deep. M. Finan noted that he and R. Prinz had done a site walk and stated that there is no documentation of the existing septic system design for Ledgewood Condos. M. Finan mentioned that Birdsall has met with Jodi Chase on site, and there are some additional items in the wetlands such as streams and brooks, and a vernal pool. M. Finan stated that the force main will be moved down south away from the vernal pool as far as possible. The next steps are to submit the proposal to the Army Corps of Engineers and the DEEP. M. Finan noted that the design for the most part is complete. M. Finan stated that he will submit to all three agencies at one time. Chairman Malwitz proposed to set a public hearing next month with the substantial design so that changes can be made before the wetlands application submittal. Atty. Sienkiewicz stated that it may make sense to submit to the DEEP and the Army Corps of Engineers before submitting to the local Inland Wetlands Commission. Atty. Sienkiewicz stated that every property owner needs to be sent a notice of the public hearing. M. Finan asked what the condo association should own and what the WPCA should own. M. Finan showed a plan with the locations of what Birdsall suggests that the WPCA own. Chairman Malwitz stated that anything that has common flows according to the proposed plan will be owned by the WPCA and anything that has separate individually specific flows will be owned by the condo associations. R. Prinz stated that in the Newbury Crossing condominiums a manhole was opened, and the manhole covers are rusted through. R. Prinz noted that the concrete is deteriorated in those manholes. Chairman Malwitz suggested that the Commission have a conversation with the owners of Newbury Crossing condos to inform them that their system is deteriorated and needs to be addressed separately from this project. Chairman Malwitz stated that perhaps the Commission should re-assess the information to determine the cost of the project. K. McPadden noted that if a public hearing is held for all of the condominium owners, a room in the high school may be needed for extra capacity. P. Kurtz asked how old the system is, and R. Prinz replied that he believed that the system was built in the 1970s. P. Kurtz noted that it sounds like additional work for Newbury Crossing needs to be proposed and/or considered. Chairman Malwitz suggested that the Ledgewood piece be estimated separately, and the restoration work for Newbury Crossing would also need to be estimated separately. P. Kurtz stated that perhaps the WPCA should solve some of the current issues, but that the associations would own and maintain the infrastructure after that. The Commission agreed to set a public hearing for the regularly scheduled meeting in November. K. McPadden will try to schedule a larger room for next month's meeting.
- d. **Delmar Drive Sewer Extension** – M. Finan noted that there is a tentative meeting to sign the contracts with Earthmovers on Friday. M. Finan stated that he is working with S. Sullivan to coordinate the work with the water main. M. Finan stated that there is a draft of the easement, and the mylar has been prepared. Atty. Sienkiewicz stated that he has drafted a temporary grading easement and a temporary landscaping easement that would terminate after thirteen months. Atty. Sienkiewicz asked if the Commission would like to have a permanent easement. M. Finan stated that if there was a permanent easement, the WPCA would have the right to trim and maintain those trees. W. Charles Utschig stated

- that the grading easement will be temporary. M. Finan noted that the easement should be completed before the work is started. Atty. Sienkiewicz reviewed that the trees to be planted are five white pines.
- e. GIS System Update – M. Finan stated that the “wish list” needs to be refined a bit; other than that, he has no report.
 - f. Other Engineering Matters – None.

8. Legal Matters

- a. Sandy Lane Permanent Maintenance Agreement – Atty. Sienkiewicz stated that he has a Permanent Maintenance Agreement for Chairman Malwitz to sign.
- b. 67 Federal Road – Easement – Atty. Sienkiewicz noted that this matter was discussed previously in the meeting.
- c. Delinquent Accounts – Atty. Sienkiewicz stated that he has delinquent accounts to clear up.
- d. Other Legal Matters – None.

9. Chief of Maintenance Report/Inspector Report

R. Prinz distributed the Chief of Maintenance report to the Commission.

-**Del Mar Drive** – M. Finan stated that the contract will be signed on Friday. Chairman Malwitz noted that he will not be available at the appointed time. **J. Jove made a motion to authorize the Vice Chairman, Louise Trojanowski-Marconi or in her absence, Phil Kurtz, to sign the contract with Earthmovers, Inc. for the Del Mar Drive Sewer project. C. Scott seconded the motion, and it carried unanimously.**

-**Monitoring Equipment** – R. Prinz stated that the equipment has been ordered and should be delivered tomorrow. This will allow for the main line and the line up Candlewood Lake Road to be monitored to check the accuracy of the flow meter for the flows out to Danbury.

-R. Prinz stated that the change order for the **Caldor Pump Station Grinder** was settled at \$16,900.00.

-R. Prinz noted that a survey is needed and has been requested for **67 Federal Road**.

-**Old New Milford Road Ext.** – The semifinal payment from the contractor has come out to \$18,000.00. R. Prinz stated that he is back-dating the maintenance period from July 2012.

-**Facilities Plan** – R. Prinz stated that the Commission should look into this project sometime next year.

-**Grease trap program** – R. Prinz mentioned that D. Will inspected the grease traps this month, and all are in full compliance.

-**Federal Road** – The extension is going through, and the work is just about ready to move through and toward the pump station.

-**BJ's project** – R. Prinz mentioned the change to the originally proposed plan, which was discussed earlier during the meeting.

-**Costco** – This project is 95% complete, and additional inspection time needs to be billed because there were many field modifications throughout the project.

-**195 Federal Road** – The connection is about 65% complete. This building is also hooking into the water line.

-**28 Old Route 7** – R. Prinz noted that this project has been completed.

-**125 Commerce Drive** – R. Prinz stated that this project has been completed.

-R. Prinz reported the total gallons used for September 2012 – 7,868,000/Per day average rate: 262,266 gallons

10. Other WPCA Business

- a. Informal Discussion with Members of Ad Hoc Committee – Chairman Malwitz introduced the Ad Hoc Committee members that were in attendance at tonight's meeting and asked if either of them had any comments. Mr. Enger & Mr. Smolnik explained that they were just there to observe and had no comments at that time.
- b. Sub-Committee Updates – C. Scott updated the Commission on his Committee's recommendations regarding the following charges:
 - **Outlet Capacity Charge:** C. Scott stated that in 1992 the current contract for 500,000 gallons was negotiated with the City of Danbury. Since that time, the flow to Danbury has not recovered that amount, and according to the 20-Year Study (done by Birdsall Services Group), additional capacity would not be needed by the Town until at least ten years from today. Mr. Scott stated that his committee recommends that the Outlet Capacity Charge ceases immediately and all monies collected to

date be returned to the current property owners. He further stated that any interest collected be used to cover administrative costs to refund the amounts. C. Scott suggested that if more capacity needs to be purchased down the road, the money to do so should be collected through a benefit assessment or a bond for all users and not collected from only a small amount of users. J. Jove asked if the annual bill from Danbury has been received yet (it has not), and therefore believes that to make a decision at this point without seeing that bill from Danbury may be premature. Chairman Malwitz stated that in 1992 there was a large expansion to the Danbury Plant made that the Brookfield WPCA took a loan out for, and at that point the Commission termed it the plant charge and billed all users. Chairman Malwitz suggested that this same method be used in the future, if more flow is required. C. Scott stated that this money in reserve cannot be moved from one type of fund to the other. Atty. Sienkiewicz stated that the purpose of the Outlet Capacity Charge was to charge property owners who were outside of the sewer area that were coming in as new hook-ups and explained that these monies could only be used for one purpose – to buy new capacity. **C. Scott moved to cease collecting Outlet Capacity Charge and return the money as soon as possible but no later than this fiscal year. No second; motion failed.** Atty. Sienkiewicz suggested that a public hearing be held to change the regulation and to return the monies. C. Scott stated that the Outlet Capacity Charge is an asset to the property, and if the property owner has since changed, the new owner should receive the money back. C. Scott will send the recommendations of the sub-committee to the Commission and Atty. Sienkiewicz. **C. Scott made a motion to suspend the collection of the Outlet Capacity Charge as of today and to ask counsel to send this to public hearing to determine the accounting to refund the money. P. Kurtz seconded the motion, and it carried unanimously.**

-Capital Cost Recovery Charge – C. Scott explained that research showed that this charge is legal and is within the guidelines obtained by the CT DEEP. The charge is applied to sewer districts where the construction bond is paid off by past benefit assessments. The bond was financed by properties connected before the bond was required. This charge affects a small population of new users that have undergone significant improvements to their properties, triggering a re-assessment. Mr. Scott stated that the rate of two percent seems about right and allows the WPCA to pay for improvements to the system without accumulating more money, nor a deficit. This sub-committee recommends continuation of this charge at 2% of the grand list value at the time of the property improvement. Currently the Capital Cost Recovery Connection Charge is due at the time of the certificate of occupancy and with the issuance of the sewer discharge permit. The sub-committee suggests that the rule for payment be revised to allow payment of the amount over three years and four installments. This small amount funds capital improvements across the system that benefit all users. This charge saves a lot of administrative work and is better for all users because smaller assessments do not need to be consistently levied. C. Scott stated that the remaining amount in the account is approximately \$200,000.00 after the installation of the pump station grinder. K. McPadden asked if interest would be charged if the properties would be allowed to pay the amount over four installments. K. McPadden noted that if a customer asked to spread out their outlet capacity charges, they are charged market rate interest. Chairman Malwitz suggested that the terms of this item should also be included in the upcoming public hearing. Atty. Sienkiewicz asked that only if the amount owed was over \$15,000.00, the payments could be spread out. C. Scott suggested that everything over \$10,000.00 be allowed to be paid over a period of three years and four installments. Atty. Sienkiewicz stated that he will review the regulations and will be in touch with C. Scott about this information. Chairman Malwitz asked M. Finan if he could review the regulations so that all of the regulations could be changed if required at once for a public hearing in January. Atty. Sienkiewicz asked about the Outlet Capacity Charge and the provision of the regulations, which is part of the treatment capacity management section of the regulations. Chairman Malwitz stated that he will review that regulation section and make recommendations for a hearing in January.

- b. **2012 Benefit Assessments** – Set Public Hearing – Chairman Malwitz stated that this is for properties that are new on the Federal Road line as of October 1, 2012. Atty. Sienkiewicz noted that the properties should be assessed when the CO is issued. K. McPadden stated that the policy has always been to assess properties after they have changed ownership. **L. Trojanowski-Marconi made a motion to adopt the Resolution to establish supplemental benefit assessments, and to set a Public Hearing date for November 28, 2012. P. Kurtz seconded the motion, and it carried unanimously.**
- c. WPCA Newsletter – Chairman Malwitz showed an example of a newsletter that the WPCA is proposing to send out with the next bill. K. McPadden stated that she will collect information for the

newsletter, if anyone wants to send in their ideas. K. McPadden stated that she is in the progress of obtaining a logo for the newsletter, and she has a list of ideas for future newsletters.

- d. 2013 Calendar/Extend 12/1/12 payment to 1/4/13 – K. McPadden stated that the Town Hall is closed on December 25th and January 1st and asked if the WPCA office could close on December 24th and 31st as well. She stated that a note would be put on the 12/1/12 bills alerting customers of the change and also asked the Commission if they would allow the bill acceptance date to be extended to January 4, 2013. **J. Jove moved to extend the deadline as suggested by the Executive Administrator and to allow the closure of the office on the 24th and the 31st of December, 2012. C. Scott seconded the motion and it carried unanimously.**

2013 Calendar - K. McPadden distributed the 2013 proposed meeting schedule and C. Scott recommended the September meeting be moved back to its original 4th Wednesday slot of September 25th. **L. Trojanowski-Marconi made a motion to adopt the calendar with the one change [pertinent to the September meeting date]. C. Scott seconded the motion, and it carried unanimously.**

- e. New office computers – C. Scott reported that he received a quote for four computers and six monitors for the staff with desk stands for dual monitor holders. Chairman Malwitz clarified that this purchase is already part of the budget, so this discussion is informational.
- f. Other WPCA Business – None.

11. Vouchers

The Commission reviewed the vouchers. **L. Trojanowski-Marconi made a motion to approve the vouchers as submitted. J. Jove seconded the motion, and it carried unanimously.**

12. Adjournment

L. Trojanowski-Marconi made a motion to adjourn at 9:31 PM. C. Scott seconded the motion, and it carried unanimously.

*** Next meeting scheduled for November 28, 2012 ***