

BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

Wednesday, May 22, 2013 Room 133 7:00 p.m.

APPROVED MINUTES

1. **Convene Meeting** – Chairman Malwitz called the meeting to order at 7:03 PM with the following persons in attendance:

WPCA:

N. Malwitz, Chairman
L. Trojanowski-Marconi, Vice Chair
T.E. Lopez
J. Jove
P. Kurtz

OTHERS:

W. Charles Utschig, Engineer
Jeffrey Sienkiewicz, Attorney
S. Welwood, Accountant
R. Prinz, Chief of Maintenance
D. Will, Inspector
K. McPadden, Executive
Administrator
E. Cole Prescott, Recording
Secretary

2. **Approval of Minutes** – 04/24/13: Chairman Malwitz noted that the Commission would need to wait for L. Trojanowski-Marconi to arrive in order to approve the minutes of this meeting. **A motion was made to approve the subject minutes was made by L. Trojanowski-Marconi and seconded by T.E. Lopez. It carried unanimously.**

3. **Correspondence**

- a. Letter from Richard & Janice Stanco, 12 Silvermine Road – Chairman Malwitz summarized the letter. The property owners of 12 Silvermine Road asked in the letter if their home could be connected to the sewer system although their current septic is not failing at this time. The Commission suggested that the property owners apply to the WPCA to tie into the sewer line.

Vice Chair Trojanowski-Marconi arrived at 7:05 PM.

4. **Old Business**

- a. 20 Vale Road – Sewer Extension Application – *Steve Sullivan of CCA Engineers and Greg Steiner of Berkshire Corporate Park were present to discuss the application.* S. Sullivan stated that he is submitting a revised conceptual easement map and sanitary sewer plan and profiles for the new route that was discussed at the last meeting. S. Sullivan noted that the 25' easement is outside of the CL&P area. The easement language will allow the WPCA to traverse through all of the roads, similar to the CL&P easements. S. Sullivan noted that the twenty-five foot easement along the CL&P easement land can be used by the property owner for parking and driveways as long as the proposed work does not impact any of the sanitary sewer system. G. Steiner stated that he wanted to be sure that the land was not used completely by the easement areas, because the land is an undeveloped piece of property. K. McPadden mentioned that the application for 111 Park Ridge Road had been withdrawn and re-submitted at the last meeting, and the time period for the sixty-five day review period expires at the end of June.

- b. 111 Park Ridge Road – The Commission noted that this application will be discussed at the next meeting as it can't be approved until the 20 Vale Road Extension application is approved.

c. 40 & 64 Laurel Hill Road – *S. Sullivan of CCA Engineers was present to discuss the application.* S. Sullivan stated that he is in receipt of a letter from Langan and M. Finan about this project, which included a recommendation to approve the project. W. Charles Utschig stated that Langan had recommended that the Commission consider requiring the applicant to provide a connection point for an emergency generator, which is item #2 in the letter from Langan. S. Sullivan noted that this property will be managed by a property maintenance company. W. Charles Utschig mentioned that it would be preferable to have a connection installed that is compatible with the current generators that the WPCA already owns. S. Sullivan noted that only building three of the residential buildings will use a pump station. S. Sullivan explained that three of the buildings on this site are residential, but that the other building on the site will be used as an office. S. Sullivan noted that for this reason, he had submitted two different applications. **L. Trojanowski-Marconi made a motion to approve the application for 40 & 64 Laurel Hill Road commercial sewer connection application for a gravity system based on the letter from Langan dated May 17, 2013, and that the applicant provide signed and sealed drawings with the noted change and condition. J. Jove seconded the motion, and it carried unanimously.**

d. 40 & 64 Laurel Hill Road – Multi-Family Sewer Connection Application – *S. Sullivan of CCA Engineers was present to discuss the application.* S. Sullivan stated that he is in receipt of a letter from Langan and M. Finan about this project, which included a recommendation to approve the project. The matter of the suggestion to provide a connection to the WPCA emergency generator was discussed. It was the consensus of the Commission to require the connection as a condition of approval. CCA and the WPCA will coordinate the electrical fitments. **Chairman Malwitz made a motion to approve 40 & 64 Laurel Hill Road multi-family sewer connection application [based on the letter from Langan dated May 17, and that with the stipulation that (1) the applicant provide signed and sealed drawings with the noted change and condition] and (2) an emergency generator connection be provided before a permit to discharge is issued. T.E. Lopez seconded the motion, and it carried unanimously.**

e. 140 Federal Road – *Daniel Pedersen of DSP engineering was present to discuss the application.* **L. Trojanowski-Marconi made a motion to approve the application to disconnect Burger King. T.E. Lopez seconded the motion, and it carried unanimously.**

f. 140 Federal Road – Application to connect Chick-fil-A – *Daniel Pedersen of DSP Engineering was present to discuss the application.* D. Pedersen noted that he had received some minor comments from Langan, that he believe were all addressed. W. Charles Utschig clarified that Langan has reviewed the revised plans and the applicant has addressed all of the comments of the original memo including re-locating the grease trap so it is not located quite so far from the building. W. Charles Utschig stated that the applicant should be responsible to coat the inside and outside of the existing manhole, if R. Prinz determines that it is necessary based on his inspection. **L. Trojanowski-Marconi made a motion to approve the application to connect Chick-fil-A based on the drawings and the recommendation from the engineer with the condition that the applicant shall coat the interior and the exterior of the existing sanitary manhole that will receive the building sewer connection should this be determined to be required by the WPCA Chief of Maintenance, which corresponds to item 2 on the letter dated May 20th from Langan. J. Jove seconded the motion, and it carried unanimously.**

g. Sewer Extension for Laurel Hill Gravity vs. Pump Systems – R. Prinz noted that due to the lack of interest from the property owner and the expense to the WPCA, there is not enough interest in this project. R. Prinz stated that he will no longer be researching this item. S. Sullivan noted that his client was aware of R. Prinz’s suggestion. R. Prinz also stated that a gravity-fed line is preferred over the use of a pump station.

5. New Business – None.

6. Accountant Reports

a. Month End Financial Report – S. Welwood reviewed the accountant report with the Commission.

The Commission discussed agenda item 10.a., 2013/2014 Budget.

10. Other WPCA Business

a. 2013/2014 Budget

K. McPadden clarified that the budget has been approved, but not yet adopted. Chairman Malwitz explained that at the end of the March meeting, the WPCA voted to send up a budget to the Board of Selectmen as required by Ordinance 71. The Ordinance Board provides the option for the Selectmen to make a comment in writing to the WPCA by May 20th. No written comments were received. Chairman Malwitz noted that the WPCA had obtained more accurate guidelines relating to health insurance, pensions, etc. These were adjusted in a revised budget. Chairman Malwitz also noted that the number of units was increased slightly to more accurately reflect projected revenue. Chairman Malwitz also mentioned that the WPCA added to the third item a note about the two percent capital cost recovery fees.. **L. Trojanowski-Marconi made a motion to adopt this budget dated May 21, 2013. T.E. Lopez seconded the motion, and it carried unanimously.**

The Commission discussed agenda item 6.b., Bi-Annual Billing Process.

6. Accountant Reports

b. Semi-Annual Billing Process Report – Set Public Hearing – S. Welwood distributed a list of proposed timelines for this process. S. Welwood stated that currently the December 1st billing covers the first quarter of the calendar, and this proposal would now change the billing process to have the December 1st bill cover the first six months of the year. The bill is due December 1st and is delinquent on January 1st. S. Welwood mentioned that this proposal would not change any other portion of the billing process. K. McPadden stated that use and assessments are billed on December 1st. S. Welwood noted that the WPCA would notify residents of this change via mailing in Fall 2013. S. Welwood noted that changing from a quarterly to semi-annually billing process would reduce the work load by fifty percent, or the equivalent of having to hire a part-time person for the WPCA office. S. Welwood mentioned that there are approximately 1200 bills sent every quarter, as well as the work necessary to follow up on returned bills, changes of address, new units and delinquent notices. S. Welwood stated that when the new assessments are added to this billing, there will be approximately four hundred additional customers. T.E. Lopez stated that it is clear that this change needs to be done, but questioned how success will be measured. Attorney Sienkiewicz mentioned that if this change to the billing process is to be made, the regulation also needs to be changed.

P. Kurtz entered the meeting room at 8:10 PM.

L. Trojanowski-Marconi made a motion to set a public hearing date for 7:00 PM at the next meeting on June 26, 2013 to amend the regulations to deal with a change in the billing date to semi-annual and to clarify the manner of collecting the connection fee. T.E. Lopez seconded the motion, and it carried unanimously.

The Commission discussed agenda item 10.f., Inspection Rate.

10. Other WPCA Business

f. Inspection Rate – Set Public Hearing – The Commission discussed the change of inspection rate from \$50 to \$75 per hour. **L. Trojanowski-Marconi made a motion to set a public hearing [at the next meeting on June 26, 2013] to change the inspection rate from \$50 an hour to \$75 an hour. J. Jove seconded the motion, and it carried unanimously.**

The Commission discussed agenda item 10.b., 3-Condo District Assessment Re-Calculation.

b. 3-Condo District Assessment Re-Calculation – Chairman Malwitz noted that twenty-nine letters were sent out by the WPCA office, and about one-third of the delinquent accounts for this three-condo project have been paid. Attorney Sienkiewicz explained that the accounts that are current will be extended for two years and will be amortized similar to a mortgage. For account holders who are not current, the original payment plan will be used, but the draft of the resolution provides that if the account becomes current, the account holders may be re-instated based on the new plan. The letter that was sent informed the account holders that they have until May 31st to update their accounts in order to be eligible to participate in the revised payment plan.

7. Engineering Comments/Project Update

a. Del Mar Drive Sewer Extension Project – Mr. Utschig stated mentioned that R. Prinz will discuss this matter during his report.

b. High Meadow/Ledgewood/Newbury Crossing Project/Wetlands Application Status – T.E. Lopez recused himself from this matter. W. Charles Utschig stated that the Inland Wetlands Commission had approved the application at their May 20th meeting. W. Charles Utschig reported that Langan is currently working on the bid package for the wetlands portion of the project. Attorney Sienkiewicz asked that easement maps be sent to him by Langan, and W. Charles Utschig replied that M. Finan will submit these maps to Attorney Sienkiewicz tomorrow. The Commission discussed the need for the Inland Wetlands Commission assumption of responsibility to be signed. **L. Trojanowski-Marconi made a motion to authorize Chairman Malwitz to sign the assumption of responsibility form. J. Jove seconded the motion, and it carried, 4-0-1, with T.E. Lopez abstaining.** Chairman Malwitz noted that the signing of this document is a requirement of the wetlands approval. Chairman Malwitz noted that the Commission has to ensure 80% survivability for three years for all the wetlands plantings. W. Charles Utschig recommended that these plantings be monitored by the WPCA and not by the contractor. The contractor may be responsible for the first year, but W. Charles Utschig suggested that the WPCA continue to care for these plantings after the first year. If the contractor is to monitor for the full three years, the contracting company will build this fee into their pricing. R. Prinz also mentioned that the WPCA will be responsible for the posting of a bond for the wetlands work. W. Charles Utschig noted that the wetlands portion is approximately 25% of the cost of the project. Attorney Sienkiewicz asked when the WPCA needs to post the bond, and K. McPadden noted before construction starts. W. Charles Utschig also mentioned that the WPCA is going to need to continue to pay a wetlands consultant to monitor the project during

construction. W. Charles Utschig stated that Langan has been in communication with the railroad company for the permit for the railroad crossing. T.E. Lopez asked when Langan could submit a timeline for the project, and W. Charles Utschig responded that the beginning of next week the timeline could be done and submitted. **J. Jove made a motion to authorize the bid package to go out once it has been reviewed and approved by the Chairman and by counsel and to authorize counsel to proceed with the acquisition of any necessary easements for the project to proceed, and to authorize the engineers to secure at least a permit proposal from the railroad company so that the railroad crossing permit could be obtained in time for the bid award. L. Trojanowski-Marconi seconded the motion, 4-0-1, with T.E. Lopez abstaining.**

c. GIS System Update – W. Charles Utschig reported that this project is ongoing, and he has been working with the Town’s GIS consultant on this matter.

d. Langan, LLC – W. Charles Utschig stated that he and his group have been employed by Langan Engineering and Environmental Services, Inc., which is a New York-based and international company. W. Charles Utschig stated that he and his group are working out of a New York-based office. W. Charles Utschig stated that Langan is in the process of submitting revised contracts to the WPCA for processing the monthly applications and another for specific engineering reviews. W. Charles Utschig mentioned that these contracts will be submitted early next week. T.E. Lopez stated that the relationship between the WPCA and the engineering company should be established, and he stated that he was pleased that W. Charles Utschig is submitting these revised contracts. Attorney Sienkiewicz asked if the current contract that the WPCA had signed with Birdsall Services Group when the Commission started the project has been terminated. W. Charles Utschig stated that after the WPCA has paid their Birdsall bill in full, it is eligible to receive requested copies the entire body of work product from Birdsall. He stated that the WPCA owns the plans that he had done under the contract with Birdsall Services Group. W. Charles Utschig mentioned that the Birdsall’s New York office was closed. Attorney Sienkiewicz stated that the contracts need to be reviewed to be sure that the contract with Birdsall Services Group for this project has been properly ended. P. Kurtz asked if Langan is planning to send a formal letter of engagement, and W. Charles Utschig replied that Langan is currently putting this paperwork together. Attorney Sienkiewicz reviewed the contract for the current condo project and noted that there was no termination clause in the contract. W. Charles Utschig stated that he will send the general conditions, which are referenced in the document, to Attorney Sienkiewicz. Chairman Malwitz suggested that the WPCA could procure a release from the Birdsall Services Group.

e. Other Engineering Matters – None.

8. Legal Matters

a. 67 Federal Road License – W. Charles Utschig gave the drawings to Attorney Sienkiewicz.

b. Rollingwood Permanent Maintenance Agreements – Attorney Sienkiewicz stated that he had no update on this matter.

c. Commerce Road Permanent Maintenance Agreement – R. Prinz stated that he had made copies of the plans, which are in the WPCA office. **L. Trojanowski-Marconi made a motion to send to the Board of Selectmen a recommendation for an 8-24 referral to authorize the Water Pollution Control Authority to accept into the public sewer system a private system serving Commerce Drive together with a twenty-foot sewer easement along the easterly side of Commerce Drive and a general right of access to Commerce Drive for the purposes of maintenance. The system consists of approximately 3,200 feet of double**

three-inch force main gravity sewer and existing force main pump station. T.E. Lopez seconded the motion, and it carried unanimously. Attorney Sienkiewicz noted that he had spoken with the owner to let him know what expenses had to be paid in order for the WPCA to take over this system. Some of the connections are gravity and other are force main.

d. Collections/Levy & Sales – Murphy Properties – Attorney Sienkiewicz stated that the sale will be postponed to July 11th if the installments are paid, and the property will be re-instated if the final amount is paid before that July 11th sale. The Commission and Attorney Sienkiewicz discussed several other delinquent properties.

e. Other Legal Matters – There were no other legal matters at this meeting.

9. Chief of Maintenance Report

R. Prinz presented his report to the Commission.

- High Meadow – R. Prinz reviewed that the project has been approved by the Inland Wetlands Commission with the condition that a bond is required to guarantee 80% survival of plantings after 3 years.
- Laurel Hill Road – R. Prinz reported that he is not investigating this matter further due to lack of interest from the owner and expense for the WPCA.
- 67 Federal Road – R. Prinz noted that Attorney Sienkiewicz now has the plans for the monitoring upgrade.
- Sandy Lane Extension – R. Prinz suggested that the Commission get a release from the Town Engineer for the road and possibly a letter from the Sandy Land Condominium association, noting that they are happy with any work that was completed on their property.
- Old New Milford Road Extension – R. Prinz reported that this item has been completed.
- Manhole Repairs – R. Prinz stated that the manholes that need repair have been identified. Quotes from two different contractors are in process.
- Snowplow – R. Prinz stated that a snow plow has been bought for the tractor that was purchased last year.
- Water Extension Project – R. Prinz reported that the contractor doing the water extension project would like to use the WPCA's land near the Caldor pump station. Due to the work that was completed for the force main connection and the road widening, R. Prinz proposed that the WPCA use \$1,000 from non-recurring maintenance to landscape and repair the area.
- Grease Trap Inspections – R. Prinz stated that D. Will is completing the grease trap inspections for this quarter.
- Del Mar Drive Extension – T.E. Lopez stated that at the last meeting it was agreed to send a letter to the contractor, which was sent by M. Finan. R. Prinz stated that he had reminded that an extension of time request should have been submitted to the WPCA by this point. R. Prinz stated that the time frame was known before the contractor signed the contract. R. Prinz reviewed aspects of the contract with the Commission. R. Prinz stated that the WPCA is losing money because the authority is paying the bond interest out of the operating fund, and the Commission cannot set the assessments yet. P. Kurtz asked if the contractor has given any reason to the WPCA as to why the work has not yet been completed. W. Charles Utschig stated that there is a performance bond for the project. W. Charles Utschig mentioned that the quality of the work is not an issue. W. Charles Utschig stated that the work started about sixty days after it should have. The larger items relative to contract value have not been completed. P. Kurtz asked if the true cost of liquidated damages due to this delay have been calculated. Chairman Malwitz asked when the pump station is due, and R. Prinz stated that he has not been told when the station will be installed.

10. Other WPCA Business

- a. 2013/2014 Budget – *This item was discussed earlier in the meeting.*
- b. 3-Condo District Re-Assessment Calculation – *This item was discussed earlier in the meeting.*
- c. Employee Handbook – No discussion/no motions.
- d. Logo Update – K. McPadden reported that the WPCA has received over one-hundred entries for the online logo creation. K. McPadden noted that there is a two-week deadline for logos to be submitted. K. McPadden will send the logo images to the Commission.
- e. Invoice Cloud Update – K. McPadden reported that the invoice cloud will be running within the next two weeks. K. McPadden mentioned that she needs some IT help. Chairman Malwitz mentioned that the Commission may need to ultimately hire some outside help for this matter.
- f. Inspection Rate – Set Pubic Hearing – *This item was discussed earlier in the meeting.*
- g. Other WPCA Business – Chairman Malwitz suggested that the Commission go into Executive Session to discuss personnel items relative to the responsibilities, duties and salary levels of the WPCA employees.

11. Vouchers

The Commission reviewed the vouchers. **T.E. Lopez made a motion to accept the vouchers as presented. L. Trojanowski-Marconi seconded the motion, and it carried unanimously.**

Executive Session: **L. Trojanowski-Marconi made a motion to go into executive session to discuss the personnel matters in general, in particular the responsibilities, duties and general compensation levels of the WPCA employees and the only members invited are the WPCA members. T.E. Lopez seconded the motion, and it carried unanimously.**

No motions were made during Executive session, and no motions were made after the Executive Session ended.

12. Adjournment: The meeting ended at 10:15 PM.