

BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

Wednesday, November 20, 2013 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 in attendance:

WPCA

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

Others

D. Will, Inspector
J. Sienkiewicz, Attorney
M. Finan, Langan Engineer
W. Charles Utschig, Langan Engineer
S. Welwood, Accountant
K. McPadden, Executive Administrator
E. Cole Prescott, Recording Secretary

*P. Kurtz was a voting member for this evening's meeting.

7:00 p.m. - PUBLIC HEARING – To receive public comment from affected property owners with respect to the construction of a revised, proposed High Meadow, Ledgewood and Newbury Crossing Sewer Project – Chairman Malwitz opened the public hearing and explained its purpose. He stated that the property owners had been notified of tonight's hearing via certified letter, and the hearing was also properly noticed in the paper. Chairman Malwitz asked for questions from the audience.

Chairman Malwitz stated that a public hearing was also held in November 2012 regarding a different route for this project. The design work for what was originally proposed at the time had been completed and construction bids received. The construction costs according to plans approved by the Wetlands Commission were much higher than expected. That fact plus the ongoing maintenance issues, and exorbitant easement fees to go under the railroad bridge made the route far more expensive than was originally estimated. Chairman Malwitz explained that one of the wetlands requirements for the first route was to do re-planting and prove 80% survivability of plantings over a certain period of time. Consequently, rerouting the line has become a favorable option. This public hearing is required by State Statutes when a project of this scale is proposed. Chairman Malwitz noted that Benefit Assessments eventually will be placed on the benefitted properties.

W. Charles Utschig of Langan Engineering explained that the change of the design is focused on the wetland crossing and the cost that would have come along with the crossing. The originally proposed route crossed through the High Meadow Property, down through the railroad tracks and out to Pocono Road. The alternative route runs from the common pump station (part of the original project), crosses through the High Meadow property, crosses the Newbury property, and goes ultimately out to Silvermine Road. W. Charles Utschig mentioned that there will be a gravity sewer that was part of the original design. Instead of pumping toward Pocono Road, the route will follow back to the proposed, newly extended gravity line across the Newbury property, and from there the route will run out to Silvermine Road. W. Charles Utschig stated that there is already a small force main road access that follows an existing access road for the septic system. According to W. Charles Utschig, there are already culverts in this location because it is currently used as an access road, and therefore will cause no wetland disturbance on virgin wetlands. W. Charles Utschig noted that there is not much additional impact to natural features. There is a bit of extra activity on the current road and other previously disturbed properties. W. Charles Utschig noted that this proposed route includes an extension of an existing easement for WPCA maintenance access for the pipe to connect out to Silvermine Road.

Emily McPadden asked for clarification on where the pipe currently ends on Silvermine Road, and W. Charles Utschig responded that there will still be an access way to this pipe. W. Charles Utschig noted this location on the proposed map. W. Charles Utschig stated that the WPCA has been to the Wetlands Commission again to conceptually review this plan.

Cheryl Peatfield of Ledgewood Condos asked if an additional pump station will be required, and W. Charles Utschig explained that the current pump station will be used. He explained the proposed route listed on the map. The line will tie into the existing line on Silvermine Road and will then pump using the existing pump station.

A question was asked by a member of the public as to why these condos were being sewered. Chairman Malwitz explained that the WPCA was approached by the High Meadow Association over two years ago to install sewers because of the high price to repair their current septic systems that had been built in the 1970s or 1980s. Chairman Malwitz noted that it is more cost effective to install sewers for High Meadow, Ledgewood and Newbury Crossing at one time rather than at separate times. Chairman Malwitz noted that city sewer is an attractive option for properties especially for re-sale, because it is a permanent solution to handle wastewater discharge.

Theresa Miller of Newbury Crossing asked if this route was considered the first time around. Chairman Malwitz responded that the Commission had estimated that the original route would be more cost effective by \$300,000 or \$400,000, but after receiving contractor bids, the WPCA determined that this alternative route proposed tonight is actually better as a long-term situation.

Pat Blanchfield of Ledgewood Condos asked for the cost estimates of the original route, the modified route through the wetlands, and this proposed route. Chairman Malwitz responded that the original route was estimated at \$1.7 million, but the modified route through Pocono Road was estimated at \$2.15 million after the project bids were received. The proposed, alternative route is approximated at \$2.15 million. Pat Blanchfield noted that this amount is \$400,000 more than was estimates last year. Chairman Malwitz noted that there were quite a number of construction requirements, so the bids for the work that the WPCA received for the originally proposed route were quite high.

Peter Citrone of Ledgewood Drive asked from what properties the WPCA is planning to acquire easements for this revised route. Chairman Malwitz responded that any property where the line runs that is not on the associations' properties where it is common for all three properties would require an easement. The WPCA will work to acquire an easement at Newbury Crossing. Chairman Malwitz noted that there may be some High Meadow easements required as well. Peter Citrone stated that he is concerned about any third-party easements that would be required for this route. W. Charles Utschig noted that the original route required easements from third properties, but this one does not.

Emily McPadden asked about the size of the pipe, and W. Charles Utschig stated that the pump station has the ability and the capacity sizing to handle more flow. The only upgrade needed is a slight electric upgrade at the railroad pump station.

Carol Woodruff of Newbury Crossing asked if additional upgrades in the road will also be required, and she also asked if the roads within Newbury Crossing will need to be dug up. Chairman Malwitz replied that some of the manholes and other areas of the system need to be upgraded, especially in Newbury Crossing.

Attorney Sienkiewicz entered the meeting room at 7:25 PM.

Chairman Malwitz stated that the \$2.15 million projected cost will be divided by the total cost of the grand list of all of the properties on the line added together based on the assessment amounts from the Tax Assessors' records to determine a factor, which may be somewhere around eight percent. There may be other fees to connect to the entire sewer system. This has to be negotiated with the Town. The Town built the line to handle Center School and later the High School. Every property on the line would then have an assessment using this rate to pay for the pipes in the ground.

Emily McPadden asked why the assessment amounts are calculated using the grand list value, but the user fees are set at the same amount for every residential property. Chairman Malwitz noted that the state

statutes allow some flexibility for determining how the assessments are calculated. Chairman Malwitz stated that the grand list value calculation method is the simpler method for calculating these amounts.

Emily McPadden inquired about the calculation of user fees. Chairman Malwitz stated that the WPCA also has to pay for the overall cost to pump the sewage to Danbury. Each private residence is billed one unit. Currently the charge comes to \$380 per year. Emily McPadden replied that this was a bit of a dismissive answer because many properties now have metered water. Emily McPadden stated that she does not believe that the owner of a 400 square-foot apartment should be paying the same amount (per quarter) as an owner of a four-bedroom home. Emily McPadden stated that she would like an answer. Chairman Malwitz replied that this matter is not part of this public hearing, and he stated that it is unlikely that the WPCA will be changing this method of calculation any time soon because city water is still being installed and is currently not available throughout the entire town. Chairman Malwitz stated that State law recommends that the use charges are calculated using this current method. Emily McPadden asked Chairman Malwitz if she and he could meet regarding this question, and Chairman Malwitz responded that there are not enough people currently connected to metered water to change the method of calculation of use charge to be determined using metered readings.

Peter Citrone asked if this plan requires any additional Town referendum. Chairman Malwitz stated that the Town-wide vote was to approve an amount of up to \$2.5 million for this project. Chairman Malwitz also mentioned that the Planning Commission and the Board of Selectmen have both approved the application. Mr. Citrone also asked if there are any additional agencies that need to review and approve this plan. Chairman Malwitz noted that, other than the Wetlands Commission, no other approvals should be required.

Sean Bayer of High Meadow Association asked if this project will be completed by next year, because the association has some budgetary concerns to plan for the upcoming year. Chairman Malwitz responded that the WPCA is hoping to go out to bid around February/March, and he is hopeful that the project will be completed by the Fall of 2014.

W. Charles Utschig stated that this sewer line is completely internal to these three condo associations, and the only location where it comes out is along Silvermine Road. He stated that only those that are directly on this line will benefit and therefore have an assessment on their property.

Theresa Miller asked Chairman Malwitz to explain any additional benefits to the properties from the installation of this line, excepting the property value increase. W. Charles Utschig stated that there will probably not be much change in water usage, but the units will not back up as they are currently, provided that this back up is related to the septic system. W. Charles Utschig also noted that the cost of fixing the septic systems would only get more expensive.

Rich Miller of Newbury Crossing asked if there is only one pump station for this proposal, and W. Charles Utschig stated that there is only one other small pump station that is proposed for High Meadow with only a few properties using this proposed station. Mr. Miller asked who services these stations, and W. Charles Utschig replied that the WPCA staff monitors this system around the clock, and even has an alarm notification system.

Rich Miller asked for some clarification about the direction of the line out to Silvermine Road. M. Finan of Langan Engineering stated that Comstock Trail will tie into the existing system, and the other two roads will be hooked up to the gravity system out to Silvermine Road. The two buildings in the back will go out to the system in the back. The first two buildings on Brooks Lane will go out via gravity to the street.

Chairman Malwitz stated that the bidding process should be completed in April or May, and his expectation is that the entire project be done in 2014. W. Charles Utschig mentioned that some parts of the project may be completed before others. W. Charles Utschig stated that due to the nature of this project, the parts will be done in pieces. Those closest to the pump station will be first, and those farthest

will be connected later on in this process. Teresa Miller asked about when the assessments will take affect, and Chairman Malwitz replied that the assessments will most likely be set next year to be due in December.

Cheryl Peatfield of Ledgewood Condominiums asked if the WPCA expects a better turn-out for the construction bids, especially without the wetlands requirement involved. Chairman Malwitz stated that he is hopeful that there will be more bidders partly because of the larger scope of the project.

Chairman Malwitz asked if there were further questions about the construction process. Emily McPadden asked Chairman Malwitz if this is the last public hearing before the project is assessed. Emily McPadden asked if there will be a meeting when she will be able to ask questions pertinent to user fees.

Chairman Malwitz asked for further questions about the construction process. There were none. Chairman Malwitz closed the public hearing at 7:49 PM.

2. **Approval of Minutes** – 10/23/13 – **L. Trojanowski-Marconi made a motion to approve the minutes, and P. Kurtz seconded it. The motion carried unanimously.**

3. **Old Business**
 - a. 92 Pocono Road – Application for Sewer Connection BVFD – Chairman Malwitz noted that the WPCA accepted the application at the last meeting and submitted it to Langan Engineering for review. Chairman Malwitz noted the resolution, which is to connect the Fire Department and to defer the Benefit Assessment until such time that the property is no longer used by the Town of Brookfield. Attorney Sienkiewicz asked D. Will if the lease is recorded on the Brookfield Land Records. D. Will responded that the Brookfield Volunteer Fire Department owns the building, but the land on which it sits is owned by the Town and the Fire Department holds a ninety-nine year lease on the property, which he believes is recorded. **L. Trojanowski-Marconi made a motion to approve the connection application for the Fire Department and to [approve the resolution and establish the connection charge] and to defer the benefit assessment until such time that the property may no longer be used as a Fire Department or owned by the Town of Brookfield. T.E. Lopez seconded the motion, and it carried unanimously.**
 - b. 40-64 Laurel Hill Road – Set Inspection Fees – K. McPadden explained that this application had been approved in June, but the WPCA has not yet set inspection fees for the project. K. McPadden stated that this approval was for three buildings plus the building that the applicant will be moving. K. McPadden mentioned that the applicant has already paid engineering fees. D. Will approximated that one-hundred hours will be needed for inspection. **L. Trojanowski-Marconi moved [for 40 & 64 Laurel Hill Road] to set the inspection fee at \$7,500. T.E. Lopez seconded the motion, and it carried unanimously.**

4. **New Business**
 - a. 450 Federal Road – Application to Disconnect – K. McPadden noted that the applicant will be at the meeting around 8:00 PM. *This item was discussed later in the meeting, after Accountant Reports.*
 - b. 20 Old Gray’s Bridge Road – Permit Extension Request – K. McPadden noted that this application was approved in March 2012, but that the property owner, Stephen Kelley, will not be able to complete the work until next year. The applicant has requested a one-year extension. **T.E. Lopez made a motion to extend the existing permit for 20 Old Gray’s Bridge Road through December 31, 2014. P. Kurtz seconded the motion, and it carried unanimously.**
 - c. 46 Del Mar Drive – Application to Connect – D. Will spoke on behalf of the business owner, Mr. Siklos. D. Will stated that the property was connected before the connection application was approved by the WPCA. K. McPadden noted that the owner has since applied for the connection approval and has paid \$400 for the application fee. **L. Trojanowski-Marconi made**

a motion to retroactively approve the application for 46 Del Mar Drive to connect to the Del Mar Drive line. T.E. Lopez seconded the motion, and it carried unanimously.

Chairman Malwitz noted that this property is the first connection on this line.

5. Accountant Reports

- a. Financial Reports – S. Welwood reviewed the financial reports with the WPCA.

The Commission moved to agenda item 8.e., Other WPCA Business: WPCA Payroll.

8. Other WPCA Business

- e. WPCA Payroll – Chairman Malwitz stated that Controller Leverage has asked that the WPCA take over its own payroll. S. Welwood stated that she believes it is important that if the WPCA is to take over its own payroll, this process should take affect as of January 1, 2014, so that there is not a negative impact to employees. S. Welwood also noted that the WPCA would need to obtain its own registration number. S. Welwood stated that her main concern is to ensure that all benefits including pension will still be covered under the Town. S. Welwood also noted that she has concerns about unemployment compensation and workers compensation insurances. S. Welwood noted that it is better for the WPCA to have all of this detail within its system; however, she stated that the WPCA would want to make sure that there is no additional cost for the WPCA than what is being paid now. **L. Trojanowski-Marconi made a motion to have S. Welwood draft a letter for the Chairman’s signature to clarify the questions that remain regarding the WPCA taking over its own payroll operations, including benefits and pension, and to do whatever is necessary to prepare for the January 1st transition. T.E. Lopez seconded the motion, and it carried unanimously.**

4. New Business

- a. 450 Federal Road – Application to Disconnect – Manuel Minino of Douglaston, NY was present to discuss this application. This application is to disconnect the currently vacant residence on the site. **L. Trojanowski-Marconi made a motion to approve this application [to disconnect]. T.E. Lopez seconded the motion, and it carried unanimously.**

The Commission moved to Other WPCA Business, agenda item 8.a., Recommendations on BANs.

8. Other WPCA Business

- a. Recommendations on BANs – Chairman Malwitz noted that it looks as though the WPCA is only paying interest for what they are paying down. Chairman Malwitz noted that the WPCA will pay \$100,000 on principal for the Sandy Lane BAN, and with interest this payment will be \$101,192. Chairman Malwitz stated that for Del Mar and Old New Milford Road the WPCA had approximately \$350,000 of unspent monies in the BANs. Chairman Malwitz stated that he would like to retire the Old New Milford Road BAN in the amount of \$120,000. Chairman Malwitz stated that he would like to have the \$102,383 and the \$120,381 back from the Town to have them give it back to the bank for the payment. Chairman Malwitz stated that the Town’s Finance Office is holding the money, and there seems to be some confusion regarding this matter and the funds that the Town is holding in the Finance Office. Chairman Malwitz stated that the bank is owed a total of \$323,956. As discussed in previous meetings, Chairman Malwitz has sent an email to the Finance Department regarding this matter. **T.E. Lopez made a motion to adopt the BAN paydown strategy and leave it between the Town and the Executive Administrator K. McPadden to determine exactly how the monies will be paid to the town. L. Trojanowski-Marconi seconded the motion, and it carried unanimously.**

The Commission moved to agenda item 7.a., Berkshire North Agreement.

7. Legal Matters

- a. Berkshire North Agreement – Greg Steiner and Roy Steiner of Berkshire Corporate Park were present to discuss this matter. Attorney Paul Jaber was also present to represent Berkshire Corporate Park. Roy Steiner stated that there has been an impasse with the attorneys regarding the new sewer line, and he wanted to show some of the reasons why the Berkshire Corporate Park is requesting certain language in the proposed easement. He noted that the entire park is

300 acres. Roy Steiner stated that this sewer line will be serving only Berkshire Corporate Park, and will not be exiting onto public roads or extended to other types of users. Roy Steiner stated that there was reserved capacity in the 1990s. He stated that the property has been owned for over forty years by the Steiners. The first parcel that is currently being developed is cutting eight acres for a particular user, and this sewer will be for only this property. The Corporate Park is resisting exclusive easement rights to the Brookfield WPCA because the surrounding towns give the right in their easement language for certain developments within those easements. There is a line now that runs in Brookfield to Vale Road that is fed by gravity. Roy Steiner noted the location of a residential area on the plan that is not part of the Berkshire Corporate Park. If there are exclusive easement rights, there could be serious problems with negotiation rights with prospective tenants. The easements that run through Bethel and Danbury are normally fifteen feet and generally give the Corporate Park the right to the property in the easement area. Roy Steiner presented a map to the Commission outlining the location of the property and the roads within the property. Roy Steiner stated that it is important for the development of the land that lot lines are not drawn at this point and easements with exclusive rights are not filed. Roy Steiner stated that Berkshire Corporate Park has to have the right to develop the land without unnecessary restrictions. Roy Steiner mentioned that the majority of the utilities for Berkshire Corporate Park have been developed by the Park, done to each Town's specifications. Roy Steiner stated that he believes that this is a very different project from most other development projects. Roy Steiner stated that Berkshire Corporate owns the majority of the buildings in the Park, and it is important to maintain flexibility during this development process. Roy Steiner noted some of the other easements with surrounding Towns that are located in the Corporate Park. He noted that any of the sewer lines that come through the property will only serve the Park. Roy Steiner stated that good engineering practices are and will be used throughout the site.

Chairman Malwitz stated that if the Steiner's do work with good engineering practice, there is no need for the WPCA to reject engineering within the easement, even if the WPCA's language is used for the easement agreement. Chairman Malwitz stated that the other matter he discussed with Greg Steiner is the option to have the Park retain ownership and maintenance of the line until some future date after more development has occurred. Attorney Sienkiewicz stated that one of the reasons that the WPCA has a twenty-five foot easement is because a waterline should not be installed near the sewer line. Attorney Sienkiewicz noted that ease of administration of the sewers by the staff for some benefit of uniformity in the WPCA easements is one of the benefits to the WPCA maintaining the same easement language throughout all of the easement documents. Attorney Sienkiewicz explained that if the applicant's proposed easement language were to be used, the burden of proof as to why an applicant cannot construct something in the easement would be on the WPCA, and not on the applicant. Attorney Sienkiewicz stated that the difference hinges on the applicant's desire to insert the word "reasonableness" in the easement. Attorney Paul Jaber stated that the WPCA's language does not allow for any type of reasonableness of development in the easement area. Attorney Jaber reviewed the proposed easement on a map, and noted the location of the residential area on which the Park already has an easement with another party. Attorney Jaber explained that the applicant will not be able to fully grant an easement through the easement between the Corporate Park and the residential area because the WPCA's easement language is more restrictive than the language of that current easement. The applicant cannot require that this easement is more restrictive than the easement that is already on site with the applicant and that residential development.

Roy Steiner stated that the developers just need flexibility. P. Kurtz asked about the parcel and asked what is planned in that easement area that would violate the language of the standard WPCA easements. Roy Steiner replied that nothing is currently proposed there at this time. P. Kurtz suggested that the Berkshire Corporate Park keep the sewer and ask for the WPCA to take it over at a later date. Atty. Sienkiewicz stated that the Commerce Road system which was currently taken over by the WPCA does not meet the WPCA standards. Atty. Sienkiewicz

stated that under the WPCA regulations, this type of expansion is not contemplated. Atty. Sienkiewicz stated that there is no specific method to define what ‘unreasonably withheld’ means. P. Kurtz stated that the WPCA should not take over this line then, and in the end if the Steiner’s wish to have the WPCA take over the system, the Steiner’s understand what the Town would require to take over that line. W. Charles Utschig stated that he believes that from the WPCA’s perspective and a paperwork perspective, this is the best practice. Atty. Sienkiewicz noted that the permit that has been issued by the WPCA would need to be modified.

Roy Steiner asked about the trunk line, and showed on the map the location of the trunk line. Roy Steiner stated that he would like the trunk line to be able to be moved to allow for future development of the land. Future development would be done to the Town’s standards, according to Roy Steiner. Chairman Malwitz stated that he believes that Berkshire Corporate Park should decide how it would like to proceed. Roy Steiner noted that the 25-foot easement is very restrictive. Atty. Sienkiewicz noted that the WPCA would have to be reasonable. Atty. Jaber asked if the WPCA would be willing to say that the WPCA approval would not be unreasonably withheld.

With consensus by the WPCA and Berkshire, Chairman Malwitz suggested that the attorneys work with the easement document language. The idea of Berkshire maintaining ownership is less desirable by both parties, but still an option. The attorneys will review this information and will negotiate the easement language.

6. Engineer Comments/Project Update

- a. Revised, Proposed High Meadow, Ledgewood & Newbury Crossing Sewer Project – To consider and act upon – T.E. Lopez asked W. Charles Utschig if there is a timeline on this project relative to the next steps of the work. W. Charles Utschig responded that through the holidays Langan Engineering will finish the bid drawings. He stated that construction drawings will be done most likely by February, and the project will then go out to bid. W. Charles Utschig stated that Langan wants to give more time and broaden the advertisements in the hope to get more bidders. This process should take approximately two months, so the bid will most likely be awarded in May. The project should start in June. Atty. Sienkiewicz stated that the resolution that went to the Town meeting needs to be reviewed to be sure that it does not need amendment. W. Charles Utschig stated that the construction easements should be obtained by July and permanent easements by September. W. Charles Utschig stated that the construction will be throughout the three condominium associations. Chairman Malwitz stated that he would like to have meetings with the individual associations to discuss the construction project with regard to disturbances that should be expected.
- b. GIS Update – Chairman Malwitz stated that he has received an email from Scott Sharlow, who is finishing up the updates for this program. The project will involve buying some iPads so the information will be entered in real-time out on the field. Chairman Malwitz suggested that Langan make a proposal for this service, which is a service that Langan is currently providing to the New Haven WPCA.
- c. Rollingwood Gravity Sewer – Atty. Sienkiewicz stated that he has sent the map and estimate to the homeowner association’s attorney. A letter was sent back discussing the amount that the individual owners would be charged. Atty. Sienkiewicz reviewed some of the estimates for the project. Atty. Sienkiewicz stated that Rollingwood has not yet agreed to move forward for this project. D. Will stated that the board meetings are on the third Wednesday of the month. M. Finan mentioned that there could be wetlands that would impact the amount estimated.
- d. Other Engineering Matters – There were no other engineering matters at this time.

7. Legal Matters

- a. Berkshire North Agreement – *This item was discussed earlier in the meeting, after agenda item 8.a.*
- b. Commerce Drive Sewer System Acquisition – Atty. Sienkiewicz stated that the pump station is not located in an easement, so he has contacted the attorney to determine if the property owner

is willing to give the WPCA an easement over this pump station area. Atty. Sienkiewicz noted the size of the easement currently on site.

- c. 67 Federal Road License – Atty. Sienkiewicz stated that this matter is complete. D. Will stated that Shannon Young, owner, is waiting for R. Prinz to install.
- d. Danbury InterLocal Agreement – Atty. Sienkiewicz stated that he has not yet had any feedback from Atty. Dave Grogans. Chairman Malwitz requested that Atty. Sienkiewicz send the agreement directly to Danbury for their review.
- e. Collections/Levy & Sales – Chairman Malwitz stated that he has had a conversation with Mary Ongaro about the collections/levy & sales. Atty. Sienkiewicz stated that a letter should be sent to Branhaven, which will be the second notice. D. Will stated that Branhaven was looking to do some improvements but could not get the sign-off for the building permit. P. Kurtz asked Atty. Sienkiewicz how much Branhaven owes, and Atty. Sienkiewicz replied that there is approximately \$11,100 outstanding.
- f. Other Legal Matters – There were no other legal matters at this time.

8. Other WPCA Business

- a. Recommendations on BANs – *This item was discussed earlier in the meeting, after agenda item 4.a.*
- b. Public Act 12-155 Phosphorus – Non-Point Source Working Group Participation – Chairman Malwitz reported that he participated in 2 meetings in October and has submitted receipts for reimbursement. Another meeting is slated for Monday November 25, 2013.
- c. Employee Handbook – T.E. Lopez stated that he and P. Kurtz will submit the document to the WPCA by the end of the year.
- d. December Meeting – Chairman Malwitz proposed that the December meeting is canceled.
- e. Other WPCA Business – **Executive Session: L. Trojanowski Marconi made a motion to go into executive session to discuss the complaint with the State Election Enforcement Commission. P. Kurtz seconded the motion, and it carried unanimously.** The Commission came out of executive session at 10:25 PM. No motions were made during executive session.

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

10. Adjournment – T.E. Lopez made a motion to adjourn at 10:42 PM. L. Trojanowski-Marconi seconded the motion, and it carried unanimously.

RESOLUTION

92 Pocono Road, Brookfield Volunteer Fire Company, Inc.
Center School Sewer Extension Connection Charge

Whereas, the Brookfield Water Pollution Control Authority, acting for the Town of Brookfield, has constructed improvements to the Brookfield Sewer System known as the Center School Sewer Extension; and

Whereas, the Brookfield Volunteer Fire Company, Inc., as owner of the building and improvements located at 92 Pocono Road (land owned by the Town of Brookfield) has made application to connect such building to the Center School Sewer Extension; and

Whereas, pursuant to a resolution adopted by the Authority on October 27, 1997, upon connection to the municipal sewer system, such property is subject to the levy of a Center School Sewer Extension Capital Cost Recovery Connection Charge in the amount of \$63,714.56; and

Whereas, the Brookfield Volunteer Fire Company, Inc. has requested that such Connection Charge be deferred until such time as the building is sold or ceases to be used as a facility for municipal fire protection and/or emergency services provided by a not-for-profit volunteer entity or organization;

NOW, THEREFORE, BE IT RESOLVED by the Brookfield Water Pollution Control Authority that:

1) a Center School Sewer Extension Capital Cost Recovery Connection Charge is levied in the amount of \$63,714.56 against the property known as 92 Pocono Road and the owners thereof as such property is found to be especially benefited by, and shall have made connection with, the Center School Sewer Extension.

2) Said connection charge represents 5.47% of such property's assessed value as determined on the October 1, 1993 Grand List of the Town of Brookfield.

3) Such connection charge shall be deferred until such time as the facilities located on said property are sold or cease to be used as a facility for municipal fire protection and/or emergency services provided by a not-for-profit volunteer entity or organization. Interest shall not accrue while such Connection Charge is deferred.

4) Upon the expiration of such deferral and at the option of such property owner, such Connection Charge may be paid, together with interest on the unpaid principal amount at the rate of 4.00% per annum, in accordance with the installment payment plan substantially as contemplated by Section 7.3.2 of the Authority's Rules and Regulations, revised through June 26, 2013. Specifically, the first installment shall be in the amount of Ten Thousand Dollars (\$10,000.00) and shall be payable on the date that the facilities located on said property are sold or cease to be used as a facility for municipal fire protection and/or emergency services provided by a not-for-profit volunteer entity or organization. The balance of such Connection Charge shall be paid in four (4) equal annual installments of principal, together with accrued interest, commencing on December 1 next following such deferral termination date.

5) If any installment remains unpaid for thirty (30) days after the same shall become due, the entire unpaid balance of the capital cost recovery connection charge, together with all unpaid interest, shall become immediately due and payable. The Authority shall have all rights provided by the Connecticut General Statutes to enforce collection and payment of said unpaid amount, including those rights provided by Section 7-254 of the Connecticut General Statutes, as amended.