

WATER POLLUTION CONTROL AUTHORITY
Wednesday, January 22, 2014 Room 133 7 p.m.
APPROVED MINUTES

1. **Convene Meeting:** Chairman Malwitz called the meeting to order at 7:00 PM with the following persons in attendance:

WPCA

N. Malwitz, Chairman
T.E. Lopez
I. Agard

Others

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

All present members are voting members for this meeting.

2. **Approval of Minutes** – 11/20/13 – Chairman Malwitz noted that the Commission needs three members who were present at the November 20, 2013 meeting to approve the minutes of that meeting.

3. **Old Business:**

- a. 48 Old Grays Bridge Road – Request to Extend Sewer Connection Approval
- b. 58 Old Grays Bridge Road – Request to Extend Sewer Connection Approval

Steve Sullivan of CCA, LLC was present to discuss these requests. Mr. Sullivan stated that these connection permits were originally approved in 2012, and both property owners would now like to extend these approvals for another year. **T.E. Lopez made a motion to extend the sewer connection permit for 48 Old Grays Bridge Road and 58 Old Grays Bridge Road until February 25, 2015. I. Agard seconded the motion, and it carried unanimously.**

The Commission moved to the informal discussion, agenda item 5a.

5. **Informal Discussion**

a. 101 & 103 Laurel Hill Road – *John McCoy, principal of JFM Engineering in Danbury, CT was present to discuss this matter. Bob Hebert of Laurel Hill Partners was also present.* Mr. McCoy stated that these parcels are to be developed as one project. The proposal is for an apartment complex. Mr. McCoy stated that the property would either be developed under the affordable housing regulations or the incentive housing regulations. The incentive housing regulations would require a retail component, and would require at least twenty units per acre. There is no readily available sewer to hook into. The first hurdle to develop this property and other properties in the incentive housing zone would be to have the connectivity to sewer. Mr. McCoy stated that he and Mr. Hebert had informally presented the project to the Board of Selectmen and the Planning Commission. Mr. McCoy stated that the incentive housing is an overlay zone with R-40 underneath as the primary zone.

Mr. McCoy noted that they would like to ask the WPCA to consider connection for the other properties in the incentive housing zone. Mr. McCoy noted that when reviewing the Plan of Conservation and Development, these lots are marked for multi-family development, sewer expansion areas, and transition areas. Mr. McCoy stated that currently there are two sewer lines running north and south beginning near the bowling alley. Mr. McCoy reviewed some concept plans to describe how the properties could be tied into either of these existing lines. Mr. McCoy noted that the properties would also need to be connected to the water line.

Chairman Malwitz suggested that the WPCA have a conversation with the Land Use Departments, and the WPCA could then possibly consider a plan for adding sewer to the entire area. Bob Hebert discussed the ownership of the parcels with Atty. Sienkiewicz, who questioned the location of a possibly existing easement. Atty. Sienkiewicz noted that the engineers might need to create a feasibility plan for the area, if

this is something that the Town wants. K. McPadden asked if a joint meeting could be held with Planning and Zoning and the WPCA. I. Agard stated that this responsibility is really Planning's because of how the property fits into the Plan of Conservation and Development.

R. Prinz asked when the developers are expecting to have the project done, and they responded a year from today. R. Prinz suggested that the developers look to work on the easement coming out to Route 7, as private force mains in the road are generally not permitted. R. Prinz stated that if the developer is willing to pay and install the line, they might have the ability to do that within a year. Mr. McCoy stated that he would be looking at the most practical methods for connecting the properties in the incentive housing district. K. McPadden stated that after reading the Board of Selectmen minutes, she compiled a spreadsheet of all the properties in the Incentive Housing Zone that are not currently connected. She further reviewed a GIS map of the TCD area and noted that many of these Incentive Zoned properties are either vacant or have single-family homes on them. R. Prinz noted that some of these properties on this list might need pump stations. Chairman Malwitz mentioned that hopefully by next month the Commission would possibly have an informal meeting with the other Commissions.

A motion was made by N. Malwitz to add 4 Elbow Hill Road to the agenda under item 4.b., New Business. I. Agard seconded the motion and it carried unanimously.

4. New Business

b. 4 Elbow Hill Road – *Marc Rogg of 4 Elbow Hill Road was present to discuss this matter.* Mr. Rogg noted that he has approved zoning plans for a 24,000 square-foot boat storage building with no utilities. There will be another small maintenance building also on site, which will have only one lavatory. Mr. Rogg noted that his engineer has designed a plan for a pump station. K. McPadden noted that there is currently a single family dwelling on site; she also stated that the property is not connected or assessed. R. Prinz stated that when the intersection was reconfigured, an eight-inch pipe was buried for possible connection up to Elbow Hill Road. W. Charles Utschig stated that from an engineering and logical perspective, at a minimum the applicant should be discussing taking the gravity line up Elbow Hill Road, and what the WPCA should end up with is an extension of the gravity sewer line to a logical point on Elbow Hill Road. **T.E. Lopez made a motion to accept the application [4 Elbow Hill Road], refer it to engineering for review, and to set an engineering fee of \$1,000. I. Agard seconded the motion, and it carried unanimously.**

Atty. Sienkiewicz requested that the record reflect that this property is not in the sewer district and there is no guarantee that the applicant is entitled to sewer service. Chairman Malwitz noted that this matter would be evaluated.

6. Accountant Reports

a. Financial Reports – S. Welwood reviewed the financial results with the Commission. Chairman Malwitz informed the Commission that Irv Agard would be working with Ms. Welwood on the WPCA budget for the next fiscal year. The Commission also reviewed a list of the delinquent accounts.

b. Utility Bill Automatic Payments – The Commission discussed the benefit of using automatic payment methods to pay the WPCA's utility bills whereby the utilities can automatically draw funds. The amounts of the payments will continue to be shown on the vouchers to be approved at the monthly meetings. **Chairman Malwitz made a motion that recurring utility bills can be done using automatic/direct payments. I. Agard seconded the motion, and it carried unanimously.**

c. Payroll takeover update – K. McPadden stated that the outside payroll company is up and running and there have been three paychecks issued with the new system thus far. There are a few outstanding matters to work out with the Controller's Office. T.E. Lopez asked about the sick, vacation, and personal time tracking. K. McPadden stated that she continues to keep track of this. She stated that the new paycheck system would eventually report employee use of sick, vacation and personal time. This information will eventually appear on the paycheck slips.

The Commission discussed agenda at this point in the meeting. It is agenda item 10.d., Town Pension.

10.d. Town Pension – Atty. Sienkiewicz stated that, as requested, he has drafted a letter to the Board of Selectmen requesting that the WPCA employees (as a whole) be named on the Town's Pension

Plan. This request is appropriate because the WPCA has now taken over its payroll function. Atty. Sienkiewicz stated that he also drafted a resolution for the BoS approval. Atty. Sienkiewicz noted that the WPCA currently make contributions to the pension and to the medical insurance.

A motion was made by T. Lopez to add item 10.e, High Meadow: Birdsall Engineering to the agenda. The motion was seconded by I. Agard and carried unanimously.

10.e. High Meadow: Birdsall Engineering – Chairman Malwitz noted that the adjustment for the \$5,000 that was paid to Birdsall on behalf of the WPCA for Jodie Chase’s consultation was never made, so the WPCA has paid this amount twice. Chairman Malwitz stated that Birdsall as a company no longer exists. W. Charles Utschig stated that he believes that Birdsall is still in bankruptcy court. Atty. Sienkiewicz asked if the matter should be pursued legally, but W. Charles Utschig stated that he believes that it may be too late. Atty. Sienkiewicz asked if the WPCA had received notice of the bankruptcy. Atty. Sienkiewicz stated that if the WPCA never received a bankruptcy notice, they are not bound by the notice requirement. Jodie Chase was Birdsall’s consultant, but Birdsall was not able to pay the bill because the assets of the company were frozen at the time. W. Charles Utschig noted that this payment was made last April. Atty. Sienkiewicz will look into this matter, and he asked that this item be put on the agenda for next month’s meeting.

7. Engineer Comments/Projects Update

a. Revised, Proposed High Meadow, Ledgewood & Newbury Crossing Sewer Project – W. Charles Utschig stated that the updated project schedule through award of contract has been created by Langan. Right now, an award of contract is anticipated to occur on at the regular WPCA meeting April 23rd. The construction documents will be 90% completed by the second week of February. W. Charles Utschig stated that Langan anticipates going before the Wetlands Commission on February 24th, and finalizing the bid documents by the first week of March. The next step would be to go through the bid process. W. Charles Utschig stated that Langan has been considering appropriate publications or websites with the goal of reaching more potential bidders. Atty. Sienkiewicz asked what easements the WPCA must acquire, and W. Charles Utschig noted that the temporary construction easement would be across the parcel. W. Charles Utschig also stated that each association should grant a blanket easement for the entire site. T.E. Lopez stated that he believes that liability insurance was an issue that was discussed in the past by the High Meadows homeowners association. W. Charles Utschig stated that the license agreement obligations should be transferred to the contractor upon the contractor’s signing of the construction documents, if possible. Atty. Sienkiewicz will send W. Charles Utschig and R. Prinz the executed license agreement for their review. W. Charles Utschig stated that at some point there should be a meeting with the condominium associations to discuss the construction process.

b. GIS Update – Chairman Malwitz stated that Scott Sharlow is working on this project. Chairman Malwitz stated that the WPCA has also met with Langan to discuss this matter. Chairman Malwitz noted that the long-term goal for this project is to be able to use the system to show future growth needs for the sewer. The system may also be used to track grease tank inspections in real time.

c. Rollingwood Gravity Sewer – Atty. Sienkiewicz estimated that \$400,000 would be the cost for this project. W. Charles Utschig stated that at this time there is no way to accurately determine the exact construction costs, and the WPCA is four to six months away from determining the construction costs. Chairman Malwitz noted that the WPCA is waiting to hear from the condominium association. **T.E. Lopez moved that upon receipt of an indication from Rollingwood that they would like to proceed with the project, that the Chairman can authorize the engineering firm [Langan] to do the engineering work [for an amount not to exceed \$7,500], and at least explore the easement acquisitions. If the project is not pursued, Rollingwood would pay those costs. I. Agard seconded the motion, and it passed unanimously.**

d. Other Engineering Matters – W. Charles Utschig stated that Langan will be meeting with the Town Engineer Ralph Tedesco to resolve the paving issue on Del Mar Drive. R. Prinz stated that the WPCA paid extra money to do the temporary paving so that the Town could come in and grind and pave that road. Chairman Malwitz stated that he needs to discuss this matter with Ralph Tedesco, and he will have more information by the next meeting.

8. Legal Matters

a. Berkshire North Agreement – Atty. Sienkiewicz stated that he has edited the proposed language based on the comments at the last meeting. Atty. Sienkiewicz explained that the developer wanted the right to do whatever was necessary to develop the industrial site, even if it meant crossing or re-locating the WPCA's easement. Atty. Sienkiewicz stated that he has created a document entitled the Sewer Easement Industrial Development that does not use the WPCA's standard easement language. Atty. Sienkiewicz stated that in this document there is some flexibility to develop within the easement areas. Atty. Sienkiewicz has revised the language to indicate that if any proposed work within the easement area does not adhere to the WPCA's and Town's regulations, the work would be considered unreasonable. The 25-foot easement standard remains the same.

b. Commerce Drive Sewer System Acquisition – Atty. Sienkiewicz stated that the owner of the system was to pay \$26,000 to the WPCA to bring the Commerce Road pump station up to current standards. The individual property owners on the system paid this money, and the amount that was held in escrow by the WPCA will be returned to the original developer. The permanent maintenance agreement is now terminated, and the property owner has given the sewer easement, as requested. The system is now part of the Town's system. **I. Agard made a motion to authorize the Chairman to execute the termination of the permanent maintenance agreement and release, and to accept the easements that have been tendered for the Commerce Road sewer system, and to authorize, when all the checks have cleared, the Executive Administrator to close out the escrow account for the Commerce Drive sewer system and to return the funds that are held in that account in the approximate amount of \$10,987 to Brookfield Commerce, which is a partnership. T.E. Lopez seconded the motion, and it carried unanimously.**

c. 67 Federal Road License – R. Prinz noted that permits are being pulled, and the owner is now requesting the WPCA to have an insurance policy for this panel. Atty. Sienkiewicz stated that the WPCA could look into adding this owner to the WPCA's current insurance policy. K. McPadden mentioned that the owner has requested that specific language be added to this insurance policy.

d. Danbury InterLocal Agreement – This agreement has expired as of two years ago. Toward the end of the last term, Atty. Sienkiewicz had sent a letter to the previous First Selectmen. Atty. Sienkiewicz stated that he has submitted the agreement to the City of Danbury directly. Atty. Sienkiewicz stated that he had called the second city attorney, and he has sent the drafted agreement to Danbury's operations contact. Atty. Sienkiewicz noted the study that was done by the WPCA which indicated that the current amount of 500,000 gallons would most likely be adequate for the next ten or so years.

e. SEEC Complaint – The Commission briefly discussed this matter. **I. Agard made a motion to authorize Atty. Sienkiewicz to enter into and to execute on behalf of the WPCA an agreement containing a consent order with the State Elections Enforcement Commission, as presented. T.E. Lopez seconded the motion, and it carried unanimously.**

f. Other Legal Matters – There were no other legal matters at this time.

9. Maintenance Manager's Report – R. Prinz presented the Maintenance Manager's Report:

- Del Mar Drive – R. Prinz stated that the paving matter will be discussed with the Public Works Department.
- Berkshire North (111 Park Ridge Road) is completed and is connected to the line.
- The Brookfield Volunteer Fire Company completed their connection right before Christmas.
- The Water Pollution Facilities Plan is an expensive item, and is as of yet inactive.
- The grease trap information will be added to the GIS system and will be updated in real time.
- Properties on Sand Cut Road are still considering hooking into the sewer line.

10. Other WPCA Business

a. Recommendations on BANs – *Chairman Malwitz mentioned that this item had been discussed at the last meeting and appropriate action taken.*

b. Public Act 12-155 Phosphorous – Non-Point Source Working Group Participation – Chairman Malwitz explained that the Candlewood Lake Authority will be paying to have a photo generated of the lake area on a wet day. Chairman Malwitz had explained that he would like to also have a picture done on a dry day for the sake of comparison (to be able to see any septic leaching into the lake by viewing nutrient levels represented by colorimetric charts as reported by satellite data capture).

T.E. Lopez made a motion to authorize contribution to the Candlewood Lake Authority of \$1,650 [for the purpose of creating a picture of a dry day]. The Commission would be able to see the data.

I. Agard seconded the motion, and it carried unanimously.

c. Employee Handbook – T.E. Lopez stated that he has sent a memo to the Commissioners regarding how the document is evolving. He noted that many hours have been spent reviewing this document. He would like to discuss the revisions with the staff and the WPCA.

d. Town Pension – *This item was discussed earlier, during the Accountant Report.*

e. Other WPCA Business – Chairman Malwitz stated that he has been informed of an issue with a restaurant at 483 Federal Road. D. Will stated that he has explained the regulations and worked with the restaurant owner, but the only way to lower the bill is to remove some tables. D. Will stated that the only way the usage bill can be lowered is by reducing the number of seats in the restaurant. K. McPadden stated that every single restaurant has different hours, some have a bar and others do not. K. McPadden stated that she believes that the WPCA needs to work on their calculation of restaurant usage fees in the regulations. W. Charles Utschig stated that he sees many towns that use the maximum occupancy of the building to calculate the usage fees. K. McPadden will ask the Fire Marshal if he has occupancy information about buildings readily available. R. Prinz stated that the restaurant owner could install water usage reduction devices and get a discount of twenty percent, if the WPCA agrees. W. Charles Utschig stated that if occupancy calculations are used, there would be no question about the fluctuations of the number of seating. Atty. Sienkiewicz asked if a distinction should be made between the different classes of food establishments.

11. Vouchers – The Commission reviewed the vouchers. Chairman Malwitz made a motion to approve the vouchers as presented. T.E. Lopez seconded the motion, and it carried unanimously.

The Commission moved back to agenda item 4.b., Election of Officers.

4. New Business

a. Nomination and Election of Commission Officers for the 2014 Calendar Year – Chairman Malwitz stated that he is willing to serve another year, and he noted that L. Trojanowski-Marconi is also willing to continue to serve as Vice Chair. **T.E. Lopez moved the approval of the slate of officers as discussed. I. Agard seconded the motion, and it carried unanimously.**

12. Adjournment – T.E. Lopez made a motion to adjourn at 11:05 PM, and I. Agard seconded the motion. Motion carried unanimously.

Next meeting schedule for February 26, 2014