

# BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

Wednesday, March 26, 2014 Room 133 7:00 p.m.

## APPROVED MINUTES

1. **Convene Meeting:** Chairman Malwitz called the meeting to order at 7:01 PM with the following in attendance:

WPCA

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

Others

R. Prinz, Maintenance Manager  
D. Will, Inspector  
J. Sienkiewicz, Attorney (arrived at 7:10 PM)  
W. Charles Utschig, Engineer of Langan Eng.  
S. Welwood, Accountant  
K. McPadden, Executive Administrator  
E. Cole Prescott, Recording Secretary

2. **Approval of Minutes** – 11/20/13, 1/22/14, 2/26/14 –

- **11/20/13** – Chairman Malwitz briefly reviewed the minutes with the Commission. The road name “Old Grady’s Bridge Road” should be “Old Grays Bridge Road.” **P. Kurtz made a motion to approve the minutes as amended. T.E. Lopez seconded the motion, and it carried, with P. Kurtz, T.E. Lopez and Chairman Malwitz voting.**
- **1/22/14** – **I. Agard made a motion to approve the minutes of the January meeting. T.E. Lopez seconded the motion, and it carried, with T.E. Lopez, I. Agard, and Chairman Malwitz voting.**
- **2/26/14** – **I. Agard made a motion to approve the minutes of the February meeting. P. Kurtz seconded the motion, and it carried, with I. Agard, L. Trojanowski-Marconi, Chairman Malwitz and P. Kurtz voting.**

3. **Old Business**

- a. 4 Elbow Hill Road – Application to Connect – *Marc Rogg of 4 Elbow Hill Road was present.* Mr. Rogg stated that the engineers had reviewed the plans again. W. Charles Utschig stated that as a result of the re-design, the proposed solution is now a full gravity system, but the new plan results in a main extension that is on the applicant’s property. This solution would require that the property owner establish an easement to the WPCA, and the engineers suggest that this line be a public line that would be available to other applicants to connect in the future. K. McPadden asked that the final plan be submitted to her for the file in the WPCA office, and W. Charles Utschig suggested that the WPCA use a stamp to differentiate the approved plans. Attorney Sienkiewicz asked if this extension has been referred to the Planning Commission or the Board of Selectmen for an 8-24 referral; Atty. Sienkiewicz mentioned that Mr. Rogg would need to complete the application for an expansion permit, which requires an application fee of \$3,500. W. Charles Utschig stated that this extension would allow other applicants to tie into the existing line by having the applicants connecting to extend the main along their property for use by the next developer. W. Charles Utschig noted that the design has changed for the better, which triggers the requirement for a different application. Chairman Malwitz noted that any amount of the \$3,500 application fee that is not used for engineering, inspection or legal will be returned to the applicant. **L. Trojanowski-Marconi made a motion to submit the proposed sewer extension for the approximately 350-foot public sewer extension up Elbow Hill Road to the Board of Selectmen for their input and comment. T.E. Lopez seconded the motion, and it carried unanimously.**
- b. 388, 398, 414 Federal Road – Permit Extension Request – *S. Sullivan of CCA Engineers and Dan Bertram of BRT Development were present to discuss this application.* S. Sullivan explained that the connection applications were approved in May 2012 for the proposed incentive housing buildings. S. Sullivan mentioned that the developers have recently received financing for the project. S. Sullivan stated that the one-year time period has lapsed since the last approval. S. Sullivan clarified that there are some building architectural plans that are

currently being reviewed by the Zoning Commission, but other than that, there have been no changes to the proposed sewer routes. S. Sullivan stated that the building maintenance agreement has been executed as of last fall for this project. Attorney Sienkiewicz asked if the plans have been amended since last fall, because the plans may have been noted in the permanent maintenance agreement. Attorney Sienkiewicz will review the plans that were submitted tonight. S. Sullivan mentioned that the connection permit had expired as of May 2013. **L. Trojanowski-Marconi made a motion to extend the permits [for 388, 398, 414 Federal Road] to May 2015 subject to the permanent maintenance agreement being modified to incorporate the new plans, if deemed necessary by counsel. T.E. Lopez seconded the motion, and it carried unanimously.**

- c. 491 Federal Road – Grease Trap Update – *Dr. Frank Fioretti, owner of Colonial Square Shopping Center, and Mr. Avalar, of Tavern 483, were present to discuss this matter.* Mr. Fioretti stated that he has complied with all of the requirements of the WPCA regarding his grease trap pumpings. He stated that the grease tank in the building had been previously pumped every three months, and now the tank is being pumped every month, which was a requirement of the WPCA. Dr. Fioretti stated that the current grease tank is 1,250 gallons, and the Chinese restaurant has their own under-sink 100-gallon grease tank. He stated that subsequent to this meeting, he had paid an engineer to witness the inside of the grease trap during the pumpings. Dr. Fioretti presented a letter from his engineer regarding observations of the pumpings done throughout the year. Dr. Fioretti stated that typically two inches in the grease tank was found during these pumpings. Chairman Malwitz asked which tenants are putting the most grease into the system, and Dr. Fioretti noted that the Italian and Chinese restaurants most likely produce the most grease. Dr. Fioretti stated that the grease trap at Mug n Munch also has what he believes is a 50 or 100 gallon tank. Chairman Malwitz clarified that the monthly pumping frequency seems accurate because something is not working properly to allow for two inches monthly in the current tank. W. Charles Utschig stated that the WPCA has rules and regulations to determine when and what size grease traps are needed. Typically, a restaurant which is using higher temperature waters such as in the case of the Chinese restaurant, the smaller intermediate grease traps are inefficient. W. Charles Utschig stated that either the tank needs to be pumped at a sufficient rate or grease tanks be added to the outside of the building because generally each restaurant requires the larger 1250-gallon grease tank. W. Charles Utschig noted that Dr. Fioretti's current engineer should be able to give him a cost estimate for the installation of additional grease tank(s). W. Charles Utschig suggested that in the long run the tenant and owner may find themselves in a much better financial position if the additional grease tank(s) were to be installed.

#### 4. New Business

- a. 101-103 Laurel Hill Road – Expansion Permit Preliminary Letter Application – *Bob Hebert of Laurel Hill Partners and John McCoy of J.F.M. Engineering LLC were present to discuss this application.* Mr. McCoy stated that a letter for preliminary approval for a sewer extension was submitted to the WPCA office. The proposed option is to extend the sewer south on Laurel Hill Road across the property frontage to the point where there is a stream crossing, which would allow for some extension south in the future. Mr. McCoy stated that this system would use gravity rather than a pump station. Atty. Sienkiewicz noted that the application fee for this proposal is \$3,500. **T.E. Lopez made a motion to accept the preliminary application for a sewer extension on Laurel Hill Road as submitted by Laurel Hill Partners LLC through J.F.M. Engineering Inc. and to refer to the Board of Selectmen pursuant to section 71-6 of the Brookfield Ordinances and to the Planning Commission for a report pursuant to Section 8-24 of the General Statutes. L. Trojanowski-Marconi seconded the motion, and it carried unanimously.**

*The Commission moved to discussion of Agenda item 10.c., Incentive Housing Overlay Zone.*

#### 10. Other WPCA Business

- c. Incentive Housing Overlay Zone – Amend Map – *Bob Hebert of Laurel Hill Partners and John McCoy of J.F.M. Engineering were present for this discussion.* K. McPadden noted that the incentive housing overlay zone was approved by the Zoning Commission, but was not brought to the WPCA to be sure that sewer extension would be an option for these properties. K. McPadden stated that in speaking with Katherine Daniel, incentive zoning is in a bit of flux because now the Zoning Commission is re-considering what properties should be included in this incentive housing zone. K. McPadden stated that she has suggested to Katherine Daniel that R. Prinz be involved in further discussions about the incentive housing zone to determine if sewer can be added to a location in Town. Attorney Sienkiewicz stated that the Commission would need to determine what specific properties should be added to the sewer map, and a public hearing would then need to be held to amend the map. He noted that these properties [101-103 Laurel Hill Road] would most likely be added to the map as a future sewer service area.

P. Kurtz suggested that the Commission approve this project without adding other properties to the map in that area, but Atty. Sienkiewicz stated that in his opinion if sewer is to be added to one of the properties in the area, it would be more convenient for the other appropriate properties in that area to be added to the map at the same time. W. Charles Utschig recommended that the Commission consider the properties that could connect based on this map submitted by the applicant, and consider other properties in this area that could be added to the map as potential sewer. Chairman Malwitz asked that for the next meeting a new map be proposed which includes these properties, and also stated that he would like to discuss section 1.2 of the regulations with Attorney Sienkiewicz. These items will be discussed for approval for a public hearing in May. Mr. McCoy asked if it would be possible to issue the permit without the procedural change. Upon inquiry from Chairman Malwitz, Mr. McCoy replied that there are approximately 108 proposed units along with proposed commercial space to comply with the Zoning regulations for the incentive housing zone.

*The Commission moved back to discussion of New Business Items, 4.b.-4.f.*

- b. Brookfield Parks & Recreation Electrical Tie-In – R. Prinz stated that Parks and Recreation would like to take electricity from the WPCA panel at the high school to add some spotlights and lights to their utility building. R. Prinz stated that the outside outlet has been used for lights and a ball machine for tennis at the high school. R. Prinz noted that a breaker should be installed on the outside just for the high school's use. Atty. Sienkiewicz stated that he will draft a license agreement for this project. **L. Trojanowski-Marconi made a motion that the Authority will grant the Brookfield Parks and Recreation Commission a revocable license to tie into the 115 amp electrical circuit into the Authority's High School Pump Station and counsel shall prepare the form. T.E. Lopez seconded the motion, and it passed unanimously.**
- c. 857 & 857A Federal Road Building #1 – Application to Connect (Green Acres)
- d. 857 & 857A Federal Road Building #2 – Application to Connect (Green Acres)
- e. 857 & 857A Federal Road Building #3 – Application to Connect (Green Acres)
- f. 857 & 857A Federal Road Building #4 – Application to Connect (Green Acres)
- Mike Lillis of CCA Engineers was present to discuss these applications.* He stated that the applicant is requesting connection of four proposed buildings. M. Lillis stated that the zoning approval as well as an amended wetlands permit have been issued for the project. M. Lillis stated that the plan is to demolish the existing building on site. M. Lillis stated that there will be four separate building connections and all of the units will be rentals. M. Lillis stated that building one and two are comprised of 32 units each. He stated that building 3 has 24 units, and building 4 has 12 units. M. Lillis stated that the decision of this project was settled in superior court, and due to this decision, the fitness center in building four will be opened to the residents and the community. Mr. Lillis stated that the majority of the system will be done via gravity, but the elevation of the sewer at the southwest corner is not sufficiently low to service the two buildings in the rear. W. Charles Utschig suggested that \$1,000 be set aside for engineering review of the plans. **L. Trojanowski-Marconi made a motion to accept the application [857**

**& 857A Federal Road Buildings 1-4]. T.E. Lopez seconded the motion, and it carried unanimously.**

- g. 337 Federal Road – Application to Connect (Dunkin Donuts) – *S. Sullivan of CCA was present to discuss this application.* S. Sullivan stated that the applicant is looking to have a proposed Dunkin Donuts building on site to tie into the existing sewer line. The plan is that the existing Dunkin Donuts currently next to Wesco will be closed. This building is proposed with a drive-through. The property will also be served by public water. W. Charles Utschig noted that \$500 should be sufficient for the engineering review, and R. Prinz stated that eight hours should be enough time for the inspections. **L. Trojanowski-Marconi made a motion to accept the application for 337 Federal Road, with the requirement of \$1,100 for engineering and inspection fees. T.E. Lopez seconded the motion, and it carried unanimously.**
- h. 328 Federal Road – Application to Connect (LaVelle) – D. Will stated that the connection will be done via gravity for the stone house along Old New Milford Road to tie into the two buildings. R. Prinz asked if these are commercial buildings, and K. McPadden replied that there is a house with office space inside, and a garage without plumbing. W. Charles Utschig asked what the zone of the properties is, and K. McPadden stated that it appeared to be IRC 80/40 based on the zoning map on the wall. The property is currently served by a septic system. Attorney Sienkiewicz noted that this is a commercial property, and R. Prinz suggested that a motion be made with the stipulation that a grease trap be installed if the use changes, especially since the use is a pre-existing, non-conforming situation. Attorney Sienkiewicz stated that if the connection is approved, there should be no residential use in the garage building. W. Charles Utschig stated that this is a basic sketch, but it should be reviewed by engineering. **L. Trojanowski-Marconi made a motion to accept the application [328 Federal Road] subject to engineering review and to set the engineering fees and inspection fees at \$1,400. T.E. Lopez seconded the motion, and it carried unanimously.**

## 5. Informal Discussion

- a. 204 & 206 Whisconier Road – Connection Inquiry (Schalkham) – *S. Sullivan of CCA Engineers and Neil Marcus of Cohen and Wolf, P.C. were present to discuss this application.* S. Sullivan stated that this property is currently adjacent to the Silvermine Manor Condominiums, and is two parcels, totaling 8.8 acres. There are currently two single-family homes on site. The purpose is to try to develop this parcel into assisted living or a senior housing development. S. Sullivan stated that the sewer line that ties into Silvermine Manor is a private, eight-inch line, and the informal proposal is for an easement agreement to make this line public. This property would need a pump-up lateral. S. Sullivan noted that 15,000 to 20,000 gallons per day for 100 to 200 bedrooms would be proposed. W. Charles Utschig stated that this design only serves one property effectively. W. Charles Utschig reviewed the current map which indicates the properties to be connected, and properties currently connected. W. Charles Utschig stated that the applicant is asking the Commission to consider taking ownership of a line that was built previously (the Silvermine Manor line) and extending another extension from that pre-existing line. Atty. Sienkiewicz stated that there is most likely not a pressing need for any sewers in that area. S. Sullivan noted that any deficiencies of the current system would need to be corrected, most likely by the applicant. S. Sullivan mentioned the need for a possible zoning amendment for this type of proposed use on this site, because the property is currently located in a residential zone. Atty. Sienkiewicz stated that the plan would need to be approved by the DEEP. Atty. Marcus stated that the plan will be re-worked to add a bit more detail, and be brought back to the WPCA informally.

*The Commission moved to discussion of agenda item 8.b., Berkshire North Agreement.*

## 8. Legal Matters

- b. Berkshire North Agreement – *Greg Steiner of Berkshire North LLC was present to discuss this application.*  
Atty. Sienkiewicz stated that the WPCA had issued a sewer extension permit, of which one of the conditions was that Berkshire North LLC was to give the WPCA a sewer easement to be

accepted by the Authority. Atty. Sienkiewicz stated that the sewer has been built, and a connection has been made with WPCA permission. Atty. Sienkiewicz stated that the applicants, with counsel at a previous meeting, had described why the sewer easement language was not acceptable to them. Atty. Sienkiewicz stated that he had then drafted an easement especially for this project, which would give the owners some flexibility for other proposed development on site. Atty. Sienkiewicz stated that now the applicants have decided that they do not wish to grant the sewer easement except for a small location at the lower end of the property. Atty. Sienkiewicz stated that if the easement is not granted to the WPCA, something would need to be given in terms of a sewer easement to the WPCA for the connection of this particular parcel to the sewer line. Mr. Steiner stated that the proposed easement would create a restriction of further development through the middle of the property. Atty. Sienkiewicz stated that the permit, which has been issued by the WPCA, needs to be modified.

## 6. Accountant Reports

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

*The Commission moved to discussion of agenda item 10.c., New “Unused BAN Proceeds” Bank Account – Motion & Signature Card.*

## 10. Other WPCA Business

- c. New “Unused BAN Proceeds” Bank Account – Motion & Signature Card – S. Welwood noted that the purpose of this account will be to hold unused BAN (Bond Anticipation Notes) funds. S. Welwood noted that this is the reason why it looks like there is a significant increase in cash in her monthly report. However, this money is from the Town, who had been holding the BAN funds up until now. S. Welwood noted that the Town is still holding unused BAN money which will be used for the High Meadow Project. S. Welwood stated that going forward, if the WPCA needs to pay for construction on a BAN'd project, the WPCA will approve the bill as vouchers are approved now, and K. McPadden will pay the bill, and reimburse the operating expense from the Unused BAN Proceeds account. S. Welwood noted that when the Town obtains a BAN on behalf of the WPCA, the money will be given to the WPCA directly to pay the project. **T.E. Lopez made a motion to open a separate bank account at Savings Bank of Danbury to hold BAN (bond anticipation note) monies, and the signatories will be Nelson Malwitz, Louise Trojanowski-Marconi, Kristi McPadden and Tulio E. Lopez, as is consistent with the other accounts. L. Trojanowski-Marconi seconded the motion, and it carried unanimously.**

**L. Trojanowski-Marconi moved to adopt the Corporate Authorization Resolution as contained in the Savings Bank of Danbury form, pages 1 of 2 and 2 of 2. P. Kurtz seconded the motion, and it carried unanimously. Attorney Sienkiewicz asked that this resolution be added to the minutes of tonight's meeting.**

*The Commission moved back to discussion of agenda item 6.b., WPCA FY15 Draft Budget.*

- b. WPCA FY15 Draft Budget – S. Welwood reviewed the draft budget with the Commission. Chairman Malwitz stated that S. Welwood, I. Agard, R. Prinz and K. McPadden compiled the budget. S. Welwood mentioned that Chairman Malwitz also worked on compiling the budget. **L. Trojanowski-Marconi made a motion to accept the budget as presented. T.E. Lopez seconded the motion, and it carried unanimously.** Per Town Ordinance 71-5, the budget shall be submitted to the Board of Selectmen (BoS) by April 15 for their written comments and consideration. Once the BoS comments are received, the Authority shall adopt its operating and capital expenditure budgets, which will then be filed with the Town Clerk and forwarded to the Board of Selectmen and Board of Finance.
- c. Other Financial Matters – Federal Road Pump Station Upgrade/Repairs to Sewer Line Crossing Over Super 7 – Chairman Malwitz stated that there are upcoming projects that will increase the flow at the North Station and the station at 777 Federal Road. These pump stations will have to

increase during the day for the peak season, and in addition, the pipe under the bridge of Super 7 must be repaired. Chairman Malwitz stated that because these three properties are in a district where a lot of growth is happening, these additions should be taken into account when it comes time to re-assess the Federal Road North district. S. Welwood suggested that Chairman Malwitz put together some estimates. **T.E. Lopez made a motion that the cost to be incurred by the Authority for the Federal Road pump stations upgrades and for the repair and/or replacement of the portion of the sewer line crossing super 7 be added to the cost of the Federal Road project and be paid from the Federal Road Extension benefit assessments. I. Agard seconded the motion, and it carried unanimously.**

## 7. Engineer Comments/Project Update

- a. Proposed High Meadow, Ledgewood & Newbury Crossing Sewer Project Update – W. Charles Utschig stated that the amended wetlands approval had been received this past Monday night. W. Charles Utschig stated that the Authority has four weeks to submit a bond for the wetlands plantings. W. Charles Utschig estimated that the bond will be approximately 15% of the original wetlands bond amount. W. Charles Utschig will give the estimate to K. McPadden. W. Charles Utschig stated that the septic tanks must be decommissioned according to public health code, but the size of each of these tanks is not quite clear yet. T.E. Lopez stated that the pumpers may have the information for the condominium associations. Atty. Sienkiewicz stated that he had received a license agreement from Newbury and High Meadow, but nothing from Ledgewood. T.E. Lopez asked what the schedule is, and W. Charles Utschig replied that he believes that the project is two weeks behind schedule. The contract was to be awarded at the end of April, but W. Charles Utschig stated that he does not suggest moving the project phases up because he would like to give the bidding contractors enough time to review the project documents and submit their bids. **L. Trojanowski-Marconi made a motion to authorize the Chairman, upon completion of the bid documents to the satisfaction of the Engineer, Attorney, and Maintenance Manager, that the Chair be authorized to issue the bid documents for a bid receipt of the 23<sup>rd</sup> of May. I. Agard seconded the motion, and it carried unanimously.**
- b. Rollingwood Gravity Sewer – Chairman Malwitz mentioned the need to complete the easement before more work can be done for this proposal. Chairman Malwitz suggested that a meeting be held with Stephen Kelley to work on the easement acquisition at 28 Old Gray's Bridge Road. K. McPadden will set up a meeting. Atty. Sienkiewicz noted that Sandy Lane has also requested compensation for the easement acquisition. Chairman Malwitz stated that the original easement acquisition proposal was for \$20,000, and these costs are coming up to approximately \$30,000.
- c. DelMar Drive Project Paving Issue – Chairman Malwitz stated that there was an agreement with the Town for the WPCA to give the money to the Town to pave the road, and the WPCA should obtain a release of this matter. I. Agard noted that the First Selectman should probably sign the document. Atty. Sienkiewicz asked for a copy of the road permit to be sent to him from the Public Works Department.
- d. Other Engineering Matters – There were no other engineering matters at this time.

## 8. Legal Matters

- a. Birdsall Engineering Bankruptcy – Atty. Sienkiewicz stated that the bankruptcy is still active, and the company has gone from Chapter 11 to Chapter 7. Attorney Sienkiewicz explained that the notice of claim for Chapter 7 ended in December, 2013. Atty. Sienkiewicz asked for any documentation which would reflect the \$5,000 payment made by the WPCA. The LLC out of White Plains is also in bankruptcy. W. Charles Utschig replied that he believes that the work done in Connecticut was done through the New Jersey entity.
- b. Berkshire North Agreement – This item was discussed earlier in the meeting.
- c. Danbury InterLocal Agreement – Atty. Sienkiewicz stated that the office in Danbury would like to know if the Selectmen have taken formal action on this matter.
- d. Other Legal Matters – There were no other engineering matters at this time.

9. **Maintenance Manager's Report** – R. Prinz presented the Maintenance Manager's Report.
- High Meadow Sewer Extension: The Wetlands Commission has approved the modification to the approved plan, and the Authority is now awaiting final bid documents. The operational target date is fall 2014.
  - Rollingwood Gravity Extension: There may be some wetlands impact, but the target construction cost is \$350,000.
  - Laurel Hill North Extension: This project needs an 8-24 referral for approval of an approximate 1200 ft. gravity sewer. The developer intends to construct at his own expense.
  - Monitoring Upgrade at 67 Gray's Bridge Road: The underground conduits are to be installed, and the target completion date is April 2014.
  - Water Pollution Facilities Control Plan: Plan and map need to be amended.
10. **Other WPCA Business**
- a. Employee Handbook – T.E. Lopez stated that the Town has an employee handbook, the purpose of which is to bring clarity to both the employees and the employer. T.E. Lopez stated that this is a very powerful tool to avoid unnecessary litigation going forward. This document is not a guarantee of employment. The initial comments were provided to the staff of the WPCA to determine how a document could be created that would be acceptable to everyone. T.E. Lopez stated that the WPCA is part of the Town. This handbook would outline the expectation for any new employees. T.E. Lopez stated that he and P. Kurtz had done much of the revisions together. T.E. Lopez stated that at this time he feels very comfortably that this document should be submitted for approval by the Commission. I. Agard asked what would happen if the Town decided to update the document - would the expectation that their updates flow into this document? Chairman Malwitz clarified that certain portions would flow into the current document, when revised. **T.E. Lopez made a motion to adopt the Employee Handbook as drafted. I. Agard seconded the motion, and it carried unanimously.**
  - b. New "Unused BAN Proceeds" Bank Account – Motion & Signature Card – This item was discussed earlier in the meeting.
  - c. Incentive Housing Overlay Zone – Amend sewer map – This item was discussed earlier in the meeting.
  - d. Other WPCA Business – Chairman Malwitz stated that he would like to make an application for clean water funds for projects along Dean Road, Pocono Road to the four corners. For this the WPCA will engage Langan Engineering in the proposal preparation. He would also like to do the same in Candlewood Shores. He said that his work with the phosphorous plan will help with this matter.
11. **Vouchers** – The Commission reviewed the vouchers. **L. Trojanowski-Marconi made a motion to approve the vouchers as presented. T.E. Lopez seconded the motion, and it carried unanimously.**
12. **Adjournment** – **L. Trojanowski-Marconi made a motion to adjourn at 10:59 PM. T.E. Lopez seconded the motion, and it carried unanimously.**

\*\*\* Next meeting scheduled for April 23, 2014 \*\*\*