

BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

Wednesday, August 27, 2014 Room 133 7:00 p.m.

APPROVED MINUTES

- 1. Convene Meeting:** Chairman Malwitz convened the meeting at 7:15 p.m. with the following people in attendance:

WPCA

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

Others

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

7:00 P.M. PUBLIC HEARING: Proposed Amendments to the WPCA Rules & Regulations, Water Pollution Control Plan and Sewer Use Map

– Chairman Malwitz opened the public hearing at 7:15 p.m. and explained that the public hearing notice was published in *The Penny Saver* on 8/14/14. He explained that the purpose of this hearing is to consider changes to the Rules and Regulations, as well as to consider proposed changes to the Water Pollution Control Plan and the Sewer Service Map. All proposals to the WPCA Rules and Regulations, the Water Pollution Control Plan and the Sewer Use Map were put on file with the Town Clerk's Office for inspection.

Vice Chair Trojanowski-Marconi entered the meeting room at 7:18 PM.

Chairman Malwitz asked for comments of the audience regarding the proposed changes. Atty.

Sienkiewicz reviewed the proposed changes to the rules and regulations.

Section 1.1.2 – Atty. Sienkiewicz stated that the proposal is to amend this section of the regulations, which pertains to an application form. The requirement would be that if the applicant was to apply for a multi-family complex, the applicant would need to give future ownership information to the WPCA.

Section 2.1.8 – Atty. Sienkiewicz stated that the proposed change to this section would require multi-family properties which are not apartment buildings, to file a maintenance agreement and be required to have funds to assure the future replacement, repair and management of that system. Atty. Sienkiewicz reviewed the definition of a community sewer system, which is any system which services two or more residences in two or more buildings. He gave some examples of types of community sewer systems: two houses on one septic system, two buildings on the same pump station. Atty. Sienkiewicz stated that the WPCA wants to be able to require the association to fund a depreciation account so that there are funds available to do future repairs. Chairman Malwitz stated that the State requires that the association put aside enough money according to actuarial adequacy of the system so that it can be repaired in the future. *Shawn Barrett of 24 Ledgewood Drive and Stephen Dwyer of 54 Ledgewood Drive asked if this proposed change will have any impact on the Ledgewood Condos, and the current agreements for Ledgewood Condos and the upcoming sewer project for High Meadow, Ledgewood & Newbury Crossing Condominiums.* Chairman Malwitz replied that the change will not have an affect on the current situation at Ledgewood Condos. *Emily McPadden of 3 Arbor Drive asked about the relationship of meters and the calculation of units.* Atty. Sienkiewicz replied that this proposed regulation change does not have anything to do with meters.

Section 1.1.2 – Atty. Sienkiewicz stated that the proposed change to this section requires that on the multi-family application, the applicant report what type of ownership will be planned.

Section 1.2 – Atty. Sienkiewicz stated that this section is about treatment capacity management, and the regulations are now worded fairly restrictively so that developers cannot demand sewer service for properties out of the sewer areas. The Authority retains the jurisdiction to decide whether sewer service is granted. This proposal is to liberalize this regulation a bit to allow for the Authority to make decisions about the extension of sewer service to properties that are not located in the sewer service areas. Atty. Sienkiewicz read the proposed regulation for the record.

Section 2.0 – Atty. Sienkiewicz stated that this section discusses the permit lapse time. The current regulation only allows for one-year permits, and this proposal is to extend the time period of permit expiration to a total of two years.

Section 2.1.8 – This proposed change would require non-community systems serving multi-family units to develop an escrow fund.

There were no additional comments at this time.

Water Pollution Control Plan: Chairman Malwitz opened discussion of this matter. Chairman Malwitz stated that some minor technical changes to this plan are proposed, including which map is referenced in the plan, as well as the proposed color changes to the map. Chairman Malwitz stated that the proposed plan has also been amended to include the recently sewerred areas, such as the Del Mar Drive area, the change to the way Sandy Lane is sewerred, as well as Old Grays Bridge Road. The WPCA's ownership of the Commerce Road sewer system has also been added to this plan. The areas where sewers are planned section has also been updated to indicate the High Meadow, Ledgewood & Newbury Crossing Condos sewer. There are also some technical language changes regarding the requirements to set aside escrow funds for the maintenance of the pump stations. Atty. Sienkiewicz stated that the State Statutes require the Water Pollution Control Plan to describe the areas that are currently sewerred, areas where sewers are planned, areas that are serviced by community sewage systems, as well as other requirements. Atty. Sienkiewicz briefly clarified what areas will be owned and operated by the WPCA and what areas will be owned by the associations for the High Meadow, Ledgewood, Newbury Crossing Condos project. *Suzanne Berry of Imagineers Property Management asked how the reserve funds are maintained.* Atty. Sienkiewicz stated that the association will be required to report annually the amount of funds to the WPCA, and if any money is spent from this escrow account, the WPCA is to be notified of the expenditure. Any expected expenditures should also be reported to the WPCA.

Sewer Use Map: Chairman Malwitz opened discussion of this matter. Chairman Malwitz stated that this proposed map has amendments to correct errors, to re-classify properties due to recent development, and to update property connections and other change conditions.

Chairman Malwitz asked for further comments from the audience regarding the public hearing topics, as noted above. There were no further comments. **Chairman Malwitz made a motion to close the public hearing at 7:40 PM. L. Trojanowski-Marconi seconded the motion, and it carried unanimously.**

2. **Approval of Minutes** – 7/23/14 – **L. Trojanowski-Marconi made a motion to approve the minutes. P. Beccaria seconded the motion.** K. McPadden noted that on page 3, Buzaid's address should be 227-235 Federal Road rather than the 270 Federal Road address, which is listed. **L. Trojanowski-Marconi made a motion to amend the motion to include the amendment to page three, [to change Buzaid's address from 270 Federal Road to 227-235 Federal Road]. P. Kurtz seconded the motion, and it carried unanimously.**

3. **Correspondence**

- a. Letter from Sandra E. Welwood, LLC to Nelson Malwitz dated 8/11/14, Re: System of Quality Control for the Accounting and Auditing Practice of Sandra E. Welwood, LLC – Chairman Malwitz read the letter for the record.
- b. Email from S. Sullivan of CCA, LLC dated 08/27/14 regarding old business item 5.a., 434 Federal Road – The Commission acknowledged receipt of this document, which requested that discussion of this agenda item be table to the next meeting.
- c. Email from S. Sullivan of CCA, LLC dated 08/27/14 regarding old business item 5.b., 891/901 Federal Road – The Commission acknowledged receipt of this document, which requested that discussion of this agenda item be tabled to the next meeting.
- d. Letter from Joan and Jim Haron to the WPCA Re: Simpson and Vale – The Commission acknowledged receipt of this letter.

L. Trojanowski-Marconi made a motion to table items 5.a. and 5.b., 434 Federal Road and 891/901 Federal Road, to the September meeting. P. Beccaria seconded the motion, and it carried unanimously.

4. **New Business**

- a. Proposed Federal Road Supplemental Benefit Assessments and Reductions (Resolution) – S. Welwood explained that the current cash flow projection has a positive project cash flow of \$611,000, if the current benefit assessment percentage rate is to be used. The break-even

- percentage rate is 5.565%. S. Welwood stated that she and Chairman Malwitz had also done a projection using the 4.65% rate, which would result in a collection of \$150,000 less. By reducing to this rate, the WPCA will not need to re-evaluate this percentage each year. Chairman Malwitz stated that more than ten percent of the property value will be added to this area, which would normally trigger the WPCA's review of the assessment rate. Chairman Malwitz stated that the proposal is to reduce the benefit assessment rate from 7.30% of the 1983 grand list value assessments down to the 4.65% of the 1983 grand list value assessments. Atty. Sienkiewicz stated that the WPCA would first need to decide on the rate, and he reviewed the timeline with the Commission to have a public hearing in November. S. Welwood stated that she does not think the Commission can finalize the dates until after the grand list is available in October. **L. Trojanowski-Marconi made a motion to reduce the benefit assessment on Federal Road to 4.65%. P. Beccaria seconded the motion, and it carried unanimously.** Atty. Sienkiewicz mentioned that notices to the residents within the district may also need to be sent for the public hearing.
- b. 434-470 Federal Road – Benefit Assessment Adjustments – Set PH – Atty. Sienkiewicz explained that this property was owned by the Elwood's at the time of assessment, and is now owned by New Milford Hospital, Cirignano and Minino. At the time that the benefit assessments were originally levied in 1993, there were four assessments. There was another subdivision a few years ago to create five lots out of the four lots. The question is how to re-allocate the benefit assessment. Atty. Sienkiewicz re-calculated the assessment spread over the 18.1 acre parcel, and he took this amount and applied it to the five lots. Atty. Sienkiewicz reviewed the documents with the Commission. Atty. Sienkiewicz noted the certificate of merger document. He stated that the information shows the new property addresses, re-allocated assessment, the current balance due, and the remaining annual installments of principle. This document would also be filed on the land records. **L. Trojanowski-Marconi made a motion to have a public hearing on September 17, 2014 for the merger, separation and re-allocation of [of benefit assessments for] the above addresses, which would apply only to these three owners. P. Kurtz seconded the motion, and it carried unanimously.**
- c. Sandy Lane, Center School and Del Mar Sewer Areas: Connection Charges & supplemental benefit assessments – Set PH – Atty. Sienkiewicz briefly reviewed the proposed Resolution and explained that it referred to new connection fees and supplemental assessments in the Center School, Del Mar, and Sandy Lane districts. Atty. Sienkiewicz and K. McPadden reviewed the assessment for the building at 28 Old Grays Bridge Road. Atty. Sienkiewicz, upon inquiry from K. McPadden about the calculation for 28 Old Grays Bridge Road, said that this amount should be re-calculated. Atty. Sienkiewicz asked that he be given time to read over the documentation during the remaining time of the meeting.

The Commission moved to agenda item 5.b.

5. Old Business

- a. 434 Federal Road – Application to Connect (Continued to Sept.) – No discussion/no motions. *Item tabled per above motion.*
- b. 891/901 Federal Road - Newbury Village – Additional 9 Units – K. McPadden noted that 891 Federal Road is in collections with Atty. Sienkiewicz's office. *Item tabled per above motion.*
- c. 57 Laurel Hill Road – Laurel Hill Townhomes – Atty. Sienkiewicz stated that he has requested cost estimates for the system.
- d. 857/857A Federal Road – Greene Acres – W. Charles Utschig stated that the plans have been finalized by CCA and approved by the engineers. Atty. Sienkiewicz stated that the easement issues are still pending, but are not germane to the connection permits. Atty. Sienkiewicz stated that the approval was subject to the engineering review, which has now been satisfied.
- e. Proposed Amendments to the WPCA Rules & Regulations, Water Pollution Control Plan and Sewer Use Map – To discuss and act upon –

WPCA Rules & Regulations: **L. Trojanowski-Marconi made a motion to approve the changes to the WPCA Rules and Regulations, as proposed [with an effective date of August 27, 2014]. P. Beccaria seconded the motion, and it carried unanimously.**

Water Pollution Control Plan: **L. Trojanowski-Marconi made a motion accept the changes as proposed to the Water Pollution Control Plan [with an effective date of August 27, 2014]. P. Beccaria seconded the motion, and it carried unanimously.**

Sewer Use Map: **L. Trojanowski-Marconi made a motion to approve the changes as proposed to the Sewer Use Map [with an effective date of August 27, 2014]. P. Beccaria seconded the motion, and it carried unanimously.**

6. Accountant Reports

- a. FY14 Financials – S. Welwood reviewed the (unaudited) fiscal year 2014 financials with the Commission.
- b. Other Financial Matters – Proposed Assessment Billing Changes – S. Welwood presented the Authority with a document entitled Proposed Assessment Billing Changes for Commission Discussion, which outlined changes to the assessment billing schedules. Chairman Malwitz asked S. Welwood to return with a formal proposal for this matter at the September meeting.

7. Inspector's Activity Report: D. Will presented the Inspector's Activity Report:

- o Stony Hill – The preliminary numbers are being compiled, and the cost is estimated between \$15,000 and \$20,000 for the electrical brown-out that occurred this summer.
- o Chick-fil-A (140 Federal Road) has not called for final inspection.
- o Oak Meadows (540 Federal Road) has started the connection for the next phase.
- o Several properties along Federal Road have tied into the water line, requiring the WPCA to mark out sewer lines.
- o D. Will is filling in as needed for the High Meadow Project.
- o Surveys: Siemens has reported a 50% decline, from 400 to 200 people. In the La-Z-Boy plaza (227 Federal Road), La-Z-Boy and Jersey Mikes are open. D. Will also surveyed The Learning Academy at 18 Old Route 7 and Dance Dimensions is moving in to the building behind the Union Savings Bank (828-834 Federal Road).

8. Maintenance Manager's Report: R. Prinz presented the Maintenance Manager's Report.

- o Rollingwood Sewer Extension: R. Prinz stated that the easements still need to be acquired.
- o Laurel Hill North Extension: R. Prinz stated that the developer is still in the approval process with Town Boards/Commissions.
- o Brooks Quarry Sewer: The applicants are awaiting funding for this project.
- o High Meadow Sewer Extension: The test pits have been completed, and some minor revisions are needed. R. Prinz mentioned a method of cost savings by a reduction of work that may be possibly \$40,000.
- o Commerce Road Pump Station Repairs: The final plans are complete.
- o Caldor Pump Station Generator Replacement: The final plans are almost complete.
- o A portable flow meter with flow storage data is on order.
- o The new transducers have been ordered for the North and 777 Federal Road pump stations.
- o Del Mar Drive Extension: This project is in a maintenance period, which expires on September 14th.
- o There has not been any action on the Water Pollution Control Facilities Plan.
- o D. Will is pursuing a claim against CL&P for the brown out at Stony Hill Road. The estimated damage is \$15,000.
- o 227 Federal Road: A letter has been sent to the property owner regarding the condition of the piping.
- o 540 Federal Road (Oak Meadows): The developers are starting a new phase of construction.
- o Laurel Hill Developments are in progress.

9. Engineer Comments/Project Update

- a. High Meadow Project Update – W. Charles Utschig stated that Langan has been working with the contractor on processing shop drawings. There are no significant changes in the contract scope or the contract budget. Langan is keeping up and returning their submittals. K. McPadden mentioned that residents have asked for the two-week update. W. Charles Utschig stated that he

has asked for the two-week report from the contractor on Friday and again on Monday. He had heard from the contractor today, and had been told that the two-week report will be received when the contractor can submit it.

- b. Route 7 Overpass Bid Review – W. Charles Utschig stated that Langan is working on specifications to be able to give to three contractors, so R. Prinz can get bids for the cleaning and inspection work.
- c. Generator Design Package – Gas generators do not rate the same as diesel generators. The engineered design includes everything, including any required removals, electrical, and appropriate interconnects. These plans should be done and ready to go out within the week.
- d. GIS System Modeling – The modeling is advancing. The plan has been developed which shows the pipes and manholes on the drawing.
- e. Three Pump Station Upgrades: North, 777 Federal Road, Railroad – W. Charles Utschig stated that the details of the pump station and the controls of High Meadow will be the prototype for the other pump stations, and will be used for the next three projects.
- f. Other Engineering Matters –
 - o High Meadow – Atty. Sienkiewicz stated that Chris Leonard, representative of the Newbury Crossing Condominiums, wants the WPCA to pay for part of the final pavement for the condos, instead of completing part of the paving after the end of construction. Atty. Sienkiewicz asked for an estimate for this matter. R. Prinz and W. Charles Utschig will respond to Atty. Sienkiewicz with this estimate.

10. Legal Matters

- a. Berkshire North Agreement – Atty. Sienkiewicz stated that he put together a maintenance agreement without an escrow requirement. This agreement has been sent to the owner's attorney for review and comment.
- b. BRT Barnbeck Amendment – This amendment is ready to be signed by Chairman Malwitz.
- c. Danbury InterLocal Agreement – This item is with the Danbury Common Council.
- d. Rollingwood Project Easements – *This item was discussed earlier in the meeting.*
- e. Brookfield P&R Electrical Tie-in Revocable License – **L. Trojanowski-Marconi made a motion to authorize the Chairman to sign a proposed revocable electrical license agreement with the Parks and Recreation Commission. P. Beccaria seconded the motion, and it carried unanimously.**
- f. Other Legal Matters: Payment Schedule(s) Re-Evaluation(s) for Permanent Maintenance Agreements – Atty. Sienkiewicz stated that as of October 1st, several of the permanent maintenance agreements are due for re-evaluation of payment schedules. Atty. Sienkiewicz explained that the WPCA can review the schedules once every five years. W. Charles Utschig mentioned that there will not be a huge increase in the price of construction repairs or materials. Chairman Malwitz stated that the WPCA could declare that there is currently no significant cost escalation. R. Prinz mentioned the community systems that are not connected to the sewer. Atty. Sienkiewicz stated that the State requires the WPCA to ensure the proper management and maintenance of community systems. Atty. Sienkiewicz noted that the systems not connected to the sewer may not have been approved before this State statute adoption. R. Prinz stated that he will speak with the Health Department about this matter before moving forward.

11. Other WPCA Business: Counterfeit Bill Detection Machine: Purchase – K. McPadden asked the Commission for their consent to purchase a counterfeit bill detector machine for the WPCA office. There was no objection.

12. Vouchers: **L. Trojanowski-Marconi made a motion to approve the vouchers. P. Beccaria seconded the motion, and it carried unanimously.**

13. Adjournment: **L. Trojanowski-Marconi made a motion to adjourn at 10:05 PM. P. Beccaria seconded the motion, and it carried unanimously.**