

BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

Wednesday, February 25, 2015 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
T.E. Lopez
I. Agard
P. Kurtz, Alternate
M. Brown, Alternate

Others:

S. Welwood, Accountant
R. Prinz, Maintenance Manager
J. Sienkiewicz, Attorney
D. Will, Inspector
E. Kingsbury, Langan
K. McPadden, Executive Administrator
E. Cole Prescott, Recording Secretary

M. Brown was a voting member for this meeting.

2. **Approval of Minutes** – 1/21/15: **L. Trojanowski-Marconi made a motion to accept the minutes. T.E. Lopez seconded the motion, and it carried unanimously.**

3. **Correspondence**

- a. Email from Brian Egan, Jersey Mike's Subs to WPCA dated 1/22/15 Re: Use Charge Explanation: This email requests consideration of the unit charge for the restaurant. Many of the patrons who eat at this restaurant carry out their food and are not using the available seats and tables nor the facilities; Mr. Egan asserted in a February letter that sixty percent of the business is carry-out. He also mentioned that the number of wait staff that would generally be used for a business with this number of seats and tables is not used, as the number of employees is rather low, due to the carry-out business. K. McPadden noted that the Brookfield Subway is being charged 1.25 units. The Commission discussed the email and how the unit charges are calculated, specific to restaurants. It was noted that the owner might consider removing some of the seats from the current space, in an effort to reduce the unit charges. I. Agard stated that if an exception is granted to one business, it should be granted to all of the businesses on the sewer line. P. Kurtz stated that the current owner could remove some of the seating in an effort to lower the number of units charged until which time the WPCA is able to charge for water usage.
- b. Letter from Troy Davidson, JMNE1, LLC to WPCA dated 2/7/15 Re: Typical number of seats; the corporate Jersey Mike's office and confirmed that the typical number of seats in each of their Northeast stores is under 20 seats. See further discussion above in 3.a.
- c. Letter from de Stefanis & Associates to WPCA dated 2/10/15 Re: 23-41 Grays Bridge Road LLC: K. McPadden explained that this connection application had been approved in 2007, and the applicant is requesting another extension of the connection permit approval. K. McPadden stated that the permit had been approved in May 2007, and the WPCA is holding approximately \$2,500 in escrow funds. The applicant has continuously requested extensions to the existing permit, so the permit is set to now expire February 2017. **T.E. Lopez made a motion to accept the extension request for two years [for 23-41 Grays Bridge Road]. L. Trojanowski-Marconi seconded the motion, and it carried unanimously.**
- d. Emails from Lori Nespoli, Maggie McFly's to K. McPadden Re: Use Charge Explanation – *Greg Steiner, owner of Berkshire North and Ray Harper of Maggie McFly's were both present for discussion of this matter.* Mr. Harper stated that what has prompted him to review the regulation relative to unit calculations is that he has restaurants in other Towns. His charges for the other towns are approximately \$4,500 per year, but the yearly charge for the Brookfield restaurant is approximately \$13,000. The restaurants in the other towns are both billed based on water meter numbers. Mr. Harper and Mr. Steiner both explained that the current Brookfield restaurant has a whole building water meter from Aquarion, and the individual units within the building each have been sub-metered. Mr. Steiner asked if the original survey could be re-done since it was originally done in 2007, and the number of seats and number of employees on the originally approved application do not seem accurate. He mentioned the seating differences from the plan on the approval as opposed to the actual usage of the space. K. McPadden stated that there are two separate calculations for the restaurant and the bar; she explained the bar is

charged three units and the extra hours the bar is open are also charged. Chairman Malwitz stated that the restaurant should be re-surveyed. Currently, Maggie McFly's is charged 33.5 units. Atty. Sienkiewicz asked who receives the bill, and Mr. Steiner replied that he gets the bill, but the water meters are subdivided per tenant. R. Prinz estimated the unit charges at approximately 28 units based on the water meter calculations presented by the owner. Chairman Malwitz stated that most strip malls have one meter for the whole building, and do not have sub-meters. Chairman Malwitz noted that there are approximately 61 restaurants on sewer in Brookfield, and he believes that a sub-meter should be put on every restaurant which could be read electronically, to more accurately establish water usage. The idea would be to read the meter for actual flow. He then noted that the regulation would have to be adjusted. Atty. Sienkiewicz suggested that any bills be sent to the owner of the property, and not the individual business owners. Chairman Malwitz stated that he would think it would be more equitable to have a restaurant use delineation in any proposed water-metered billing. Chairman Malwitz stated that something may be able to be done to retroactively adjust the billing for the remainder of the year, if the survey finds something different than has been previously billed. Mr. Harper stated that by using the water-metered readings, he may take steps to reduce future water usage. D. Will mentioned that the grease trap lids also need to be redone for the space.

T.E. Lopez stated that he does not think there should be anything done retroactively for the re-survey; T.E. Lopez stated that there would be huge adjustments needed for other properties if this precedent is set. I. Agard asked if a Committee is needed for the study of this matter. Atty. Sienkiewicz mentioned that for the staff's benefit, the WPCA may want to wait until after the June 1st billing. Atty. Sienkiewicz suggested that any Commissioners researching this matter speak with Charlene of the New Milford WPCA to discuss billing based on water usage, etc. Chairman Malwitz mentioned that the GIS mapping system may be used to help with this study. I. Agard, T.E. Lopez, and Alternate P. Kurtz will serve on a Committee to study this matter of unit charges.

4. New Business

- a. Application for Sewer Disconnection Permit – 800 Federal Road
- b. Application for Sewer Disconnection Permit – 802 Federal Road
- c. Application for Sewer Disconnection Permit – 806 Federal Road, Bldg. A
- d. Application for Sewer Disconnection Permit – 806 Federal Road, Bldg. B
- e. Application for Sewer Disconnection Permit – 7 Station Road – *Steve Sullivan, Engineer at CCA, LLC was present to discuss items a through e.* S. Sullivan noted that these applications are for disconnection permits for the current buildings in the location of the proposed Brookfield Village development. **L. Trojanowski-Marconi made a motion to approve the disconnection permit for 800 Federal Road, 802 Federal Road, 806 Federal Road Building A, 806 Federal Road Building B, and 7 Station Road, for a period of two years. T.E. Lopez seconded the motion, and it carried unanimously.**
- f. Application for Sewer Use/Connection Permit – 800, 802, 806 Federal Road & 7 Station Road Bldg. #1
- g. Application for Sewer Use/Connection Permit – 800, 802, 806 Federal Road & 7 Station Road Bldg. #2
- h. Application for Sewer Use/Connection Permit – 800, 802, 806 Federal Road & 7 Station Road Bldg. #3
- i. Application for Sewer Use/Connection Permit – 800, 802, 806 Federal Road & 7 Station Road Bldg. #4: *Steve Sullivan, Engineer with CCA, LLC was present to discuss items f through i.* S. Sullivan stated that the property will be under one ownership. Buildings one, two and three have retail use planned on the first floor with apartments above. This development is mixed use incentive housing, but is not an age-restricted project. S. Sullivan noted that each of the buildings will have a separate connection to the sewer system, so the property is not considered a community sewer system. **L. Trojanowski-Marconi made a motion to accept the applications, items f, g, h, and i, 800, 802, 806 Federal Road & 7 Station Road Buildings 1, 2, 3, and 4 with a fee of \$2,000 [to be paid] in escrow, with further fees to be assessed at the time of the application approval. T.E. Lopez seconded the motion, and it carried unanimously.**

5. Old Business

- a. 398-414 Federal Road Barnbeck Place: E. Kingsbury and S. Sullivan of CCA reviewed the proposed modification plan. The revised plans await engineering review.

6. Accountant Report

- a. January Financials: S. Welwood reported the financial results.
- b. Proposed Assessment Billing Timeline Update/Set PH: S. Welwood stated that she has met today with M. Ongaro regarding the billing change. She noted there had been a four-hour meeting two weeks ago regarding the billing change with Atty. Sienkiewicz, Chairman Malwitz, M. Ongaro, K. McPadden and herself. S. Welwood stated that she should have the Schedules ready by March 1st to send to Atty. Sienkiewicz and K. McPadden for preparation of the final Resolutions to be approved at the April 22, 2015 public hearings.
- c. Rescind 9/17/14 Motion to lower 3-Condo Assessment Rate from 7.14% to 6.5%: After reviewing the numbers more thoroughly, S. Welwood stated that if the 3-Condo assessment rate is lowered as originally approved, it might be cutting it a bit too close; therefore she recommended holding off at least one year in order to make sure the collections cover the bond payments. **L. Trojanowski-Marconi made a motion to rescind the motion she made on September 17th, 2014 "...to go forward with the reduction of the benefit assessments on the Three-Condo Project to 6.5% of the assessed value versus 7.14%." Chairman Malwitz seconded the motion, and it carried unanimously.**
- d. Other Financial Matters: The WPCA reviewed the budget proposal. Chairman Malwitz noted that S. Welwood will be drafting the accrual version of the budget for review at the March meeting. *Penny Saver* Newspaper Discussion: Atty. Sienkiewicz stated that *The Penny Saver* is not a newspaper, as it does not circulate any news. P. Kurtz stated that *The Penny Saver* has been used for all Town offices with the exception of when a legal must be placed in a daily newspaper. Atty. Sienkiewicz reviewed his letter dated February 23, 2015 regarding this matter. He referenced information from the case Trivalent Realty Co. v. Westport, 2 Conn. App. 213 (1984). Chairman Malwitz stated for the benefit assessments, both newspapers (*The Penny Saver* and *The News Times*) should be used for advertisements. Atty. Sienkiewicz stated that he will attempt to shorten the legal notice for publication in *The News Times*, and mentioned that perhaps the legal notice may reference an online advertisement.

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

- D. Will stated that he has been in contact with Edith from EverSource regarding the WPCA's claim.
- 40 & 64 Laurel Hill Road – D. Will reported that Advanced Construction has been doing some interior plumbing work, but no further sewer work has been done.
- 57 Laurel Hill Road – D. Will reported that Kenosia Development has started ground-breaking on site.
- High Meadow, Newbury Crossing, Ledgewood Condos – D. Will reported that he has been filling in as needed for this project.
- Surveys – D. Will reported that only a few surveys were done this month, as much snow removal had been required.
- Lighting – D. Will reported that he will be working with on an Efficient Lighting proposal to replace lighting in need of repair and to make the current lighting more efficient by switching to LED.
- D. Will reported that he has not yet met with the President of Sandy Lane Village, but still plans to meet soon.

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

- Rollingwood Sewer Extension – R. Prinz stated the easements still need to be acquired.
- Laurel Hill North Extension (101-103 Laurel Hill Road) – The developer is seeking approvals from other Town Boards.
- High Meadow Sewer Extension – R. Prinz stated that 93 yards of rock to date have been removed. There are 3,000 yards estimated on the entire project. There is a gravity line being installed on Ledgewood Drive near Boxwood Drive. The pump station work for the valves and rails is completed. The excavation work has been done, but with the frost in the ground, there is no plan to thaw the ground. A plan is needed if sub-zero conditions continue. Realignment of lines is necessary near buildings in Ledgewood to lessen damage to property needed; pump station will need to be operational before these lines can be installed. A possible extension of time may be needed for completion of the project.

- Federal Road Sewer Improvements – The proposed scope of work will include bridge crossing repair inspection and air release chamber. R. Prinz mentioned that one item pending for completion of this project is the panel design for the pump station. R. Prinz stated that going forward any upgrades to the pump station should be standardized. The pump station design will be the same pump station design used for the High Meadow project.
- Commerce Road Pump Station Repairs, Caldor Station Generator Replacement – Longo and Associates is the approved contractor. The contracts have not yet been signed, and insurance bonds have not been reviewed or approved. R. Prinz stated that contract signing in the future needs to be done with attorney present. R. Prinz stated that there will not be action on this project until the temperature conditions warm.
- Railroad Pump Station Upgrade – A generator has been added to the upgrade plans project, but due to the fact that there is no room for a propane tank, it will need to be a diesel-powered generator. This project is still in the engineering phase.
- T.E. Lopez asked if the contractor has been consulted regarding the manholes and a survey of the condition of the manholes, as well as the cost of the work to be done for manhole improvements at the High Meadow Project. R. Prinz replied that this has not been done due to the weather conditions.
- US Automation – There has been no response from US Automation.
- Del Mar Drive Extension – The driveway apron at the Gustafson property on Del Mar Drive was paved a few months ago and R. Prinz stated that the one percent remaining of the Earthmovers money may need to be utilized to pay for the paving of the apron. Atty. Sienkiewicz asked why Earthmovers would be responsible for the apron paving, and he mentioned that the contractor needs to be put on notice if the contractor is to be responsible for the matter. Atty. Sienkiewicz mentioned that the language of the contract should be reviewed. K. McPadden noted that the Del Mar Project is a closed project, so additional expenses cannot be added.
- Water Pollution Facilities Plan – Langan was instructed at the last meeting to proceed with facilitating grants, costs and the plan to move forward on this matter.
- Outstanding Claim against CL&P: “Brown-out” at Stony Hill for \$15,000 is still open.
- Part-Time Job Description: R. Prinz mentioned that the job description for the part-time worker has been drafted, and the hiring process is to begin shortly.
- R. Prinz stated that he is still acquiring estimates on infiltration smoke testing as well as engineering advice.

9. Engineer Comments/Project Update

- a. High Meadow/Ledgewood/Newbury Crossing Project – *R. Prinz reported on this matter above, item 8.*
- b. Route 7 Overpass Update – E. Kingsbury reported that there is a rock in the force main. Langan is in the process of completing a bid package for review at the next meeting. The line with the rock is not being used. The bid package will be to take a section of the rock out and to replace a section of it.
- c. Generator Design Package RFP status – The generator submittal from the contractor has been received and is in the process of review. K. McPadden stated that the contractor submitted the contract for WPCA signing, but the WPCA has not yet executed the contract. Langan is to review the contract.
- d. Commerce Road Pump Station Upgrade RFP status – E. Kingsbury mentioned that the WPCA is waiting to receive shop drawings and waiting for the weather to break.
- e. GIS System Modeling – E. Kingsbury suggested that the WPCA plan to budget an additional \$5,000 to \$10,000 for the part-time work for GIS field verifications.
- f. Three Pump Station Upgrades – North, 777 Federal Road, Railroad – E. Kingsbury stated that the generator will be diesel, and preliminary bid package and North Pump Station bid package will be ready for review at the April meeting.
- g. Clean Water Funds Application – The application will be available for review at the next meeting.
- h. Brooks Quarry Update – E. Kingsbury stated that Langan will have two copies of the drawings delivered to the WPCA and an electronic copy sent to Lisa Low & Associates for a Small Cities Grant Application that is due April 10. Chairman Malwitz stated that the engineering costs are approximately 15% of the costs, or \$45,000. Chairman Malwitz also mentioned that the First Selectman has agreed to fund some of the engineering costs for this project.

10. Legal Matters

- a. 57 Laurel Hill Road PMA – Atty. Sienkiewicz reported that the owner has not submitted the information about the cost of the system, so the agreement cannot be completed. Atty. Sienkiewicz stated that he will send the property owner a letter regarding possible revocation of the permit due to the fact that the information has not been provided.
- b. Other Legal Matters – Atty. Sienkiewicz reviewed that he is working on three levy and sales to happen after the June 2015 use billing.

11. Other WPCA Business

- a. Amendment of Deferred Assessment Policy – Atty. Sienkiewicz reviewed the changes to the Deferred Assessment policy and the Commission discussed how the deferred assessments are currently approved. **I. Agard made a motion to approve the Amendment as submitted, effective June 1, 2015. L. Trojanowski-Marconi seconded the motion, and it carried unanimously.**
- b. Other WPCA Business – Chairman Malwitz stated that there was a communications meeting with the staff held on Monday morning at 10:00 AM. These meetings will continue on Mondays at 10:00 AM. The part-time job description has been reviewed and drafted, and work on this description is to continue.

12. Vouchers: L. Trojanowski-Marconi made a motion to approve the vouchers as presented. I. Agard seconded the motion, and it carried unanimously.**13. Executive Session – L. Trojanowski-Marconi moved to go into executive session to discuss personnel matters at 10:07 PM, and the WPCA invited Atty. Sienkiewicz into the discussion. T.E. Lopez seconded the motion, and it passed unanimously.**

No motions were made during executive session. **L. Trojanowski-Marconi made a motion to come out of executive session and adjourn the meeting at 10:44 pm. T.E. Lopez seconded the motion, and it carried unanimously.**

14. Adjournment: *Please refer to above motion.*

*** Next meeting is scheduled for March 25, 2015 ***