

BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

Wednesday, September 16, 2015 Room 133 7:00 p.m.

APPROVED MINUTES

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

WPCA

N. Malwitz, Chairman
L. Trojanowski-Marconi, Vice Chair
I. Agard
M. Brown, Alternate
P. Kurtz, Alternate

Others

R. Prinz, Maintenance Manager
J. Sienkiewicz, Attorney
Eric Kingsbury, Langan
M. Ongaro, WPCA Collector
Kristi McPadden, Executive Administrator
E. Cole Prescott, Recording Secretary

2. **Approval of Minutes** - 7/29/15 Special Meeting; 8/26/15
 - 07/29/15: **L. Trojanowski-Marconi made a motion to approve the minutes of the 07/29/15 meeting.** K. McPadden noted one correction on page five regarding 6 Ledgewood Drive, the questioning of the assessment with the Town's Tax Assessor. The Tax Assessor has lowered the Town's assessment by \$1,690. (\$148.72 should be changed to \$1,690.00 so that the sentence reads: *K. McPadden reported that Denise Hames, the Town Assessor, has lowered the assessment for 6 Ledgewood Drive, which was lowered by \$1,690.00*). The amount which the WPCA had credited is in the motion, and is not being changed. **P. Kurtz seconded the motion, and it carried unanimously.**
 - 08/26/15: **L. Trojanowski-Marconi made a motion to approve the minutes [of the 08/26/15 meeting]. P. Kurtz seconded the motion, and it carried unanimously.**
3. **Correspondence:** No correspondence.
4. **Old Business**
 - a. 101-103-105 Laurel Hill Road – Request for Sewer Extension, Request for Community System Approval – *John McCoy of JFM Engineering was present to discuss this application.* Mr. McCoy indicated that an extension had already been granted, and he offered to submit an additional extension letter for the record. Mr. McCoy noted that the laterals had been added to the drawing as had been requested at a previous WPCA meeting, and R. Prinz stated that the laterals as per the draft plan may most likely be reduced to where the property lines come together. Mr. McCoy stated that when he receives the go ahead from his client, he will update the plans accordingly. The applicant has also paid both full application fees, in the approximate amount of \$7,000. Atty. Sienkiewicz indicated that the agreements which he had drafted may need to be revised based on information which the WPCA had received earlier this year from the CT DEEP. Mr. McCoy submitted an extension letter for the record. **L. Trojanowski-Marconi made a motion to accept another 65-day extension from the applicant through his representative and to table the matter for tonight. M. Brown seconded the motion, and it carried unanimously.**
 - b. 7 Del Mar Drive – Target Flavors Application to Connect – *Nancy Levesque of CCA Engineers was present for discussion of this application.* N. Levesque stated that the applicant has no problem providing an easement to the WPCA, based on comments received from Langan. There is currently no plan to split the property. Atty. Sienkiewicz asked N. Levesque to revise the drawings to show a 20-25' future easement to benefit building two. N. Levesque noted that the owner is hoping to get started, and was hoping the approval could be done conditionally. **L. Trojanowski-Marconi made a motion to approve the application of Jaymack Properties, LLC for sewer connection for 7 Del Mar Drive subject to the following conditions: applicant shall submit a complete set of signed and sealed engineering plans for the WPCA records and a separate set for Langan's records not later than October 1, 2015. The plans shall show a future easement for building B. The plans shall be revised to provide for cleanouts at all changes in direction and at any connection point including all locations where existing service lines are connected to the new 6" gravity line. The**

connection point from the oil/sand separator to the gravity line shall include a cleanout. The plans shall be revised to show details that comply with the Standard Details and Specifications of the WPCA. No construction shall commence until these items have been complied with and the staff has authorized it. M. Brown seconded the motion, and it carried unanimously.

- c. 70 Stony Hill Road – Illegal Sewer Connection – *Atty. Doug Lewis for the property owner, Nancy Elmezzi, was present to discuss this matter. Mr. Hegarty, realtor for the owner of the property, was also present.* Atty. Lewis indicated that in late August it was determined that this property had been connected to the sewer line previously without a connection permit, and an opinion was rendered which indicated the need to disconnect the current connection and connect the house on the property back to the septic system. Atty. Lewis stated that this would most likely be in violation of the health code as the distance between the septic and the well would not be 75', and the septic is not currently functional. Atty. Lewis stated that the question is whether the current owner should file either an application to connect or an application to disconnect. This property has a single-family home, and a tenant is living there currently. Atty. Sienkiewicz stated that the question is whether a legal septic system may be installed on the property. Chairman Malwitz stated that at the request of the State DEEP, the stipulation to finance this sewer line (Three Condo Line) was that no residential properties could be added to the line unless it was determined to be a failure-only situation. Chairman Malwitz indicated that the next step is to determine with the Town Sanitarian whether a code compliant septic system can be constructed on site. If it can, then a disconnection permit will need to be filed, the septic installed, and the sewer disconnected. Atty. Lewis stated that whoever had completed the connection is no longer alive, and the current owner has inherited this situation. P. Kurtz asked if the system had failed with the previous owner, and Atty. Sienkiewicz replied that there was no record of a previous failure. Atty. Lewis stated that he will obtain an opinion from the town Sanitarian as to whether a code-compliant system may be installed on this property, and return to the Commission with more information at their next meeting on October 28th.

5. New Business

- a. 355 Federal Road – Existing Building Application to Connect – *Bob Cioffoletti, plumber for the project, was present for discussion of this application.* This building is currently on a septic system, and the application is to connect the building to the sewer line. The Authority reviewed the plan, which was hand drawn onto an existing property survey. R. Prinz indicated the location of the property, on the corner of Route 7 and Del Mar Drive. R. Prinz suggested that a grease trap be added, as there are parties hosted downstairs in one section of the building, and if a restaurant ever moves in, a grease trap will be needed at that time. There is an existing septic tank that may possibly be converted to a grease trap at the time of the connection. R. Prinz reviewed the proposed route of the line with the Authority. Mr. Cioffoletti stated that there is no food use in the building at this time. Atty. Sienkiewicz mentioned that if the septic tank is not used as a grease trap, it will need to be properly crushed and filled. R. Prinz stated that he believes provisions should be completed now for the grease trap. Eric Kingsbury will review the submitted plan and reach out to Mr. Cioffoletti with any issues he may have with the proposed design. **P. Kurtz made a motion to accept the application for 355 Federal Road for engineering review. L. Trojanowski-Marconi seconded the motion, and it carried unanimously.**
- b. 533 Federal Road – New Building Application to Connect – *Nancy Levesque of CCA Engineers and Wayne Fontaine were present for discussion of this application.* A proposed dental office has been approved by the Zoning and Inland Wetlands Commissions. The application was submitted to the WPCA office last week with the request that it be forwarded to the engineer for possible review prior to the meeting. Langan did review the plans and Ms. Levesque has reviewed the comments received, and is favorable to the revisions. A grease trap with a six-inch line will be provided. **L. Trojanowski-Marconi made a motion to accept and approve the application [533 Federal Road – New Building Application to Connect] subject to compliance with the conditions of Langan's letter dated 09/16/15, payment of \$1,350 [for inspection fees and engineering review fees] with revisions submitted [to the WPCA Office] by October 1' 2015. P. Kurtz seconded the motion, and it carried unanimously.**

6. **Office Staff Report:** Chairman Malwitz stated that a meeting had been held with each of the employees to discuss their objectives for the upcoming year. There will be another communication meeting with each of the employees, and at each monthly meeting the employees will report on the status of their goals/projects. L. Trojanowski-Marconi asked if there is a reason to complete these monthly as opposed to quarterly. I. Agard replied that the purpose of the monthly reporting meetings is also to update all of the WPCA on project status.
M. Ongaro, when asked, reported that that September High Meadow assessment collections stand at approximately \$120,000, with about seven paid in full. M. Ongaro stated that there are still a couple more weeks of collections, so there will be additional payments coming into the WPCA Office. K. McPadden stated that the finance office is looking to bond the current BAN's, and they are looking for numbers from the WPCA. Because there are still 2 weeks of payments to be collected, those numbers should be ready at the beginning of October.
7. **Inspector's Activity Report:** No report at this meeting.
8. **Maintenance Manager's Report:** R. Prinz stated that D. Will is on vacation for a couple of weeks, and R. Prinz stated that his report matters will be reviewed during the Engineer Comments/Project Update item. No report.
9. **Engineer Comments/Project Update**
 - a. High Meadow/Ledgewood/Newbury Crossing Project Update – *Several Residents of the High Meadow and Newbury Crossing Condominium Associations were present.* R. Prinz stated that there was a meeting held today with Earthmovers to come to an agreement on how to close out the project. The outstanding work is to complete restoration and to crush and fill the septic tanks, among other items listed on a “punch list” which has been given to the contractor. R. Prinz indicated that there is still work to be done on Arbor Drive. R. Prinz stated that the contractor has been put on a three-day notice, by which time the contractor is to answer the WPCA's concerns. There is a major discrepancy in the paving, which R. Prinz says has not been done to the satisfaction of the plan specifications and Earthmovers claims it is. R. Prinz indicated that the WPCA may have to complete the work. R. Prinz noted that overlaying should be done, especially on Brooks Lane, the speed bump near Douglas Drive, and the cul-de-sac on Westview. R. Prinz pointed out that the contractor is now four months overdue on the project. R. Prinz stated that the project cost is approximated at \$1.685 million. The goal is to get the roads “back to acceptable” and bring the project back in at \$1.7 million, so it does not need to be re-assessed. R. Prinz stated that he had notified the bond company that the work has not progressed satisfactorily. I. Agard asked if there are still workers for the contractor coming to complete the project. R. Prinz stated that the contractor has not completed any items on the punch list which had been given to him. The WPCA has to pay the contractor for the work done to date. R. Prinz stated that some of the areas were acceptable and other areas were not, and the roads were in bad shape to begin with. The contractor's position is that this is permanent paving and is all that will be done. A certain percentage of the job will be accepted as permanent pavement, but R. Prinz indicated that other areas should be deemed temporary. All units with the exception of 4-6 Arbor Drive have been discharging to the sewer. R. Prinz stated that he is surprised that a decision was not made today, and the contractor now has a three-day notice. M. Brown asked for Atty. Sienkiewicz's input, and Atty. Sienkiewicz replied that usually the language of the bond specifies process to report a default. Atty. Sienkiewicz stated that he had drafted a letter a couple of months ago which was a warning, but the letter did not start the default process. Atty. Sienkiewicz stated that the contract and the bond would need to be reviewed and complied with. I. Agard confirmed with R. Prinz stated that there would be enough money to complete the work, and R. Prinz replied that there is \$225,000 remaining on the contract, and now there would be \$75,000 worth of retainage. R. Prinz replied that the abandonment of the septic systems in the area would now need to be complete. I. Agard confirmed with R. Prinz that the crushing and the filling of the tanks is part of the contract. R. Prinz stated that the grass will hopefully grow when there is rain. R. Prinz stated that the contractor has three days to answer the WPCA's questions, based on the meeting held today

with the WPCA and the contractor. After the three days, the WPCA should contact the bonding company. Atty. Sienkiewicz indicated that the next step would be to declare a contract default. Atty. Sienkiewicz reviewed contract details. R. Prinz stated that a letter needs to be submitted by the engineer according to the contract.

R. Prinz left the meeting room to obtain the contract.

Chairman Malwitz indicated that the WPCA generally does not take public comment relative to agenda items which are not public hearings, but he made the exception for this meeting as the residents have been sitting at the meeting.

Pat Blanchfield of 2 Lambert Lane asked if there was legal representation at the three-day meeting and was it proposed that the WPCA have legal representation. It was clarified that the WPCA did not have legal representation at the meeting. Pat Blanchfield stated that he has been getting many questions and comments from the residents at LedgeWood. Pat Blanchfield stated that the owners have a right to know whether a contractor will be out on site to re-pave the road.

Atty. Sienkiewicz reviewed the contract clause relative to the three-day notice.

A resident of Brooks Lane stated that she is very concerned about Brooks Lane, and she stated that she is glad to see the WPCA reviewing the matter on a larger scale.

R. Prinz replied that many residents would prefer the paving to be done from curb to curb but the cost for the paving would have put the project costs over ten percent for assessments, which is a percentage the WPCA traditionally remains below. R. Prinz stated that this was a very expensive and technical project, and the WPCA is doing the best it can to keep the project costs of the original approval and move forward properly with the project. The manholes in Newbury Crossing were also replaced. P. Kurtz stated that the effort is to get the project done properly. Atty. Sienkiewicz indicated that if the matter is to proceed with the contract default, Chairman Malwitz, Atty. Sienkiewicz, R. Prinz, and representatives of Langan need to meet and discuss the possibility of a contract default. The contractor is to respond to the WPCA by Monday, and a meeting will be coordinated for the following week.

- b. Capital Project: Route 7 Overpass, 777 Federal Road PS Upgrade, North PS Upgrade & Railroad PS Upgrade – Eric Kingsbury stated that the pre-bid meeting was done, and addendum one will be submitted to the plan holders tomorrow. He will also email the addendum to K. McPadden.
- c. GIS Sewer Modeling – For the next meeting, Langan would like to have their GIS coordinator do a presentation to walk through the model and show the WPCA how to use it. E. Kingsbury mentioned that the presentation would be one to 1.5 hours, and Chairman Malwitz indicated that it could be done before the regular meeting on the 28th at 5:30 PM. K. McPadden mentioned that Room 209 might be a good room to use if it is available, and it was noted that the regular meeting would be held there also.
- d. Clean Water Funds Application – E. Kingsbury stated that Mr. Utschig is in the process of compiling this application, and Langan will be looking to get a response on the narrative.
- e. Brooks Quarry Update – E. Kingsbury stated that Langan is authorized to complete the plans and the contract documents, and the timing has to do with when the Authority would like to have the project ready to bid. It was indicated that CHFA requirements will need to be followed to properly prepare the bid documents. Atty. Sienkiewicz asked if the bid documents are prepared from the Brookfield Housing Authority or from the WPCA. The Brookfield Housing Authority has authorized the WPCA to complete the project, and Chairman Malwitz reviewed the letter received from the Brookfield Housing Authority. Chairman Malwitz stated that the WPCA has to submit invoices to the Brookfield Housing Authority to be paid via funding which has been granted to the Brookfield Housing Authority for this project. Atty. Sienkiewicz stated that the bid documents have to comply with CHFA requirements and the WPCA has to

be sure that there is an appropriate agreement with the Brookfield Housing Authority. Engineering and construction monitoring fees as well as project cost will be billed to the Housing Authority. The contractor is going to be looking to the WPCA for payment. Atty. Sienkiewicz pointed out that the Brookfield Housing Authority is a private entity. He stated that there will be many requirements with the CHFA agreement, and the WPCA also must be aware of the payment mechanism. Chairman Malwitz indicated that Langan will review the requirements for the bid documentation, and then a meeting will be scheduled to review the matter. Chairman Malwitz indicated that the engineering should be complete in two weeks. Atty. Sienkiewicz asked if anyone has read the CHFA document, and Chairman Malwitz stated that it will be reviewed. Atty. Sienkiewicz indicated that most state contracts have six or seven clauses that need to be added relative to requirements.

- f. Water Pollution Facilities Plan Update – E. Kingsbury stated that Mr. Utschig is working on completing an outline of a proposal for review at the next meeting.
- g. Other Engineering Matters – The bid opening will be at 10:00 am on September 28th for the 4 Capital Projects. K. McPadden asked if the money for the projects will be coming from unrestricted funds, and Chair Malwitz indicated that the Railroad upgrade will, but the others will be coming from the Federal Road North funds.

10. Legal Matters

a. Other legal matters –

- High Meadow Project: Atty. Sienkiewicz stated that he is waiting for updated cost estimates for the systems and a map for the High Meadow Project for the maintenance agreements.
- Rollingwood: Atty. Sienkiewicz reported that he is also waiting for an updated cost estimate for the Rollingwood Project. He had sent a note back to Sandy Lane, but there has not been a response back from the Association. Atty. Sienkiewicz reported that he had sent an email to the lawyer and to the representative at the management company to indicate that he will be sending updated estimates shortly. He has also contacted the property owners at Green Acres (857 Federal Road) about granting an easement. Atty. Sienkiewicz stated that the WPCA had approved the sewer connections, and it appears that the WPCA's sewer line is either on their property or a maintenance easement would need to be granted to allow work in the area.
- Atty. Sienkiewicz stated that he had sent his comments about Workers Compensation Injury Care and Management Procedures to the WPCA.

11. Other WPCA Business

- a. Use Charge Study Sub-Committee Update – I. Agard reported on the amount differentiation if the WPCA were to charge a certain amount for one-bedroom units as opposed to a standard rate per unit for two-bedroom or higher buildings. To collect the same amount of money as of now, the one bedroom would be \$373 annually and everything above one bedroom would be \$384 annually. I. Agard stated that he would suggest not doing anything with the residential rate per unit; the Sub-Committee did not try to equalize the cost between residential and commercial users. On the commercial side, P. Kurtz and T.E. Lopez have agreed to review the data which was sent by Tighe and Bond. The attempt is to charge commercial users who are using similar amounts of water a similar amount of money. Meters are not connected to the wells currently, but there is a very direct tie to the amount of water usage and sewage usage. The process of data collection for the meters, as well as who would be responsible for the meters would be matters to discuss in the future. If changes are to be made to the database, information to change the billing would be needed in early November. Upon inquiry from Chairman Malwitz, R. Prinz indicated the current location of the portable flow meter.
- b. Accountant Search Update – I. Agard reported that the WPCA has received six resumes. An accountant in Bethel has responded, and S. Welwood's contact information has been sent to the prospective candidate. The process to move forward was briefly discussed. I. Agard thanked K. McPadden for assistance with coordinating this matter. Chairman Malwitz noted that S. Welwood had agreed to work with the WPCA to transition the WPCA to the new accountant.

- c. Workers Comp Injury Care & Management Procedures – K. McPadden stated that Atty. Sienkiewicz had sent Manchester’s Policy, and she will review and add information from that policy to the WPCA’s draft policy document. K. McPadden will send the information to Atty. Sienkiewicz and to T.E. Lopez, for their review.
- d. Other WPCA Business – K. McPadden shared a signature card which needs to be signed to open a new account for the High Meadow Project for the restricted account for assessment money.

12. **Vouchers**: The Authority reviewed the vouchers. **L. Trojanowski-Marconi made a motion to approve the vouchers as presented. I. Agard seconded the motion, and it carried unanimously.**

At this time in the meeting, it was noted that the WPCA may schedule a special meeting on October 5th.

13. **Adjournment**: **L. Trojanowski-Marconi made a motion to adjourn at 9:14 PM. I. Agard seconded the motion, and it carried unanimously.**

*** Next meeting October 28, 2015 ***