

# BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

Wednesday, October 26, 2016 Room 133 7:00 p.m.

## APPROVED MINUTES

1. **Convene Meeting:** Chair Malwitz convened the meeting at 7:00 PM, with the following in attendance:  

<u>WPCA:</u> Nelson Malwitz, Chair L. Trojanowski-Marconi, Vice Chair T.E. Lopez P. Kurtz M. Brown	<u>Others:</u> W. Charles Utschig, Langan (Engineer) Matt Allred, Accountant Jeff Sienkiewicz, Attorney Roger Prinz, Maintenance Manager Dave Will, Inspector Kristi McPadden, Executive Administrator Mary Ongaro, Collector <i>E. Cole Prescott typed minutes from recording &amp; notes</i>
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2. **Approval of Minutes** – 8/24/16, 10/5/16 Special Meeting:
  - 08/24/16 Regular Meeting: **P. Kurtz made a motion to accept the minutes of the August 24<sup>th</sup> meeting. T.E. Lopez seconded the motion, and it carried unanimously.**
  - 10/05/16 Special Meeting: **T.E. Lopez made a motion to approve the minutes of the October 5<sup>th</sup> meeting. P. Kurtz seconded the motion, and it carried unanimously.**
  
3. **Informal Discussion**
  - a. 86 Candlewood Lake Road, United Jewish Center – *Dr. Ralph Falkenstein, representative of the United Jewish Center, was present for discussion.* The United Jewish Center had been deeded a piece of land in 1978, which had been subdivided in the past. The plan would be to return to the Inland Wetlands Commission to ask for review and approval of splitting the current lot into two lots, which similar proposal had been denied by that Commission in 2004. This lot is marked on the WPCA sewer plan as a “failure only” property. K. McPadden noted that the property has never been assessed. Atty. Sienkiewicz reviewed the situations under which a property would be eligible for consideration of sewer service. There is a sewer line in the area, used to service the Huckleberry Hill School. It was mentioned that perhaps the owners should ask for the WPCA to assign a sewer assessment to the current property. Mr. Falkenstein explained that in 2004, the Inland Wetlands Commission had denied the application to split the two parcels, and he explained that a substantial change of the wetlands application would be required to re-apply to that Commission. Atty. Sienkiewicz suggested that an engineer review the proposal and determine if the regulatory requirements for two septic systems can be met. Atty. Sienkiewicz also suggested that the WPCA review the information from the previously denied, 2004 wetlands application. The matter was left for Atty. Sienkiewicz to follow up.
  
4. **New Business**
  - a. 10 Silvermine Road – Application to Connect – *Bill Coffey, Jr. of Pempbroke Pumping was present to discuss this application.* Mr. Coffey understands that this is a failure-only property, and he has submitted a letter to substantiate the fact that the property cannot sustain a septic system. The application and application fee have been submitted for the property at 10 Silvermine Road. **L. Trojanowski-Marconi made a motion, based upon the input from R. Prinz, and subject to receipt of confirmation from the Town Sanitarian confirming that the septic system has failed, to approve the application for 10 Silvermine Road for a gravity connection to the sewer system in accordance with the plan that has been submitted, subject to payment of \$300 toward inspection fees. T.E. Lopez seconded the motion, and it carried unanimously.**  
*It was noted that the following agenda item [for 8 Silvermine Road] was added to the agenda.*
  - b. 8 Silvermine Road – Application to Connect – *Bill Coffey, Jr. was present to discuss this property.* Mr. Coffey, Jr. asked if there is was method whereby he may submit an application tomorrow for a similar project at 8 Silvermine Road. He explained that the current septic was in failure and requested that the commission approve the sewer connection with the stipulation

that he submit an application and fees tomorrow. **L. Trojanowski-Marconi made a motion, upon the request of Mr. Swanson at 8 Silvermine Road, that an application may be filed subsequent to this meeting for a gravity connection at 8 Silvermine Road and subject to verification by the Town Sanitarian confirming that the [septic] system has failed and the submission of an application and connection drawing by Pembroke Pumping, and subject to approval of the plan by Authority staff, and subject to the payment of \$300 for inspection and \$250 for the application fee; that the staff will have the Authority to process the application as approved. T.E. Lopez seconded the motion, and it carried unanimously.**

- c. 450-460 Federal Road – Application to Connect – *Steve Sullivan of CCA Engineers was present to discuss this application.* This is a proposal for a 36,000 square feet building with gravity service, and is located in the IRC80/40 zone. **T.E. Lopez made a motion to accept the application for 450-460 Federal Road, to forward said application to Langan for engineering review, and to set the engineering and inspection fees at \$2,250. L. Trojanowski-Marconi seconded the motion, and it carried unanimously.**
- d. 854 & 874 Federal Road – Request for Extension of Municipal Sewers – *Steve Sullivan of CCA Engineers was present for discussion.* This proposal is for mixed use, on the property formerly known as Peter's Imports and the vacant property just south of it. S. Sullivan reviewed the proposal with the Authority. The question is whether the Commission would prefer to own the main sewer line within the property (extension) or if the system on the community property would be treated as a Community Sewer. Consensus of the board is that this should be a community sewer system maintained by the new community. There are 181 units of one, two or three bedrooms with commercial use proposed for the property. This application has been approved by the Planning Commission, Inland Wetlands Commission, and Zoning Commission. There will be six buildings with a clubhouse for this Section 8-30g application.

## **5. Old Business**

- a. 160 Whisconier Road – Revision of Application to Connect – *Larry Ruschmeyer was present to discuss this application.* Mr. Ruschmeyer explained that the Church had been granted a grease trap waiver with a condition that the Church would not use the kitchen facilities on site. Mr. Ruschmeyer noted that he was able to retrieve a copy of the Eversource easement on the property, along with permission to cross that easement. Atty. Sienkiewicz was unable to trace property line land records and is therefore unable to create an easement for 3 Silvermine Road. The original proposal was to bring the force main up the north side of the driveway, crossing the Eversource easement, and this is the chosen route once again. K. McPadden indicated that Langan has reviewed the amended plan. **L. Trojanowski- Marconi made a motion to rescind the approval for the application to connect for the Congregational Church (160 Whisconier Road) dated July 27, 2016 and to rescind the approval for the grease trap waiver request for 160 Whisconier Road (Congregational Church) also made on July 27, 2016. P. Kurtz seconded the motion, and it carried unanimously.** It was then clarified that the application had been originally accepted on July 27<sup>th</sup>, but was approved on August 24, 2016. **L. Trojanowski-Marconi made a motion to rescind all previous approvals of this application that were given on August 24, 2016. M. Brown seconded the motion, and it carried unanimously. L. Trojanowski-Marconi made a motion to approve the request submitted by the Congregational Church for 160 Whisconier Road that they [the applicant] be allowed to connect the Church building without the requirement of an underground grease trap installation, in accordance with the revised plan dated 09/16/16. T.E. Lopez seconded the motion, and it carried unanimously.** T.E. Lopez mentioned that the minutes should reflect the purpose for this action. **T.E. Lopez amended the motion, to include that based upon Langan's recommendation, and based upon the Church's letter dated October 24, 2016, the application for waiver of a grease trap is approved with the understanding that if grease is introduced into the system, it will become the Church's problem at their pump station to remediate. M. Brown seconded the motion, and it carried unanimously. T.E. Lopez made a motion to approve the application to connect for 160 Whisconier Road filed by the Congregational Church, based upon the plans from Artel Engineering, as revised September 16, 2016 noting that the Church has previously**

**paid a \$750 engineering review fee, \$750 inspection fee, and a \$400 legal fee, subject to the regular connection fees, and subject to the standard conditions. L. Trojanowski-Marconi seconded the motion, and it carried unanimously.**

- b. Discussion of Proposed Office Rent Charge with Selectmen – *Steve Dunn, First Selectman, and Marty Flynn, Selectman, were present for this discussion.* The Authority discussed the Town's recommended monthly rental amount of \$1,350 for the WPCA office. M. Brown indicated that in 1997, the Town and WPCA came to a settlement for the interest rate of connection of the Center School line. The WPCA had also paid \$100,000 into a joint GIS system. The WPCA has generators which have been loaned to the Town at no cost. The WPCA pays approximately \$11,000 toward the Town's annual fiscal year audit. The cost per square foot for commercial space throughout Brookfield was briefly discussed, and Mr. Dunn replied that a square footage review does not equitably indicate other utilities paid by the Town for the WPCA's use. He also mentioned that the WPCA is a quasi-governmental entity. Mr. Flynn mentioned that the WPCA offices are located in the Town Hall for convenience of commercial users throughout the Town. The Land Use approval workflow for building permit applications was also mentioned. Mr. Dunn reiterated that the Town and WPCA will continue to mutually work together. K. McPadden shared her research about local commercial pricing. This matter will be discussed further with the WPCA Chair, Commissioner Matt Brown and the First Selectman. Water Assessments: The WPCA has received a bill for \$15,000 which was discussed. Atty. Sienkiewicz indicated his review of the statute pertaining to this assessment, and it is his interpretation that the WPCA should not have received a water assessment because they are a municipal agency. This item will be discussed further between the Commission Attorney and the and the Town Attorney.
- c. Rollingwood Project Update – *Public hearing is scheduled on November 16<sup>th</sup>.* Mr. Utschig and R. Prinz will attend an upcoming wetlands meeting (10/31) to discuss the results of the Inland Wetlands Commission's site walk. D. Will requested easement language to transfer ownership of the sewer line to the WPCA. A taxable BAN will be pursued until the line is turned over to the WPCA.
- d. Brooks Quarry Project Update – A meeting is scheduled tomorrow. This matter is between the Brookfield Housing Authority and the State.

## 6. **Accountant Report**

- a. Monthly Financials – M. Allred presented the monthly financials.
- b. Year End Update & Audit Activity – Receipt of this documentation was noted.

## 7. **Employee Activity Reports (Roger, Dave, Kristi, Mary):** Employee Activity Reports were presented.

R. Prinz presented the Maintenance Manager's Report:

- GIS – R. Prinz shared how well the GIS is working. Funds have been requested to upgrade the tablets to iPads.
- Shore Area Study: There is data available.
- 777 Federal: New controls for the pump will be installed.
- 53 Commerce: R. Prinz will proceed with work on this matter, and the owners have agreed to pay their additional cost sharing amount.
- Monitoring system – R. Prinz will make a proposal to monitor private pump stations.
- Facilities Plan – R. Prinz reminded the WPCA about the completion of this plan.
- Data collection – R. Prinz indicated that data collection be done with data loggers. An inspection can be done at each of the 36 pump stations, to establish a base line. Notifications of the private pump station owners would be done if issues were found. R. Prinz explained that this would require a \$15,000 initial investment.
- MBO Progress – R. Prinz is working on his MBOs progress.
- Miscellaneous – Training of the part-time employee continues.
- Pump spares – R. Prinz will coordinate which pieces are interchangeable with spares of others in an effort to drive down future costs.
- Infrastructure value has been updated with the Commission Accountant.

- R. Prinz reviewed the average gallons per day flow for this month, and cautioned the Authority to fully consider the decrease from 500,000 to 380,000 gallon-capacity per day.

D. Will presented the Inspector's Activity Report:

- Grease Traps – Inspections are in process; there are 115 traps throughout the Town.
- Fifteen manholes have been upgraded.
- Surveys – D. Will has been working on this matter.
- Field Service: Dave is in the process of (or has completed) investigating drain pipe issues at Center School, the new Parks and Recreation Office and the state drain pipe at 540 Federal Road.

M. Ongaro presented a status update about billing and collections. There is a lien tracker available in the QDS software, which will track the paid off assessments if the WPCA office uses it. The standard lien fee for filing with the Town Clerk is \$53 per filing (for the first page). M. Ongaro would like to use this software to track the paid-off assessments. Chair Malwitz suggested that M. Ongaro make a recommendation to the WPCA regarding this matter.

## 8. Engineer Comments/Project Update

- a. Capital Projects:
  - i. 777A Federal Road PS Improvements,
  - ii. North PS Improvements
  - iii. Railroad PS Improvements – Mr. Utschig reported that the new pumps will be operational by Friday, October 28<sup>th</sup>.
- b. High Meadow High Solids Concentration – Solution alternates – Mr. Utschig will bring a proposal to the WPCA to install a mixer for this system.
- c. Inflow and Infiltration (I&I) Study – Next step – This item discussed below, during the clean water funds application agenda item 8.g.
- d. Private Pump Station Run Time Data Logging – The frequency of the grease trap inspections is needed.
- e. GIS Sewer Modeling/Scanning Update/Forms (Manhole, Pump Station, Grit & Grease Trap) – Reports are available, and the next step is for D. Will and R. Prinz to use the system, then to determine the next steps of the project.
- f. Community Sewer System/PMA Study – Langan has developed an attachment to the agreement about maintenance of the systems along with a new schedule of how to calculate the recommended escrow. Langan explained this process in further detail. Atty. Sienkiewicz mentioned his concerns with the proposal; the Authority briefly reviewed the proposal. The current process was outlined. Mr. Utschig noted that one percent of the cost on an annual basis has been considered in his proposal to account for inflation. The cost of inflation must be considered, as the Authority must determine what percentage would be appropriate to build into the estimate. Chair Malwitz also noted the need to host a public hearing on the proposal. When finalized, this formula can be used to determine the maintenance amount requirements of each community sewer system.
- g. Clean Water Funds Application – Mr. Utschig reviewed the application process, noting that the WPCA may apply for funding for the Facilities Plan, the Inflow and Infiltration study, the Rollingwood project, and study for Candlewood Lake. R. Prinz and K. McPadden mentioned that the WPCA should consider asking the Town for a request to proceed with studying the Candlewood Shores area. For Rollingwood: **L. Trojanowski-Marconi made the following motion: Be it resolved that it is in the best interest of the Brookfield Water Pollution Control Authority to enter into contracts with the Department of Energy & Environmental Protection. In furtherance of this resolution, Nelson Malwitz the Chairman is duly authorized to enter into and sign contracts on behalf of the Brookfield Water Pollution Control Authority. The Chairman is further authorized to provide such additional information and execute such other documents as may be required by the state or federal government in connection with said contracts and to execute any amendments, rescissions, and revisions thereto. The Executive Administrator is authorized to certify**

**action of the Brookfield WPCA by any such certification, action or seal as may be required. P. Kurtz seconded the motion, and it carried unanimously.**

- h. Water Pollution Facilities Plan Update – This item was discussed earlier during the meeting.
- i. Other Engineering Matters – No other items.

**9. Legal Matters**

- a. Eversource Claim
  - i. Letter from Jeffrey B. Sienkiewicz to N. Malwitz dated 9/7/16, Re: Eversource Claim – Atty. Sienkiewicz has sent a letter, indicating that funds will not be recovered. T.E. Lopez asked for future protocol. Atty. Sienkiewicz replied that the first step is to figure out what occurred, then to document the claim. This matter is also past the statute of limitations.
- b. Deferred Assessment Amendment – The Authority reviewed the proposal. **L. Trojanowski-Marconi made a motion to approve the Amended Elderly Disabled Deferral Policy as submitted, effective October 26, 2016, with a note that Ms. Phillips is deemed qualified under this program, provided that her account is current with delinquent interest and use. T.E. Lopez seconded the motion. The motion carried unanimously.**
- c. Other Legal Matters

**10. Other WPCA Business**

- a. Use Charge Study Sub-Committee Update – This matter is ongoing. Langan will be brought into the study process to assist.
- b. Waste Water Plant Developments – Danbury & New Milford – Chair Malwitz has drafted a document based on his conversations with representatives of Danbury and New Milford. He noted the fee associated with the gallons per day usage. Chair Malwitz noted that the WPCA is currently at three quarters of the proposed new capacity limit of 380,000 gallons. Mr. Utschig suggested that the WPCA maintain a list of the number of currently used gallons.
- c. Water Line Assessment 64 Federal Road – Atty. Sienkiewicz suggested that the WPCA send a letter to the First Selectman regarding this matter.
- d. 2017 Meeting Calendar – The September 2017 meeting was moved to the third Wednesday of the month. **T.E. Lopez made a motion to approve the 2017 WPCA meeting calendar as amended. L. Trojanowski-Marconi seconded the motion, and it carried unanimously.**
- e. Other WPCA Matters: *Please see above, agenda item 8.g.*

- 11. Vouchers: T.E. Lopez made a motion to approve the September vouchers as presented. M. Brown seconded the motion, and it carried unanimously.** The Authority reviewed the October vouchers. **L. Trojanowski-Marconi made a motion to accept the October vouchers as presented. T.E. Lopez seconded the motion, and it carried unanimously.**

- 12. Adjournment: L. Trojanowski-Marconi made a motion to adjourn the meeting at 11:04 PM. M. Brown seconded the motion, and it carried unanimously.**

\*\*\* Next meeting November 16, 2016 \*\*\*