

## BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

Wednesday, February 22, 2017 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

Nelson Malwitz, Chair  
Phil Kurtz  
Tulio E. Lopez  
Matt Brown

#### Others

Jeff Sienkiewicz, Attorney  
Eric Kingsbury, Langan  
Roger Prinz, Maintenance Manager  
Matt Allred, Accountant  
Kristi McPadden, Executive Administrator  
Mary Ongaro, WPCA Collector  
Emily Cole Prescott, Recording Secretary

2. **Approval of Minutes –**  
1/18/17 Draft Minutes: **T.E. Lopez made a motion to approve the minutes [of the 01/18/17 meeting] as presented. M. Brown seconded the motion, and it carried unanimously.**

01/24/17 Special Draft Minutes: **T.E. Lopez made a motion to approve the minutes of the January 24<sup>th</sup> special meeting. P. Kurtz seconded the motion, which passed with Chair Malwitz, P. Kurtz and T.E. Lopez voting in favor of the motion.**

3. **New Business**

- a. Nomination & Election of Officers – Chair Malwitz asked for comments of the Commission. He indicated that Louise Trojanowski-Marconi has volunteered to serve as Vice Chair again. Chair Malwitz also volunteered to serve as Chair again. **Nelson Malwitz made a motion to continue to serve as Chair and to elect Louise Trojanowski-Marconi as Vice Chair. P. Kurtz seconded the motion, and it carried unanimously.**
- b. 398 Federal Rd. – Request for 2% CCRCC Deferral – Chair Malwitz reviewed the deferral application. K. McPadden reviewed the WPCA’s Rules and Regulations about this matter. **T.E. Lopez made a motion to approve the deferral request subject to the applicant recording documentation on the land records indicating the deferral plan is in effect. M. Brown seconded the motion, and it carried unanimously.**
- c. 874 Federal Road – Application to Disconnect – *M. Lillis of CCA Engineers, Brookfield CT was present to discuss this application.* The signed application for the disconnection was presented, and the owner will drop off a \$400 application fee tomorrow. M. Lillis briefly reviewed the submitted plans for the Authority’s consideration. **T.E. Lopez made a motion to approve the application to disconnect for 874 Federal Road subject to the payment of the application fee, in compliance with the regulations as far as the disconnection is concerned. M. Brown seconded the motion, and it carried unanimously.**

4. **Old Business**

- a. 854-874 Federal Road – Application for Community Sewer System and Application to Connect 7 buildings; Permanent Maintenance Agreement & Easement – *M. Lillis of CCA Engineers, Brookfield, CT was present to discuss this application. Tony Lucera was also present to discuss this application.* Atty. Sienkiewicz had sent a revised version of the permanent maintenance agreement and easement, dated February 17, 2017. Atty. Sienkiewicz briefly reviewed revisions to originally proposed pricing for repair items, as reviewed by Langan. **T.E. Lopez made a motion, with respect to the application to connect 7 buildings to municipal sewer, and for a community sewer system submitted by the Enclave at Brookfield Center LLC for 854-874 Federal Road, the Authority finds that the community sewer system will serve property identified in section 1.2 of the Regulations for which sewage treatment capacity has been reserved or allocated, satisfies requirements of section 7-46F of the General Statutes and section 5.2 of the Regulations in that such system will not be owned and managed by a property management association but will be owned and managed as**

apartment buildings, [the application] is consistent with the Authority's Water Pollution Control Plan, and conforms to the design, easement and contract requirements of the Authority. The project was approved by Land Use Authority as applicable with wetlands regulations, work will be performed by a contractor approved by the Authority, and will be subject to inspection, and will be served by a permanent maintenance agreement, and for said reasons, the Authority approves the application for community sewer system to the applicant, a permanent maintenance agreement as previously noted; subject however to final modification to reflect different cost estimates for manholes and 8" sewer pipe based upon the resolutions adopted subsequently tonight. M. Brown seconded the motion, and it carried unanimously.

- b. 58 Old Gray's Bridge Rd. Permit Transfer Request – K. McPadden explained that this applicant has applied to extend their permit for two years, but in the process of doing so, the ownership information had changed and the request for permit transfer submitted. The Authority is currently holding funds from the previous owner for inspection and legal fees. **T.E. Lopez made a motion to approve the transfer of the sewer connection permit for 58 Old Grays Bridge Road from GB LLC to 58 Old Grays Bridge Road LLC and to extend the permit for two years until February 27, 2019 with the proviso that the funds held on deposit for the permit escrow shall be retained by the Authority and applied to the obligations of the new owner. P. Kurtz seconded the motion, and it carried unanimously.** Atty. Sienkiewicz asked K. McPadden to copy the previous owner on the motion letter to the new property owner.
- c. Rollingwood Sewer Project; Clean Water Fund Application – E. Kingsbury reviewed documents needed to move forward with the application. There was brief discussion about whether the applicant name will be the Town of Brookfield or Brookfield Water Pollution Control Authority. E. Kingsbury distributed copies of the bid documents for the Authority's review. The route has been revised, and R. Prinz will work with CCA to have easement plans drafted. **T.E. Lopez made a motion that the Authority authorizes the Chair to put [the] project out to bid in accordance with plans and specifications after negotiations of easements have commenced and counsel feels appropriate and after DEEP has reviewed the plans and specifications and after counsel has reviewed the plans and specifications and has made any necessary revisions as appropriate. M. Brown seconded the motion, and it carried unanimously.**
- d. Brooks Quarry Project Update; DPH Compliance Status of Deficiencies; Aquarion Connection: Langan has been working with the Health Department on the DPH deficiency matter. Atty. Sienkiewicz stated that at some point Brooks Quarry is to sell the WPCA the system, and he will need those details. R. Prinz stated that Aquarion Water has been asked multiple times to supply a quote for water connection, but has not yet provided any information. R. Prinz stated that Langan will now be asked to submit a quote for the work. Chair Malwitz indicated that the Brookfield Housing Authority should pursue this matter.

## 5. Accountant Report

- a. Monthly Financials: M. Allred presented the monthly financials.
- b. Annual Analysis of Danbury Fees: M. Allred distributed copies of the Annual Analysis of Danbury Fees dated February 2017. The Authority reviewed the fee analysis. The Authority will consider using .0028 to more accurately calculate the Danbury fees.
- c. FY18 Budget Update – Phil Kurtz: K. McPadden distributed copies of the FY18 budget proposal. The Authority discussed possible rate increases to user fees. P. Kurtz reviewed the capital budget proposal for FY18. The Authority also discussed the possibility of adding a fee designated for Plant Design Surcharge. Chair Malwitz stated that he will plan to make a presentation about this matter at the next Board of Selectmen meeting. M. Ongaro stated that she would need to have all information complete in May to properly bill fee revisions in June.

## 6. Employee Activity Reports (Roger, Dave, Kristi, Mary): There were no reports at this meeting.

## 7. Engineer Comments/Project Update

- a. Capital Projects:
  - i. 777A Federal Road PS Improvements,
  - ii. North PS Improvements – R. Prinz stated that monitoring equipment was not fed properly to the flow meter, based on incorrect installation by the company. The company has been contacted to correct this matter.
  - iii. Railroad PS Improvements – E. Kingsbury stated that these projects are almost done, with the exception of several clean-up items. Restoration will be done this year.
- b. High Meadow High Solids Concentration – Solution alternates – E. Kingsbury stated that there is a mixed flush valve, for which the WPCA is now awaiting a proposal.
- c. Inflow and Infiltration (I&I) Study – Next step – E. Kingsbury stated that the I&I model has been updated. The I&I study is allowed under a grant application with the Clean Water Funds. Langan could continue with the study or pursue a clean water fund for the planning, design and construction costs of the project. This would entail writing an RFP to send in accordance with DEEP regulations. R. Prinz stated that he believed that the WPCA had asked to have a company help with this study in the Spring. R. Prinz noted that the Clean Water Fund application takes much time, and his suggestion is to retain the Authority's current plan. Langan will move forward with updating the flows and will write an RFP for the Authority's review. R. Prinz noted the importance of setting up the flow meters as soon as possible, before the Spring. R. Prinz offered assistance with this matter, if needed. R. Prinz stated that the manholes have already been identified for this project.
- d. Private Pump Station Run Time Data Logging – R. Prinz stated that he had submitted a proposal for this matter which has been included in the FY18 budget. R. Prinz mentioned that the inspection process may require an update to the WPCA rules and regulations. R. Prinz asked about legal remedy to require inspections. R. Prinz will review the pump inspection program and make recommendations to Atty. Sienkiewicz.
- e. GIS Sewer Modeling/Scanning Update/Forms (Manhole, Pump Station, Grit & Grease Trap) – Chair Malwitz has asked to visit Langan to review the WPCA's modeling. E. Kingsbury stated that this project is an ongoing process, and suggestions for improvements are welcome. A maintenance budget amount has been included in the FY18 budget proposal.
- f. Water Pollution Facilities Plan Update – *This item was discussed earlier, under 7.c.*
- g. Use Charge Study – T.E. Lopez and P. Kurtz have organized the data, and a proposal will be sent by Langan next week.
- h. Other Engineering Matters – There were none at this time.

## 8. Legal Matters

- a. 5 Obtuse Hill Sewer Assessment – Atty. Sienkiewicz noted that he had sent two legal opinions as options to Chair Malwitz about this matter. He reviewed his proposal with the Authority. The Authority discussed this proposal, and the possible impact it would have on WPCA administration of the regulation. Atty. Sienkiewicz also reviewed history of the property. Chair Malwitz asked Atty. Sienkiewicz to make changes as discussed and prepare this as an addition for the Rules and Regulation document in advance of the Public Hearing.
- b. Draft Resolution: 2016 Benefit Assessments; Set Public Hearing for 3/22/17 – The Authority reviewed the resolution. **P. Kurtz made a motion to adopt the resolution with three changes as proposed. T.E. Lopez seconded the motion, and it carried unanimously.**
- c. Regulation Changes Sec. 5.6, 7.3.1 and A-4.0, Sewer User Map Updates– Set Public Hearing: The Authority reviewed revisions presented by Atty. Sienkiewicz. The Authority discussed billing dates. K. McPadden and Atty. Sienkiewicz revised dates accordingly. K. McPadden noted an error to be corrected on the sewer map, and Atty. Sienkiewicz replied that the administrative correction could be made without a public hearing.
- d. Rollingwood Oil Line Accident – Langan is now in the process of assisting with the oil spill cleanup as a result of this accident. *Please see below executive session.*
- e. Other Legal Matters – Atty. Sienkiewicz mentioned concern about the oil spill from a legal standpoint.

**9. Other WPCA Business**

- a. Draft FY18 Budget: *This item was discussed earlier in the meeting, during discussion of the Accountant Report.*
- b. March 6 BOS Presentation Re: Danbury Plant Capacity Purchase: Chair Malwitz noted that he will present this topic to the Board of Selectmen on March 6<sup>th</sup>.
- c. WPCA Office Location RFP Update: Chair Malwitz stated that there is an RFP and proposals are due at the WPCA Office by 2:00 PM on Friday.
- d. PT Director Position Description: Atty. Sienkiewicz suggested additional requirements that should be added to this job description.
- e. Other WPCA Matters: There was no additional discussion.

**10. Vouchers: Chair Malwitz made a motion to approve the vouchers as presented. P. Kurtz seconded the motion, and it carried unanimously.****11. Executive Session (Discussion of Item 8.d.): P. Kurtz made a motion at 10:45 PM to go into executive session to discuss potential claims and litigation for the oil spill incident and to invite R. Prinz and Atty. Sienkiewicz to stay. M. Brown seconded, and the motion carried unanimously.**

No motions were made during Executive Session.

**12. Adjournment: At 11:14 PM, P. Kurtz made a motion to adjourn, which was seconded by T.E. Lopez. The motion carried unanimously.**

\*\*\* Next meeting scheduled for March 22, 2017 \*\*\*

RESOLUTION  
2017 FEDERAL ROAD SUPPLEMENTAL BENEFIT ASSESSMENTS

Whereas, the Brookfield Water Pollution Control Authority, acting for the Town of Brookfield, has constructed improvements to the Brookfield Sewer System known as the Federal Road Sewer Extension, and

Whereas, the property described hereafter are presently served by the Federal Road Sewer Extension and are subject to the levy of a supplemental benefit assessment pursuant to resolutions heretofore adopted by the Authority (see resolutions of June 23, 1993, July 28, 1993 and March 21, 2007, as modified by resolutions dated January 11, 2012 and April 22, 2015):

NOW, THEREFORE, BE IT RESOLVED THAT:

1) The properties hereafter described are found to be especially benefited by the construction of the Federal Road Sewer Extension.

2) The Brookfield Water Pollution Control Authority proposes to levy a supplemental benefit assessment based upon the October 1, 2016 Grand List values in the following amounts and against the following properties as they are found to have been improved subsequent to October 1, 1992 so as to increase their valuation for tax purposes.

<u>Property Owner</u>		<u>Property Address</u>	<u>Supplemental Assessment</u>
Nicolosi, Jessica L.	1	Laurel Hill Court	\$2,786.02
Zenko, Thomas & Golab, Joanna	6	Laurel Hill Court	\$2,626.62
Echavarria, Roberto R.	7	Laurel Hill Court	\$2,359.26
Devaraju, Selvarajan & Arulappan, Josephin Jaicy Rani	8	Laurel Hill Court	\$2,695.59
Decker, Sean M	9	Laurel Hill Court	\$2,626.62
Pace, Jeffrey A	11	Laurel Hill Court	\$2,459.95
Lisi, Robert L. & Jones, Stephanie L.	2	Oak Branch Drive	\$4,058.82
Longley, Joseph	8	Oak Branch Drive	\$3,393.58
Gold, Julie M.	11	Oak Branch Drive	\$3,419.47
Handal, Victor H	21	Oak Branch Drive	\$3,393.58
Mullen, Laura	27	Oak Branch Drive	\$3,393.58
Cook, William & Myda	28	Oak Branch Drive	\$3,366.28
Zheng, Hui Hui & Jian	31	Oak Branch Drive	\$3,419.47
Abruzzo, Thomas, Andrea Grace & Pauline	8	Oak Meadows Drive	\$3,102.08
Musso, Thomas G & Jean B	13	Riverview Court	\$2,702.49
Purselley, Jimmie D III & Irene	36	Riverview Court	\$2,373.42
Halpin, James H.	37	Riverview Court	\$2,574.65
McQuade, Robert T. & Bernadette C.	1	Short Oak Drive	\$3,496.96
Schiavo, Irene	6	Short Oak Drive	\$3,363.75
Chronakos, John & Anna	7	Short Oak Drive	\$3,496.96
Gottmeier, Holly Ann	9	Short Oak Drive	\$3,428.15
Vadala, Gregory V. & Roseann	12	Short Oak Drive	\$3,496.96

Competello, Victor T. Jr.	37	Short Oak Drive	\$4,185.87
Marakhovskyy, Mykola & Polyakova, Olena	40	Short Oak Drive	\$3,848.75
Sullivan, James & Kathleen & Zezza, Kathleen M	41	Short Oak Drive	\$3,935.40
Jugler, Brian & Cynthia	1	Still Water Circle	\$5,437.89
Marshall, Amanda & Brian P.	3	Still Water Circle	\$4,853.77
Schmidt, Anton & Marilyn	5	Still Water Circle	\$4,853.77
Sciacchitano, Carlo & Grace	7	Still Water Circle	\$5,843.66
Baughman, Robert & Barbara	9	Still Water Circle	\$6,194.03
Kuhn, Peter J & Joyce E	121	Still Water Circle	\$4,514.13
Chait, Carol W. & Lisa Sanford	125	Still Water Circle	\$4,198.16
Sheehan, Elizabeth	311	Still Water Circle	\$4,057.85
RRMH Realty LLC	533	Federal Road	\$2,905.81

4) Said proposed supplemental benefit assessments are equal to 4.65 percent (4.65%) of such property's "equalized" assessed value as of October 1, 1983 based on the assessed valuation on the October 1, 1992 Grand List. (See footnote 9, Resolution of March 21, 2007.)

5) The Authority proposes that such supplemental benefit assessments shall be due and payable on **June 1, 2017**, provided however, that at the option of the owner, the supplemental benefit assessments may be paid in **five (5)** equal annual installments of principal, the first of which shall be due on June 1, 2017, with subsequent installments to be due on each June 1 thereafter until fully paid, together with interest on the unpaid principal amount of such supplemental benefit assessment at the rate of 5.5% per annum; provided further, however, that if any such installment remains unpaid for thirty (30) days after the same shall become due and payable, then at the option of the Authority, the entire unpaid balance of such benefit assessment or supplemental benefit assessment, together with all unpaid interest, shall become immediately due and payable. The Authority shall have all of the rights provided by Section 7-254 of the Connecticut General Statutes, as amended, with respect to delinquent assessments.

6) A public hearing on such proposed supplemental benefit assessments shall be held on **March 22, 2017**.

7) The Executive Administrator of the Authority is directed, on or before **March 12, 2017**, to cause notice of such proposed supplemental benefit assessments to be published in a newspaper having circulation in the Town of Brookfield and in the Brookfield Pennysaver and to mail a copy of such proposed supplemental benefit assessment to the affected property owner at the owner's address as shown on the last completed grand list, or to any such subsequent address of which the Authority may have knowledge.