

**TOWN OF EAST WINDSOR  
WATER POLLUTION CONTROL AUTHORITY**

**Minutes of Meeting of April 29, 2015**

**Members Present:** Paul Anderson, Dave Tyler, Chuck Riggott and Kirk Montstream

**Others Present:** Superintendent E. Arthur Enderle III, Chief Operator Ed Alibozek, WPCA Attorney Michael Lanza and Recording Secretary Laura Michael

**Time and Place**

Paul Anderson, Chairman, called the meeting to order at 7:00 p.m. at the WPCA Admin Building, 192 South Water St, East Windsor, CT

**I. Public Hearing Scheduled at 7:00 p.m.**

**Revision to Sewer User Charge Formulation**

Mr. Anderson read the public hearing notice that was published in the Journal Inquirer on April 17, 2015.

The Water Pollution Control Authority of the Town of East Windsor will meet at the EWWPCA Administration Building, 192 South Water Street, East Windsor, Connecticut on Wednesday, April 29, 2015 at 7:00 p.m. for the purpose of holding a public hearing on the Revision to the Sewer User Charge Formulation.

A copy of the proposed revision is on file, open to public inspection, at the Office of the Water Pollution Control Authority, 192 South Water Street, East Windsor, Connecticut. Dated, this 17<sup>th</sup> Day of April 2015.

Paul Anderson, Chairman  
Town of East Windsor  
Water Pollution Control Authority

Mr. Anderson stated that the public hearing was open. The proposed revision is to change the sewer use unit to consist of 50,000 gallons per year. He explained that the WPCA was taking the existing 70,000 gallon residential EDU and 60,000 gallon commercial EDU and making it a 50,000 gallon EDU to be consistent. This will change the FCC Regulations EDU to 137 gallons per day. This change will become effective July 1, 2015. Mr. Anderson asked the Board if they had any questions. Mr. Montstream stated that it had all been discussed. Mr. Anderson asked if there was anyone present who would like to comment. Mr. John Burnham, 178 Scantic Rd, asked if this was similar to other towns. Mr. Anderson explained that they were getting consistent. There have been adjustments made to the commercial EDU over the years. Flow from commercial properties is going down; the WPCA needs to reflect the reality of what an EDU consists of.

**Motion:** To close the public hearing on the Revision to the Sewer User Charge Formulation.  
Riggott/Montstream  
In favor: Riggott, Montstream, Anderson  
Motion carries

**II. Action on Revision to Sewer User Charge Formulation**

**Motion:** To adopt the Revision to the Sewer User Charge Formulation as presented.  
Riggott/Montstream  
Motion carries

**III. Added Agenda Items**

Mr. Enderle explained that an application for 4 New Park Rd needed to be added to the agenda.

**IV. Acceptance of Minutes of March 25, 2015 and April 8, 2015**

**Motion:** To accept the minutes of March 25, 2015  
Riggott/Montstream  
Motion carries

**Motion:** To accept the minutes of April 8, 2015  
Riggott/Montstream  
Motion carries

#### **V. Communications**

Mr. Anderson explained that there was an article in the Vernon edition of the Journal Inquirer reporting that Hal Cummings had passed away. Mr. Anderson informed the Board that there will be FOI training at Town Hall on June 4<sup>th</sup> at 5:30 p.m.

#### **VI. Visitors**

John Burnham

Mr. Burnham explained he was present to discuss 123 South Main St, but would like to come back with questions.

#### **VII. Public Participation**

There was no public participation.

*\*Mr. Tyler arrived at 7:15 p.m.*

#### **VIII. Receipt of Applications**

West River Farms, Scantic Rd, COM2015-002

Jeff Ressler and Jay Ussery were present to discuss the application of West River Farms. Mr. Ussery explained that West River Farms is a single family residential subdivision on Scantic Rd at the site of the former church run by Reverend Saunders. West River Farms will consist of 69 single family residential lots. All 69 lots will be serviced by gravity sewer with a lateral connection to the house; there will not be a pump station. Mr. Enderle went over Town Engineer Len Norton's memo. He spoke with Mr. Norton this afternoon and Mr. Norton explained that his comments should not hold up their approval. Mr. Ussery stated that he would submit all details for review. Mr. Enderle explained that throughout the process he has met with Dana Steel of JR Russo and Town Engineer Len Norton regarding this project to arrive at a satisfactory plan. Mr. Anderson asked Mr. Enderle if approval would be dependent on a developer's agreement. Mr. Enderle replied not at this time. Mr. Enderle explained that the WPCA does not have a developer's sanitary sewer construction agreement.

**Motion:** To receive the application of West River Farms, Scantic Rd, COM2015-002 as presented.  
Riggott/Montstream  
Passed unanimously

McCuda LLC, 4 New Park Rd, COM2015-004

It was explained that this is a connection of a new building in the Industrial Park. Mr. Ussery explained that Blake Equipment is constructing a new building next to their existing building. It will be 16,800 square feet with future plans of an additional 14,000 square feet. There will be a force main and will need a small pump station. The pump station will be owned and maintained by Blake Equipment. Mr. Enderle asked if it was a small grinder pump; Mr. Ussery replied yes, it is. It will be a private pump station. Mr. Enderle stated that it will need to reside close to the foundation; within 5 feet of the foundation to make sure the WPCA is not responsible for the pump station. Mr. Enderle explained that this is according to State Building Code. This will be verified with East Windsor Building Official, Rand Stanley. Mr. Ussery explained that all of the sewer line in the road will be gravity. Mr. Enderle suggested filing a caveat on the Land Records regarding ownership and maintenance of the pump station.

**Motion:** To receive the application of McCuda LLC, 4 New Park Rd, East Windsor, CT, Map 072/Block 19/Lot 099/Zone: M1, prepared by JR Russo and Associates LLC, 1 Shoham Rd, East Windsor, CT 06088, Job Number 2014-083, dated 12/29/14 with no revisions.  
Tyler/Riggott  
Passed unanimously

**Motion:** To suspend the regular meeting.  
Riggott/Montstream  
Passed unanimously

#### **IX. Public Hearing Scheduled at 7:30 p.m.**

**Motion:** To open the public hearing for LCC Partnership, 266 Main St.  
Riggott/Montstream  
Passed unanimously

There was no one present for 266 Main St, LCC Partnership. Mr. Enderle explained that this is the old Stone Depot. The Health Department required a building on the placement of a building on the property and connection to the sewer system. The connection charge has been paid in full.

**Motion:** To close the public hearing for LCC Partnership, 266 Main St.  
Riggott/Montstream  
Passed unanimously

**Motion:** To resume the regular meeting.  
Riggott/Montstream  
Passed unanimously

#### **X. Approval of Applications**

**Motion:** To approve the application of West River Farms, 69 Lot Residential Subdivision (PRD) Scantic Rd, East Windsor, CT, Map 3/Block 34/Lot 60 & 62, Zone MFDD, prepared by JR Russo & Associates, 1 Shoham Rd, East Windsor, CT, 06088, Job Number 2011-011, dated 11/17/14 with last revision date 4/29/15 with the caveat that the application meets the comments of Town Engineer Len Norton's memo dated 4/29/15.  
Tyler/Riggott  
Passed unanimously

**Motion:** To approve the application of McCuda LLC, 4 New Park Rd, East Windsor, CT, Map 072/Block 19/Lot 099/Zone: M1, prepared by JR Russo and Associates LLC, 1 Shoham Rd, East Windsor, CT 06088, Job Number 2014-083, dated 12/29/14 with no revisions, subject to information on placement of the private pump station less than 5 feet from building or placement of a caveat on Town Land Records.  
Tyler/Montstream  
Passed unanimously

#### **XI. Legal**

##### **Delinquent Collections**

Mr. Anderson reported to Attorney Lanza that he sent a recent email to Attorney Cummings regarding delinquent collections. It was explained that accounts that had been out for collection with a State Marshal had been returned as uncollectable and turned over to Attorney Purnhagen for collection. Mr. Anderson asked for the status of the collections. Attorney Lanza asked if they really want to collect by foreclosure; maybe there should be a threshold. Mr. Anderson explained that it is not fair to put the burden on those who are paying. Attorney Lanza explained that the sewer use fee is a priority fee and it will get paid. He suggested going after significant delinquencies; if there is a lis pendens filed, the WPCA could piggy back on. Attorney Lanza suggested going to the Town Clerk's Office to see which properties are in foreclosure. He asked again if the WPCA really wanted to foreclose on someone behind on their sewer use fee. There are mortgage modification programs trying to keep people in their homes. Attorney Lanza reported that his office has sent dunning letters. Mr. Anderson asked if the letters were sent regularly. Attorney Lanza replied that this is new to him; letters have been sent. Mr. Tyler reported that the Town has gotten very aggressive with their collections. He asked what it costs to

foreclose. Attorney Lanza replied a couple thousand dollars. Mr. Tyler suggested that the WPCA could piggy back on the Town taxes; if the Town forecloses on a property, the WPCA will get paid. Attorney Lanza suggested that he and Mr. Enderle meet with the Tax Collector. Mr. Anderson explained that the WPCA is trying to put a policy together with the goal of collecting the money owed. Mr. Enderle felt it would be a good idea to meet with the Tax Collector. Mr. Anderson stated something needs to be done; there is a significant amount of money owed.

### West River Farms

Mr. Enderle reported that this project has been going on since 2011 and he has met Dana Steel. He explained the WPCA has Pump Station Development Agreement and has been working on a Sanitary Sewer Developer's Agreement. Mr. Enderle has discussed needed improvements to the Route 5 pump station with Mr. Steel and Mr. Ressler. Although the project doesn't have a pump station, all of their flow will come through the Route 5 pump station. Mr. Enderle and Mr. Alibozek met with Mr. Ussery and Mr. Ressler this morning to see what they could do. Mr. Ussery explained that he has to look out for his client but he is aware of the improvements needed to the Route 5 pump station. As far as he knows, there are no regulations to collect fees, but they would like to do something to help. The Facility Connection Charge increased \$1500 last month to \$6,500. Mr. Ressler would like to pay upfront for the 1<sup>st</sup> phase and perhaps the 2<sup>nd</sup> phase at \$4,994. Mr. Enderle felt this would help with the pump station improvements. He explained that the project consists of 4 phases. Phase one has 20 units, phase two 19 units, phase 3 & 4 have 10 – 15 units. Mr. Enderle reported that he spoke with Attorney Lanza regarding this. Attorney Lanza asked if there were any other developments in the works; Mr. Enderle was not aware of any. Attorney Lanza felt this could be done legally. Mr. Enderle explained they could use the money for a generator and a pump. This would benefit the WPCA and the developer. Mr. Tyler felt it should be limited to the 1<sup>st</sup> phase. Mr. Alibozek explained that he listed proposed projects over the past 5 years, Quarry Meadows, Hemlock Court and the Walter Bass project. None of these projects have been developed. Mr. Enderle explained the FCC's would be a non-refundable deposit. Mr. Anderson stated that the project would own the connections. Mr. Enderle reported that residents have been calling inquiring about paying the FCC now at the current rate but connecting at a later date. Mr. Enderle explained that they need to keep in mind that in 3 years, they will be looking at the connection charge rate again. Mr. Montstream felt that if an approved plan has been submitted, they could pay for all units at \$4,994 until July 1, 2015. The intent of the policy was to step up connections and get plans rolling. The policy allows for the rate of \$4,994 until July 1, 2015. They do not want it to look like they are giving preferential treatment or favors. Anyone with an approved plan can connect at \$4,994 until July 1, 2015. Mr. Tyler agreed that up to July 1, 2015, you could pay the current rate but after July 1, 2015 you will pay the higher rate. Mr. Ressler will need to decide what he wants to do. It was also explained that existing dwelling units on an existing sewer line could connect at \$4,994 until July 1, 2016. Mr. Burnham asked if he paid for connection at 123 South Main St prior to July 1, 2015 it would be at \$4,994. He could pay now and connect later. That is the intent of the policy. Mr. Ussery, Mr. Ressler and Mr. Burnham thanked the Board and left the meeting at this time.

### Delinquent Collections – continued

Mr. Anderson explained that he had met with Mr. Barton to discuss collections. He asked the Board to look at the Warrant Status report in their meeting packet. Mr. Barton explained that he has had to return some warrants as uncollectable, but some may be in a better place and able to pay. Mr. Enderle asked Attorney Lanza to provide a quarterly update. Mr. Anderson felt there is a potential for change. Attorney Lanza suggested going to the Town Clerks office to check land records for mortgage amounts and going to the Assessor's office to find out house values. If the house value is higher than the mortgage, there is equity in the house. Mr. Barton explained the warrant list is growing and some will have to be returned as uncollectable. Mr. Tyler felt they should find out what the Town does and approach this aggressively. Mr. Enderle and Attorney Lanza will set up a meeting with the Town Tax Collector.

## **XII. Unfinished Business**

### IT Status

It has been working.

Benefit Assessment Policy

Not addressed at this time.

Adopt Revision to Delinquent Collection Policy

This will be postponed until the May meeting.

Adopt FY2015-16 Budget

**Motion:** To adopt the East Windsor WPCA FY2015-16 Budget as presented in the amount of \$1,821,419.  
Montstream/Riggott  
Passed unanimously

**XIII. New Business**

Bill Sheet Review

Mr. Anderson commented that the budget is in line with where it should be. There were not any questions.

Superintendent's Report

Mr. Anderson reported there were certificates enclosed in the meeting packet. Mr. Enderle reported that there was a lot going on this past month. They've been working on the FOG program and jet flushing. Mr. Tyler asked if a request for CIP was submitted to the Town. Mr. Enderle explained that they are going to submit a request for the sewer line under the bridge on Stiles Rd. The bridge is rotting away and the sewer line is hanging.

Mr. Barton and Attorney Lanza left the meeting at 8:50 p.m.

**XIV. Executive Session**

**Motion:** To suspend the regular meeting to enter Executive Session at 8:50 p.m. to include: Mr. Enderle, Mr. Alibozek and the recording secretary.  
Tyler/Riggott  
Passed unanimously

**Motion:** To come out of Executive Session at 9:00 p.m.  
Tyler/Riggott  
Passed unanimously

**XV. Adjournment**

**Motion:** To adjourn the meeting at 9:00 p.m.  
Tyler/Riggott

Respectfully submitted,

Laura Michael  
Recording Secretary