

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

Minutes of Meeting of October 28, 2015

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

Others Present: Superintendent E. Arthur Enderle III, WPCA Attorney Michael Lanza, NCH Sanitarian Mike Caronna, State Marshal Jim Barton, Board of Finance Member Kathy Pippin 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. Pledge of Allegiance

II. Added Agenda Items

There were no added items.

III. Acceptance of the Minutes of September 30, 2015

Motion: To accept the minutes of September 30, 2015.
Riggott/Montstream
Passed unanimously

IV. Communications

Mr. Anderson received a letter from Kainen, Escalera and McHale announcing a newly designed website for labor law. The information will be provided to Board members.

V. Visitors

There were no scheduled visitors.

VI. Public Participation

There was no public participation.

VII. Receipt of Applications

There were no new applications.

VIII. Approval of Applications

There were no applications to be approved.

IX. Legal

Attorney Lanza was asked how the WPCA could receive notification of bankruptcy. Attorney Lanza explained that it is up to the debtor to list their creditors. He explained that sometimes bankruptcy is used as a stalling tactic to buy people time. He will contact the attorney handling this.

X. Unfinished Business

IT Status

There haven't been any issues.

XI. New Business

Mike Caronna, M.P.H., R.S., NCDHC, Discussion on Waiver for Onsite Sewage Disposal

Mike Caronna explained that the Town has a lot of new sewer and not a lot of people are connecting. He is looking for the best way to get people to connect. Mr. Anderson explained they have the capability to send out a letter telling property owners they have one year to connect but they can't pick randomly. If they send out a letter, it would have to go to everyone that has sewer available; they can't leave anyone out. Mr. Caronna suggested that for now, they send a letter to the most recent, North Road. Mr. Anderson explained that property owners can request a waiver for two years if they have a viable onsite sewage system. Mr. Caronna could do a file search on the property; the files go back to 1976 or 1978. He would get a pumper's report that would give the condition, size and location of the septic system. He would also need soil conditions. Mr. Anderson felt the onus would be on the property owner. Mr. Caronna asked if other waivers were available, a back lot 600' from the road? Mr. Anderson replied no, the property line is within 100' of the sewer. Mr. Caronna explained the WPCA could send a letter telling people they have to connect but there is no rule in the CT Health Code. Mr. Tyler asked if there were a maximum number of waivers that could be obtained. Mr. Enderle replied no. Mr. Caronna suggested requiring connection to the sewer when there is a building addition or a change of use. Mr. Enderle explained they do not have an application yet; they need to develop a process. Mr. Caronna asked how they were going to deal with older streets with older sewers. Were they going to send those property owners letters? Mr. Anderson replied possibly. Mr. Anderson thought it would be a good idea to send out a letter explaining there would be a \$1500 savings by connecting before July 1, 2016. Mr. Caronna asked if the WPCA has the right to tell someone where sewer is available that they can't install or repair a septic system. Yes, it is in the ordinance. Attorney Lanza suggested recording the waiver on the Town Land Records. If the property is sold, the lender will require connection. Attorney Lanza could put together a notice to be recorded on land records. Mr. Enderle will work with Mr. Caronna to formulate a procedure and come back with it at the next meeting. Mr. Montstream stated that he doesn't agree with sending out the letters. The people were not warned about this. If they send out these letters, they are going to have some angry people and they better be prepared with answers. He feels the change of use option is a good idea. Mr. Enderle feels they need to educate the public about the cost. The average cost of repairing or replacing a septic system versus connecting to the sewer system. Mr. Montstream feels they need to educate people to let them know what's coming. They should send out an information packet. Mr. Enderle and Mr. Caronna will put together a packet for change of use, building addition and change of ownership. Attorney Lanza will put together a notice for the land records. Mr. Caronna suggested advertising that you can get a break on the connection fee. Mr. Caronna also suggested looking into whether Community Block Grant Money is available to residents of East Windsor.

Mr. Caronna spoke about sewerage Wells Rd and Abbe Rd. These are flat, low grade roads with wetlands where low pressure pump systems work well. Mr. Anderson suggested this would be funded 100% through benefit assessment unless the Town would like to fund part of the project. The Board thanked Mr. Caronna for attending the meeting. They have made progress.

Jim Barton, CT State Marshal, Delinquent Collection Policy

Mr. Barton explained that issuing Tax Warrant this time of year demanding payment not yet due is a problem. He suggested adding wording to the delinquent policy and the final notice, "the entire annual fee will become due and payable". Mr. Barton also suggested waiting until February to issue the warrants. It was brought to the Board's attention that payments are being sent to the WPCA office or made online after the account has been turned over to a State Marshal. The Board felt that payments should not be accepted in the WPCA office after an

account has been sent to collection. Mr. Barton agreed that paying online has become a problem. Mr. Barton thanked the board and left the meeting at this time.

Action on Refund Policy

Mr. Enderle provided a draft policy regarding refunds of sewer use fees based on CT General Statutes. The policy would allow for a refund of up to three years of sewer use fees.

Motion: To adopt the East Windsor Water Pollution Control Authority policy regarding refunds of Sewer Use Fees. This policy has been adopted based on Connecticut General Statutes, specifically the following CT General Statutes, CGS Sec. 7-258. Delinquent charge for connection or use, Lien, Assignment of Liens, and Sec.12-129 Refund of excess payments.

Sec. 7-258 allows the municipality by ordinance to designate the tax collector or any other person as collector or sewerage system connection and use charges and such collector of sewerage system and connection and use charges may collect such charges in accordance with the provisions of the general statutes for the collection of property taxes.

Sec. 12-129 allows a refund to be made as long as such application is made not later than three years from the date such tax was due or (2) such extended deadline as the municipality may, by ordinance, establish.

Based on the above statutes, in the event a refund is warranted the East Windsor WPCA shall refund not more than three years of Sewer Use Fees.
Tyler/Riggott
Passed unanimously

Motion: To refund Peter Starvish, 11 North Main St, East Windsor, CT in the amount of \$932.00 per refund policy for over payment of sewer use fees for 2012, 2013 and 2014.
Riggott/Montstream
Passed unanimously

2016 Meeting Calendar

Motion: To adopt the 2016 Meeting Calendar as presented.
Riggott/Montstream
Passed unanimously

Bill Sheet Review

Mr. Enderle explained some of the CIP expenses; the 4th roof top was just completed and the Route 5 pump station was rebuilt.

Superintendent's Report

Mr. Enderle explained that they received \$39,000 in grant money from FEMA and all the credit goes to Mr. Alibozek. All of the pump stations are now connected to SCADA. The sludge contract has been renewed for four years at the same price. Mr. Enderle pointed out that several employees received certificates for flagger training.

Mr. Anderson provided an answer to the Board regarding suspending the meeting for the purpose of holding a public hearing. He explained that there is no reference in Robert's Rules for suspending the meeting. If the public hearing is part of the meeting, the meeting does not need to be suspended. Mr. Anderson provided two different copies of Robert's Rules to be available for meetings. Copies of FCC Restated Regulations, Sewer Ordinance and WPCA Policies will also be on the table for reference during meetings.

Transfers

Motion: To transfer \$33,866.00 from the FCC Account to the WPCA CIP Line Item (2720 110600 59600).
Tyler/Riggott
Mr. Enderle explained that they had discussed using some of the West River Farms money to purchase a generator and a spare pump for the Route 5 pump station.
Passed unanimously

XII. Adjournment

Motion: To adjourn the meeting at 9:06 p.m.
Riggott/Montstream
Passed unanimously

Respectfully submitted,

Laura Michael
Recording Secretary