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Fred Hurley,  
*Director*

**TOWN OF NEWTOWN**  
WATER AND SEWER AUTHORITY

Marianne Brown,  
*Chairman*  
Louis Carbone  
George Hill  
Alan Shepard  
Eugene Vetrano  
Richard Zang  
Carl Zencey

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE WATER AND SEWER  
AUTHORITY

The Water and Sewer Authority held a special meeting on April 1, 2015 at the Senior Center, 14 Riverside Road, Sandy Hook, CT. Chairman Brown called the meeting to order at 8:10pm.

**Present:** Marianne Brown, Dick Zang, Lou Carbone, George Hill, Alan Shepard, Gene Vetrano, Carl Zencey

**Also Present:** Director of Public Works Fred Hurley; Town Attorneys David Grogins and Barbara Schellenberg of Cohen & Wolf; Kurt Mailman of Fuss & O'Neill; Timothy S. Hollister, Esq. of Shipman & Goodwin; Raymond Paier, P.E. of Westcott and Maples, Inc..

The Chair announced that the Authority would consider the proposed sewer extension for 79 Church Hill, LLC for 43,750gpd for sewer capacity to support approximately 350 units of multifamily housing.

Dick Zang requested input from the Town staff.

Fred Hurley summarized the Town's evidence that the parcel of land is part of the sewer avoidance area and outside the area approved for sewer expansion. Mr. Hurley summarized that the considerations for the Authority were straightforward: Is there existing capacity within the Town's control? Is the application consistent with WSA regulations and its water pollution control plan. The definition of sewer avoidance being utilized has been in existence since the 70s, used statewide and part of the facility plan for Newtown's sewers approved by the DEP and WSA. Mr. Hurley considers the request excessive and approval would be a bad precedent, ignoring the purpose behind the sewer avoidance plan. The issue for WSA is not picking and choosing where particular types of proposed developments will go and whether incentive housing will be approved, but whether the properties are in the sewer district.

Incentive housing is being considered in many places - not about picking and choosing, depend where properties are and whether in the sewer district.

Mr. Zang made a motion that the request to expand the sewer service area to include the entire property at 79 Church Hill Road made on February 4, 2015 by Shipman & Goodwin on behalf of 79 Church Hill Road, LLC be denied. Mr. Carbone seconded the motion. Discussion ensued.

Alan Shepard proposed a friendly amendment that the Town staff rationale be included in the motion.

Mr. Vetrano seconded the motion to amend and Mr. Zang accepted the amendment.

Mr. Zang moved as follows: that the request to expand the sewer service area to include the entire property at 79 Church Hill Road made on February 4, 2015 by Shipman & Goodwin on behalf of 79 Church Hill Road, LLC be denied for the following reasons:

1. Purpose of the Central Sewer District (CSD) is the abatement of Pollution.

2. The subject property is not in the CSD because it was designated in the Water Pollution Control Facilities Plan (WPCP), dated September 11, 1989, as a "Sewer Avoidance Parcel" and reconfirmed in January 1994 Preliminary Design Report. Therefore, the Application is not in conformance with the Town's WPCP per section 6.1.3 of the sewer regulations.

3. There are no environmental conditions present on the property which compel the re-designation of the property ad "requiring sewers."

4. The expansion of the CSD to encompass the subject property would result in an allocation of at a minimum 200% of the remaining town capacity in the sewer treatment plan, to accommodate the Applicant's request.

5. The presence of the two 6" laterals on the property are the required size lateral to service a residence and do not manifest an intent to provide additional sewer service to the balance of the property.

Mr. Vetrano seconded the motion. Discussion followed. The Chair called for a vote. All were in favor of the motion.

The Chair asked for second motion regarding the applicant's request for conditional approval of a future sewer connection.

Mr. Zang moved as follows: That the request for conditional approval of a future sewer connection to accept a discharge of 43,750gpd from the entire property at 79 Church Hill Road made on February 4, 2015 by Shipman & Goodwin LLP on behalf of 79 Church Hill Road, LLC be denied for the following reasons:

1. The system has a town treatment capacity of 332,000gpd. All of the town capacity is allocated per the existing sewer regulations and the applicable WPCP dated January 1, 2015.

2. If the district were extended as requested by the Applicant , the requested capacity 43,500 gpd would represent approximately 200% of the Town's remaining capacity in the entire CSD.

3. The cost of adding additional Town capacity to the system treatment plan it prohibitive based on the analysis by Fuss & O'Neill and the Town's Professional Contract Operator.

4. The WSA is granted the right to "request" additional capacity from the State of Connecticut's allocable portion of the Treatment Plant per the Interlocal Agreement dated 2004 and the Fairfield Hills Purchase Agreement. As such, there is no evidence in the record that such a request would be honored as evidenced by the comments of DEEP spokesperson in the Newtown Bee and the discussion between DEEP Project Officer, Roland Denny and Fred Hurley, Public Works Director.

Louis Carbone seconded the motion. All in favor.

Having no further business, the meeting was adjourned at 8:47pm.

Submitted,

Carolyn Signorelli, Clerk Pro Tem