

## **BROOKFIELD WATER POLLUTION CONTROL AUTHORITY**

Wednesday, January 23, 2013 Room 133 7:00 p.m.

### **APPROVED MINUTES**

#### **7:00 PM - PUBLIC HEARINGS**

- I.** Amendment to the Brookfield Sewer Use Rules and Regulations
- II.** Proposed Outlet Capacity Charge Refunds

*Chairman Malwitz opened the public hearing at 7:00 PM.* Chairman Malwitz read the legal notice for the public hearings that was published in the Danbury News Times. Chairman Malwitz stated that the Outlet Capacity Charge was adopted in 1997.

Chairman Malwitz noted that the results of the twenty year sewer plan indicate that further capacity will not be necessary at least for the next fifteen years or so. He stated that rather than continue collecting Outlet Capacity Charges, the WPCA is proposing to give the currently-held money back to the current property owners. Chairman Malwitz stated that if there is a need for further money to purchase additional capacity in the future, it will be collected over the entire sewer system. Chairman Malwitz asked for comments and/or questions from the audience. H. Lasser sent an email to the WPCA on January 23, 2013 to be noted in the minutes that he is in favor of refunding the amount that has been collected and stopping the collection of the funds. T.E. Lopez asked the Chairman how the money will be given back, and Chairman Malwitz stated that it will be given back in the form of a check. Attorney Sienkiewicz stated that the Resolution proposes that the date of refund start on March 1, 2013 to allow for the Commission's decision to be published.

Chairman Malwitz stated that the plant charge only bills will cease after the June 2013 billing, which are currently billed to only those assessed properties that are not yet connected to the sewer system. Bill Oakley of Stony Hill Village asked if the usage per quarter rate would decrease with the removal of the plant charge, and Chairman Malwitz clarified that the quarterly use bill rate will not be decreased. P. Kurtz asked if any properties that have a current Outlet Capacity Charge balance will be removed with this regulation change, and Attorney Sienkiewicz stated that the outstanding charges for those properties will be removed and all monies paid in will be returned. Chairman Malwitz asked if there were any comments or questions from the audience, but there were none. *Chairman Malwitz closed the public hearing at 7:10 PM.*

#### **REGULAR MEETING**

Chairman Malwitz began the regular meeting at 7:10 PM with the following persons in attendance:

**1. Convene Meeting:**

**W.P.C.A.**

N. Malwitz, Chairman  
T.E. Lopez  
C. Scott  
P. Kurtz, alternate \*

\* P. Kurtz was a voting member  
for this meeting

**Others**

W. Charles Utschig, Birdsall Engineering  
M. Finan, Birdsall Engineering  
J. Sienkiewicz, Commission Attorney  
S. Welwood, Accountant  
R. Prinz, Chief of Maintenance  
D. Will, Inspector  
K. McPadden, Executive Administrator  
E. Cole Prescott, Recording Secretary

**2. Approval of Minutes – 11/28/12 – T.E. Lopez made a motion to approve the minutes of the 11/28/12 meeting. P. Kurtz seconded the motion, and it carried unanimously.**

**3. Correspondence**

a. Letter from S. Sullivan, P.E. dated 12/14/12 Re: 58 Old Grays Bridge Rd. Extension Request - *S. Sullivan was present on behalf of the applicant.* Attorney Sienkiewicz stated that the regulations reflect that the permit is good for one year. **T.E. Lopez made a motion to extend the permit [for 58 Old Gray’s Bridge Road] on behalf of the request of the property owner to the allotted extension time period of one year. P. Kurtz seconded the motion, and it carried unanimously.**

b. Letter from S. Sullivan, P.E. dated 12/17/12 Re: 48 Old Grays Bridge Rd. Extension Request – *S. Sullivan was present on behalf of the applicant.* **T.E. Lopez made a motion to extend the permit [for 48 Old Gray’s Bridge Road] on behalf of the request of the property owner to the allotted extension time period of one year. P. Kurtz seconded the motion, and it carried unanimously.**

c. Letter from S. Welwood, CPA dated 12/27/12 Re: Accounting Services –

d. Letter from Sandra E. Welwood, LLC dated 1/20/13 Re: Accounting Services – Chairman Malwitz summarized the letter of engagement and explained that S. Welwood has purchased the audit side of the business from Meyers and Company. Ms. Welwood explained that although the company is fundamentally the same, she now has more support staff and does everything under the name, Sandra E. Welwood LLC. *Chairman Malwitz stated that the Commission will discuss this item in more detail in the Accountant Report section of the agenda.*

**4. Old Business**

a. Amendment to the Brookfield Sewer Use Rules and Regulations - To consider and act upon –**C. Scott moved that the sewer Use Rules and regulations be amended as follows:**

**1. That Section 7.1.2 be amended to add the following paragraph to the end of the existing provisions:**

**The obligation to pay a separate Danbury Plant Charge is effectively terminated for connected properties as of September 1, 2012 and for unconnected properties as of June 1, 2013 (See Minutes of July 12, 2012)**

**2. That Section 7.4 – Outlet Capacity Charge be delete from the regulations in its entirety; and**

**3. That staff modify the Index to the Regulation as appropriate to reflect that Section 7.4 was deleted effectively as of January 23, 2013.**

**T.E. Lopez seconded the motion, and it carried unanimously.**

b. Proposed Outlet Capacity Charge Refunds - To consider and act upon – Amend paragraph two to state “Subject to the provisions of Paragraph 3, the Authority shall refund previously paid Outlet Capacity Charges without interest to current property owners in accordance with the following schedule:”

**T. E. Lopez moved to approve the resolution with the above-noted change. P. Kurtz seconded the motion, and it carried unanimously.**

**5. New Business**

a. 20 Vale Road – Community Sewer System Application – *S. Sullivan of CCA Engineering and Roy Steiner of Brookfield North LLC were present to speak about the application.* S. Sullivan stated that the project has been approved by both the Board of Selectmen and the Planning Commission for an 8-24 referral. S. Sullivan noted that on tonight’s WPCA agenda this project was listed as a community sewer system, but that this is actually an extension of a sewer system. S. Sullivan stated that CCA should have comments back regarding Birdsall’s review within the next week. S. Sullivan noted that the applicant does not object to any of the findings and/or recommendations from Birdsall engineer Mike Finan. An investigation of the dry sewers that had been installed in the 1990s was conducted by R. Prinz yesterday. S. Sullivan reviewed with the Commission what Berkshire North LLC is proposing to grant to the WPCA: manhole X5 to Manhole X3C down to where the proposed extension is to be built. S. Sullivan stated that there is approximately 1120 feet of line currently in the ground, and the proposed line will add an additional 2300 feet. S. Sullivan

noted that CCA is in receipt of a draft agreement authored by Attorney Sienkiewicz; S. Sullivan asked if the Authority would be willing to accept a letter of credit instead of a cash bond for the bond requirement. S. Sullivan stated that the applicant has also asked for a waiver of the grease trap requirement because the plan only has a provision for a break room with a microwave and no kitchen facilities. Attorney Sienkiewicz stated that the Commission has two applications before them – one for a sewer extension that will become part of the municipal sewer system that will be built by the owner at his expense, and one for a traditional sewer connection application for the proposed building. Attorney Sienkiewicz stated that this extension application does not require much work in the highway with the exception of 40 or 50 feet on Vale Road, and the rest of the work will all be done on private property. Attorney Sienkiewicz stated that he has drafted a permit that gives the owner a permit to extend the municipal sewer at their expense from Vale Road that ends at Park Ridge Road Extension and then the applicant is asking that this be accepted into the sewer system with the addition of some sewer in Park Ridge Road and Park Ridge Road Extension. Attorney Sienkiewicz summarized the conditions of the permit, stating that this extension and connection is proposed for a 30,000 square foot building with a estimated flow of 4,000 gallons per day in accordance with the plans. Attorney Sienkiewicz stated that the applicant has to submit both plans to the DEEP for approval for the general permit. According to the agreement, the applicant must also execute and give an easement for the proposed sewer so the WPCA has an easement where it is being built and in the new area in the road for a 50' easement in the entire roadway. S. Sullivan stated that the easement had been done in the 1990s. Attorney Sienkiewicz also stated that the WPCA would need a general easement for the property as well. Attorney Sienkiewicz stated that the WPCA would want an acceptable certificate of title; the applicant would need to comply with the plans and the technical requirements and would need to give the WPCA a copy of the technical requirements for the work. R. Prinz asked R. Steiner if he plans to do the work himself, and R. Steiner replied in the affirmative. Attorney Sienkiewicz stated that the applicant needs to give copies of the wetlands approvals and any other approvals to the WPCA. Attorney Sienkiewicz stated that the applicant would need to have the WPCA and the Town of Brookfield listed as others on the insurance, with certain minimum coverage requirements. Attorney Sienkiewicz stated that the WPCA would require ten days' notice before the start of construction, and the WPCA would need to approve the proposed work, and R. Prinz and D. Will will need to have access to the site for inspection purposes. Attorney Sienkiewicz stated that as-builts will need to be submitted, and the applicant will need to give a bill of sale to the WPCA. Attorney Sienkiewicz stated that within 60 days after completion of construction and before the permit to discharge is issued, the applicant will need to submit a ten percent bond to guarantee for one year repair and/or replacement of the system. Chairman Malwitz read the regulations regarding bonding requirements. Attorney Sienkiewicz noted that as per the regulations, the bond can be posted by a letter of credit. Attorney Sienkiewicz stated that as a condition of the permit, the applicant is required to reimburse the authority for all expenses incurred with legal, inspection, engineering costs, etc. S. Sullivan noted that the amount already paid for these items is \$3500, and Attorney Sienkiewicz recommended that an additional \$5,000 be paid for additional inspections. Attorney Sienkiewicz stated that the original concept was for forty thousand gallons of capacity reserved for four buildings, but R. Steiner clarified that this gallons per day amount was not reserved for the buildings but for the land. T. E. Lopez asked what the proposed use of the new building is, and R. Steiner clarified that the full 30,000 square feet is for office space. M. Finan asked if the application has been formally submitted, and it was clarified that it has not yet been accepted.

**T. E. Lopez made a motion to accept the application for the sewer extension. C. Scott seconded the motion. The motion carried unanimously.**

**P. Kurtz moved to accept the application for the connection of the building at [111] Park Ridge Road, parcel one. T.E. Lopez seconded the motion, and it carried unanimously. C. Scott noted that the Commission has not waived the grease trap requirement.**

## **6. Accountant Reports**

S. Welwood reviewed the accountant report with the Commission. The Commission continued discussion of S. Welwood's letter of engagement. **P. Kurtz moved that Chairman Malwitz sign the letter of engagement with Sandra E. Welwood LLC for the following services: advice and guidance to the WPCA Enterprise Fund, ensure that the WPCA is GASB 34 compliant, perform indirect cost analysis, and incorporate findings and financial statements, prepare quarterly review, review depreciation schedules to be consistent with the Director of Finance in Brookfield, assist with budgets, attend the WPCA meetings on a quarterly basis for the purpose of providing the Commission with financial condition, ensure that the WPCA staff professionals are preparing the books in compliance with accrual accounting, assist in preparation of annual budget, when needed, coordinate with the Director of Finance of the Town of Brookfield, recommend policies and procedures, and ensure year-end closing general entries are complete and provide guidance regarding best practices and efficient procedures at the rate of seventy dollars per hour. C. Scott seconded the motion, and it carried unanimously.**

**7. Engineer Comments/Project Update**

a. Del Mar Drive Sewer Extension Project – M. Finan reported that a pre-construction meeting has been held with Earthmovers to formalize discussions that have been had over the past month. M. Finan stated that the hope is to have plans for the pump station to Birdsall within the next week or two. R. Prinz noted that this project must be completed by the end of May; M. Finan stated that Earthmovers is aware of that schedule and stated that they believe that they can keep that deadline.

b. High Meadow/Ledgewood/Newbury Crossing Project – M. Finan stated that the application is before the Wetlands Commission, and will be on the January 28, 2013 Wetlands agenda. Chairman Malwitz stated that the proposal is to temporarily disturb less than five percent of the wetlands. T.E. Lopez asked if the letters allowing the WPCA to apply on behalf of the condominium associations have been sent; they have, and they've all been completed and submitted to the IWC. R. Prinz noted that the WPCA's copy of the Wetlands application and report is available for review in the WPCA office. Chairman Malwitz noted that the engineering costs alone have run about \$100,000. M. Finan stated that many of the current documents drafted for the Inland Wetlands Commission's application can be turned into construction documents; he noted that more design detail is required for the pump station before construction. K. McPadden stated that she did mail a certified public hearing notice to the owners of the railroad (which they signed for) and M. Finan stated that Birdsall will contact them regarding the proposed railroad crossing. T.E. Lopez stated that a schedule needs to be completed for the bond acquirement. M. Finan stated that an accurate recommendation cannot be made until after the Inland Wetlands Commission's meetings. Chairman Malwitz noted that one of the items to discuss regarding this project is the bond approval, which will require a Town vote. Chairman Malwitz suggested that the Commission ask the Board of Finance and the Board of Selectmen to consider a bond in the amount of \$2,500,000. **C. Scott made a motion to request that the Board of Selectmen and the Board of Finance take the necessary action to appropriate the sum of \$2,500,000 for the design and construction of a proposed sewer line to serve the High Meadow, Ledgewood and Newbury Crossing condominiums running from those condominiums to Pocono Road, the appropriation to be inclusive of engineering, legal, applications, land acquisition, construction and the like and all other necessary and appropriate expenses. T. E. Lopez seconded the motion, and it carried 3-0; P. Kurtz recused himself from this matter.**

c. GIS System Update – M. Finan stated that he has given the list of items to S. Sharlow, who works on the GIS system with the Town of Brookfield. T.E. Lopez asked if this system can be updated in 2013 and used this year, and M. Finan stated that he believed it can be used starting at some point in 2013. M. Finan stated that there is no contract with S. Sharlow for the work on the GIS system.

d. Other Engineering Matters – Chairman Malwitz stated that extra monitoring will be installed on the building at 67 Federal Road. Chairman Malwitz explained that once this extra

monitoring equipment is installed, Birdsall will be able to do an assessment as to the capacity and location of flows in the system. Chairman Malwitz stated that he has asked M. Finan to give the WPCA a quote for this assessment project. Chairman Malwitz stated that the intricacies of the system are not known, and could be determined by a project like this.

**8. Legal Matters**

a. 56 Del Mar Drive Grading & Landscape Easement – Attorney Sienkiewicz stated that he needs to get in touch with the owners.

b. 67 Federal Road Easement – Attorney Sienkiewicz stated that the owner would like to know what everything is going to look like for this project. Attorney Sienkiewicz stated that the monitor was originally supposed to be located on the building, but that the property owner preferred that the monitor not be located on the building. Chairman Malwitz stated that he did not believe that the meter will pull 15 amps of power, which was the estimate the WPCA received from US Automation. Chairman Malwitz asked R. Prinz to be sure the all of the information is provided and accurate.

c. 3-Condo District Delinquents – Chairman Malwitz stated that the WPCA is proposing to re-calculate the three-condo district assessments to equalize the payments (similar to a mortgage since this is to pay back a loan with equal monthly payments to the lender U.S. Bank). In doing so, the payments would be extended two (2) years so that they end when the loan does (2030) rather than 2028. Chairman Malwitz shared a list of the properties that are delinquent to date. Chairman Malwitz stated that the BAN has been paid off in the amount of \$550,000. For those accounts that are delinquent, Chairman Malwitz stated that he proposes to reset the principal to include the delinquent principal, the unpaid bonded interest and any delinquent interest. Attorney Sienkiewicz stated that his concern is that even with this proposed adjustment, the same properties will be on the delinquent list. Attorney Sienkiewicz stated that he will review the Statutes. The Commission reviewed the delinquent account report.

d. Remaining Permanent Maintenance Agreement Accounts –Chairman Malwitz stated that there are four outstanding accounts that he would like to have resolved before the end of the fiscal year. Attorney Sienkiewicz stated that the statutory provision that the Commission relied on when they changed the regulations only applied to condominiums and not other sewer systems. Attorney Sienkiewicz stated that there is a maintenance agreement for Commerce Road which is an industrial park and Pocono Crossing, which are 3 apartment houses. Chairman Malwitz asked Attorney Sienkiewicz how the Commission would give money back to these systems. Attorney Sienkiewicz stated that he can amend the agreement to eliminate the escrow provision. T.E. Lopez stated that in the case of the High Meadow/Ledgewood Condos, there will be a Permanent Maintenance Agreement for the entire project once it is completed.

e. Other Legal Matters – None.

**9. Chief of Maintenance Report**

a. Caldor Pump Station Main Break – This break occurred on December 21, 2012. Chairman Malwitz stated that a temporary pump was bypassing the main station. R. Prinz noted that it was an outstanding response and was fixed rapidly. R. Prinz stated that he cannot see anything in the photos to show that there was any mechanical damage. R. Prinz noted that the sheathing was pulled out and not installed in that area. R. Prinz reported that he did a quick estimate of the expenses. R. Prinz noted that the wet weather could have contributed to whatever condition(s) might have caused the break. R. Prinz noted that per C. Utschig’s review a slip lining was installed that was approximately ten feet long. R. Prinz noted that this solution offered a permanent repair. R. Prinz explained that the clean-up was done in phases and everything had to be done the next morning – videoed, slip-lined, grouted, and installed the liner. The force main had to be drained out. R. Prinz stated that Pembroke Pumping took care of the incoming sewage, and the other larger trucks were pumping out. R. Prinz stated that the flow meter has been re-installed. R. Prinz reported that the pumps were turned back on and checked for leaks. The repair is considered to be permanent and is guaranteed for twenty years, according to C. Utschig.

The grand total of the work is approximately \$52,920 according to R. Prinz. C. Utschig stated that it would be good to discuss at least putting Kovacs on notice since they just finished installing the grinder at this location, but that it will be difficult to find out exactly what caused the break. P. Kurtz asked what the value of the work was that the Kovacs contributed in total, and R. Prinz replied that it was approximately \$16,000. C. Utschig stated that R. Prinz did a great job organizing and controlling costs to complete the fix for this break.

- b. 871 Federal Road, Riverview – R. Prinz reported that there is no way to test the force main safely and effectiveness because of the way that it was installed. The contractor did not use pressure PVC pipe, but gravity PVC pipe instead. The contractor installed this incorrectly. M. Finan stated that a letter has been sent to the contractor about the issue. C. Utschig stated that this connection cannot go into service until this work is completed. M. Finan stated that email verification has been sent to M. Lillis, the engineer on record, stating the D. Will and M. Finan have met with the contractor and have come up with a solution. M. Finan stated that part of the solution is to slip two inch PVC into the four inch to get one continuous run to test, and at the point at which the force mains come together into a non-pressure pipe and then go into a gravity line, a manhole will be dropped with a valving mechanism and a check valve that can be cut off if it needs to be replaced or fixed. According to M. Finan, this partial solution would allow the testing to be done from that location. M. Finan stated that M. Lillis is waiting to hear from his client, and he has stated that he has nothing to do with the work at this point.
- R. Prinz asked C. Utschig and M. Finan if there is any information about the grant application for the Water Pollution Facilities Plan, and C. Utschig stated that it is being reviewed by Birdsall's grant consultant. Chairman Malwitz stated that he had been in touch with the Candlewood Lake Authority, and they have done some testing and monetized the value of the lake and the impact that further pollution would have on the community. C. Utschig stated that green technologies are given more favorable scores in the grant application process.
- Stony Hill/Cedarbrook – R. Prinz stated that monthly clean-ups are required due to rags/wipes flushed into the system. T.E. Lopez asked if the WPCA can send a letter to the associations informing them of this extra but necessary cleaning. Attorney Sienkiewicz stated that a special mailing could be sent stating that there will be a separate billing for the cleanings, if the problem persists. Chairman Malwitz suggested that something be added to the newsletter, and K. McPadden replied that it was mentioned in the last newsletter. Attorney Sienkiewicz stated that the Health Department has do's and don't's of what to put in the septic system, and he suggested that a document like this be sent to the owners. K. McPadden will draft a letter and send it to Attorney Sienkiewicz for his review.
- R. Prinz reported that the Town is proposing to extend the water line from the White Turkey Road/Route 7 intersection to interconnect with Danbury. R. Prinz stated that this does affect WPCA in the long run because if there's ever a power outage, the facilities and homes without power will still have water, which winds up in the municipal sewer.
- R. Prinz stated that the BJ's Gas Station is under construction. T.E. Lopez stated that back in November there were not enough fees for inspection hours. K. McPadden noted that the money has since been paid.
- Costco project – R. Prinz stated that there are more interior alterations proposed for the building.
- Maggie's – R. Prinz mentioned that this project is still in progress.
- 28 Old Gray's Bridge Road – D. Will reported that the pump chamber and the grease trap are in the ground and that they just need to be piped.

#### **10. Other WPCA Business**

- a. Nomination and Election of Officers – The Commission reviewed that the election of officers is for a one-year period. **C. Scott nominated N. Malwitz for the position of Chair and L.**

**Trojanowski-Marconi for the position of Vice Chair. T.E. Lopez seconded the motion, and it carried unanimously. C. Scott made a motion to close the nominations, and P. Kurtz seconded the motion. Motion carried unanimously. The Commission unanimously adopted the slate of officers as proposed.**

b. February and March meeting dates - Chairman Malwitz stated that he will be out of Town for the February 27 and March 20 meetings but Vice Chair Trojanowski-Marconi can run both the meetings if need be. There was discussion about possibly moving the February meeting up a week to the 20<sup>th</sup>, and Chairman Malwitz stated that the March meeting date should be discussed at the February meeting. **P. Kurtz made a motion to cancel the regular meeting to be held on February 27<sup>th</sup> and to schedule a special meeting to be held on February 20<sup>th</sup>. C. Scott seconded the motion, and it carried unanimously.** *Attorney Sienkiewicz mentioned that this meeting will be held as a special meeting unless it can be held as a regular meeting.*

c. Expired Permits (5) – K. McPadden noted that there are five permits that have been approved and never constructed for which the WPCA has been holding escrow money. K. McPadden asked if the Commission would like to give the owners the option to re-apply for their permits, or send the money back without the option to re-apply. Attorney Sienkiewicz suggested that K. McPadden send a letter to each applicant/owner informing them that the WPCA is holding this money and that they have the option to either re-apply (by the next meeting) or request their money back.

d. Employee Handbook – K. McPadden noted that the Town has adopted an employee handbook, and the question has been raised as to whether the WPCA is going to formally adopt it or not. T.E. Lopez mentioned that he had seen the book and had noted that the book would help the WPCA maintain consistency with the Town. He mentioned that one of the items that has slightly changed is the dress code. T.E. Lopez stated that there is not a handbook for the WPCA. T.E. Lopez stated that a uniform manual will give the WPCA a clear, defined method of work. Chairman Malwitz stated that a decision does not need to be made tonight. R. Prinz stated that this is not a bad document but that it gets farther and farther from the Authority that hired him. K. McPadden will email the handbook to all commissioners for further discussion at next month's meeting.

e. Other WPCA Business/Office Improvements – K. McPadden stated that the new computers have been installed and are running with Windows 8. C. Scott asked why they came with Windows 8 since this platform is mainly for residential use and not office use. K. McPadden stated that the WPCA office is getting a free trial of a touch-screen monitor since this platform is known for its usage with a touch screen. C. Scott noted that there are some short-cut improvements as part of the Windows 8 program. P. Kurtz asked if Dah-Miin, the Town's IT Coordinator, had helped with the installation. K. McPadden explained that an employee of Quality Data set up the four (4) new computers but that Dah-Miin was a big help during the process. K. McPadden also mentioned that a representative from "Are You Organized" will be submitting an estimate (which will be submitted with the budget) to organize the current office space more efficiently. She also stated that she will be initiating the computer training now that the new computers are up and running.

#### **11. Vouchers**

The Commission reviewed the vouchers. **C. Scott made a motion to approve the vouchers, and T.E. Lopez seconded it. The motion carried unanimously.**

#### **12. Adjournment**

**P. Kurtz made a motion to adjourn at 10:36 PM. T.E. Lopez seconded the motion, and it carried unanimously.**

**\*\*\* Next meeting scheduled for February 20, 2013 \*\*\***

## Resolution Concerning Refund of Outlet Capacity Charges

Whereas, the Authority, as of June 25, 1997, established an Outlet Capacity Charge which was payable by certain applicants for sewer connection permits; and

Whereas, sums received by the Authority as Outlet Capacity Charges were segregated and to be used solely to defray the cost of acquiring new sewage treatment outlet capacity from the City of Danbury or other towns; and

Whereas, the Authority has determined that it will not need to acquire additional outlet capacity in the foreseeable future, that it is unnecessary to maintain an Outlet Capacity Charge for the purpose of acquiring such capacity and has amended its Regulations to eliminate the provisions dealing with the Outlet Capacity Charge; and

Whereas, the Authority, after public notice and hearing, has determined that it is appropriate to return sums previously collected as Outlet Capacity Charges to the property owners affected by such charges:

Now Therefore, be it resolved by the Authority as follows:

1) All outstanding Outlet Capacity Charges that may be currently assessed but not yet payable are hereby abated;

2) Subject to the provisions of Paragraph 3, the Authority shall refund previously paid Outlet Capacity Charges without interest to current property owners in accordance with the following schedule:

<u>Property Owner</u>	<u>Address</u>	<u>Refund</u>
WRL Brookfield, LLC	5 Nabby Road Towne Brook	\$ 224,500.00
329 Federal Road, LLC	329 Federal Road	\$ 3,940.00
Pocono Crossing, LLC	117-121 Pocono Road	\$ 16,500.00
Whisconier Village Association, Inc.	Whisconier Village Condominiums	\$ 33,533.60
Stony Hill Village Condominium Association, Inc.	Stony Hill Village Condominiums	\$ 105,000.00
Pharmco Products, Inc.	58 Vale Road	\$ 6,550.00
70 Vale Road, LLC	70 Vale Road	\$ 4,600.00
St Joseph's Church	5 Obtuse Hill Road	\$ 7,144.09
Cedarbrook Owners, LLC	Cedarbrook Condominiums	\$ 21,500.00
A & A Realty	28 Old Route 7	\$ 6,850.00
Stephen Kelly	28 Old Grays Bridge Road	\$ 9,075.00

3) Notice of the proposed refunds described in Paragraph 2 shall be published in a newspaper having a general circulation in the Town of Brookfield and shall be mailed to each affected property owner not later than February 8, 2013. Any person claiming to be aggrieved by the proposed refund of Outlet Capacity Charges shall appeal in writing to the Authority within twenty-one (21) days of the publication and mailing of said notice. Any refund so appealed shall be stayed pending further action by the Authority. Any refund not appealed shall be paid on or after March 1, 2013.