

BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

Wednesday, June 25, 2014 Room 133 7:00 p.m.

APPROVED MINUTES

1. **Convene Meeting:** Chairman Malwitz called the meeting to order at 7:05 PM with the following in attendance:

WPCA

N. Malwitz, Chairman
L. Trojanowski-Marconi, Vice Chair
T.E. Lopez
I. Agard
P. Kurtz, Alternate

Others

R. Prinz, Maintenance Manager
J. Sienkiewicz, Attorney
W. Charles Utschig, Engineer of Langan Eng.
K. McPadden, Executive Administrator
E. Cole Prescott, Recording Secretary

2. **Approval of Minutes** – 5/28/14 – **T.E. Lopez made a motion to accept the minutes. P. Kurtz seconded the motion, and it carried unanimously.**

3. **Old Business**

- a. 57 Laurel Hill Road – Application to Connect – *Ellis Tarlton, of Kenosia Development LLC was present to discuss this matter.* W. Charles Utschig stated that he believes that at the last meeting Atty. Sienkiewicz was attempting to work with Kenosia Development's attorney regarding a maintenance agreement. Chairman Malwitz suggested coming back to this discussion later in the meeting when Atty. Sienkiewicz arrived. *This item was discussed later in the meeting, upon Atty. Sienkiewicz's arrival.*

4. **New Business**

- a. 2 Huckleberry Hill Road – Yankee Gas easement crossing request – R. Prinz discussed this matter with the Commission. *Atty. Sienkiewicz entered the meeting at the beginning of this discussion.* R. Prinz shared a map of the property and indicated the area of the proposed sewer easement crossing. Atty. Sienkiewicz reviewed the typical easement language, and mentioned that the Authority, if they so choose, could grant a permit for the work at the YMCA for the easement crossing request. **T. E. Lopez made a motion to approve a license to Yankee Gas for the installation of a gas service line to the pool building at the YMCA at 10 Huckleberry Hill Road subject to compliance with the plan prepared by Yankee Gas and submitted to the Authority, dated 06/20/2014, Drawing No. WO8D420368ADD76, and provided that the Yankee Gas give the Authority staff 24 hours' notice prior to construction so Authority staff can be out on site to inspect the crossing, and that Yankee Gas pay an inspection fee of \$225 prior to commencement of any work between manhole 1+81.3 and manhole 0+0, per the plan. I. Agard seconded the motion, and it carried unanimously.**

The Commission moved back to discussion of 57 Laurel Hill Road, agenda item 3.a.

3. **Old Business**

- a. 57 Laurel Hill Road – Application to Connect – *Applicant Ellis Tarlton, of Kenosia Development LLC, was also present for this continued discussion.* L. Trojanowski-Marconi entered the meeting room during discussion of this application. Atty. Sienkiewicz stated that there are regulations that the WPCA has to require that the systems be maintained. The cost of the system has not yet been received from Steve Sullivan. Ellis Tarlton stated that he is not trying to avoid a maintenance agreement, but to rather do a maintenance agreement for the wear items, and not the cost to replace the entire system. Atty. Sienkiewicz read the WPCA's regulation pertaining to the maintenance escrow amount. Atty. Sienkiewicz stated that (based on an informal cost estimate) there would be an initial deposit of \$6,000 to establish an account for the association. This amount would then be reported to the Authority on an annual basis. Atty. Sienkiewicz mentioned the possibility of the developer funding this account as the units sell rather than as an upfront amount. Atty. Sienkiewicz stated that he needs the real estate description as well as the cost estimate. Chairman Malwitz explained how the benefit assessment amount is calculated and the purpose of it; he also mentioned that the owners will be responsible to pay appropriate sewer use fees. **T.E. Lopez made a motion to approve the**

application for the sewer connection subject to the following: 1.) the property owner shall provide to Attorney Sienkiewicz a current legal description of the property; 2.) the property owner shall provide an engineering cost estimate for the cost of construction of the collection, sewer force main, pump station and relevant appurtenances; that this information will be used to develop a permanent maintenance agreement requiring an initial cash deposit and annual deposits similar to those used for a community sewage system and that the permit is subject to the property owner executing and returning that final document. P. Kurtz seconded the motion, 4-0-1, with L. Trojanowski-Marconi abstaining. The permanent maintenance agreement will include an easement for the WPCA and will also require the developer or the property owner to disclose in his condominium documentation the fact that the unit owners will be required to pay a benefit assessment and that they will be obligated to pay sewer use fees. Staff can work with the property owner to try to identify hard numbers for these two items mentioned above which the developer/owner can then use for the disclosure statement.

5. **Accountant Reports**

- a. Financial Reports – Due to S. Welwood’s absence, Chairman Malwitz briefly reviewed the financial report with the Commission.
- b. Other Financial Matters – P. Kurtz mentioned that the Town has contracted with a new audit firm – McGladrey LLP.

6. **Inspector’s Activity Report:** D. Will was not present for this meeting.

7. **Maintenance Manager’s Report:** R. Prinz presented the Maintenance Manager’s Report.

- **Rollingwood Sewer Extension:** The Sandy Lane easement needs to be acquired before moving forward with this project.
- **Brooks Quarry:** Langan has completed a conceptual design plan which takes into account the possibility of more housing on site. Langan is also working on creating a cost estimate for the proposed project.
- **High Meadow Sewer Extension:** The contracts have been signed. The contractor has 300 days (until April 15, 2015) to complete the project.
- **Monitoring Upgrade:** The portable flow meter has been ordered.
- **Federal Road Sewer Improvements:** Langan has an engineering proposal for this matter.
- **Commerce Road Pump Station Repairs:** Langan also has an engineering proposal for this project.
- **Caldor Pump Station Generator Replacement:** Langan also has an engineering proposal for this project.
- **Del Mar Drive Extension:** There is a voucher and request from the contractor to reduce retainage to two percent.
- **Laurel Hill Road North Extension:** The developer intends to construct at own cost a 1200’ gravity sewer line, but it is unsure where this project stands with other departments.
- **Water Pollution Facilities Plan:** There is no report for this item.
- **Service Areas Colored Map:** A public hearing is needed to change the map and the Water Pollution Control Plan to reflect proposed changes.
- **270 Federal Road:** This sewer connection must be re-engineered. The plan has been sent to W. Charles Utschig for review.
- **Gate openers,** which are solar-powered, have been received.
- **Toughbooks** are in the process of being set up for staff.
- **Mission Monitoring:** Some of the materials need to be replaced.

8. **Engineer Comments/Project Update**

- a. High Meadow, Ledgewood & Newbury Crossing Sewer Project – W. Charles Utschig stated that the contracts are signed. W. Charles Utschig stated that a realistic extension of time in which to complete the project has been determined due to the project commencing over the winter months. He explained that pieces of the system will be activated before the end of the year. T.E. Lopez asked if the Commission will have a detailed timeline of when the project will be complete. W. Charles Utschig replied that the contractor has indicated that he will have the

staging, phasing plan and schedule soon, ready for review. In the meantime, the contractor would like to have the existing utilities identified. K. McPadden will communicate information to the associations regarding people being out on site to determine the location of utilities, etc. The WPCA will have a target meeting around July 14th to give some information about the plan to the associations. W. Charles Utschig stated that the associations should be aware that this timeline is a projection, and is contingent upon the weather and site conditions as they may arise. Atty. Sienkiewicz stated that the license agreements have been obtained. He stated that the High Meadow easement was not properly executed, and must be re-executed. Atty. Sienkiewicz also stated that the Newbury Crossing association is asking the WPCA to pay them the difference of the money for the paving, as was discussed at the last meeting. W. Charles Utschig stated that he and R. Prinz will work on the dollar amount for the road to determine what amount should be reported to Newbury Crossing for the paving, and report it to Atty. Sienkiewicz. W. Charles Utschig stated that the contractor will be given very specific field instructions that any questions from the residents should be sent through their boards' associations.

- b. Brooks Quarry Feasibility Study – W. Charles Utschig also stated that Langan has created a sketch that would provide a gravity system to a common pump station and then pump out to the WPCA system in the street. W. Charles Utschig stated that a preliminary cost estimate will be available at the next meeting. W. Charles Utschig reviewed how the existing system works. W. Charles Utschig noted that some of the units are currently connected to small pump stations throughout the site, and other units are connected via a gravity line. The proposal is to install a gravity main down the center of the road that comes to the back of the property to a pump station. Everything would then be pumped back out and connect to the same, existing manhole by the driveway. W. Charles Utschig also mentioned that an easement will be necessary. He explained that this design also accommodates three, newly proposed buildings. Atty. Sienkiewicz asked about the possibility of an easement from the street that would allow the sewer to run directly to the street. R. Prinz stated that if this project is to be done, the two commercial properties in front of the site should also be included, and a gravity line should be run out to Quarry Road.
- c. Rollingwood Project – Atty. Sienkiewicz made a report on the valuation of an easement through Sandy Lane Village Condominiums, and asked that the Authority authorize him to make the offer. Chairman Malwitz stated that Atty. Sienkiewicz should start the offer at \$14,714 for a 25-foot wide easement.
- d. Langan Project Proposals – The Commission reviewed Langan's proposals for the following projects:
 - o Railroad Pump Station Upgrade – This proposal is for the design of an upgraded control panel.
 - o 777 Federal Road Pump Station – This proposal is for the design of an upgraded control panel and design of increased pump sizes.
 - o North Station – This proposal is for the design of the control panels and design for increased pump size.
 - o Overpass on Federal Road – This proposal is for an assessment of the overpass piping.
 - o Caldor Pump Station Generator – This proposal is for the design work and bid preparation.
 - o GIS Work – This proposal is for the remaining work and modeling on the GIS system.R. Prinz stated that these items are currently in the budget as capital items. (*Budget adoption discussion below, agenda item 10.a.*). W. Charles Utschig explained that Langan's proposal costs are approximations. Chairman Malwitz replied that the Commission is only reviewing the estimated expenses to obtain the engineering work for the projects listed above. The Commission reviewed the proposal amounts. **T.E. Lopez made a motion to approve the contracts for the engineering work as laid out on the schedule. L. Trojanowski-Marconi seconded the motion, and it carried unanimously.**
- e. Other Engineering Matters – There were no other engineering matters.

9. Legal Matters

- a. Birdsall Engineering Bankruptcy – Atty. Sienkiewicz stated that this has been filed, and the matter can be taken off the agenda.

- b. Berkshire North Agreement – Atty. Sienkiewicz stated that he needs to complete this agreement.
- c. Danbury InterLocal Agreement – The Danbury attorneys have the information as of a few days ago.
- d. 20/28 Grays Bridge Road Easement – The easement needs to be completed.
- e. Brookfield P&R Electrical Tie-In Irrevocable License – R. Prinz and Atty. Sienkiewicz are working on this matter.
- f. 857/857A Federal Road, Green Acres Maintenance Easement – Atty. Sienkiewicz is to contact the owner for easement negotiations.
- g. Other Legal Matters:
 - o BRT Barnbeck – Atty. Sienkiewicz spoke to the attorney for Barnbeck Place a couple of days ago. An amendment has to be completed to reflect the current plans.
 - o 857/857A Federal Road (Greene Acres) – K. McPadden stated that the dedicated fees were never set for engineering, legal or inspection for 857/857A Federal Road. K. McPadden stated that the application fees were collected. The application had been approved conditionally on the comments being approved by the engineers. W. Charles Utschig estimated the engineering fee at \$2500. Atty. Sienkiewicz stated that there would be no legal fees, because the easement does not have to do with the application. R. Prinz stated that the inspection fees would be \$2500. **L. Trojanowski-Marconi made a motion to set the dedicated engineering and inspection fees at \$5,000 for 857/857A Federal Road (Greene Acres). I. Agard seconded the motion, and it carried unanimously.**

10. Other WPCA Business

- a. FY2015 Budget Adoption – Chairman Malwitz briefly reviewed the budget with the Commission. He noted that the proposed budget had been presented at April's Board of Selectmen meeting. The Selectmen did not send written comments back to the WPCA office. **L. Trojanowski-Marconi made a motion to approve the FY2015 budget as presented. T.E. Lopez seconded the motion, and it carried unanimously.**
- b. Sewer map amendments – R. Prinz and Atty. Sienkiewicz reviewed the proposed changes that K. McPadden and R. Prinz had added to the sewer map. K. McPadden noted that properties in the incentive housing zone have been added to this proposed map as future anticipated areas. K. McPadden, Atty. Sienkiewicz and R. Prinz reviewed proposed changes to the Water Pollution Control Plan.
- c. Regulation amendments – Atty. Sienkiewicz stated that two changes to the regulations have to do with Section 1.2, treatment capacity and management. He reviewed language, which he had drafted, for a regulation amendment to this section. Atty. Sienkiewicz stated that the Authority should have the discretion of whether or not to allow a property to connect to the sewer. His second proposed change is to revise the provisions for the condominium association to own sewage facilities, that they be required to pay the escrow, most likely to be added as a regulation amendment to Section 3.2. The permit expiration period in Section 2 was to be changed from one to two years, according to K. McPadden. Chairman Malwitz stated that the public hearing will be held in August, and K. McPadden noted that the regular meeting in August is scheduled for the 27th. The regulation changes will be drafted for consideration at the next regular meeting on July 23rd, at which time the Public Hearing will be set.
- d. Other WPCA Business:
 - o Invoice Cloud – Chairman Malwitz stated that Invoice Cloud is now being used for online Use and Benefit Assessment payments.
 - o Tuesday, July 8th Meeting – Chairman Malwitz invited the Commission to a meeting on the 8th at 1:00 PM to discuss personnel matters and consultants. The meeting must be noticed because three Commissioners will be present at one time.

- 11. Vouchers** – Add vendor (ToB/Capital projects) to pre-meeting signature list – The Commission reviewed the vouchers. K. McPadden asked that the Capital Projects and Town of Brookfield be added to the pre-meeting signature list so she may be given the authority to write the checks before the regular meeting. Atty. Sienkiewicz stated that there had been a formal resolution in the past. Atty. Sienkiewicz suggested that K. McPadden take the resolution and add the information for the

authorization for additional vendors for approval by the authority at next month's meeting. **L. Trojanowski-Marconi made a motion to approve the vouchers as presented. T.E. Lopez seconded the motion, and it carried unanimously.**

12. **Executive Session** – To discuss salaries and personnel related matters – **At 9:22 p.m., L. Trojanowski-Marconi made a motion to go into executive session to discuss salary and personnel matters, and to invite Atty. Sienkiewicz into the executive session. T.E. Lopez seconded the motion, and it carried unanimously.** No motions were made during Executive Session. **A motion was made by L. Trojanowski-Marconi to come out of Executive Session at 10:22 p.m. The motion was seconded by P. Kurtz and passed unanimously. Based on the Authority's employee performance reviews as discussed in Executive Session, a motion was made by L. Trojanowski-Marconi to grant to the Authority's employees an across the board two percent cost of living adjustment plus a merit increase as was recommended by the ad hoc performance review committee, all effective as of July 1, 2014. The motion was seconded by T. Lopez and passed unanimously.**
13. **Adjournment:** **L. Trojanowski-Marconi made a motion to adjourn at 10:25 p.m. I. Agard seconded the motion, and it carried unanimously.**

*** Next Regular Meeting scheduled for July 23, 2014 at 7:00 p.m. ***