

# BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

Wednesday, August 28, 2019 7:00 p.m.

53A Commerce Road, Unit 1

## MINUTES

1. **Convene Meeting:** Chair N. Malwitz convened the meeting at 7:00 p.m.

### **WPCA:**

Chair N. Malwitz  
J. Murray  
T.E. Lopez  
M. Brown

### **Others:**

R. Prinz, Maintenance Manager  
D. Will, Inspector  
T. Strid  
J. Sienkiewicz, Attorney  
M. Allred, Accountant  
C. Utschig, Langan Engineer  
J. Siclari, Director  
K. McPadden, Executive Administrator  
M. Ongaro, Collector  
A. Kennedy, Recording Secretary

2. **Approval of Minutes** – 7/24/19- **J. Murray made a motion to approve the minutes for 7/24/19. M. Brown seconded the motion and it carried unanimously.**

3. **Correspondence**-No discussion.

4. **New Business**-No discussion.

5. **Old Business**

- a. Berkshire North Sewer System Takeover- Attorney J. Sienkiewicz discussed the history of the project, noting the system was inspected and the line meets the WPCA's standards. He explained the legal work that needs to be done to complete the transaction. Chair N. Malwitz said he read the resolution and is fine with it. Attorney J. Sienkiewicz summarized the resolution for the record and suggested that the full Resolution be attached to the minutes. K. McPadden distributed copies of the resolution to the Authority members. C. Utschig said Langan has no comments. They have reviewed the as-builts, testing has been done, and the staff is comfortable with the condition of the system. **Chair N. Malwitz made a motion to adopt the Berkshire North Sewer System Resolution as drafted. T. E. Lopez seconded the motion and it carried unanimously.**

6. **Accountant Report**

- a. Monthly Financials- M. Allred distributed the Financial Statement Package and reviewed the monthly financials. N. Malwitz suggested a section be added to show an accounting for the unrestricted funds. M. Allred also discussed the status of the audit.

7. **Employee Activity Reports (Roger, Dave, Mary, Kristi, John)**

**Roger:** R. Prinz reported the Commerce Drive Force Main installation is complete. The permanent paving and restoration are pending. He said he received the plans today for the Old New Milford Road and Federal Road project and discussed whether or not they will go through the full bid process. C. Utschig discussed details of the project and said it would be up to the Authority on how to proceed. R. Prinz said the bid documents on the Valve Pit Upgrades do not match what he needs, and Eric will come up to work on the issues. He said the flowmeters are an in-house project and he estimates completion in November

2019. R. Prinz said the 133 Pump Station needs to be a priority. He discussed the issues with the impellor and pumps and the costs associated with the project. R. Prinz said he attended the public information meeting for the Candlewood Shores Sewer Study, and it was eye-opening. He said the Caldor Operating System experienced issues caused by a power surge and it was fixed remotely. He said he is helping CDM Smith with the Water Pollution Facilities Plan. He said they completed the private pump station inspections and they are entered into the GIS system. He said letters are to be sent to property owners identifying deficiencies discovered. R. Prinz said they conducted a 90-day review for T. Strid, who has exceeded their expectations. He noted he will be on vacation for a week each in September and November.

**Dave:** D. Will said the grease trap inspections are in good shape and will be completed on schedule. He said they may want to discuss adding a regulation related to charging for grease trap inspections. D. Will said progress is being made on Phase 2 of the Four Corners project and two of their manholes have been raised. He said surveys are up to date. He discussed field service, noting 450 Federal Road has approximately 6 tenants lined up and construction has begun at the new medical building at 401 Federal Road. He said Newtown Savings Bank at 14 Candlewood Lake Road has installed a grease trap and sewer piping to the manhole but the project is currently halted until January. He said a grease trap is to be installed tomorrow at Pieology at 15 Federal Road. There is a grease issue at Pulcinella Restaurant and they are keeping a close eye on this establishment. D. Will is getting ready to do the annual easement cuttings in late September and are also looking to raise approximately 7 manholes. He said 189 Restaurant is undergoing a full facelift to become Marketplace Restaurant and he has been working closely with the owner. He said the tenant fit up is under way for Franky's Hot Dogs at 270 Federal Road. D. Will noted that Franky's Diner on 121 Federal Road has run out of funds and is looking for other ways to finish the project. D. Will discussed 800 Federal Road in reference to a café that would like to open.

**Mary:** M. Ongaro said she has been cleaning up the aftermath of collections. She said she just got the delinquent statements prepared and has worked on audit matters. She said she is working on the policy manual of the collector's position.

**Kristi:** K. McPadden said the audit has started and she spent a few days getting things together. She has also been reviewing the financial policies, last updated in 2014. She said she hired a temp to scan all the septic as-builts for Lombardo as part of the Candlewood Lake Area Study. K. McPadden said she handled an FOI request. She also is working with John with Paychex on a time and attendance plan and working out some questions about different payroll policies. She said she is working with J. Sienkiewicz on properties in Town that have split and have assessments that need to be split. She said she discovered that Silvermine Manor had a permanent maintenance agreement that was issued in the 80's and they paid \$1,400 but it was never fully documented.

**John:** J. Siclari said the TCD Preliminary Plans were presented for the last 2 buildings in the TCD. He said the Phase 2 Streetscape project is in progress with estimated completion in the Fall 2019. The State will be sending a Commitment to Fund letter to the Town for TCD 3. He said they are working with J. Rosol on the GIS Collector. He said Future Subnets sent an invoice to replace the server in the amount of \$11,326. J. Siclari said Cintas Uniform Service is still working on fitting issues. He said they initiated a new service with Verizon called Response Ready, which is a first responder cell phone priority service. He said they are meeting with Paychex to initiate a time and attendance program. He said the plans are out for the Lower Federal Road improvements. J. Siclari discussed the punch list for Longo on remaining issues at 53 Commerce Road and how to proceed.

He said the echo in the rear office has been resolved using acoustical panels instead of ceiling tile installation, costing \$893 as opposed to the estimated \$2,500.

## 8. Engineer Comments/Project Update

- a. CDM Smith Facilities Plan Review/Update-*Dan Murphy and Joe Laliberte were present.* D. Murphy reviewed the eight tasks in their scope of work, as presented in a slide show. D. Murphy and J. Laliberte gave a detailed description of the work being done and answered questions from Authority members. D. Murphy distributed draft informational flyers and asked for feedback.
- b. Brookfield Market Area Update-C. Utschig said they have been tasked with looking into servicing 9 properties that have been identified in the Brookfield Market Area. They are working with the DOT to see what they can do regarding attaching a pipe to the bridge. He said they sent them a set of old drawings that were done years ago by Langan's predecessor and the DOT does not like the plans. Langan will meet with them in about two weeks to discuss alternatives, such as possibly putting the pipe in the sidewalk where there is a water main. C. Utschig said the goal is to develop an accurate engineer's projection of probable costs to give to Chair N. Malwitz and the Town to work out how the project will get paid for. C. Utschig is hoping to have this by the September meeting.
- c. Federal Road Projects –
  - Old New Milford/Federal Rd Force Main Backup
  - Caldor Force Main Repair Project-C. Utschig suggested this come off the agenda as this project is no longer being worked on.
  - North Federal Rd. Valve Pit-C. Utschig said he has completed the plans for this project, and they are in Roger's hands.
- d. Flow Meters Cedarbrook & Stony Hill Stations-C. Utschig said the plans for this project have been completed and are in Roger's hands.
- e. Route 133 Station Improvements-C. Utschig said they have done a fairly extensive study on what they think the problem is and potential solutions. They are recommending that they build a new wet well, as a minimum, and potentially re-do the pumps. He said R. Prinz has pointed out that this is an issue and a decision should be made as to what to do next. He discussed some options with the Authority members. Chair N. Malwitz said they will need to outline the costs associated with the options.  
**T. E. Lopez made a motion to authorize Langan to proceed with the bid documents for the Old New Milford Road and Federal Road Force Main Backup project, with a price to be discussed with the Chairman, not to exceed \$3,000, based on the current plans as designed by Langan. M. Brown seconded the motion and it carried unanimously.**
- f. Other Engineering Matters

## 9. Legal Matters

- a. Proposed Use Charge Regulation Amendment-Attorney J. Sienkiewicz discussed the applicant who attended last month's meeting in regards to his sewer bill for a Crossfit business. J. Sienkiewicz said he came up with a proposed modification to the regulation and thinks K. McPadden and/or M. Ongaro should review to see how it may affect other billing matters and give him feedback.
- b. Permanent Maintenance Agreement Updates-Attorney J. Sienkiewicz said he needed L. Trojanowski-Marconi to sign the agreement for Newbury Village. The only other

outstanding agreement is the property on the corner of Silvermine and Pocono, and now he will look into Silvermine Manor.

c. Other Legal Matters-No discussion.

**10. Other WPCA Business**

- a. Candlewood Lake Area Sewer Study Update-Chair N. Malwitz said they are working on the final agreements with First Light to do the test wells. He said he made a presentation to the Planning Commission and the Inland Wetland Commission. They will be sending out letters to 10 property owners to do test wells on their land. He said they have taken water samples from Candlewood Shores and Arrowhead Point and they are fairly high in phosphorus. Chair N. Malwitz said the next informational meeting is scheduled for February 2020.
- b. Dean/Pocono Roads Section 319 Grant and LISFF Grant Update-Decisions on these grant awards is due in September.
- c. Other WPCA Matters-Huckleberry Hill School-Chair N. Malwitz said there was a meeting yesterday and they presented the whole school project to the Town Departments. The Authority discussed the WPCA charge for the school. Chair N. Malwitz said the response will be to outline the regular connection. The usual charge is for the 2% capital cost recovery fee based on the difference in the grand list value of the property when completed less the original fee charge.

**11. Vouchers: T. E. Lopez made a motion to accept the vouchers as presented. J. Murray seconded the motion and it carried unanimously.**

**12. Adjournment: T. E. Lopez made a motion to adjourn at 9:37 p.m. M. Brown seconded the motion and it carried unanimously.**

\*\*\* Next Meeting September 25, 2019 \*\*\*

Resolution  
Berkshire North Sewer System

Whereas, on or about September 5, 2013, the Brookfield Water Pollution Control Authority (the "Authority") issued a sewer extension permit to authorize Berkshire North, LLC to extend the municipal sewers across property owned by Berkshire North, LLC from Vale Road to Park Ridge Road Extension, and to interconnect said sewer extension with a existing dry sewer located (to be partially reconstructed) in Park Ridge Road Extension; and

Whereas, prior to issuance of said permit, the Authority had submitted the proposed extension to the Board of Selectmen and the Planning Commission, both of which boards recommended in favor of extending the municipal sewer as proposed on December 4, 2012 and December 6, 2012, respectively; and

Whereas, on or about July 22, 2014, at the request of Berkshire North, LLC, the Authority amended said sewer extension permit to become a sewer connection permit to allow Brookfield North, LLC the opportunity to retain management and control of the sewer extension while its development plans for the property were unresolved and while it might have need to relocate one or more portions of the sewer extension to satisfy the demands of potential commercial or industrial users; and

Whereas, the sewer connection permit required Berkshire North, LLC to build the sewer to standards of construction mandated by the Authority, required inspection during construction to assure that such standards of construction were met and required submission of an as-built drawing detailing the constructed facilities, which as-built drawing was prepared, submitted and approved by the Authority; and

Whereas, in November, 2018, Berkshire North, LLC requested that the sewer extension previously constructed be accepted into the municipal sewer system and has caused a video inspection of the system to be performed with Authority personnel present to insure the proper condition and function of the system as it presently exists; and

Whereas, the Authority has determined that it is desirable to accept said sewer extension into the municipal sewer system; and

Whereas the acceptance of said sewer extension into the municipal system is consistent with the Water Pollution Control Plan in that it serves an area designated for sewer service:

Now Therefore, It Is Hereby Resolved That:

1. Subject to the conditions of this resolution, the Authority proposes to accept said sewer extension into the municipal sewer system, said system consisting of approximately 3,480 feet of 8" PVC sewer main and nineteen (19) manholes, including the sewers located in Park Ridge Road and Park Ridge Road Extension. Said acceptance shall not include, however, approximately 175 feet of sewer main extending in a east/west direction across a Connecticut Light and Power Company Easement from a manhole designated as Manhole 7 to a manhole designated as Manhole 7A on the aforesaid as-built drawing.

2. The system to be conveyed to the Authority shall include eight (8) sewer easements, as shown on a map entitled

“Easement Map Showing Proposed Sewer Easements to Be Granted Town of Brookfield Over Property of Berkshire North, LLC (Parcel 3 Park Ridge Road - Park Ridge Road Extension - Brookfield - Connecticut Scale 1”=100’ Easement Areas: (As Shown) Date August 21, 2013, Revised February 4, 2014 (Easements C & D), Revised March 12, 2019 (Add Easements Only) (See Mapping Note 2) ” prepared by Surveying Associates, P.C., Paul M. Fagan L.S. #7756, which map is to be filed with the Town Clerk of the Town of Brookfield;

and as further shown, in part, on a map entitled:

“Easement Map Showing Proposed Sewer Easements To Be Granted Town Of Brookfield Pursuant to Declaration of Easements in Favor of Berkshire North, LLC Vale Road – Brookfield - Connecticut Scale: 1”= 40’ Easement Areas: (As Shown) Date: August 21, 2013, Revised: February 4, 2014 (Adjoining Easement Over Berkshire North, LLC - See Note 7” prepared by Surveying Associates, P.C., Paul M. Fagan L.S. #7756, which map is filed with the Town Clerk of the Town of Brookfield as Map #1479.

The sewer easement shall *exclude* “Proposed Sewer Easement D” as shown on the first mentioned map.

3. A certificate of title shall be issued to the Authority by legal counsel licensed by the State of Connecticut and acceptable to the Authority with respect to the proposed sewer easement. The sewer easement may not be subordinate to any mortgage or other encumbrances prior in right to said easement that is not acceptable to the Authority’s attorney. The certificate of title shall also contain a certification as to any easements, mortgages or other encumbrances that may be prior in right to the sewer easement granted to the Authority in substantially the following form:

The undersigned counsel for Berkshire North, LLC has reviewed the above mentioned exceptions to title identified as item number \_\_\_\_ and based upon such review, hereby represent that each such easement, encumbrance or lien does not adversely impact, impair, conflict with or limit any of the rights and easements granted by Berkshire North, LLC to the Brookfield Water Pollution Control Authority or the Town of Brookfield in the Sewer Easement to which this Certificate of Title pertains.

4. The system shall be in substantially the same condition on the date of transfer as it was when inspected by Authority staff;

5. If not otherwise included in the easement document, Berkshire North, LLC shall execute a bill of sale to transfer title to such system to the Brookfield Water Pollution Control Authority;

6. As of the date of transfer, Berkshire North, LLC and the Authority shall execute documentation terminating that “Sewer Collection System Agreement” dated December 17,

2014 by and between Berkshire North, LLC and the Authority which Sewer Collection System Agreement is recorded in Book 694 at Page 361 of the Brookfield Land Records.

7. All documents relating to the acceptance of the sewer facilities into the municipal sewer system shall be subject to the approval of the Authority's attorney. All costs incurred by the Authority for legal, inspections or otherwise in connection with such acceptance shall be reimbursed by Berkshire North, LLC.