

Minutes not yet
approved. Approval
and any edits made in
succeeding minutes.

BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

53A Commerce Rd., Unit 1, Brookfield, CT 06804

Wednesday, April 26, 2023, 7:00 p.m.

MINUTES

Zoom Call-In Info:

<https://us02web.zoom.us/j/89163691250?pwd=eXVvS2ZsMXA3anJvaU5oREhBbFA4dz09>

Meeting ID: 891 6369 1250

Passcode: 7757319

1. Convene Meeting

WPCA:

N. Malwitz
L. Trojanowski-Marconi
J. Murray
L. Donovan
M. Brown
M. DelValle

Others:

C. Utschig, Langan Engineering
Attorney S. Harding
M. Allred, Accountant
A. Kennedy, Operations Manager
K. McPadden, Executive Administrator
R. Prinz, Chief of Maintenance
T. Strid, Inspector

PUBLIC HEARING – Proposed Amendment to Section 7.1.3 - Personal Care, Driving Range, Dog Groomer, Bowling Alley - Chairman N. Malwitz opened the public hearing and read the Legal Notice aloud for the record. K. McPadden gave a Power Point presentation explaining how the use charge formulas for these business types were made, based on the criteria found in the CT Public Health Code. T. Strid noted that he visited these businesses to update the survey information and said the feedback from the business owners was positive. **L. Trojanowski-Marconi made a motion to close the public hearing for Proposed Amendment to Section 7.1.3 - Personal Care, Driving Range, Dog Groomer, Bowling Alley. M. Brown seconded the motion and it carried unanimously.**

2. Approval of Minutes – 3/22/23 - L. Trojanowski-Marconi made a motion to approve the minutes from 3/22/23. J. Murray seconded the motion and it carried unanimously.

3. Correspondence/Public Comment

- a. Letter from Anthony Lucera dated 3/27/23, Re: The Enclave at Brookfield Center, 854-874 Federal Road Extension Request - A. Lucera, Applicant, was present. Chairman N. Malwitz read Mr. Lucera's extension request letter for the record, and explained that he is requesting a one-year extension of the current approval. K. McPadden noted that this approval has already been extended two times. A. Lucera said getting financing during COVID was challenging, but he now has a commitment letter from their bank dated April 10th and noted he does not want to submit the letter for the record but said the target closing date is in June. He said they still have to finalize with the property owner to close. A. Lucera said they are ready to start work immediately once they close. K. McPadden read from the WPCA Regulations, explaining the approval and extension process, as it pertains to this application. She said there is nothing in the regulations stating the number of extensions allowed. Attorney S. Harding counseled the Commission if the extension was to be granted, to state the cause this extension was approved. K. McPadden said this project is a community sewer system and the applicant has a permanent maintenance agreement in place that he has already started funding. **L. Donovan made a motion to approve the Permit Extension Request for The Enclave at Brookfield Center, 854-874 Federal Road due to unforeseen legal issues with the seller of the 2nd parcel, noting that it is the intent of the Commission that this be the final extension. L. Trojanowski-Marconi seconded the motion and it carried unanimously.**

- b. Email from Steven Sullivan dated 4/17/23, Re: 101 Park Ridge Road – Parcel 3A-Chairman N. Malwitz read the correspondence aloud for the record, stating that the applicant would like to withdraw their application until such time as they can settle the easement with Eversource. No further discussion from the Commission.

4. Accountant Report

- a. Monthly Financials - M. Allred discussed the monthly financial report.
- b. Lighthouse Lockbox Service - A. Kennedy reported that this service has been set up to roll out for the June Billing Cycle.
- c. Budget Update - Chairman N. Malwitz said the budget is still with the Board of Selectmen for their comments. He said the budget can be reviewed and finalized in either the May or June WPCA Commission meeting.
- d. Audit Report - M. Allred discussed the audit report.
- e. Vouchers - K. McPadden reviewed the list of vouchers and expenses. **L. Trojanowski-Marconi made a motion to approve the vouchers as submitted. J. Murray seconded the motion and it carried unanimously.**

5. Old Business

- a. 101 Park Ridge Rd. Parcel 3A (subdivision created this lot to be #131) – Application to Connect-Application was withdrawn as requested under correspondence.
- b. Proposed Amendment to Section 1.2 Treatment Capacity Management (tabled on 3/22/23)- Attorney S. Harding suggested after discussion with A. Kennedy and pursuant to Robert's Rules, that the Commission consider if the proper motion was made on this matter in the last meeting and decide how to proceed. He explained that according to Robert's Rules, if you "table" an agenda item, the Commission must take action on that item at the same meeting or the next meeting, otherwise the matter dies. Attorney S. Harding said he did not believe that was the Commission's intent at the last meeting. He explained the options now were to either postpone the matter indefinitely, postpone the matter to a specific date, or take the matter from the table and vote on it. If the matter is not taken from the table at this meeting, the matter dies. The Commission discussed how to proceed and decided not to take the matter from the table.

6. New Business

- a. 132 Federal Rd. – Grease Trap Waiver Mari Paz Day Spa - T. Strid explained the requirements of the Brookfield Health Director for this business. He has reviewed the plans and recommended approval. **M. Brown made a motion to approve the Grease Trap Waiver for 132 Federal Road as submitted. L. Donovan seconded the motion and it carried unanimously.**
- b. To Act Upon Proposed Regulation Amendment - **M. Brown made a motion to approve the Proposed Amendment to Section 7.1.3 - Personal Care, Driving Range, Dog Groomer, Bowling Alley as submitted. J. Murray seconded the motion and it carried unanimously.** The Commission thanked Kristi and Tim for their hard work, and detailed presentation.

7. Project Updates

- a. Candlewood Lake Area Project - L. Donovan asked about the boring reports from CDM Smith. A. Kennedy said she reached out to Kristie Wagner regarding these reports but has not received the reports yet. Chairman N. Malwitz said he has asked P. Lombardo to review the video received from N. Edelson regarding this project and provide a response.
- b. Dean/Pocono Road Area Project - A. Kennedy said she is currently looking into the LISFF for funding on this project. She explained at this point, they would be seeking funding for the Final Design phase of the project, and if successful they could seek funding for construction in the next round in 2024.
- c. Brookfield Market Area Project - A. Kennedy said she has met with Attorney S. Harding to discuss this project, as there has still been no response from DEEP regarding the STEAP Grant contract. A. Kennedy emailed Yvonne Hall requesting an update. Attorney S. Harding said they are at an impasse with easements until they find out about the grant. He suggested getting together with C. Utschig and the staff to discuss the plans going forward. Attorney S. Harding said he

cannot reach out directly to DEEP due to his role as a State Senator, nor can they know that he is involved in this matter. He would like to set up a meeting date with C. Utschig and the staff prior to the next Commission meeting. C. Utschig suggested that we might want to set up an in person meeting with DEEP to discuss the issue with the grant, otherwise this may never move forward.

- d. Route 133 Station Project Phases I & II - C. Utschig said Phase I is complete. A. Kennedy reported the old generator was just sold on GovDeals for \$1,750. C. Utschig said the Phase II drawings have gotten off to a slow start, but he now has an electrical and a structural engineer ready to go on it, and the hope is to have their first pass on the drawings to R. Prinz prior to the next Commission meeting.
- e. Caldor Valve Bypass Project - R. Prinz said it looks good to be done by June, however he is running into a problem with the valves. He said it will take 8-10 weeks to get a custom-made valve for a 10-inch line. He also noted a discrepancy with the fittings on the engineer's plan and needs to be verified before purchase. C. Utschig explained there is very little room for error so this sizing is extremely important.
- f. Danbury Plant & Brookfield Allocation - Chairman N. Malwitz discussed correspondence which was received yesterday and today from Mark Lewis, Supervising Environmental Analyst, CT DEEP and other correspondence from Tara Carr, First Selectwoman, Town of Brookfield. L. Donovan expressed her concerns that the First Selectwoman is interfering with WPCA business. Attorney S. Harding said the First Selectwoman does have the authority to request capacity from Danbury but the WPCA would ultimately have to consider the application for the project. He said regardless of the outcome of this letter, the WPCA would have to consider changing the regulations in order to accept the increase requested. The Commission discussed the ongoing capacity issues and concerns.
- g. Other Engineering Matters

8. **Employee Activity Reports** - R. Prinz noted per his report the current flow numbers from last month are at 334,000 GPD and said by the end of this year we will be at 375,000-380,000 GPD.

9. **Legal Matters**

- a. Collection Update - No discussion.
- b. Other Legal Matters - No discussion.

10. **Other WPCA Matters**

- a. WPCA Bylaws - A. Kennedy said this is on the agenda because it was brought to her attention that First Selectwoman T. Carr had sent out a request to all town commissions to either draft or update each commission's bylaws. A. Kennedy said the WPCA does not have bylaws, and drafting bylaws may coincide with the project L. Donovan and L. Trojanowski-Marconi are currently working on to develop regulations for Brookfield WPCA Commissioners' Authority and Conduct. The Commission discussed how to proceed, and agreed to set up a meeting between Attorney S. Harding with L. Donovan and L. Trojanowski-Marconi to begin the process.
- b. Developing Regulations for Brookfield WPCA Commissioners' Authority and Conduct Update – Discussed above under 10.a.
- c. WPCA Website Design: LAB Media Proposal - A. Kennedy discussed the proposal and quote received from Lisa Berte, LAB Media to design and maintain the WPCA website. A. Kennedy said included in the price would be training for herself and K. McPadden to upload documents to the website and the ability to make basic updates. A. Kennedy said she was impressed with L. Berte's presentation, and she believes Ms. Berte is very capable of handling the website. L. Donovan noted that when the Commission was working on creating A. Kennedy's job description this is one of the things, they felt belonged in her office and that this was something that would help the WPCA to be more efficient.
- d. Other WPCA Matters - A. Kennedy said she is still waiting for notice regarding the application for a FEMA grant for the purchase of a generator, which she is hoping to hear by the end of May. A. Kennedy also notified the Commission that the Town of Brookfield established summer hours for town hall and the WPCA will follow suit. She said they will close the office at 1pm on Fridays

during the time period of June 2nd through September 1st. She noted the office will still be open Monday-Thursday from 8am to 4pm and all employees will continue to work 40-hour work weeks.

L. Donovan made a motion to go into Executive Session at 9:01 p.m. L. Trojanowski-Marconi seconded the motion and it carried unanimously.

M. Brown made a motion to invite Attorney S. Harding, A. Kennedy, and K. McPadden to join the Commission in Executive Session. J. Murray seconded the motion and it carried unanimously.

11. Executive Session

- a. Pending Litigation: 701 Partners LLC v. WPCA
- b. Discussion regarding Engineering Services

L. Trojanowski-Marconi made a motion to come out of Executive Session at 9:28 p.m. L. Donovan seconded the motion and it carried unanimously.

12. Adjournment - L. Donovan made a motion to adjourn at 9:28 p.m. L. Trojanowski-Marconi seconded the motion and it carried unanimously.

*** Next Regular Meeting May 24, 2023***