

BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

Wednesday, April 28, 2021 7:00 p.m.

MINUTES

Zoom Call-In Info:

<https://us02web.zoom.us/j/85181454244?pwd=eEJMd3h6THl4WEh6eHB5TDRsRHloQT09>
Meeting ID: 851 8145 4244 Passcode: 042821

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

WPCA:

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

Others:

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

PUBLIC HEARING #1 – Supplemental Benefit Assessment - *Chris Minino, Scott Lavelle and Manuel Minino were present on behalf of 450 Federal Road.* Chairman N. Malwitz noted this public hearing is regarding 450 Federal Road and has been posted on the website. Chairman N. Malwitz explained the Benefit Assessment program. K. McPadden said she sent out the legal notice, and C. Minino confirmed he received it. S. Lavelle said the number seems excessive and asked a few questions about the assessment process, which were answered by Chairman N. Malwitz. Attorney J. Sienkiewicz also explained the history of the benefit assessment process and the formula used for calculations. S. Lavelle asked if there was a way for the owner to contest the value and said he does not think this is a fair situation in a normal or a COVID environment and is a harsh penalty for people who are investing their money in Brookfield. Attorney J. Sienkiewicz informed him that they have the right, within 21 days of adoption, to take an appeal to Superior Court. N. Malwitz noted this charge is lower than the cost to install a septic system. M. Brown commented that this payment is not a penalty, as having sewer service on the property is a benefit to the property. **L. Donovan made a motion to close the public hearing for the Supplemental Benefit Assessment. M. DelValle seconded the motion and it carried unanimously.**

PUBLIC HEARING #2 – Proposed Sewer Use/Plant Charge Rate Increase - Chairman N. Malwitz explained the Authority is proposing a rate increase for the next fiscal year and the following two years, incrementally. He said this rate is still below the State average. He said the need for this rate increase was based on analysis done by the Facilities Plan to provide funds for upgrades and improvements of the existing system. He also noted there has not been a rate increase in 4 years. Because benefit assessments are not coming in for some districts, any improvements or upgrades must come from the usage rates. Chairman N. Malwitz said another element of this public hearing is the increase to the Danbury Plant Charge, increasing from \$34 per year to \$40 per year, based on the increase that is expected from Danbury due to the big expansion that they are planning. No one was present from the public to comment at this hearing. **G. Giacobone made a motion to close the public hearing for the Proposed Sewer Use/Plant Charge Rate Increase. L. Donovan seconded the motion and it carried unanimously.**

2. **Approval of Minutes** – 3/24/21 - **L. Trojanowski-Marconi made a motion to approve the minutes for 3/24/21. J. Murray seconded the motion and it carried unanimously.**

3. Accountant Report

- a. Monthly Financials - M. Allred reviewed the monthly financial report.
- b. Budget Update - Chairman N. Malwitz said the Authority passed the draft budget last month to send it to the Board of Selectmen and the Board of Finance. It has been sent to both Boards, and the Authority has not received any comments as of today. K. McPadden noted they have until mid-May to respond, per the ordinance.

Chairman N. Malwitz made a motion to add to agenda item 4c-Qualified Based Selection Process and agenda item 4d-Three Condo District Rate Reset. L. Trojanowski-Marconi seconded the motion and it carried unanimously.

4. Old Business

- a. 731 Federal Road – Application to Connect - *M. Micoli, Artel Engineering was present on behalf of the Applicant Tony Lucera, who was also present.* M. Micoli said since the last meeting Langan Engineering has reviewed the plans and have provided recommendations for approval. C. Utschig said there have been a few revisions and he has submitted a letter to the Authority recommending approval of the application. K. McPadden said she received the letter and the three sets of plans from the Applicant that were required. K. McPadden read the Langan letter aloud for the record. Attorney J. Sienkiewicz recommended the Authority add a condition of approval requiring all of the property and any units remain in single ownership. Anthony Lucera, Property Owner, was present and he stated there is no intention to turn those units into condominiums, so that condition would be fine. **M. Brown made a motion to grant the application to connect for 731 Federal Road with the stipulation that the property stay under single ownership. L. Trojanowski-Marconi seconded the motion and it carried unanimously.**
- b. 984 Federal Road/2 Production Drive - Application to Connect - K. McPadden said she believes the Applicant was waiting to get his plumbing plans over to Langan Engineering. C. Utschig noted this application has been on the agenda for over three months with no action, and this cannot advance until the Applicant submits the necessary drawings. **M. Brown made a motion whereas the Applicant for 984 Federal Road/2 Production Drive submitted an application requesting the WPCA allow a connection of the building sewer without attachment to the building, and whereas the Applicant has not produced any further plans, the WPCA confirms that it will allow the construction of the building lateral, subject to inspection and in accordance with the normal process, but the connection of any building is denied pending submission of a new application for connection. L. Donovan seconded the motion and it carried unanimously.**
- c. Qualified Based Selection Process - Chairman N. Malwitz explained how the QBS process works and said the CDM Smith team came out on top. He provided an example of the score sheet, to help explain how the teams were evaluated. **J. Murray made a motion whereas the Authority has requested a group of members of staff and active Town volunteers to review the qualifications of engineering firms to perform the Pocono/Dean Road wastewater pollution system evaluation and design and Candlewood Peninsula wastewater pollution system evaluation and design pursuant to the objective criteria established under the Clean Water Fund Regulations, whereas the review group has recommended that Brookfield WPCA select CDM Smith to develop this scope of study for the evaluation and design, and the Authority accepts the recommendation and selects CDM Smith team as the preferred firm for the preparation, evaluation and design and scope of study, with the fee arrangement to be negotiated. L. Trojanowski-Marconi seconded the motion and it carried unanimously.**
- d. Three Condo District Rate Reset - Chairman N. Malwitz said with some additional properties coming on to the Three Condo line, one of which is pretty significant, the Authority will have to lower the rate in order to not overcollect, and he suggests doing it for the June billing, and if they are too pressed for time, pushing the billing to September. He discussed the calculations and gave an example of how this would affect a residential homeowner. Chairman N. Malwitz noted they will need to have a special meeting to lower the rate. Attorney J. Sienkiewicz discussed the staff preparing the schedules and also discussed setting a date for a public hearing. Attorney J. Sienkiewicz, M. Allred, K. McPadden, M. Ongaro and Chairman N. Malwitz discussed whether or not this change could and/or should be done for this billing period. The Authority members commented and came to a consensus to wait until next year's billing.

5. New Business

- a. 101/103/105 Laurel Hill Road – Extension Request - *S. Sullivan, CCA, LLC was present on behalf of the Applicants, Bob Hebert and Chris Kinder, who were also present.* S. Sullivan said they are applying for a sewer extension up Laurel Hill Road to the subject property, which is about 2,300 feet of 8-inch sewer main extension on Laurel Hill Road and once it reaches the property, another 600 feet of 8 inch main. He said the application is for 4 residential buildings and 1 clubhouse, for a total of 108 total residential units. He said the projected sewage flow is about 16,000 gallons per day. He said in these buildings will be an underground parking garage with floor drains and they are proposing to discharge into an oil grit separator, and because of topography they will have to pump that up to the gravity section of the on-site sewer infrastructure. He also noted some differences in this application, compared to the application for this property which was previously before the Authority. Attorney J. Sienkiewicz said that the only difference in this application from the previous one from 2015, is that they referred to the Selectmen and to Planning. He said one of the changes in this application is that they are not looking for a community sewage system, but for the WPCA to take over the sewer within the development itself. He said the question before the WPCA is whether that is something the Authority wants to do. He also noted another issue regarding the property being marked as “future anticipated.” The reason it is shown that way is for the Authority to make a finding that “adequate treatment capacity is not presently available to serve these areas except to solve or abate existing pollution sources.” He also noted other sections of the regulations and the Water Pollution Control Plan that pertain to the issues existing with this application. S. Sullivan said this project was approved by the Zoning Commission. He said they can submit the letter from Zoning if needed. He said as far as the on-site sewer, they are asking the WPCA to consider it, otherwise the alternative is a community sewer system. B. Hebert discussed the history of the project from the application submitted in 2015. Chairman N. Malwitz said the Authority should review this situation carefully and get a better legal overview before making a decision. **L. Trojanowski-Marconi made a motion to table 101/103/105 Laurel Hill Road – Extension Request to the next regularly scheduled meeting. L. Donovan seconded the motion and it carried unanimously.**
- b. 101/103/105 Laurel Hill Road – Community Sewer System Application
- c. 101/103/105 Laurel Hill Road – Application to Connect
- d. To act upon Supplemental Benefit Assessment - **G. Giacobone made a motion to adopt the resolution drafted by Attorney J. Sienkiewicz regarding the Supplemental Benefit Assessment. M. Delvalle seconded the motion and it carried unanimously.**
- e. To act upon Proposed Sewer Use/Plant Charge Rate Increase - **L. Donovan made a motion to adopt the resolution drafted by Attorney J. Sienkiewicz regarding the Proposed Sewer Use/Plant Charge Rate Increases. G. Giacobone seconded the motion and it carried unanimously.**

6. Engineer Comments/Project Update

- a. Route 133 Station Improvements Project - C. Utschig said the wet well is in fabrication and it is make in about a six-week window. He said they have an amended shop drawing for the top of the wet well and that is in review. He said they also have some revised electrical information primarily on the generator from the contractor which they are reviewing. He said the contractor is still committed to a June 2021 completion date. C. Utschig said they have confirmed that the pre-cast is in production, and as it gets closer to the delivery date, they will make sure that T. D. & Sons has the manpower and equipment reserved so that as soon as the wet well is ready, they can start doing the excavation work and get it installed.
- b. Brookfield Market Area - Chairman N. Malwitz said he has submitted a partial funding request proposal to the Town and is waiting for a response. He said the work is progressing on the project and CCA, LLC is doing the surveying. He thanked R. Prinz for getting the hold harmless agreements signed by the property owners for the project. C. Utschig suggested they start doing to electrical assessments as part of the first phase of the design. K. McPadden said she spoke with Kevin at CCA and sent him a list of the property owners and their phone numbers so that he can

get into each building to get the elevation of the septic outflow. C. Utschig asked K. McPadden to send him the list as well so that they can coordinate outreach.

- c. Other Engineering Matters - C. Utschig noted E. Kingsbury has left Langan Engineering and they have already identified a replacement, but until then any questions should come to him.

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

Roger: R. Prinz said OSHA came for an unannounced inspection to the Town today and spent a few hours with them. He said the inspector was impressed with their record keeping and stations and said she did not observe any violations.

John: J. Siclari said COVID restrictions are still in place in the office. He said he received an email from Kevin in Town Hall regarding the FEMA claims and he is processing the FEMA claim for the storm but he needs some additional documentation. J. Siclari said he and K. McPadden have been spending a lot of time on the new time and attendance program. He said there is a lot of training involved and they had a couple of meetings this week. He said there is no change on the electrical code deficiency as noted in the Facilities Plan. He discussed the time frame for the Lower Federal Road project. He said they have hired a new temp and she will start Monday. He said there has been no change on trying to sell the Toyota pickup.

Chairman N. Malwitz noted the Authority received a written report from T. Strid, as he was unable to attend this meeting.

Mary: M. Ongaro said she just printed a report on Collections for this month and noted they have taken in \$35,523.82 from delinquent accounts this month. She said she is preparing liens and the upcoming June 1st billing.

Kristi: K. McPadden said she has been doing a lot of training for the new time and attendance program. She noted she is taking Fridays off to use up most of her remaining vacation days.

8. Legal Matters

- a. Collections - No discussion.

- b. Other Legal Matters - Attorney J. Sienkiewicz asked K. McPadden if she had received a title from M. Kukk on Old Route 7. K. McPadden said she did not receive a title, but they have started construction on that project. Attorney J. Sienkiewicz also said he is reviewing the insurance requirements in the WPCA contract but has nothing to report at this time.

9. Other WPCA Matters

- a. Updates

- 1. Dean Road/Candlewood Lake Area RFQ Update - Chairman N. Malwitz said now that the resolution has been passed, he can process this with CDM Smith and take it to the State. Chairman N. Malwitz discussed an issue with the plan grant, specifically in how the funds were split between the two studies. He is waiting for a response from the State.

- 2. Danbury Plant

- b. Other WPCA Matters

10. Vouchers - M. Brown made a motion to accept the vouchers as submitted. G. Giacobone seconded the motion and it carried unanimously.

11. Adjournment - L. Trojanowski-Marconi made a motion to adjourn at 9:36 p.m. G. Giacobone seconded the motion and it carried unanimously.

*** Next Meeting May 26, 2021 ***

RESOLUTION APPROVING
FEDERAL ROAD
SUPPLEMENTAL BENEFIT ASSESSMENT

Whereas, the Brookfield Water Pollution Control Authority has constructed improvements to the Brookfield Sewer System known as the Federal Road Sewer Extension and has conducted a public hearing and has given due consideration to the comments of the public presented at such public hearings:

Now Therefore, be it resolved as follows:

1. Pursuant to resolutions adopted by the Authority on June 23, 1993 and July 28, 1993, as amended by resolution adopted on March 21, 2007 and as modified by resolutions adopted on January 11, 2012 and April 22, 2015, the Authority hereby levies a supplemental benefit assessment against the following property and the owner thereof as such property has been improved so as to increase its assessed valuation for tax purposes or has received a certificate of occupancy prior to September 30, 2020:

Owner: Minino Homes, Inc.; Address: 450 Federal Road; Supplemental Benefit Assessment \$43,457.70.

The supplemental benefit assessment is an amount equal to **4.65%** of the property's equalized assessed value as of October 1, 1983, less any applicable credits as more fully described in Section 7 of the Authority's resolution of March 21, 2007, as modified by the Authority's resolutions of January 11, 2012 and April 22, 2015.

2. Such supplemental benefit assessment shall be due and payable on **June 1, 2021**, provided however, that at the option of the owner, the supplemental benefit assessment may be paid in **four (4) equal annual installments of principal**, the first of which shall be due on **June 1, 2021** and with subsequent installments due on June 1 of each subsequent year, together with interest on the unpaid principal amount of such supplemental benefit assessment at the rate of 5.5% per annum; provided further, however, that if any such installment remains unpaid for thirty (30) days after the same shall become due and payable, then at the option of the Authority, the entire unpaid balance of such benefit assessment, together with all unpaid interest, shall become immediately due and payable. The Authority shall have all of the rights provided by Section 7-254 of the Connecticut General Statutes, as amended, with respect to delinquent assessments.

3. The property owner subject to such supplemental benefit assessment may prepay any or all installments for which such property owner is liable at any time prior to the due date thereof and no interest on any such prepaid installment shall be charged beyond the date of such payment.

4. The Executive Administrator of the Authority is directed to cause notice of the levy of such supplemental benefit assessment *and of the due date for payment of such supplemental benefit assessment* to be filed with the Office of the Brookfield Town Clerk not later than on **April 30, 2021** and subject to paragraph 19 of Executive Order 7I, dated March 21, 2020 issued by Gov. Ned Lamont, may be published in a newspaper having circulation in the Town of Brookfield not later than **April 30, 2021**, and to mail a copy of such notice, and of such supplemental benefit assessment, to the affected property owner at the owner's address as shown on the last completed grand list, or to any such subsequent address of which the Authority may have knowledge, not later than **April 30, 2021**.

RESOLUTIONS: REVISED RATES AND CHARGES

I move that the following rates and charges be adopted to be effective as of the Authority's June 1, 2021 billing date:

Sewer Use Charge: That the Unit Charge be raised from \$210.00 per unit semiannually (\$420.00 per year) to the following amounts:

- for fiscal year 2021-2022, to \$220.00 per unit semiannually (\$440.00 per year);
- for fiscal year 2022-2023, to \$230.00 per unit semiannually (\$460.00 per year); and
- for fiscal year 2023-2024, to \$240.00 per unit semiannually (\$480.00 per year);

Danbury Plant Charge: That the Danbury Plant Charge be raised from \$17.00 per unit semiannually (\$34.00 per year) to \$20.00 per unit semiannually (\$40.00 per year).

And further, that all other existing rates, charges or fees for use and/or connection to the Brookfield Sewer System remain unchanged.

I further move that notice of the adoption of said revised charge be filed in the Office of the Brookfield Town Clerk not later than **April 30, 2021**.