

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, January 18, 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** - Chairman N. Malwitz convened the meeting at 7:00 p.m.  

<b>WPCA:</b> N. Malwitz M. Brown J. Murray L. Donovan L. Trojanowski-Marconi	<b>Others:</b> C. Utschig, Langan Engineering K. McPadden, Executive Administrator M. Rajcula Ongaro, Collector T. Strid, Inspector A. Kennedy, Operations Manager Attorney J. Sienkiewicz M. Allred, Accountant
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2. **Approval of Minutes** – 11/16/22 - **L. Donovan made a motion to approve the minutes from 11/16/22 as submitted. L. Trojanowski-Marconi seconded the motion and it passed unanimously.**
3. **Correspondence/Public Comment** - Chairman N. Malwitz noted receipt of a thank you note from Ginny Giovanello regarding the WPCA's recognition of her retirement.
4. **Accountant Report**
  - a. Monthly Financials - M. Allred reviewed the monthly financial report.
  - b. Audit Update-M. Allred said the Town updated their time frame to January 31, 2023. He said the only significant adjustment will be how the Federal Road credits are presented, which is up to the auditors.
  - c. SBD ICS Accounts - K. McPadden reported that the first ICS account is going well, and the recommendation is to convert five other money market accounts into ICS accounts. She requested updated signatures from the Authority members for these accounts. Chairman N. Malwitz discussed the current Permanent Maintenance Agreements in place with multiple condo associations, specifically noting that funds are required to be kept in reserve for actuarial adequacy in order to be able to maintain and repair the sewer system on their property. Chairman N. Malwitz said he thinks these terms are out of date in regard to the ICS accounts now available, as most banks require a minimum of \$250,000 in an account to qualify for an ICS account. He said in requiring associations to keep the funds for the permanent maintenance agreement in separate accounts, the associations do not have enough of a balance to benefit from the ICS accounts. He recommended amending the permanent maintenance agreements to only require a balance sheet showing the required amount for the sewer assessment, but not requiring the funds to remain in a separate account. Attorney J. Sienkiewicz reviewed the State law, which says the WPCA is responsible for the proper management and maintenance of the community sewer systems and the way Brookfield has addressed that unfunded mandate is to require a permanent maintenance agreement that the associations are obligated to maintain the system and ensure that there are funds available for that to protect both the WPCA and the unit owners. These agreements require that money is put in escrow to meet those future sewer improvement expenses. Attorney J. Sienkiewicz said that the associations hold these funds but the funds cannot be comingled. Accountant M. Allred said this is not the WPCA's issue, although it would be nice to help the associations. M. Allred said it would be better to keep the agreements as-is, with separate accounts required.

## 5. Old Business

- a. 701 Federal Road – Review Application to Connect - *M. Micoli, Artel Engineering, was present on behalf of the Applicant.* M. Micoli said she had nothing new to present at this meeting. Attorney J. Sienkiewicz discussed the pending issues with this application, including their design flows, required easement, and violation of a town ordinance regarding the proposed connection. **M. Brown made a motion that the application for sewer connection permit for 701 Federal Road (Raymond & Richard Scalzo, Owners; 701 TPA Partners, LLC Applicant) be denied for the following reasons: 1. The projected design flow of 5,998 gpd exceeds the maximum sewage discharge allowed by Section 1.2 of the sewer use regulations. The application does not comply with the regulations. 2. The applicant has failed to demonstrate a right to construct the building sewer force main through the property known as 731 Federal Road by providing either an existing sewer easement or a proposed sewer easement for such facility. No alternative, acceptable evidence of adjacent property owner consent has been provided. 3. The manner in which the building sewer force main is proposed to be tied into the sewer connection for 731 Federal Road as shown on Sheet 2 of 2 of the plans (dated 5/3/22) causes the connection to be for a rear building sewer prohibited by Section 184-10 of the Brookfield Code of Ordinances. The motion was seconded by L. Trojanowski-Marconi and passed unanimously.**
- b. 1 Sand Cut Road – Review Application to Connect - C. Utschig said Langan submitted a report to the Authority based on a review of revised drawings. He said the Applicant addressed the comments from Langan and the WPCA staff, and Langan recommends approving the application. A. Kennedy noted there was discussion at the last meeting regarding stipulating a cap on the amount of flow allowed, and a suggestion from M. Brown regarding using a flow meter to track the flow. C. Utschig suggested possibly requiring the applicant to put a meter on their well to monitor the flow. K. McPadden noted that the applicant's permit application with the Town of Brookfield notes this will be a limited use commercial kitchen. Attorney J. Sienkiewicz also noted they were planning for 60 seats. The Authority discussed how to monitor the possible future growth of this use and track the actual flows. **L. Trojanowski-Marconi made a motion to approve the application as submitted based on Langan's January 18, 2023 recommendation, subject to the following conditions: 1. If the WPCA reasonably determines that the applicant is exceeding the design flows specified in the applicant's estimated sanitary sewer flow the Authority can mandate the applicant to install a water meter to verify that they are not exceeding the approved authorized flows. 2. If there are any renovations or expansion of use to the facility, the applicant must come back to the Authority with a revised application. L. Donovan seconded the motion and it carried unanimously.**

## 6. New Business

- a. 101 Park Ridge Rd. Parcel 3A – New Application to Connect - *G. Steiner, Applicant, 2 Park Lawn Drive, Bethel, CT was present.* G. Steiner gave an overview of the proposed project, including review of the site plan, location of the existing sewer line, easements, and other utility lines. He presented a letter from the anticipated tenant regarding the number of planned employees for this location. G. Steiner also noted that Bethel uses the water meters from Aquarion to calculate the sewer flow numbers, and he agrees the use of a meter is very helpful in determining actual flows. He said they are working with a local company in Danbury who will occupy this space and he presented a letter from this company (with the company name redacted) regarding the number of employees anticipated at this location. Attorney J. Sienkiewicz asked the Applicant to provide a breakdown of the square footage proposed for office area, warehouse area and the manufacturing area. G. Steiner said approximately 20,000 square feet would be for office space, and the rest of the space would be for their light manufacturing. Attorney J. Sienkiewicz discussed the Health Code requirements for flow calculations and easements. Chairman N. Malwitz noted this property will be subject to a supplemental benefit assessment.

**L. Donovan made a motion to accept the application for 101 Park Ridge Rd. Parcel 3A – New Application to Connect, following the receipt of engineering in the amount of \$1,500, legal in the amount of \$750, and inspection in the amount of \$1,500, for a total of \$3,750. L. Trojanowski-Marconi seconded the motion and it passed unanimously.**

**7. Project Updates**

- a. Candlewood Lake Area Project - Chair N. Malwitz said CDM Smith is doing work to get more current cost estimates and they hope to have that done and ready to be presented at the February meeting.
- b. Dean/Pocono Road Area Project - Chair N. Malwitz said CDM Smith is taking the results of the meeting held on January 4<sup>th</sup>, 2023, and re-working the plans, including adding some town properties and additional comments. They will present these plans at the February meeting.
- c. Brookfield Market Area Project - Chair N. Malwitz said they received the bids on Friday, January 13<sup>th</sup>. Three bids were received and are still being processed by Langan. He said the process was a bit complicated this time, and one of the bidders missed one of the sheets. C. Utschig said there are a few items they need to review with this bidder and then the bids can be presented to the Authority. A. Kennedy noted the contract for the grant has not yet been issued by STEAP and is pending based on the results of DEEP's meeting with Danbury to discuss capacity concerns. A. Kennedy also reported that a DEEP representative mentioned there may be a need for an Environmental Impact Evaluation (EIE) for this project. Attorney J. Sienkiewicz said he believes the grant agreement will state that we cannot award a contract to a bidder until they have approved the contract. Attorney J. Sienkiewicz said there is still work to be done for the required easements as well. C. Utschig discussed the issues regarding the easements and will send the easement maps to Attorney J. Sienkiewicz.
- d. Route 133 Station Project Phases I & II - T. Strid said Phase I is just about complete. All that is left to do is remove the generator and patch up the wall. T. Strid said he and R. Prinz had a meeting with C. Utschig to review the wish list for Phase II and that is now in design.
- e. Caldor Valve Bypass Project - T. Strid said they are currently looking for three bids and that work will begin this spring. K. McPadden asked T. Strid to send those plans to her for the file.
- f. Danbury Plant & Brookfield Allocation - Chairman N. Malwitz discussed the current process with the State, as well as recent allocations from Danbury to Brewster and New Fairfield.
- g. Other Engineering Matters - No discussion.

- 8. Employee Activity Reports** - A. Kennedy said they do not have all the employee activity reports available tonight, as the staff only had an informal staff meeting this morning. She said all relevant topics were covered in the staff meeting and she will provide a report of updates from that meeting. She also noted there are formal reports available from T. Strid and K. McPadden. L. Donovan noted the WPCA needs to find a recording secretary. A. Kennedy reported there have been no responses on that position. L. Donovan also noted she will attend the next staff meeting as updates on the employee goals are due. T. Strid discussed the recent flow numbers and the rainwater infiltration pans recently installed.

**9. Legal Matters**

- a. Collection Update - No discussion.
- b. New Attorney Update - Chairman N. Malwitz reported that two attorney proposals have been received. He said we will set up meetings with the attorneys and hope to have Attorney J. Sienkiewicz join the meetings, as well as continue attending WPCA meetings for a few months to assist with the transition.
- c. Other Legal Matters - None

**Other WPCA Matters**

- a. Resolution Delegating Authority Re: 53A Commerce Rd., Unit 1, owned by Brookfield WPCA - Chairman N. Malwitz read the proposed resolution aloud for the record. **L. Donovan made a motion to adopt the following resolution:**

**Whereas the Brookfield Water Pollution Control Authority is the owner of premises known as 53A Commerce Road, Unit 1, Brookfield, Connecticut and by virtue thereof is a Unit Owner in the condominium association known as 53 Commerce Road Association, Inc.;**

**Now Therefore, the Brookfield Water Pollution Control Authority hereby designates its Operations Manager, Alison Kennedy, and its Executive Administrator, Kristi McPadden, to act severally on its behalf in all matters concerning said Unit 1 and said 53 Commerce Road Association, Inc., and specifically to participate in all meetings and to cast the vote of the Authority on its behalf on any and all matters concerning said Unit as contemplated by Section 4.12(b) of the Bylaws of said 53 Commerce Road Association, Inc.;**

**And further to serve as a member of the Executive Committee and/or as an officer of 53 Commerce Road Association, Inc. as contemplated by in Section 2.1(g) of the Bylaws of said 53 Commerce Road Association, Inc.**

**And further to do any and all things and to take any and all action with respect to 53 Commerce Road Association, Inc. contemplated by the Declaration and Bylaws and that may be relevant to the Authority's ownership interest in said Unit 1.**

**As to Allison Kennedy, this authority shall continue in effect so long as said designee remains the Operations Manager of the Authority; as to Kristi McPadden, this authority shall continue in effect so long as said designee remains the Executive Administrator of the Authority; or until such earlier date as such delegation is rescinded by resolution of the Authority and written notice of said rescission is given to 53 Commerce Road Association, Inc.**

**L. Trojanowski-Marconi seconded the motion and it passed unanimously.** This resolution will allow Alison Kennedy and Kristi McPadden to represent and vote on behalf of the WPCA at 53 Commerce Road Association meetings.

- b. Proposed Regulation Update regarding Qualified Brownfield Projects - Chairman N. Malwitz discussed the Brownfield Project at 20 Station Road, noting the grant received by the Town of Brookfield to remediate the property. He said that for the developer to make it work, they need to build something a little larger than the sewer restrictions will allow. Chairman N. Malwitz said he proposes for consideration at a public hearing a special exception to the regulations. He read the proposed exception aloud for the record. The Authority discussed the proposal and the remediation project. A revised regulation proposal will be presented in February.
- c. FEMA Hazard Mitigation Plan Grant Application Update - Resolution Authorizing Operations Manager to Sign Documents Pertaining to the DEMHS Hazard Mitigation Grant Program Application-A. Kennedy said the grant application process is ongoing. She has some paperwork to review, and proposed the Authority authorize her to sign grant application documents in order to get this application submitted on time. She also noted the need for a 25% match commitment from the WPCA in order to move forward. **L. Trojanowski-Marconi made a motion to authorize the expenditure of up to \$50,000 to purchase a generator up to 60kw, and to meet that expenditure with a FEMA Hazard Mitigation Grant and to further meet that expenditure with 25% of the cost of the project from WPCA funds and authorize Alison Kennedy to submit and execute any grant agreements on behalf of the Authority. L. Donovan seconded the motion and it passed unanimously.**
- d. Community Outreach Planning & Development - L. Donovan asked the staff and Authority members to provide nominations for the Community Advisory Board.

- e. Cyber Insurance Plan Benefits & Quote - A. Kennedy discussed the cyber security insurance quote received. She said J. Siclari began this process and she has taken it over. She suggested the Authority decide on this policy at this meeting as the quote is only valid until the end of this month. A. Kennedy explained how the insurance would cover the WPCA in terms of different types of security breaches. She provided the policy for review if needed. Attorney J. Sienkiewicz asked if this was a standalone policy or a rider on the Town's policy. A. Kennedy said the Town of Brookfield does not have cyber insurance at this time, so it would be a standalone policy. **L. Trojanowski-Marconi made a motion to purchase cyber insurance based on the quote from Travelers Bond and Specialty Insurance as presented by A. Kennedy. L. Donovan seconded the motion and it passed unanimously.**
  - f. Other WPCA Matters - Chairman N. Malwitz said the Senate is proposing a bill, Senate Bill 94, to prohibit foreclosure and assignment or other enforcement actions for unpaid sewer assessment and other fees and charges in the case of owner-occupied real property for which the principal of such unpaid assessments and other fees and charges is less than \$4,000. This amount was originally proposed at \$10,000.  
A. Kennedy discussed a recent application made by the YMCA for waterless bathrooms. She explained there was misinformation provided to the Zoning Commission by the Applicant. A. Kennedy sent a memo to the Zoning Commission, as the misinformation included the Applicant advising that they have already spoken with the WPCA and there was no problem, which is incorrect. A. Kennedy and the Town's Health Director discussed the application, and this application must go before the State before next steps in the Town.
10. **Vouchers - J. Murray made a motion to approve the vouchers as presented. L. Donovan seconded the motion and it passed unanimously.**
11. **Adjournment - L. Trojanowski-Marconi made a motion to adjourn at 9:00 p.m. L. Donovan seconded the motion and it passed unanimously.**

\*\*\* Next Regular Meeting February 22, 2023\*\*\*