

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, July 26, 2023, 7:00 p.m.

### **MINUTES**

#### **Zoom Call-In Info:**

<https://us02web.zoom.us/j/89163691250>

Meeting ID: 891 6369 1250

Passcode: 7757319

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

#### **WPCA:**

N. Malwitz, Chair  
L. Trojanowski-Marconi, Vice Chair  
J. Murray, Member  
L. Donovan, Member  
M. Brown, Member  
M. DelValle, Alternate

#### **Others:**

C. Utschig, Langan Engineering  
L. McMahon, Langan Engineering  
S. Harding, Commission Attorney  
K. McPadden, Executive Administrator  
R. Prinz, Chief of Maintenance  
T. Strid, Inspector  
M. Ongaro, Collection Specialist  
C. Varian, Recording Secretary

2. **Approval of Minutes** - 6/28/23 – **L. Trojanowski-Marconi made a motion to approve the minutes from 6/28/23 as amended. Jim Murray seconded the motion, and it passed unanimously.**

3. **Correspondence/Public Comment/Informal Discussion**

- a. Letter from Konover dated 6/22/23 Re: Request to defer 2% CCRCC 802 & 806 Federal Road - K. McPadden explained the 2% CCRCC bill was sent out for 802 & 806 Federal Road, and they have requested to defer. They have submitted the \$10,000 deposit for each property. This option is available per the WPCA Rules and Regulations. **A motion was made by L. Trojanowski-Marconi to accept the deferral request from Konover, allowing the 2% CCRCC charge to be billed over 4 years. The motion was seconded by M. Brown and passed unanimously.**

*Norman Edelson, Treasurer of the Candlewood Shores Tax District, was present.* He informed the Commission that he became the Treasurer of the CSTD on July 1, 2023, the board is conducting an official survey of its residents on whether they want sewers, and if they don't, whether they want the Board to take all necessary actions to prevent sewers in the Shores. He said they will inform the WPCA of the results when the survey is completed. Mr. Edelson also stated that the members of the WPCA Commission had been given a video presentation showing that the Brookfield septic system was not causing pollution in Candlewood Lake and explained the impact of sewers on water quality. He said the Candlewood Shores Tax District is researching more direct and less expensive ways than sewers.

*Deirdre Coury, 57 Skyline Drive, was present.* She asked if the WPCA would be presenting the proposed sewer project to the Town of Brookfield Board of Selectmen and if so, when would that happen. She also asked what the next steps in this project would be. Ms. Coury asked if a least-cost alternative could be taken with the current sewer project in Candlewood Shores. Ms. Coury said she feels the cost is prohibitive to most people in the Shores.

*Bruce Alexander, 36 North Lake Shore Drive, was present.* He brought a copy of a wastewater study, dated 2020, found on the WPCA website to the meeting with him. He explained that the data is not current enough and has been refuted by more recent data from experts at Candlewood Shores.

*Rich Saluga, 32 Great Heron Lane was present.* Mr. Saluga said he was disappointed to see the Board of Ethics report to the Board of Selectmen earlier this month regarding their concerns. He said he was surprised to see that there was no mention of this in the minutes or tonight's agenda. Mr. Saluga said he sees that bylaws are on the agenda, which are one of the Board of Ethics recommendations. He encouraged the WPCA to take the responsibility to look at all the expenditures made by the Commission and not do "blanket approvals."

*Matt Grimes, 11 Orchard Street was present.* Mr. Grimes said he appreciates the study discussed by Mr. Edelson and thinks the opinion of the Shore's residents should be taken with the utmost consideration. Mr. Grimes said he knows Chairman N. Malwitz for nearly 20 years and while you may not agree with him on some of his decisions or policies, he knows him to be an honest and ethical man. Mr. Grimes said he thinks if there were some issues with proper approval of expenditures or reimbursements, he thinks Mr. Malwitz genuinely believed there was no conflict. Mr. Grimes thinks this is probably something that would be preferable to resolve in a discussion in Executive Session instead of dealing with a Board of Ethics complaint in the regular meeting.

Chairman N. Malwitz noted that one other member of the public is coming later to make public comment and asked that this section of the meeting remain open. Attorney S. Harding suggested amending the agenda to include another public comment when the individual arrives.

#### **4. Accountant Report**

- a. Monthly Financials - Chairman N. Malwitz noted Accountant M. Allred is currently out of the country and discussed the monthly financial report.
- b. Vouchers - K. McPadden began by explaining a recommendation made to the WPCA by the auditors when they visited. The auditors suggested implementing a check register to keep track of check reference numbers to make sure there are no gaps or missing checks. K. McPadden then reviewed the list of vouchers and expenses. M. Brown made a comment for the record, stating that he has been here over 10 years and the vouchers are always shared ahead of the meetings and any questions the Commissioners have are answered in full open responses from staff and other Commissioners. **L. Trojanowski-Marconi made a motion to approve the vouchers as submitted. J. Murray seconded the motion, and it passed unanimously.**
- c. Internal Control Recommendations – K. McPadden said the auditors recommended the payrate documentation form be used to document changes in each employee's pay rate. She said the other recommendation was the check register previously discussed.

## 5. Old Business

- a. 103 Junction Road -K. McPadden presented Langan's letter recommending approval. C. Utschig discussed the design, and noted one condition needing to be met, along with a revised drawing. K. McPadden said they have paid the escrow funds and noted this property is eligible for the 2% CCRCC. K. McPadden said she will discuss this with Attorney Harding since it is a subdivided parcel. **M. Brown made a motion to approve the application for 103 Junction Road, contingent on the Applicant fulfilling the conditions as stated in the 7/24/23 letter from Langan Engineering. The motion was seconded by L. Donovan and passed unanimously.**

## 6. New Business

- a. 500A & 518 Federal Road - Request for Will-Serve Letter - *S. Sullivan, Engineer, CCA, LLC, was present.* S. Sullivan said CCA has submitted a letter on behalf of their client, Tollgate of Brookfield, requesting a will-serve letter for property located at 500A & 518 Federal Road. He said it is a 78-unit multi-family residential development with projected sewer flows of 22,815 gallons per day. S. Sullivan noted the project has been approved by local Commissions including P&Z and Wetlands and is about to get approval from CT DOT. *Gary Michael, 52 Deer Hill Avenue, Danbury, Applicant, was present.* G. Michael discussed the history of this project including the moratorium concerning the Danbury Plant & Brookfield allocation. He said that he, along with a group of businessmen in the Community, took it upon themselves to approach the City of Danbury to petition the State for increased flows to their system. He said they arranged a meeting through a lobbyist to solidify their plan. He noted no one from Brookfield was present at the meeting. G. Michael said he has personally called Chairman N. Malwitz to inform him of each of these events as they were transpiring. He submitted information received from David Day of Danbury indicating that Brookfield would be getting 200,000 gallons of additional flow to bring them up to 580,000 gallons by September or October and is waiting for approval of the process going from Danbury to DEEP. He noted an I&I study may be needed. He asked the Commission to grant a will-serve letter conditional to Danbury allowing Brookfield an additional 200,000 gallons. Attorney S. Harding explained that the Commission does not know what the regulations will be since the moratorium is still in place and recommended that the Commission not allocate capacity before a decision is made. M. Brown explained the engineering study of capacity allocation that the WPCA is currently looking into, and how that will affect this type of decision before the Commission. C. Utschig discussed issues with allocating capacity in advance and considerations for the Commission in that regard. He also discussed issues with CT DEEP and the Danbury Treatment Plant from an engineering perspective. G. Michael said there has been talk about stymying development in Brookfield and if the WPCA doesn't do something in the future, there will be anti-development thoughts throughout the community. He said if that happens, the value of the properties which have already paid sewer assessments will decrease and the WPCA will be opening itself up for lawsuits. M. Brown said the WPCA is not a Land Use authority. He said these types of issues are not the decision of the WPCA. M. Brown said his advice to the Commission is to listen to the Engineer and the Attorney and continue to do their due diligence. G. Michael said he is aggravated by the fact that if it wasn't for Chairman N. Malwitz, there is no one acting as a catalyst to move this project along. Chairman N. Malwitz said he thinks G. Michael will be fine when DEEP comes through, but the moratorium will have to be re-done to allow his type of allocation. M. Brown thanked G. Michael for his help in getting the capacity.
- b. 640 Federal Road - Change of Use Application - *Besmir Xhurxhi, Engineer, was present.* K. McPadden explained this project is the conversion of 2nd-floor commercial space into 10 one-bedroom apartments. The flow would be 150 gallons per bedroom, with 10-1 bedroom

apartments proposed, and since the building is currently connected to the sewer the total flow amount would increase by 1,500 gallons. T. Strid explained that there is an issue with the current grease interceptor, which will require a discussion with the property owner. He said they will need to implement major upgrades to the system if this application were to be approved. T. Strid said they had to put a caveat on the land records before the property was sold indicating that the property currently has an old septic tank converted into a grease trap at the front of their building and a pump chamber. The pump chamber is being pumped every year and the grease trap is being pumped every month or two. He said this system is not compliant with the WPCA standards. He went on to explain some of the work that will need to be done in order to be compliant. **L. Donovan made a motion to accept the application, forward it to Langan for engineering review, and set the legal, engineering, and inspection fees at \$4,300. The motion was seconded by L. Trojanowski-Marconi and passed unanimously.**

**L. Trojanowski-Marconi made a motion to add section 6c. Additional Public Comment to the agenda under New Business. J. Murray seconded the motion and it passed unanimously.**

- c. Additional Public Comment - *Greg Dembowski, Economic Development Manager for the Town of Brookfield, was present.* G. Dembowski said he has known N. Malwitz professionally and personally for 12 years. He noted substantial work N. Malwitz has done on behalf of the Town of Brookfield. G. Dembowski discussed the recent complaint to the Ethics Committee that he believes Chairman N. Malwitz had no ill will and said that the complaint seemed to be more of a reflection of the WPCA Commission. G. Dembowski also said he thinks the Commission should consider reimbursing N. Malwitz for his legal fees.

## **7. Project Updates**

- a. Candlewood Lake Area Project – Chairman N. Malwitz said CDM Smith expects to have the full report ready by the August WPCA meeting. He noted that the Candlewood Shores group will be making a presentation to the EDC at their next meeting. There was discussion with members of the public regarding submitting and reviewing correspondence.
- b. Dean/Pocono Road Area Project - Chairman N. Malwitz said that they will not hear back on the LISFF grant application until November.
- c. Brookfield Market Area Project – Chairman N. Malwitz reported that A. Kennedy received notification that the approval of the plans has been sent out for signatures, but the formal approval letter has not arrived yet. The Commission will wait until the next regularly scheduled meeting to discuss the approved plans.
- d. Route 133 Station Project Phase II – C. Utschig said Langan has created a spec for the pump that will allow R. Prinz and T. Strid to solicit proposals. C. Utschig said they anticipate having the package ready for review by the Commission in September. K. McPadden suggested that they talk to the auditors concerning the purchase of parts that will then be included in the bid.
- e. Caldor Valve Bypass Project - The official date for the changeover is August 22, 2023. T. Strid explained the station will have to be shut down overnight. T. Strid and R. Prinz will help direct any traffic coming into the station during the changeover.
- f. Danbury Plant & Brookfield Allocation - Discussion of Next Steps – Chairman N. Malwitz discussed a company called RCAP, who will complete an Inflow and Infiltration (I&I) study based on the information provided by the WPCA. RCAP receives federal funds to support small towns. The I&I study results fluctuate depending on the amount of rain so RCAP will need time to collect evaluate the data from the past 12-months.

- A. Langan Engineering Proposal for Sewer Capacity Analysis - Langan submitted a budget suggestion to the Commission for \$7,500. Chairman N. Malwitz explained what the requested analysis will show, and how this information will help the Commission review the capacity issues. The Commission discussed where this expense will fit into the budget. K. McPadden suggested the budget can be reassessed as the invoices come in. **M. Brown made a motion to accept the additional service request proposal by Langan dated July 26, 2023. The motion was seconded by J. Murray and passed unanimously.**

g. Other Engineering Matters – No discussion.

#### **8. Employee Activity Reports –**

- R. Prinz noted a new grinder was installed at 133 Station.
- K. McPadden said the Permanent Maintenance Agreement letters were mailed out and they are getting ready to set up the new rates for next year.
- T. Strid said the GT program is up to date.
- The State DOT will install 23 manhole frames and covers at no cost to WPCA (other than the cost of parts) as part of the Lower Federal Road project. M. Rajcula-Ongaro said she needs to work with Attorney Harding on delinquent accounts.

#### **9. Legal Matters**

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

#### **10. Other WPCA Matters**

- a. WPCA Bylaws & Code of Conduct – Attorney S. Harding stated that he wrote up two different versions of the bylaws: one including a Treasurer and one that does not include a Treasurer. He explained that the Treasurer can be in charge of the check registry and have access to QuickBooks. If the version including a Treasurer is accepted, then the Commission would elect someone for the position at the next regularly scheduled meeting. The Commission debated which version of the bylaws would be a better fit, and what the process would be in electing a Treasurer. **J. Murray made a motion to accept the WPCA Bylaws Version including a Treasurer. The motion was seconded by L. Trojanowski-Marconi and passed unanimously.** There was discussion regarding a WPCA Code of Conduct. Attorney S. Harding said he believes this is encompassed by the Bylaws, Article 8, which states that all Authority Members will comply with the Code of Conduct of the Town of Brookfield, and therefore sees no reason to draft a separate Code of Conduct for the WPCA.
- b. Proposed Procurement Policy - Continued from June 28, 2023 meeting - Chairman N. Malwitz said that the Proposed Procurement Policy should be left on next month's Regular Meeting Agenda. The Commission members should read the final version of the proposed Procurement Policy when prepared by the staff and be prepared to discuss it at the next regularly scheduled meeting.
- c. Purchase of Grinder for 777 PS – T. Strid explained that the grinder would be a way to extend the life of the pumps. It would grind up wipes and other debris, so the pumps do not get clogged. This would allow the cleaning of the pumps to decrease from once a month to quarterly. T. Strid said he has a quote for the project of \$40,000. The Commission noted this purchase is not budgeted, but there are funds available. **Chairman N. Malwitz made a motion to accept the proposal for the Purchase of a Grinder for 777 Pump Station. The motion was seconded by L. Trojanowski-Marconi and passed unanimously.**

- d. Society for Human Resource Management - L. Donovan said that the Society for Human Resource Management should be left on the regular Meeting Agenda for next month when A. Kennedy returns from vacation.

**L. Trojanowski-Marconi made a motion to go into Executive Session at 9:10 p.m., including S. Harding & K. McPadden. L. Donovan seconded the motion, and it passed unanimously.**

**11. Executive Session**

- a. Pending Litigation
- b. Personnel Matters

**A motion was made by L. Donovan to come out of Executive Session at 10:29 pm. The motion was seconded by L. Trojanowski-Marconi and passed unanimously.**

There were no motions made during the Executive Session. By consensus, it was agreed to hold a Special WPCA Board Meeting August 16, 2023, at 7 pm for the limited purpose of Executive Session: Personnel Matters.

**12. Adjournment - L. Trojanowski-Marconi made a motion to adjourn at 10:30 pm. The motion was seconded by L. Donovan and passed unanimously.**

\*\*\* Next Special Meeting August 16, 2023 \*\*\*

\*\*\* Next Regular Meeting August 23, 2023 \*\*\*