

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

BROOKFIELD WATER POLLUTION CONTROL AUTHORITY
53A Commerce Road, Brookfield, CT 06804
Wednesday, October 25, 2023, 7:00 p.m.
MINUTES

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, Treasurer
L. Donovan, Member
M. Brown, Member
M. DelValle, Alternate
M. Wolk, Alternate

Others:

L. McMahon, Langan Engineering
C. Utschig, Langan Engineering (via Zoom)
S. Harding, Commission Attorney
M. Allred, Accountant
A. Kennedy, Operations Manager
K. McPadden, Executive Administrator
M. Ongaro, Collection Specialist
R. Prinz, Chief of Maintenance
T. Strid, Inspector (via Zoom)
E. Boisvert, Recording Secretary

- 2. Approval of Minutes 9/20/23** – L. Donovan asked to make one small change. She wanted clarification of her comment regarding the Candlewood Lake Area Study, stating it should read “The Commission should communicate directly with the Board of Health to urge them to have regulations changed so they would be able to enter a property when there wasn’t an announced emergency.” L. Trojanowski-Marconi made a motion to approve the minutes with the amendment noted by L. Donovan. J. Murray seconded the motion, and it carried unanimously.

3. Correspondence/Public Comment/Informal Discussion

- a. Correspondence: CTSD Letter received 10/23/23** - Chairman N. Malwitz noted correspondence that was received.

Deirdre Coury, Skyline Drive, Brookfield CT was present for public comment. D. Coury stated she prepared a written public comment but had left it at home. She stated that she will be sharing this written comment with CT DEEP, the Town and the Town Attorneys. She discussed a statute that requires the express consent of a district that accesses taxes, that she believes applies to Candlewood Shores, which she believes stated, unless there is an Environmental Impact Abatement Order issued, then express consent is required prior to WPCA sewerage their district. She asked that Commission Attorney S. Harding, the Town Attorney, and CT DEEP, review her submission of the statute prior to making a decision. Chairman N. Malwitz requested that D. Coury submit her previous written statement from last month as well, for the Commission to review.

- b. Informal Discussion: Greg Carnick-Discussion regarding easement at 9A Vale Road** – G. Carnick was present to discuss 9A Vale Road sewer easement placement and the development of the property, prior to purchasing the property. He was requesting written consent from the Commission to use the existing driveway, which crosses a small portion of the sewer line easement. There was

discussion regarding where the sewer line was located. Commission Attorney S. Harding stated that Mr. Carnick and his attorney should work with L. McMahon on what he specifically wants to do. The WPCA Engineer and Staff can then work with them on specific information needed for the plans. S. Harding said he can work with Mr. Carnick's attorney to create an agreement that can be presented to the Commission at the next meeting.

K. McPadden stated there is another property at 60 Whisconier Rd. that has a similar issue that was brought to her attention in View Permit when they applied for a 3-lot subdivision of the land. It was discussed that they will also need to work with L. McMahon on the specifics, so the Engineer and WPCA staff can come up with a plan and agreement then submit it to the Commission.

4. Accountant Report

a. Monthly Financials - M. Allred discussed the monthly financial report.

b. New Truck Purchase Financing

The current budget for the purchase of a new truck is \$60k total, with \$12,000 budgeted per year. Per bond counsel, our 2 options are to lease the truck for 4 or 5 years with a \$1 buyout fee or pay for it in full. The option to acquire a loan through SBD is not an acceptable option. A. Kennedy discussed the purchase of a new truck, which was originally budgeted for a five-year loan. She stated that she has since found that financing is not the best option due to the legal fees involved and should be purchased outright. She is asking that the Commission reallocate money to spend \$60,000.00 this year to purchase the vehicle, instead of the budgeted \$12,000.00. There was also a discussion regarding the cost of leasing interest rates. T. Strid discussed the condition of the existing truck that needs to be replaced. The new truck is ready to be ordered, pending the approval of the allocation of additional funds.

L. Donovan made a motion authorizing the allocation of additional funds in the sum of \$48,000.00 in order to purchase the vehicle outright based on the proposal from Ingersoll Auto, with the expectation of selling the existing vehicle as pursuant to the policy. L. Trojanowski-Marconi seconded the motion, and it carried unanimously.

c. Vouchers – A. Kennedy commented on the voucher for Pullman & Comley in the amount of \$4,219.50, stating it was due to a discussion with Bond Counsel regarding bonding for the interlocal agreement in relation to the capacity with Danbury. Separately, A. Kennedy also discussed the possibility of additional IT costs of between \$3,000.00 - \$5,000.00, that may be in next month's vouchers due to a power outage that caused damage to the battery backup and camera system. **L. Trojanowski-Marconi made a motion to approve the vouchers as presented. M. Brown seconded the motion, and it carried unanimously.**

5. Old Business

a. 640 Federal Road - Change of Use Application: K. McPadden stated she reached out to the owner but had not heard back yet. WPCA Staff are waiting for a revised change of use application as well as a grease trap upgrade. **M. Brown made a motion to deny the change of use application for 640 Federal Road without prejudice. L. Trojanowski-Marconi seconded the motion and it carried unanimously.**

b. Danbury Plant & Brookfield Allocation-Discussion of Next Steps

Review and discuss proposed Memorandum of Agreement from Danbury. Chairman N. Malwitz read the memorandum of agreement conditions to increase the capacity of the plant. Condition No. 1 states that Brookfield shall reimburse Danbury for costs incurred by Danbury to study and adjust Danbury WPCF permitted designs flow rates to help Brookfield satisfy sewer capacity needs greater than the current flow allocation. Condition No. 2 states that consistent of CT DEEP stated requirements for all new or updated Interlocal Sewer Service Agreements, that a comprehensive Inflow & Infiltration study of Brookfield's entire sewer collection system be performed in accordance with the CT DEEP requirements. Condition No. 3 states that a new Interlocal Sewer Service Agreement shall be executed between Danbury and Brookfield, which will address any necessary changes to agreement conditions. Condition No. 4 states that Brookfield's cost allocations will increase based on additional flow. There was a discussion regarding how to fund the increased costs. M. Allred stated the only options for funding are to get a loan directly from Danbury or to get bonded. There was also a discussion regarding how to set the fees for new customers. A further discussion was had regarding the WPCA's signing capacity for such an agreement and whether it needs to go to the Board of Selectmen to review and execute. M. Brown stated that everyone involved needs to understand how important these additional 200,000 gallons a day is. He is concerned that if we keep Danbury waiting, then we will have more issues.

Chairman N. Malwitz made a motion to execute the Memorandum of Agreement with the city of Danbury on behalf of the WPCA, and to forward the agreement to the Board of Selectman for review and execution if necessary. J. Murray seconded the motion and L. Donovan abstained. The motion carried 4-0-1. L. Donovan stated that the reason for her abstention is due to the fact that months ago she requested the Commission to do scenario-based planning as they knew this was coming, and no one did anything. She said they have inadequate information and so she refuses to vote.

There was a discussion about the possibility of having a special meeting to run through some numbers and scenarios. A date was not set.

L. Trojanowski-Marconi made a motion to move to Item 6. New Business on the Agenda. M. Brown seconded the motion, and it carried unanimously.

A. Langan Sewer Capacity Analysis - L. McMahon reviewed the purpose of the report. She explained that the analysis used 37 sample properties that ranged from residential, restaurant, mixed use, and businesses. They calculated gallons per day that would be required by the health code versus what the places are actually being used, based on Aquarion data. L. Donovan asked about the time frame of the study to which L. McMahon stated the Aquarion numbers encompassed July 1, 2022 through June 30, 2023. L. McMahon further summarized the average ratios and differentials. C. Utschig explained that the study shows that the actual flows are substantially less than what is allowed by the health code. G. Dembowski made a public comment stating that some of the apartments used in the study were just being occupied during the time frame of the study, and that if they did the study now, with all the units fully occupied, the numbers would be different. He also stated that some of the assisted living facilities were not at full capacity at the time of the study. C. Utschig suggested that they add more sample projects to this analysis so that there is more accurate data and explains that this is a best case/worst case scenario, so the Commission can understand the allocation of flows against the sewer capacity. A. Kennedy stated she gave Langan access to a database that gives the

breakdown of bedrooms that they would need to expand the study. A discussion was had about expanding the study to include customers outside of Aquarion and doubling the number of sample projects. M. Brown asked if this could be completed by the next meeting and C. Utschig stated that he could have a draft of the second step for the Commission to look at which will address the anticipated future flows of currently approved projects.

M. Brown made a motion to expand the Langan Sewer Capacity Analysis and to approve the additional cost, not to exceed \$10,000.00. L. Donovan seconded the motion and it carried unanimously.

B. RCAP-Brookfield I&I Study - Chairman N. Malwitz stated that Matt Cassedy is working on this, and he expects to have it ready about a week before the next meeting.

6. New Business

a. 14 Candlewood Lake Rd. - Sanitary Force Main Amendment - Michael Moranes, Engineer for Raymour & Flanigan, was present to discuss the two sets of plans that were submitted to the Commission for approval. The first set shows a new concrete wet well, and the second set would re-use the existing well. M. Moranes stated he met with WPCA staff to discuss the project and would prefer to go with the less expensive option. He discussed what would be updated and what would remain. T. Strid stated that the work should be approved with the contingency that they continue to work with the WPCA's Engineer to make sure the pump station is adequately fixed, using the design that re-uses the wet well.

M. Brown made a motion to accept the application for 14 Candlewood Lake Road-Sanitary Force Main Amendment, approving the application as it relates to the force main and approving the other aspects of the project subject to the review and recommendations of the Engineering staff and the WPCA, and establishing a fee for engineering and inspection in the amount of \$1,950.00. L. Donovan seconded the motion, and it carried unanimously.

b. 160 Whisconier Road - Grease Trap Waiver Application – David Cole of Cole Construction was present on behalf of Brookfield Congregational Church, located at 160 Whisconier Rd., to discuss the application for an under the sink grease trap.

L. Trojanowski-Marconi made a motion, based on recommendation of staff, to approve the Grease Trap Waiver application for 160 Whisconier Road, the installation subject to be reviewed by the staff. J. Murray seconded the motion, and it carried unanimously.

c. 160 Whisconier Road - Additional Connection Application – D. Cole also discussed the plan to add an elevator and additional bathrooms, stating there would be no change in occupancy.

M. Brown made the motion to accept the Additional Connection Application for 160 Whisconier Road, contingent on payment of \$750 engineering fee and \$600 inspection fee totaling \$1,350.00, subject to engineering review. L. Donovan seconded the motion, and it carried unanimously.

7. Study Updates

a. Candlewood Lake Area Study

A. Set Up and Logistics for scheduled Public Hearing on November 13th, 2023.

Discussion of how the HS auditorium should be set up, moderator, handouts to be provided, instructions to be read at beginning of PH, etc. Attachment: L. Donovan recommendations for 11-13-23 PH.pdf. Attachment: Postcard for 11-13-23 public hearing.pdf. Attachment: Public Hearing Script Template.pdf. The 11-13-23 Public Hearing was changed to a Public Information Session. M. Brown asked if CDM Smith was already paid to do this, and A. Kennedy answered yes, they have already been paid. There was a discussion about whether there should be time limits on public comments per person. A. Kennedy would like to recommend that there be a neutral moderator. G. Dembowski agreed to be the moderator. A. Kennedy clarified that a postcard will be sent out to everyone in the study area, it will be called a public information session, the verbiage on the bottom of the postcard will state that every speaker will be limited to two minutes. The time of 7:00pm – 9:00pm was set for the session.

b. Dean/Pocono Road Area Study – No discussion – No updates were available.

8. Project Updates

a. Brookfield Market Area Project

There was a discussion regarding the draft STEAP Grant contract issued by DEEP and revised by Attorney S. Harding. A discussion about the potential costs of the project was discussed. A. Kennedy commented that she wanted everyone to be aware of the out-of-pocket expenses the WPCA will have for this project, and wanted everyone to be aware of what the WPCA is committing to as the project moves forward. K. McPadden stated as a resident, she did not agree with the WPCA using their own money to fund this project. **L. Trojanowski-Marconi made a motion to forward the STEAP contract for the Brookfield Market Sewer Extension to the Board of Selectman for signature at their next meeting on November 6, 2023, with a recommendation from the Commission to execute. J. Murray seconded the motion, and it carried unanimously.**

b. Route 133 Station Project Phase II – L. McMahon gave a brief update on the status. L. McMahon stated that KSI, who was doing the structural engineering, is no longer able to do the project, so they are looking for a different contractor to get that back on track to be approved.

c. Other Engineering Matters – No Discussion

9. Employee Activity Reports - No Discussion

10. Legal Matters

a. Collection Update - Attorney S. Harding will need to review the delinquent customer list given to him just prior to the meeting by M. Ongaro, and he will start the process of collections for 14 properties.

b. Other Legal Matters - No Discussion

11. Other WPCA Matters

a. Non-Sewered Community Systems

K. McPadden stated It recently came to our attention that Lake Lillinonah Shores has had a PMA in place since 1979. The condo complex is not sewered, but the WPCA is tasked with ensuring a maintenance fund is in place, similar to other Community Sewer Systems in town. There are 2 other

condo complexes in town: Woodcreek Village and Brookfield Hills, but she cannot find anything filed on the land records for those properties. Attorney S. Harding stated that he would reach out to the Boards of the condo complexes to discuss creating a PMA. K McPadden recommended implementing these PMA's in 2024 when the current agreements are reviewed and updated.

b. 2024 WPCA Meeting Calendar - There was a discussion regarding the proposed 2024 meeting calendar. **L. Donovan made the motion to accept the Proposed WPCA Meeting Calendar for 2024. L. Trojanowski-Marconi seconded the motion, and it carried unanimously.**

c. Proposed Procurement Policy - Chairman N. Malwitz stated that Attorney S. Harding needs to review his suggested changes and then resubmit for a vote at the next meeting. Attorney S. Harding stated he will submit both the original and the red-lined suggestions from Chairman N. Malwitz, so the Commission can vote on which version they want to adopt into policy.

d. Proposed Cash Box Policy - K. McPadden explained the new policy of the cash box, noting the cash box is only used to make change when customers pay their bills in cash, the balance of the box is to always remain the same, and that it will no longer be able to be used for petty cash items or to reimburse employees for expenditures.

M. Brown made a motion to adopt the Cash Box Policy making the number \$200 with the excess going into the General Fund. L. Donovan seconded the motion and it carried unanimously.

e. Minutes Submittal Process - There was a discussion regarding handling of minutes review prior to submission to Town Clerk. The Commission agreed to allow Chairman N. Malwitz to continue to review the minutes prior to submission to the Town Clerk, provided the Commission is provided a red-lined version.

12. Executive Session-Pending Litigation

L. Trojanowski-Marconi made the motion to go into Executive Session at 10:06 p.m. L. Donovan seconded the motion and it carried unanimously.

L. Trojanowski-Marconi made a motion to come out of Executive Session at 10:15 p.m. J. Murray seconded the motion and it carried unanimously.

There were no motions made during or following Executive Session.

13. Adjournment - L. Trojanowski-Marconi made a motion to adjourn at 10:16 p.m. J. Murray seconded the motion and it carried unanimously.

*** Next Special Meeting November 13, 2023 (at BHS) ***

*** Next Regular Meeting November 15, 2023 (normal meeting location) ***