

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

BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

Brookfield Town Hall, Room 133

Wednesday, October 26, 2022, 7:00 p.m.

MINUTES

1. Convene Meeting

Chairman N. Malwitz convened the meeting at 7:00 p.m.

WPCA:

N. Malwitz

M. DelValle

J. Murray

L. Donovan

M. Brown

L. Trojanowski-Marconi

Others:

J. Siclari, Director

K. McPadden, Executive Administrator

J. Sienkiewicz, Attorney

T. Strid, Inspector

M. Rajcula Ongaro, Collector

A. Kennedy, Project Coordinator

C. Utschig, Langan Engineering

7:00 pm PUBLIC HEARINGS: Chairman N. Malwitz read aloud for the record the legal notice published in the Danbury News Times.

- a. **Brookfield Market Area Sewer Extension** - C. Utschig, Langan Engineering was present to give the presentation of the Brookfield Market Area Sewer Improvement District to provide municipal sewer service to nine parcels in this area as shown on displayed maps. The primary reason for proposing sewer service in this area is because these are very old structures with very old septic systems, and they are very close to the Still River. He said in the opinion of the Town Sanitarian, this is an environmental concern which was the impetus for doing the engineering work. He said these parcels primarily serve existing commercial uses. C. Utschig said the system is designed to handle the current anticipated flows from the current properties. The design does not allow for a significant increase in sanitary flows for unanticipated alternate uses. He proceeded to give a detailed explanation of the maps indicating where the different parts of the system would be located and how the system works. He said the goal is to eliminate the septic systems, tie these units directly into the WPCA infrastructure and have it treated at the Danbury Treatment Plant.

Maria Edelson, 116 N. Lakeshore Drive, was present. She asked if the proposed system would handle both solids and liquids. She also asked how much the system would cost and who is paying for it. C. Utschig said the system would handle both solids and liquids. Chairman N. Malwitz said the financial aspects of the projects will be covered at the end.

Norman Edelson, 116 N. Lakeshore Drive, was present. He asked if the pump stations would be above ground or below ground. C. Utschig explained what the stations would look like, describing there will be a raised curb-height structure with a manhole cover and separately an electrical box just like a roadside telephone cabinet.

Howard Lasser, Executive Director, Brookfield Craft Center, was present. He asked about the connection to 272 Whisconier Road, and if the WPCA would replace the property back to the original state after construction. C. Utschig said yes, they would. H. Lasser discussed some concerns he has about the clay studio and would like to work with WPCA engineers to figure out a solution to clay getting into the effluent. C. Utschig said he appreciated that being brought to his attention, and there are things they can do to address that issue.

Elizabeth Longworth, 1 Lakeshore Drive, was present. She asked what the distance of the proposed sewer extension. C. Utschig said from one end to the other, he would say it is probably 2,000 feet, depending on how you measure it. E. Longworth asked how many pump stations are proposed. C. Utschig said there are 5 pump stations proposed, two will be municipal, and three will be private. E. Longworth said she is also interested in the cost and would like to see a picture of the proposed pump stations. C. Utschig described the pump station and said a picture wouldn't show very much because it is basically a can in the ground. E. Longworth asked how they

determine the number of pump stations. C. Utschig gave a detailed explanation of how the number of pump stations were determined by the topography in the project area. Norman Edelson asked how many gallons per day would this system pump. C. Utschig said the total would be around 12,000 gallons per day, plus or minus. N. Edelson asked how they calculated the estimated flow. C. Utschig explained how anticipated flows are calculated, based on a table published by the State of CT. He said typically they find these flows err on the conservative side. N. Edelson asked if these properties could be converted into different uses once sewer is put in. C. Utschig said that may be a Zoning question, but what he can say is the size of the pipes and the pumps are based on the current use, and they have not built-in excess capacity.

N. Edelson asked what would happen if one of the existing properties became an Inn with 15 beds and the pipes couldn't handle that. Attorney J. Sienkiewicz said they would have to make application for a change of use and would have to demonstrate that they comply with the regulations. M. Brown said the WPCA is not a Land Use Commission and therefore none of their decisions are based on these issues. He said pollution is the primary concern of the WPCA.

Jared Jordan, 12 Tucks Road, was present. He asked if there is leeway for where the line would exist if they wanted to shift it 4-5 feet in one direction, due to existing structures. C. Utschig said they would be happy to work with him. He said before they issue the bid documents, they will be in touch with him, and likely someone from the WPCA would come out to the property and look at what he is talking about.

Howard Lasser asked when they plan to go to bid and when they plan to start the project. Chairman N. Malwitz said they hope to send it out for bid in November.

Ernie Luis, 1 Tucks Road, was present. He asked if the sewage would be drawn from the septic tank into the pump, or directly from the building. C. Utschig said they want to pick up the existing line where it comes out of the house and abandon the septic tanks. E. Luis asked who will maintain the pumps. C. Utschig said the 2 proposed municipal pumps would be maintained by the WPCA and the 3 private pumps would be maintained by the property owners.

Chairman N. Malwitz said the estimated total cost of the project will be approximately \$900,000-\$940,000. He said this project has been discussed since the mid-nineties and has never moved forward because of lack of funding. He said they have now received \$500,000 from a STEAP Grant. Chairman N. Malwitz said they are now waiting on the bid documents in order to finalize the award with the State. He said they are committed to keeping the benefit assessment down to around 10%. He explained the benefit assessment is calculated based on the grand list value, which is determined by the Tax Assessor. He explained the importance of this area to the entire town and said it is possible the Town might be able to contribute after the debt bubble has passed in a few years. He also discussed a source of funding the WPCA has Capital Cost Recovery Connection Charge (CCRCC) which can be used for infrastructure.

Attorney J. Sienkiewicz noted that the WPCA is going to need temporary construction easements or irrevocable temporary license agreements for the affected property owners to be granting to the WPCA so that the WPCA and its contractors have the authority to enter upon the property. He also said that two of the properties, the Craft Center and the Brookfield Market will need to acquire permanent sewer easements for the pump stations. C. Utschig said they would make the connections on all nine properties, but the three properties that would have private pumps stations would be responsible for providing power to the control panel for the pumps. Attorney J. Sienkiewicz noted that once the project is completed, the individual property owners would be responsible for any maintenance from the street line back into the property. Howard Lasser noted that the Craft Center has an easement from the nearby condos for their driveway and Attorney J. Sienkiewicz said he recently ran a title search and will look into it. Howard Lasser also stated that the Craft Center does not have any money, and grants they receive are for specific projects. Chairman N. Malwitz discussed the possibility of requesting the use of ARPA funds, which may be available to the Craft Center for the arts. Howard Lasser said they are working with architects

to do a conditions assessment on 290 Whisconier to see what it will take to refurbish that building and could possibly work some of the sewer project needs for that property into that project. Jared Jordan asked about working with the WPCA to continue doing business while construction is ongoing. C. Utschig said the goal is to not interfere with their business. He said that most of what is being installed along Tucks Road is a very small pipe that requires a very small trench. He said the WPCA staff will work with him and the contractor to make sure the impact is minimized to the greatest extent possible.

Chairman N. Malwitz made a motion to close the public hearing for the Brookfield Market Area Sewer Extension at 7:49 p.m. L. Donovan seconded the motion and it passed unanimously.

- b. Amendments to Section 1.2 and Section 7.3.2 of the Brookfield Sewer Use Rules and Regulations** - Chairman N. Malwitz explained the proposed amendments to the Brookfield Sewer Use Rules and Regulations. He read a selected segments of the amendments aloud for the record. He noted he was also proposing to increase the interest rate over what is proposed on the Capital Cost Recovery Connection Charge (CCRCC) to match current interest rates on mortgages.

Maria Edelson asked for clarification on what Chairman Malwitz just announced, and he confirmed the information discussed.

Paul Scalzo was present. He spoke about the proposed interest rates, and said people are doing adjustable-rate mortgages now instead of fixed rates. He said he would rather the WPCA pass this amendment even with the higher rate as this helps people get into new houses. Chairman N. Malwitz noted this rate can be adjusted each year. Attorney J. Sienkiewicz said for the record, the amendment to Section 1.2 is more of a clarification than a change. He then explained the amendment to Section 7.3.2, noting once this is adopted, and a customer agrees to a deferral arrangement the rate will not change for that customer under terms of an agreement.

Chairman N. Malwitz made a motion to close the public hearing at 8:08 p.m. L. Donovan seconded the motion and it passed unanimously.

- c. Amendments and Changes to the Sewer Service Area Map** - K. McPadden explained the proposed updates to the Sewer Service Area Map.

Chairman N. Malwitz made a motion to close the public hearing at 8:12 p.m. L. Donovan seconded the motion and it passed unanimously.

- 2. Approval of Minutes** – 9/14/22 Special Meeting - **M. Brown made a motion to approve the minutes from 9/14/22 as submitted. L. Donovan seconded the motion and it passed unanimously. 9/21/22 - J. Murray made a motion to approve the minutes from 9/21/22 as submitted. L. Trojanowski-Marconi seconded the motion and it passed unanimously.**
- 3. Correspondence**
- a. Letter from K. McPadden to Gray’s Bridge Partners dated 10/3/22, Re: 48 Old Gray’s Bridge Rd. Permit Expiration - K. McPadden explained a letter was sent to the referenced property to advise that their permit would be expiring in November, and if they wished to connect to sewer in the future, they would have to re-apply. She reported that she has not heard back from them yet, and she will follow up with sending another note at the end of the November after the permit expires.
- 4. Accountant Report**
- a. Monthly Financials - Chairman N. Malwitz gave an overview of the monthly financial statement as prepared by M. Allred. He also discussed implementation of a new ICS account at Savings Bank of Danbury that will earn 2.5% interest. The rate is subject to change monthly.
- b. Audit Update - K. McPadden said she spoke with the auditors, and they are still collecting information from the WPCA for last fiscal year, and they are experiencing issues with QDS.

5. New Business

- a. 100 Candlewood Lake Road – Application for Hydronic Pipe Flushing Discharge Permit - Chairman N. Malwitz said the applicant conducted a flushing of the pipes without obtaining a permit from the WPCA or from Danbury. He noted they owe a fee to the WPCA for this application and the quantity of wastewater discharged.
- b. To Act Upon Proposed Amendments to Section 1.2 and Section 7.3.2 of the Brookfield Sewer Use Rules and Regulations - **L. Donovan made a motion to adopt the amendment to Sections 1.2 and 7.3.2 of the Brookfield Sewer Use Rules and Regulations as presented with a change of interest rates for the lower bracket (\$5,000 to \$15,000) to 9% and anything above \$15,000 the interest rate would be 7% on unpaid balances. M. Brown seconded the motion and it passed unanimously.**
- c. To Act Upon Amendments and Changes to the Sewer Service Area Map - **M. Brown made a motion to adopt the amendments to the Sewer Service Area Map as proposed. J. Murray seconded the motion and it passed unanimously.**

6. Old Business

- a. 701 Federal Road – Application to Connect - K. McPadden said she received an email from M. Micoli of Artel Engineering requesting to table this application to the next meeting. **M. DelValle made a motion to table 701 Federal Road – Application to Connect to the next regularly scheduled meeting. J. Murray seconded the motion and it passed unanimously.**
- b. 818 Federal Road – Excavation Dewatering - K. McPadden said the Mobil Gas Station is looking to do some ground dewatering. They have received sign-off from Danbury and have paid their fees. **M. Brown made a motion to approve 818 Federal Road – Excavation Dewatering, with the conditions that the Applicant provide test data results of the discharge water to the WPCA, and that the Applicant be required to pay an appropriate use charge for the gallons discharged. L. Donovan seconded the motion and it passed unanimously.**

7. Project Updates

- a. Candlewood Lake/Dean Road Area Project - Chairman N. Malwitz read a project update from CDM Smith aloud for the record. He noted there was a public meeting on 9/14/22 and a few follow up meetings since then. He said it was determined that there is a need for a more in-depth discussion on needs-analysis. Chairman N. Malwitz said they are planning a more complete presentation and hope to address any misinformation. He said one of the things they are doing is an analysis of septic systems and what the anticipated cost would be to upgrade them, depending on what the records say at this time. He said they are getting more information on Candlewood Orchards and Hickory Hills, as well as the Candlewood Lake Club area. He said the drawings are just about done and they are working on the locations for community pumping stations. He said on the Dean and Pocono Road area they are finalizing the conceptual design, including the profile sheets. Chairman N. Malwitz said because the residents of the area of Dean and Pocono Road are greatly in favor of the project. He anticipates a public information session to review the layout and potential project costs in early 2023, including the resolution of treatment options and moratorium.
- b. Brookfield Market Area - Chairman N. Malwitz said we just had the public hearing, and the next step is to get the bid package ready and get information together for the STEAP grant. Maria Edelson asked if the Dean and Pocono Road project is moving forward and being separated out from the Candlewood Lake Area project. Chairman N. Malwitz said yes, that is the option of the WPCA. He noted they are listed together on the agenda due to being associated with one study grant. Maria Edelson asked about the septic study being done by CDM Smith and if they will be looking at the records from the Town. Chairman N. Malwitz said they have done that already but are missing some, which they are getting now. Maria Edelson asked if there will be any research done to validate the current condition of the septic systems, as the Town records may or may not be valid. L. Donovan said that is the responsibility of the property owner and the Town Sanitarian, not the responsibility of the WPCA. Chairman N. Malwitz said if the property owner doesn't think the Town records are correct, they can bring it to the attention of the Town. Chairman N. Malwitz said a survey was sent out to all the homeowners in 2019. Maria Edelson said she never received it. She asked if the WPCA could send her a copy of it, so it can be re-sent and get the

WPCA more accurate information. There was also a discussion regarding sources of PFAS and State regulations being put in place regarding this topic.

Norman Edelson noted in one of the Taskforce Reports it says there are 211 homes in the Candlewood Shores, and that is incorrect. He said there are over 500 homes. Chairman N. Malwitz asked him to submit the specific document for them to review.

- c. Route 133 Station Project Phases I & II - T. Strid said the generator was hooked up today by Kohler and once TD & Sons picks up the old generator and fixes the wall, they can close out Phase 1. T. Strid said he and R. Prinz had a site meeting with C. Utschig a few weeks ago regarding Phase 2. C. Utschig said they are developing a preliminary plan with a ballpark estimate.
- d. Caldor Valve Bypass Project - C. Utschig said the plans are complete, and R. Prinz and T. Strid have a design drawing which they can use to implement.
- e. Danbury Plant & Brookfield Allocation - Chairman N. Malwitz said First Selectwoman T. Carr has a meeting scheduled with Dean Esposito, Mayor of Danbury, on October 31, 2022. Chairman N. Malwitz said he is also putting together what he has collected to give to CDM Smith on the option for Brookfield wastewater treatment.
- f. 37 Old Route 7/730 Federal Rd. Sewer Extension – K. McPadden said this was the sewer extension that went up to 37 Old Route 7 along Laurel Hill Road. She said the extension is being turned over with a Bill of Sale to the WPCA. She said right now there is a bond of over \$100,000 in place and the developer has asked that it be lowered to 10%. K. McPadden noted they have received a check for the 10%. She also noted T. Strid and R. Prinz have inspected the extension.
L. Trojanowski-Marconi made a motion to accept project into the municipal sewer system, accept the maintenance bond and authorize release of performance and payment bonds associated with the sewer extension permit, subject to receipt of the approved Bill of Sale. M. Brown seconded the motion and it passed unanimously.
- g. Other Engineering Matters - No discussion.

8. **Employee Activity Reports** - Employee reports were submitted to the Commission prior to the meeting, and the Commission did not have any questions. M. DelValle noted that K. McPadden did a great job reviewing the security camera footage, enabling her to make observations of the office cleaning staff which resulted in fiscal savings for the WPCA.

9. **Legal Matters**

- a. Collection Update - Attorney J. Sienkiewicz noted the Levy & Sale was cancelled due to the customer completing his payment obligations.
- b. Other Legal Matters - Attorney J. Sienkiewicz requested to join the Executive Session to discuss property acquisition for the Brookfield Market project.

10. **Other WPCA Matters**

- a. FEMA Hazard Mitigation Plan Grant Application - A. Kennedy said WestCOG is reviewing our submissions and will let us know if these requests qualify for this funding.
- b. Other WPCA Matters - L. Donovan discussed the employee performance review process, noting everyone is on target or better for the first quarter, with particular emphasis on fiscal stewardship.

11. **Vouchers** - **L. Trojanowski-Marconi made a motion to approve the vouchers as presented. J. Murray seconded the motion and it passed unanimously.**

L. Donovan made a motion to go into Executive Session at 9:02 p.m. L. Trojanowski-Marconi seconded the motion and it passed unanimously.

12. **Executive Session** – Personnel Matters - **L. Donovan made a motion to come out of Executive Session at 9:44 p.m. M. Brown seconded the motion and it passed unanimously.**

13. **Adjournment** - **L. Trojanowski-Marconi made a motion to adjourn at 9:59 p.m. J. Murray seconded the motion and it passed unanimously.**