

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

BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

Wednesday, September 21, 2022, 7:00 p.m.

MINUTES

Zoom Call-In Info:

Join Zoom Meeting

<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.

WPCA:

N. Malwitz

M. DelValle

J. Murray

L. Donovan

M. Brown

L. Trojanowski-Marconi

Others:

J. Siclari, Director

K. McPadden, Executive Administrator

R. Prinz, Chief of Maintenance

T. Strid, Inspector

M. Rajcula Ongaro, Collector

A. Kennedy, Project Coordinator

M. Allred, Accountant

J. Sienkiewicz, Attorney

- 2. Approval of Minutes – 8/24/22-J. Murray made a motion to approve the minutes from 8/24/22 as submitted. L. Donovan seconded the motion and it carried unanimously.**

- 3. Correspondence-L. Donovan made a motion to move to agenda item 9a., Legal Matters-Collection Update, to discuss a delinquent account. M. Brown seconded the motion and it carried unanimously.**

4. Accountant Report

- a. Monthly Financials-M. Allred discussed the monthly financial report. Chairman N. Malwitz discussed possibly investing some funds from the plant charge account in six-month CD's that are currently available at around 3%. **L. Donovan made a motion to authorize the Chairman in conjunction with the WPCA accountant or the Town Treasurer to invest up to \$500,000 from the plant charge account in appropriate CDs for terms not to exceed 1 year. L. Trojanowski-Marconi seconded the motion and it carried unanimously.**
- b. Audit Update-M. Allred said the majority of audit schedules have been done.

5. New Business

- a. 701 Federal Rd. – Application to Connect-Dainius Virbickas, Artel Engineering, was present on behalf of the Applicant. Tony Lucera, Applicant, was present. D. Virbickas said they are seeking to develop 3.7-acre parcel located on the east side of Federal Road. He said the parcel is vacant and they are proposing a multi-story mixed-use building. D. Virbickas said the footprint of the building would be about 12,000 square feet. He said the lower level would have retail/commercial uses and the upper levels would house 28 one-bedroom residential units. He explained their plans for connecting to the sanitary sewer. He noted they have received approvals from both the Inland Wetlands Commission and the Zoning Commission. K. McPadden noted these plans have been sent to Chuck at Langan Engineering. She said this is an assessed property and they have been paying a plant charge on the vacant land. Attorney J. Sienkiewicz asked they applicant how they reconcile the gallonage with the regulations. D. Virbickas said that is a challenge, however the flow estimates they used were based on Health Code. He said in the City of Danbury they are allowed to go down to as much as 90 gallons per day per bedroom. L. Donovan asked Attorney J. Sienkiewicz if considering alternate numbers would set a precedent, and Attorney J. Sienkiewicz said yes, it would. Attorney J. Sienkiewicz asked the applicant if they would agree that the maximum discharge that is permitted under the WPCA's regulations is 2,000 gallons per day, and D. Virbickas said yes, and reviewed the details of the current regulation considering the moratorium. Attorney J. Sienkiewicz asked the applicant about the force main discharging directly

to the manhole as opposed to merging. Dainius Virbickas said yes, they are happy to have a separate connection. Attorney J. Sienkiewicz said he brought this up because of a Town Ordinance requiring a separate building sewer for each connection. Attorney J. Sienkiewicz asked about the status of an easement for the force main. D. Virbickas said it is a little preliminary for that, but they could certainly establish an easement for connection. **J. Murray made a motion to accept the Application to Connect for review for 701 Federal Road, subject to the receipt of \$1,000 engineer fees and \$500 legal fees. M. Brown seconded the motion and it carried unanimously.**

There was discussion regarding the sewer connection at Mr. Lucera's other property, 731 Federal Road, and Mr. Lucera asked if based on Attorney J. Sienkiewicz's comments on the Town Ordinance, this design would need to be altered. The issue will be discussed with Langan Engineering.

- b. 100 Candlewood Lake Road – Application for Hydronic Pipe Flushing Discharge Permit-K. McPadden said an application was dropped off today but is incomplete. T. Strid said at the school they would like to discharge 6,000 gallons of a cleaning solution which will go through the lines with another 2,000 gallons of water behind it. He suggested they get approval from Danbury first, and send Danbury a sample of the cleaning solution they intend to use.

6. Old Business

- a. 1030 Federal Road - Application to Connect 4 new buildings, Application for Grease Trap Permit, Application to Connect Swimming Pool (Backwash), Community Sewer System Application- *Dainius Virbickas, Artel Engineering, was present on behalf of the Applicant.* D. Virbickas said the plan documents have been reviewed by both Attorney J. Sienkiewicz and Chuck at Langan Engineering and they have received a letter recommending approval from Langan. Chairman N. Malwitz read Langan's letter aloud for the record. Attorney J. Sienkiewicz said he drafted a permanent maintenance agreement and sent it to the Applicant. He discussed the details of the agreement and asked the WPCA Board about the fees outlined in the document. Attorney J. Sienkiewicz discussed the date requirements of the agreement with the Applicant, and D. Virbickas said he suspects that the Applicant will be in agreement with the time frame outlined in the agreement. **L. Trojanowski-Marconi made a motion to approve Application to Connect 4 new buildings, Application for Grease Trap Permit, Application to Connect Swimming Pool (Backwash), Community Sewer System Application for 1030 Federal Road, subject to conditions in the letter dated September 19, 2022 from Langan Engineering and receipt of \$3,000 inspection fee and approving the permanent maintenance agreement as drafted with the exception that the additional \$2,500 deposit for the permanent maintenance agreement will be removed from the document. L. Donovan seconded the motion and it carried unanimously.**
- b. 818 Federal Road – Excavation Dewatering-No one was present on behalf of the application. Chairman N. Malwitz suggested taking this off of the agenda unless the applicant reaches out.

7. Project Updates

- a. Candlewood Lake/Dean Road Area Project-Chairman N. Malwitz said there was a public information session last week. He said at this time they are preparing a needs analysis to be presented to the public. He noted this was supposed to be done previously but was cancelled due to COVID. Chairman N. Malwitz said additional questions still need to be answered and it will take some time for the team to prepare answers. Chairman Malwitz said he talked to CDM Smith about possibly accelerating the Dean Road Project, as there has been a recent study done by the Housatonic Valley Association that covers the Still River watershed showing samples heavily contaminated with E-coli. He said they would have to have a separate meeting for the Dean Road residents.
- b. Brookfield Market Area – Bid Package & STEAP Grant Status-Chairman N. Malwitz said the WPCA has been awarded a grant in the amount of \$500,000. He said A. Kennedy will work with Alison Chase at STEAP to begin the contract process. Chairman Malwitz said the bid documents are nearly ready and we will need to know if there are any stipulations from STEAP that will be

required to be added to the bid documents. **L. Trojanowski-Marconi made a motion to set public hearing on October 26th at Town Hall as required by Section 7-247a to have a public hearing on the proposed acquisition and construction of sewers for the Brookfield Market Area. J. Murray seconded the motion and it carried unanimously.**

- c. Route 133 Station Project Phases I & IIT. Strid said Phase I is almost complete. Mitchell is coming to hook the propane up to the new generator on Friday and then Kohler will be there to do the switch over. After that, TD & Sons will come to take the old generator out and patch up the wall. T. Strid said that will complete Phase I, and then he and R. Prinz will meet with C. Utschig to get the costs together for Phase II. R. Prinz noted that they will need direction from the Authority regarding Phase II. He said it is hard to plan the next step without knowing the status of our capacity issues.
- d. Caldor Valve Bypass Project-R. Prinz said the drawing was marked up and returned to C. Utschig at Langan Engineering. He said they will get contractors to give them bids once the drawings are returned from Langan.
- e. Danbury Plant & Brookfield Allocation-First Selectwoman T. Carr reported that she met with Danbury Mayor Dean Esposito this week.
- f. Other Engineering Matters-No discussion.

8. **Employee Activity Reports**-The Authority members did not have any questions regarding the employee reports. L. Donovan reminded the staff that at the next meeting they will be asked to give a quarterly report on the status of their annual goals.

9. **Legal Matters**

- a. Collection Update-*O. Farhat was present*. O. Farhat said that he spoke with Attorney J. Sienkiewicz and he understands the situation in full. He requested that the assessment be returned back to its payments, and he would pay that amount plus past due assessment, past due usage, plus any fees incurred because of the debt. Attorney J. Sienkiewicz said this account is in levy and sale and the sale is scheduled for November 3rd. He said the past due use charges are \$5,740.93, which indicates that O. Farhat has never paid a use charge bill. He said the past due on the assessment is \$9,620.28. Attorney J. Sienkiewicz explained the way the levy and sale is carried out and the way the fees are calculated. O. Farhat said he understands the situation and will be able to pay the balance discussed by October 12th. **L. Trojanowski-Marconi made a motion regarding 6 Comstock Trail (Farhat) to authorize counsel to accept a payment of \$19,393.88 not later than 10/12/22 and to permit reinstatement on then outstanding balance due on the benefit assessment. L. Donovan seconded the motion and it carried unanimously.**
- b. Regulation Update – Use Charges-J. Siclari noted this update will be moved to the Spring.
- c. Map Update-K. McPadden briefly reviewed the proposed changes to the Sewer Map. **L. Trojanowski-Marconi made a motion to set a public hearing on the proposed changes to the Water Pollution Control Plan Sewer Service Map on October 26, 2022 at 7:00 p.m. or immediately following the previous public hearing. J. Murray seconded the motion and it carried unanimously.**
- d. Regulation Update – 2% CCRCC Payment Deferral – **L. Trojanowski-Marconi made a motion to set a public hearing on proposed regulation changes for the 2% CCRCC Payment Deferral on October 26, 2022 at 7:00 p.m. or immediately following the previous public hearing. L. Donovan seconded the motion and it carried unanimously.**
- e. Other Legal Matters- Attorney J. Sienkiewicz discussed the current regulations pertaining to the moratorium and allowable discharge, and suggested updates.

10. **Other WPCA Matters**

- a. FEMA Hazard Mitigation Plan Grant Application-A. Kennedy said she is working with WestCOG regarding two projects for the WPCA that may be eligible for FEMA Grant money including a diesel-powered bypass pump and a standby generator. She said T. Strid and R. Prinz are working on specs for these two projects.
- b. Other WPCA Matters-T. Strid said he is working with K. McPadden and R. Prinz to draft a letter to be sent out regarding the installation of infiltration pans.

Chairman N. Malwitz asked about amendments to permanent maintenance agreements, and Attorney J. Sienkiewicz said they would be eligible to make amendments in October of 2024. T. Strid asked if it was possible to add to the permanent maintenance agreements that the associations would have to provide the WPCA with detailed inspection reports every 5-10 years so that they don't have to do the private inspections. Attorney J. Sienkiewicz said they can look at the document.

K. McPadden asked if work is done on the property and funds are used, do they have to replenish the amount spent. Chairman N. Malwitz and Attorney J. Sienkiewicz said generally no, but the balances should be monitored to ensure they are adequately funded.

11. **Vouchers**-L. Trojanowski-Marconi made a motion to approve the vouchers as submitted. L. Donovan seconded the motion and it carried unanimously.

L. Donovan made a motion to go into Executive Session at 8:53 p.m. L. Trojanowski-Marconi seconded the motion and it carried unanimously.

12. **Executive Session** – Personnel Matters

L. Donovan made a motion to come out of Executive Session at 9:22 p.m. L. Trojanowski-Marconi seconded the motion and it carried unanimously.

13. **Adjournment**-M. Brown made a motion to adjourn at 9:23 p.m. L. Trojanowski-Marconi seconded the motion and it carried unanimously.

*** Next Regular Meeting October 26, 2022 ***