

BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

Wednesday, September 29, 2021, 7:00 p.m.

MINUTES

Zoom Call-In Info:

<https://us02web.zoom.us/j/85935421449?pwd=VWVESDInYm9MbUpmak5xeG0vbG9adz09>

Meeting ID: 859 3542 1449

Passcode: 092921

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

WPCA:

N. Malwitz
L. Trojanowski-Marconi
L. Donovan
M. Brown
G. Giacobone
J. Murray
M. DelValle

Others:

R. Prinz, Chief of Maintenance
K. McPadden, Executive Administrator
M. Ongaro, Collector
J. Kelley, Langan Engineer
J. Sienkiewicz, Attorney
A. Kennedy, Recording Secretary

2. **Approval of Minutes** – 8/25/21 - **G. Giacobone made a motion to approve the minutes from 8/25/21. L. Trojanowski-Marconi seconded the motion and it carried unanimously.**

3. **Correspondence**

- a. Chairman N. Malwitz discussed correspondence received from the engineer involved with BJ's discharge program. He said they had a conversation with the owner of the BJ's property, and they agreed to switch out the well to Aquarion Water. He said the cost to do all of that was \$8,500 and they agreed to reimburse the WPCA for that money.
- b. Chairman N. Malwitz discussed correspondence from J. Blick regarding her property on Candlewood Lake Road, stating that her septic has failed, and the property has a lot of rock and ledge. The sewer does not go past her property, and the only way she could connect is if the Candlewood Shores project goes past her house, which will be years away.

4. **Accountant Report**

- a. Monthly Financials - M. Allred discussed the monthly financial report.
- b. Status of Audit for FYE June 30, 202 - M. Allred said the auditors are doing their field work and have all the support and the schedules they should need.
- c. Automating Payment Process between IC and QDS - M. Allred said he has a client that does this type of integration, and he can discuss with them and M. Ongaro.
- d. Danbury Bill Flow Estimate - K. McPadden said every year they get a letter from the City of Danbury requesting what the flows were last year, what the estimated flow is for the coming year and then send them a calibration certificate on the Caldor pump station. Chairman N. Malwitz said the flows are up the last few months to about 345,000 gallons per day. He said the average last year was 316,000 gallons. Chairman N. Malwitz suggested putting in 345,000 for Danbury for next year.
- e. 30-month CD renewal/closure - Chairman N. Malwitz said they have a CD of about \$366,000, which expired on Monday 9/27/21, but has a 10-day grace period to decide what to do. He said they offered them to renew a market price of 0.4%, but he was able to get them to increase that to 0.75%. He discussed the different options they could consider and will let the Board know what is decided after consulting further with the Bank and Accountant.

5. **Old Business**

- a. 101-105 Laurel Hill Road – Alternate Sewer Routes - *S. Sullivan, Licensed Professional Engineer, CCA, LLC was present on behalf of the Applicant. C. Kinder was present on behalf of the Applicant.*

S. Sullivan presented a site plan for the Authority to review. He said the past few months the developer for this property has had conversations with the owner of the bowling alley property and the owner of 20 Station Road, and all the parties have agreed to provide easements for an alternate sewer route for the 101/103/105 development. The concept is to eliminate the sewer main extension on Laurel Hill Road and build a central pump station for the four buildings plus the clubhouse, and then install a force main through the bowling alley property, tie that into the existing 8-inch line that is for the bowling alley but runs through 20 Station Road. They would propose for this force main to grant the Town of Brookfield and the WPCA an easement over 20 Station Road so that they would be the owners of the existing 8-inch sewer main that runs down to Station Road. The Authority discussed the history and the details of the project. Attorney J. Sienkiewicz discussed permits that were issued in June and not returned or completed. S. Sullivan said he believes the developer would like to have the time period to execute those documents extended, so they could finish out this current concept and see it come to fruition. C. Kinder said they are getting their construction drawings ready and getting ready to put a shovel in the ground with their financing. S. Sullivan said if they are going to follow the path of this concept they will have to go through the Board of Selectmen and the Planning Commission, which could take a few months. Attorney J. Sienkiewicz said they would also need to file a new application with the WPCA because their plans will have changed. Attorney J. Sienkiewicz said the Applicant still needs to accept the permits already issued. S. Sullivan said he doesn't see a problem with the Developer signing those documents, as long as they can change it down the road. Attorney J. Sienkiewicz said standard permits are good for two years from the date of approval. S. Sullivan said there is a significant savings in construction costs with the pump station versus the gravity extension line, including the long-term maintenance. S. Sullivan said his advice to the developer would be to execute the permits already issued, and then look at this other option. He asked Attorney J. Sienkiewicz to give them until January 1, 2022, and Attorney J. Sienkiewicz agreed.

- b. Document Scanning Project - J. Siclari said they sent a sample of the bills to scan to Canon, and they are putting together a proposal for the software and a new scanner, and that proposal should come in by the end of the week. He said Linda Gordon at QDS also promised him the 12-year download spreadsheet, also by the end of the week. At that point they can make a decision on which direction they want to go.

6. New Business

- a. Will Serve Letter request from 500A & 518 Federal Road - *Gary Michael, Contractor was present on behalf of the Applicant. S. Sullivan, Licensed Professional Engineer, CCA, LLC was present on behalf of the Applicant.* K. McPadden read an email received from S. Sullivan aloud for the record. S. Sullivan explained the proposed request and said they are looking for a will-serve letter and the contractor can decide whether to go forward with a full site development plan design and go through the process of all the local land use commissions. M. Brown noted the current capacity issue. G. Michaels said the Property Owner has paid the sewer assessment, in excess of \$200,000, and they should have the right to connect. He said he is aware of the capacity issue. He said he has spoken with the Mayor of Danbury about this capacity issue, but this project has been assessed and should be approved. M. Brown said he believes the City of Danbury is under no obligation to extend them more capacity. Attorney J. Sienkiewicz said the City of Danbury is cutting their capacity. Chairman N. Malwitz said their sewer capacity is 380,000 GPD for next year and they are currently running at 345,000 GPD. M. Brown said the treatment facility is going to be discharging less water, so they are decreasing everyone's capacity to meet the phosphorus limit. Attorney J. Sienkiewicz said as far as he knows, the City of Danbury told the WPCA that they are decreasing the capacity to 380,000, and that is proposed to come into effect next year. Chairman N. Malwitz said they need to sort this out with Danbury. Attorney J. Sienkiewicz said under the circumstances, he would advise the WPCA that they cannot issue a will serve letter for 24,165 gallons per day. G. Michael asked what the process will be to get a will serve letter, as he needs finality as to whether the property will be able to connect to the sewer. Attorney J. Sienkiewicz said he thinks this should be tabled at least until the WPCA decides what it is going to do, and he has recommended at least

a partial moratorium on connections. **M. Brown made a motion to table the will-serve letter request for 500A & 518 Federal Road. L. Donovan seconded the motion and it carried unanimously.**

- b. Staff Goals for FY 2021-2022 - L. Donovan said she will email the goals to the Authority members for review at the next meeting. She noted the employees had the option of making changes, without returning them to her.

7. Engineer Comments/Project Update

- a. Route 133 Station Improvements Project - J. Kelley said he spoke with R. Prinz and called the contractor, TD & Sons, and they said the generator is scheduled for delivery in mid-November. R. Prinz said the fence is back up and the site has been restored. He said the mixer has been ordered with an expected delivery of November.
- b. Brookfield Market Area - J. Kelley said there is still a little bit of work to do to finalize the design and the estimate. He said they are developing the methodology to estimate the proposed flows so they can appropriately size the pump stations and the force mains. He said once they do that, they will add some minor modifications to the plans to address the estimate of the easements and then they can prepare the final specifications for the bid sheets. He said based on that they are looking to complete those tasks no later than October 22nd.
Chairman N. Malwitz discussed the WPCA's request submitted for ARPA funds, and said the Committee assured him his request was received and they are processing it. He said the Committee will make recommendations, but ultimately the Board of Selectmen will decide how to spend the funds.
- c. Other Engineering Matters - No discussion.

8. Employee Activity Reports (Roger, Tim, John, Mary, Kristi)

Roger: R. Prinz discussed the 777 Pump Station, noting the Health Department has given them the go ahead to drill a well rather than cross a freshly paved Federal Road to connect to Aquarion Water. He said they ordered the utility vehicle. It should be here in a few weeks. He discussed the water line to the Candlewood Lake School and said they will now be putting in a gas line in the road. R. Prinz discussed 15 Station Road and said at the last meeting they discussed ground water discharge through a frac tank. He said when they finally discharged it, it wasn't actually a frac tank, it was a ground water settlement collection tank, and he did not allow them to pump out the last 4 inches of water in it. He said the water was tested and it met the Danbury discharge criteria. R. Prinz said the sewer line on 730 Federal Road, they found the water line and the gas line and the force main, so S. Sullivan re-drew the map to get it around all the utilities and also they did get a stamped plan for the manhole, so they are good to go. R. Prinz said he updated the Sewer Annex of the Brookfield Emergency Operations Plan and submitted it to the Chief of Police.

John: J. Siclari said there has been no change in the Covid protocols and noted the mask mandate is still in effect. He discussed the FEMA claims and said the one for the tropical storm is still with FEMA. He said the Town got UKG and MUNIS to integrate for the time and attendance program and there is a meeting scheduled for this Friday. He discussed the lower Federal Road improvements. He said he has not seen any plans on the gas line. He said they completed the lien releases for the Federal Road North and Sandy Lane district. He discussed the billing process manual status. He discussed the status of cyber insurance and said Future Sub Nets is going to send a proposal.

Mary: Mary reported that delinquent notices went out earlier in the month, and she is processing payments as they come in. She continues to release paid off assessment liens for EXT and SND districts, and problem solve various issues. She is working on year end with the accountant and auditors, working with QDS regarding small balances and year end reports, and is working on the manual with John.

Kristi: K. McPadden discussed T. Strid's absence, noting the tragic death in his family. She said she sent out second notices for the permanent maintenance agreement actuarial adequacy reports. She reported that she has not yet signed off on the demolition permit for 316 Federal Road due to their delinquent account and their need to apply for a disconnect permit. K. McPadden discussed the deferred assessment issues in QDS.

9. Legal Matters

- a. Collections - No discussion.
- b. Insurance Requirement Update - Attorney J. Sienkiewicz said the next step is to update the insurance portion of the bid and contract documents since the WPCA will be going out to bid on the Brookfield Market project. He said the issue is what insurances are the WPCA going to require, and how best to administer those requirements. J. Kelley said he will follow up with C. Utschig on this matter.
- c. American Rescue Plan Grant Request to TOB - Chairman N. Malwitz said he put in a request on behalf of the WPCA to the sub-committee and is waiting to hear back.
- d. Other Legal Matters - Attorney J. Sienkiewicz discussed a letter he received from Chris Leonard representing Sandy Lane Village and they want to terminate their permanent maintenance agreement.

10. Other WPCA Matters

- a. Updates
 1. Dean Road/Candlewood Lake Area Project - Chairman N. Malwitz said they had a meeting with CT DEEP, Steve Dunn, Steve Harding, Jim Murray, and others. He said he distributed meeting notes to the Authority members, so they could see what transpired. He said they have the WPCA's proposal for the Planning Grant in draft form, and they will look it over and get back to the WPCA to submit in final form. He discussed the details of the grant and the submittal process.
 2. Danbury Plant / Sewer Capacity - Chairman N. Malwitz discussed the flows that were taken from the Mission System, as well as the historical flows for the past few years. He said they are coming dangerously close to their limit. He discussed the option of implementing a moratorium. L. Donovan said the WPCA has no control over Danbury which makes it less likely that Brookfield is going to get a lot more capacity. R. Prinz noted the issues that a moratorium will cause for undeveloped properties who have already paid an assessment. Attorney J. Sienkiewicz discussed the WPCA regulations pertaining to this situation, and potential changes to the regulations that the WPCA may want to consider. He also discussed outstanding permits and assessed-but-not-connected, properties. The Authority discussed the existing capacity situation and potential solutions, as well as the steps needed to initiate a moratorium.
MOTION: See attached.
- b. Other WPCA Matters

11. Vouchers

Chair N. Malwitz made a motion to approve the vouchers as presented, approving all except the voucher for TD & Sons. M. DelValle seconded the motion and it carried unanimously. Chair N. Malwitz made a motion to approve a payment of \$164,050.75 pending TD & Sons submission of the proper AIA form. G. Giacobone seconded the motion and it carried unanimously.

12. Adjournment

Louise Trojanowski-Marconi made a motion to adjourn at 10:15 p.m. G. Giacobone seconded the motion and it carried unanimously.

*** Next Meeting October 27, 2021 ***

Sewer Moratorium Resolution #1

A motion was made by L. Trojanowski-Marconi that the Authority impose a partial sewer connection moratorium effective as of January 1, 2022 due to the prospect that the Town of Brookfield will exceed its treatment plant capacity within the immediate future. The sewer connection moratorium shall continue indefinitely until it is determined that additional capacity is available from the regional wastewater treatment plant in Danbury or elsewhere. That to implement such moratorium, the Authority adopt the following proposed amendments to Section 1.2 Treatment Capacity Management, and to Section 2.0, Sewer Connection Permit: Standards of Construction – Lapse of Permit of the Sewer Use Rules and Regulations; and that the Authority conduct a public hearing on the proposed moratorium and the proposed amendments to the regulations on Wednesday, October 27, 2021, at 6:00 p.m. at the Brookfield Town Hall or on such other date and time as may be determined by the Chairman. I further move that counsel review the Authority's Water Pollution Control Plan and that counsel propose for submission to such public hearing any amendments to the Water Pollution Control Plan consistent with the objectives of the sewer connection moratorium described herein. Motion was seconded by L. Donovan and passed unanimously.

Proposed amendment to Section 1.2 Treatment Capacity Management:**1.2 TREATMENT CAPACITY MANAGEMENT**

Sewage treatment capacity available to the Town of Brookfield is limited. The capacity limit at the initial adoption of these regulations was is an average daily flow of 500,000 gallons per day. The City of Danbury, however, has informed the Town of Brookfield that it intends to reduce the Town of Brookfield's capacity allocation, effective in calendar 2022, to an average daily flow of 380,000 gallons per day. The Authority reports for fiscal year ending (FYE) June 2020, the average daily discharge to Danbury was 304,000 gallons per day; and Authority records demonstrate that the daily discharge to Danbury for FYE June 2021 was 316,000 gallons per day. But for the last 4 months, May to August 2021 the daily average elevated to 345,000 gallons per day. Moreover, the Facilities Plan projected additional flows from within existing sewer districts to total 221,000 gallons per day, including additional flows of 70,500 gallons per day from assessed but not connected properties, 70,000 gallons per day from approved but unbuilt developments, 68,100 gallons per day from failure only connections and 12,400 gallons per day from the Dean Road/Pocono Road area. To ensure that the Town does not exceed its available treatment capacity, effective as of January 1, 2022, no sewer connection or discharge permit shall be issued by the Authority with respect to any property, and no such property shall be permitted a discharge in excess of 2,000 gallons per day, unless that property falls within one of the following categories:

- a) properties which are or have been subject to the levy of a sewer benefit assessment as a result of the construction of municipal sewer facilities or which are identified on a map formally adopted by the Authority as being properties for which sewer service is to be made available;
 - b) properties which are subject to an agreement or resolution adopted by the Authority to reserve sewage treatment capacity upon the payment of a sewer capacity reservation fee;
 - c) properties determined by the Authority to require an allocation of sewage treatment capacity to effectively abate or mitigate an existing or threatened pollution problem; (An owner claiming to have a failed septic system or a system in danger of imminent failure, shall provide written documentation from a professional engineer licensed in the State of Connecticut and verified by the Town Sanitarian confirming the condition of the system. Discharge shall be limited as necessary to an existing building, facilities and/or uses.);
 - d) properties owned by the Town of Brookfield or owned by a not-for-profit organization performing an essential municipal function (e.g., fire, ambulance or rescue services); and
- ~~13. — properties to which the Authority, in its exclusive discretion, determines that it will provide sewer service, having due regard to the provisions of the Water Pollution Control Plan, the Plan of Conservation and Development and the remaining available, unallocated sewage treatment and system capacity, and in the case where a sewer extension is also proposed, the recommendations of the Board of Selectmen pursuant to Section 71-6 of the Code of Ordinances and the report of the Planning Commission pursuant to Section 8-24 of the General Statutes.~~

Notwithstanding the foregoing, applications for Sewer Connection and Discharge Permits shall be considered only when the Authority determines that the public sewer system and existing sewage treatment capacity is capable of conveying and adequately treating the sewage to be discharged.

Proposed Amendment to Section 2.0, Sewer Connection Permit: Standards of Construction – Lapse of Permit

2.0 SEWER CONNECTION PERMIT: STANDARDS OF CONSTRUCTION - LAPSE OF PERMIT

Upon issuance of a Sewer Connection Permit and the payment by the Applicant to the Authority of a non-refundable Sewer Application Fee in accordance with Section 7.2 et seq. of these Regulations, the Applicant is authorized to construct the building sewer in accordance with the sewer plan, as filed, and subject to the requirements set forth in the Town Ordinances and Regulations governing sewer use. The Application Fee (See Section 7.2.2) shall be paid to the Authority prior to the issuance of the Sewer Connection Permit, customarily upon application for such permit. *NOTE: This fee is in addition to the \$750.00 cash bond.*

The Sewer Connection Permit shall automatically lapse two (2) years after the date of issuance unless a written extension not to exceed a maximum of one (1) year is granted by the Authority prior to the expiration of said two (2) year period. Within such time, the permittee must either a) begin construction of the building sewer or b) complete the connection to the sewer line and obtain an inspection and approval of the connection by the Authority. No discharge to the sewer system shall be permitted until a Sewer Discharge Permit is issued by the Authority and only after the filing of "as-built" drawings and all work, including the actual connection to the sewer line, has been inspected and approved by the Authority.

Once a Sewer Connection Permit has lapsed, a new Sewer Connection Permit application (subject to the requirements of Section 1.2 Treatment Capacity Management) will be required before further authorization to construct and connect the building sewer will be granted. All work on the construction of the building sewer shall immediately cease whenever the Sewer Connection Permit under which it is being performed has lapsed.