

**MINUTES OF THE TOWN OF CHESHIRE WATER POLLUTION CONTROL
AUTHORITY REGULAR MEETING HELD IMMEDIATELY FOLLOWING THE
7:00 P.M. PUBLIC HEARING ON WEDNESDAY, OCTOBER 26, 2016 IN COUNCIL
CHAMBERS, TOWN HALL, 85 SOUTH MAIN STREET, CHESHIRE CT 06410.**

Present

John Perrotti, Chairman; Matthew Bowman, Steve Carroll, Ken Cianci, Mark Kasinskas, James Sima. Absent: Tom Scannell
Staff: Walter Gancarz, Town Engineer; Attorney Joseph B. Schwartz, Murtha & Cullina.
Guest: Don Chelton, AECOM.

Chairman Perrotti called the meeting to order at 7:36 p.m.

PLEDGE OF ALLEGIANCE

The Group Pledged Allegiance to the Flag

ROLL CALL

The clerk called the roll and a quorum was determined to be present.

1. PUBLIC COMMUNICATIONS

a. Letter from Marjorie Narducci, dated September 29, 2016

Receipt of the letter was noted and it was included in the record of the meeting.

b. Letter from Joseph Schwartz, Esq. dated October 19, 2016

Receipt of the letter was noted and it was included in the record of the meeting.

2. APPLICATIONS

a. Talmadge 66-14 - Continuation

Attorney Schwartz commented on the letter from Shipman & Goodwin, Counselors At Law, who represent Mr. Kurtz, and said he had nothing to add. The application has been withdrawn, and the applicant plans to refile a new application. There is no application pending now, so there is no application before the WPCA at this meeting. Attorney Schwartz said the WPCA does not know what the new application will entail. When the application is refiled it will be considered accordingly by the WPCA. Attorney Schwartz will review the application; there will be a legal memorandum filed with the application; and he will respond and advise the WPCA accordingly.

Chairman Perrotti read the letter from Attorney Timothy S. Hollister into the record.

Chairman Perrotti stated this closes the application and there is nothing, legally, which WPCA can do, accept or act on, and there is no discussion.

The WPCA members were informed by Attorney Schwartz that there could be no discussion because the application has been withdrawn. If there are questions regarding the letters, there can be limited discussion.

For clarification, Attorney Schwartz cited two reasons why the application is withdrawn. One - they claim the time frames referenced under Section 7-246a have not been followed. Regardless of whether they were or were not followed, the application is withdrawn and will be refiled with the clock starting again. Attorney Schwartz will insure the WPCA follows the time lines for the statute going forward. As for the statement that the legal opinion at the last hearing is inaccurate is Attorney Hollister's position...that if the WPCA approved a plan inconsistent with the State Plan of Conservation and Development Plan, there is a risk of prevention of the Town getting any State grants in the future for capital projects.

In speaking with Attorney Hollister and per the letter, it is his belief that as a result of recent amendments to the State Conservation and Development Plan there is an amendment to this Plan that those apprehensions are not warranted. Attorney Hollister will submit a legal memorandum at the appropriate time with the new application to address whether the apprehensions are warranted or not. They will be reviewed and Attorney Schwartz said if the apprehensions are not warranted, and there is no risk of losing State funding as a result of amendments to the State Plan, it will be considered at that time.

According to Attorney Schwartz it is premature at this time to guess why Attorney Hollister believes the memo is inaccurate, or why he believes the Town is at risk of losing State funding if it were to approve a plan which is inconsistent with the State Plan. We do not know what the future plan will be.

Regarding the time line not being followed, Mr. Sima recalls the applicant through Milone & MacBroom asking each month if they could come back with revisions the next month. He asked if this has any bearing on future applications with the time line not exactly followed the first time.

Attorney Schwartz cited Section 7-246 which governs time lines for ruling on applications. The Authority has 65 days from the date the application is officially received by the WPCA...that is the next regularly scheduled meeting after the Town receives the application. For example, if the Town gets mailed an application on January 1st, and the next WPCA meeting is January 15th...the clock starts on January 15th. WPCA has 65 days from January 15th to rule on the application. If the applicant agrees to an extension, it can be granted for up to an additional 65 days. This is now 130 days. Because he was not present at the WPCA meetings, he is unsure if the applicant granted the extension. However, this is a moot issue as the application has been withdrawn. In the future he recommended the time line be referenced and kept in mind in reviewing an application.

Mr. Gancarz stated the application was first taken up on July 27th, continued on August 28th, and on September 26th, within the 65 day time line, Ryan McEvoy requested a continuation to the October meeting. He noted the Authority was clearly within the 65 days and continued the application at Mr. McEvoy's request.

Chairman Perrotti noted the application is withdrawn.

Mr. Gancarz said the application will be refiled. The WPCA meeting in November will be on November 16th. If the application is received it will be posted on the agenda. The meeting will be held in Room 207 at 7:30 p.m.

3. PROJECTS

- a. AECOM Invoice #37818583 dated October 11, 2016 in the amount of \$15,884.46**

MOTION by Mr. Bowman; seconded by Mr. Cianci.

MOVED that the WPCA approves the AECOM invoice #37818583 dated 10/11/16 in the amount of \$15,884.46

Discussion

Mr. Gancarz commented on several key items. \$3,800 for final PCB report; \$1,000 progress payments; \$2,600 warranty services; \$5,400 record drawings. He has reviewed the invoice and recommends it for payment.

VOTE The motion passed unanimously by those present.

- b. Project Contingency status as of October 19, 2016**

Total contingency estimate is \$22,468. Mr. Gancarz said as we proceed with record drawings they are going well, and next month there will be an updated contingency status.

4. SUPERINTENDENT'S REPORT

Mr. Gancarz reported the disinfection season ended September 30th, and it went well. Phosphorous removal ends on November 1st. Last week the required removal rate was 0.12; average pounds discharged per day are 1.9 pounds, which is well under the 4.06 pounds per day which is required. Plant flows are at an historic low. June, July, August, September average is 1.8 million gallons per day. Over the last 10 years, this is as low as the plant gets. If there were no I&I at all that is the number we'd come up with. CCI number is about .46; over 10 years we will not find that consistently low period; the last year was in 2006 when there was a period like this with the old meter and under-reporting of flows.

Mr. Perrotti commented on his concerns with low flows and a critical point of effecting the performance of the plant.

In reply, Mr. Chelton said there should be no concerns because it's all modular systems that can be shut off, and scale back on the amount of the facility being used.

The Authority members were informed by Mr. Gancarz that the plant is running great. The plant is also reducing around 50 c.f. of methane per day, and for October about 22 c.f. for heat.

Mr. Kasinskas pointed out another perspective of the low flow in that it gives a picture of exactly how much of a problem I&I is for the system. Everything above that, incurred in a normal year, is extra.

This area is to be focused on in the next few years and Mr. Perrotti said the data is very useful to the WPCA.

5. TOWN ENGINEER'S REPORT

Mr. Gancarz reported that we should be receiving electrical upgrade drawings for the Cook Hill pump station. Once received, the remaining Elim Park funds will be used and Town sources to get as much work done as possible. In a few weeks there is a referendum item for the West Johnson pump station. The case against CCI is scheduled for the end of January 2017.

A question was asked by Mr. Perrotti about checking the continuous back flow the disk filters are in, and any other plants operating and exhibiting similar consequences.

Mr. Chelton replied this is being impacted by the gate closing. We are trying to set up the SKADER system to compensate for that as best as possible.

6. NEW BUSINESS

a. Letter from Chesprocott dated October 18, 2016

The WPCA members commented on the activity in this letter, and believe it was due to house sales and inspections.

7. OLD BUSINESS

a. Proposed Sewer Use Fee for 2017

1. 2017 Rate Projections

2. Draft Motion.

MOTION by Mr. Bowman; seconded by Mr. Sima.

MOVED that the annual Sewer Use Charge Fee be established at \$400.00 per single family equivalent dwelling unit. Non-residential users shall pay an amount based on their relative water usage in accordance with the format outlined in the Sewer User Charge Regulations but not less than \$400.00 per year.

VOTE The motion passed unanimously by those present.

8. APPROVAL OF MINUTES

a. Regular Meeting held September 28, 2016

MOTION by Mr. Bowman; seconded by Mr. Sima.

MOVED to accept and approve the minutes of September 28, 2016, subject to corrections, additions, deletions.

VOTE The motion passed 5 in favor; 1 abstention (Carroll)

9. ADJOURNMENT

MOTION by Mr. Bowman; seconded by Mr. Cianci.

MOVED to adjourn the meeting at 8:10 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk