

**MINUTES OF THE TOWN OF CHESHIRE WATER POLLUTION CONTROL
AUTHORITY MEETING HELD AT 7:30 P.M. ON WEDNESDAY,
AUGUST 28, 2019 IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN
STREET, CHESHIRE CT 06410.**

Present

John Perrotti, Chairman; Jason Beach, Tom Scannell, James Urbano and Zack Wellburn

Absent: Steve Carroll and Aboud Abdelghani

Staff: Walter Gancarz, Town Engineer

The group Pledged Allegiance to the Flag.

Chairman Perrotti called the meeting to order at 7:31 p.m.

ROLL CALL

The clerk called the roll and a quorum was not present.

1. PUBLIC COMMUNICATIONS

The Authority members were informed by Mr. Gancarz of a communication from the law firm of Robinson & Cole re: West Johnson Avenue Pump Station Upgrade Project. Copies of the letter were given to the members. The letter is an FOI request pertaining to the West Johnson Avenue Pump Station Project for all records, specs, change orders, etc.

Mr. Gancarz believes the FOI request has to do with the issue of the reduction of \$35,000 for the overage which DelRay accepted. The requested information will be supplied. Performance and payment bonds are still in effect on this project.

A copy of the letter is attached to these minutes.

2. APPLICATIONS

a. Copper Valley Beach Club Subdivision – 5 Copper Valley Court

Ryan McEvoy, P.E. Milone & MacBroom represented the applicant.

Mr. McEvoy displayed a copy of the subject property site, 5 Copper Valley Court. The Copper Valley Club has been in existence since the 1960's, and over the years some development has grown. It is a 20 acre site with tennis courts in the south central portion of the site, large parking areas to the southeast, clubhouse and pool in the northeast portion of the site, and the balance of the property is mostly wooded. Honey Pot Brook is on the north portion of the site.

Based on records in the Building Department, Mr. McEvoy stated the structures were, originally, on septic. Prior to construction of the interceptor, they were converted to

sewer with a private 8 inch sewer line constructed up to the area of the clubhouse and pool. There is a pro-shop with a bathroom which is not connected to the sewer line, and is still on the septic system.

The proposal is to construct a four-lot subdivision, with three (3) single family residential lots with their own access way, and the 4th lot will stay. The balance of the property will stay a tennis court; pro shop will remain; and there will be a small parking dedicated to the tennis area. The pool and clubhouse are no longer used, and the plan is to sell off some of these assets.

Proposed Sewer – the applicant wants to utilize a portion of the private sewer in place, and construct a new 8 inch sewer line to serve the three lots. The new sewer line will begin at the terminus of the rear lot access way (shown on the plans), proceed downhill with adequate pitch to support all three lots. In terms of load generated, Mr. McEvoy said it is 206gpd per dwelling unit or total of 618gpd.

The memo from Town Engineer Gancarz dated August 21, 2019 states the project would be given credit for one (1) existing connection. There is no historical data on the clubhouse water usage, but 200gpd is a reasonable expectation.

The new sewer line would connect into the existing line done prior to the interceptor. The applicant will provide a television inspection of the existing sewer, and a pressure test will be performed and witnessed by town staff. The manhole near the mini-cul-de-sac may be moved to the center of the cul-de-sac, and the applicant has no objection.

Mr. McEvoy talked to the Authority members about how the ownership of this sewer might be considered. The applicant wants it to remain in private hands, and there can be an easement to the town and an association to maintain the sewer line.

According to Mr. McEvoy there is future anticipation for the remainder of the property to be developed as additional lots, and a cul-de-sac would have to be built. If a town road is involved the sewer would have an easement in favor of the town. The goal is to not tie the hands of a future developer/applicant...having a town sewer taking access through private property...or private sewer before it gets to their side.

Mr. McEvoy asked the Authority to give consideration to the sewer being held with an easement in favor of the town. This is not critical to the subject application or feasibility.

The sewer will be built to town standards, installed, and inspected by town staff. The depth of the installation will accommodate the development of the balance of the property.

Jay Brodash, Developer/Brodash Builders, informed the Authority that the 4th parcel can accommodate five (5) more lots.

Mr. Gancarz pointed out that this area is already sewerred and counted for in the Sewer Facilities Plan as a service area. Because of the location of the last and most westerly part it is a tough area for new construction of sewers, and the applicant has asked to use the existing sewer line. This is pending tv inspection and pressure testing. The capacity fee has one credit for one existing connection.

MOTION by Mr. Scannell; seconded by Mr. Urbano.

MOVED that the Cheshire WPCA has reviewed the application for feasibility of The Copper Valley Subdivision, **5 Copper Valley Court**, for Feasibility Approval for Extension of a Private Sewer to connect to the Public Sanitary Sewer System. Based upon that review and based upon the recommendation of the Director of Public Works, the WPCA has determined that the application and submittals detail a sanitary sewer system which is generally capable of construction and which his capable of being connected to the Town of Cheshire public sanitary sewer system: therefore, the application is APPROVED, with the following conditions:

(12.2.B) This approval is preliminary and does not constitute conclusive nor final approval. The right to connect to the sewer system can only be gained by applying for, and obtaining approval of, Final Design Approval, and Award of Capacity, and a Sanitary Sewer Connection Permit.

1. All costs connected with the proposed sewer system shall be borne by the developer
2. All transfers of property in the subject development shall be encumbered by written waiver by each grantee to any right to appeal any benefit assessment which the Town of Cheshire may levy on such property; however, each grantee may reserve the right of appeal regarding supplemental assessments that the Town may levy.
3. The application and submittals are incorporated and made a part of this Approval.
4. The proposed sanitary sewer system shall become a part of the public sanitary sewer system *except for that part which is to be retained in private ownership which is described on the application plans entitled: 5 Copper Valley Court.*

5. The Application for Final Design/Award of Capacity shall incorporate the comments listed in the memo from the Town Engineer, Walter Gancarz, dated August 21, 2019.
6. The application for extension of sewers (feasibility and conditions) is approved based on the recommendations of Town Engineer Gancarz as described in the memo of August 21, 2019.

VOTE The motion passed unanimously by those present.

3. PROJECTS

- a. **AECOM Invoice #2000253457 dated August 21, 2019, in the amount of \$16,673,67 for West Johnson Pump Station**

Mr. Gancarz reviewed the invoice, and said the engineering services are winding down. The balance in the account is \$18,365.92. He reached out to John Pearson (SED) and was informed the bulk of the invoice is from SED. The biggest thing is completion of the record drawings, final inspection prior to release of the warranty period which is January 2, 2020. Information from Mr. Pearson (SED) will be given to Authority members at the September meeting. Mr. Gancarz recommends approval of payment for the invoice.

MOTION by Mr. Scannell; seconded by

MOVED that the WPCA approve AECOM Invoice #2000253457 dated August 21, 2019, in the amount of \$16,673,67 for West Johnson Pump Station.

VOTE The motion passed unanimously by those present.

4. SUPERINTENDENT'S REPORT

- a. **Status of Plant Operations**

Mr. Gancarz informed the Authority members that the plant is running well, and flows have been lower in the last month.

Mr. Scannell raised the issue of things happening at outside plants and this information being forwarded to Superintendents of plants operating in the area.

The Authority members talked about inviting Supt. Hallier to a WPCA meeting, on a quarterly basis. Mr. Gancarz will inform Supt. Hallier of the invitation.

5. TOWN ENGINEER'S REPORT

Mr. Gancarz reported that the Dike accreditation has been approved by FEMA and is effective September 9, 2019.

6. NEW BUSINESS

Chairman Perrotti opened the floor to Andy Adames, owner of Senor Panchos, 280 Cheshire Road, Prospect CT.

Mr. Adames explained that his property has a large land/grass area, which is lots of maintenance for the restaurant, and he wants to sell off a piece of his land for a subdivision. The restaurant is connected to the Cheshire sewer system, and he is trying to determine if the rest of the property can connect to this sewer line. Mr. Adames is doing research for a subdivision next to the restaurant, and its possible hookup to the Cheshire sewer system. It would be 160 feet to tie into the system.

It was noted by Mr. Gancarz that the restaurant is tied into the Cheshire sewer line, the property straddles Cheshire and Prospect, and the lot being discussed is entirely in Prospect.

This issue has been discussed in the past, and Chairman Perrotti said this goes beyond connection and sewer fees. This property is not in the Facilities Plan. There have been agreements with bordering communities in the past, and he cited Cheshire paying Waterbury for some of their sewer upgrades. There is no payback from other municipalities for Cheshire's upgrades.

Mr. Gancarz stated that nothing comes into Cheshire. There are some flows to Wallingford.

Chairman Perrotti stated that the WPCA needs to evaluate and look beyond an individual application, possibly set up a program or system so things are addressed with consistency. The WPCA will take the matter under advisement. Any information gathered will be forwarded to Mr. Adames.

Mr. Urbano is open to the idea for something extra, which would have charges for use of the Cheshire sewer system.

Mr. Adames submitted the detailed drawing of the subject property and pointed out the piece of his property that would be connected to the Cheshire sewer system.

On a point of clarification for the WPCA, Mr. Adames referenced the drawing, pointed out his lot, the piece of property to be sold off, his sewer line, and where the proposed new connection would take place. The current sewer connection is only for the restaurant. He noted there is a lot of sloping on the site.

With regard to sewer charges, Mr. Urbano said this restaurant is a commercial property and usage is determined by RWA meters.

Because the restaurant is on a well, Mr. Gancarz explained the commercial business pays a sewer usage fee equivalent to that of 8 to 10 residential homes. He will provide a summary of the facts which would influence an Authority decision and defend the direction of the Authority.

Chairman Perrotti explained that Cheshire exports some flow near the Waterbury system (10 lots) and also pays a portion of the plant upgrade.

There are 10 lots in Waterbury, some lots in Wallingford and Southington, but Mr. Gancarz said there are no outside flows coming into Cheshire.

a. Sewer Use Adoption Schedule

The Authority members discussed the adoption schedule. In September there will be an analysis of possible sewer rates for 2020. The Tax Assessor will get the commercial account water usage. The new rates will be adopted in November so the town can send out the sewer bills in December.

There are three (3) components to the rates.

1. Flat residential rate (50% of the overall rate)
2. 25% is paid by commercial properties based on water usage; this changes year to year; and is based on water records from RWA.

Last year the ratios were adjusted because residential users were paying a disproportionate amount compared to commercial users.

3. Prison (CCI) Flow – charged off the sewer meter reports.

The WPCA looks at the three components, the budget, and makes a determination on the rates. There is a public hearing in November, followed by a regular WPCA meeting at which the new rates are adopted.

b. Inspection of off road interceptors.

i. Authorize funding from Capital Projects I/I Fund of \$10,000

Mr. Gancarz discussed this issue with the Authority members, and said there is funding available through the I/I Fund. In the Fall, the off road interceptors are looked at, inspected...there could be manhole covers that are broken or missing, and the inspection is the first step to assess the situation.

Sump Pump Subcommittee – The Authority members discussed reconvening this committee. In the last revaluation there was inclusion of questions about sump pumps and if they were connected to the sewer line. The residential response was good. The

town wanted to look at how sump pumps are connected, so letters were sent to residents with a request to inspect their sump pumps.

With regard to the interceptor inspection procedures, the Authority members discussed using a drone or go-pro cameras. Since the area being inspected is wooded, the idea of go-pro cameras was determined to be the best way for the procedures.

MOTION by Mr. Perrotti; seconded by Mr. Beach.

MOVED that the WPCA authorizes using the \$10,000 from the I/I Fund for inspection of off road interceptors; and the Authority will receive a report on the findings which will enable further decisions on future WPCA actions.

VOTE The motion passed unanimously by those present.

Chairman Perrotti stated he wants to insure there is a report on the Asset Plan of the WPCA.

7. OLD BUSINESS – None

8. APPROVAL OF MINUTES – Regular Meeting July 24, 2019

MOTION by Mr. Scannell; seconded by Mr. Urbano.

MOVED that the minutes of July 24, 2019 be approved subject to additions, deletions, corrections.

VOTE The motion passed unanimously by those present.

9. ADJOURNMENT

MOTION by Mr. Scannell; seconded by Mr. Urbano.

MOVED to adjourn the meeting at 8:32 p.m.

VOTE The motion passed unanimously by those present.

Attest:


Marilyn W. Milton, Clerk

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Laura Brennan, Town Clerk
Town of Cheshire
August 23, 2019
Page 2

any and all computation sheets, or other formal and informal writings or tangible preservations of information.

B. The terms "communicate" or "communication" means every manner or means of disclosure, transfer or exchange of information whether orally or not, whether face-to-face, by telephone or otherwise.

C. The terms "you" or "your" or the "Town" refers to the Town of Cheshire and expressly includes any and all agents, engineers, architects, accountants, representatives, employees, departments and subdivisions. The defined terms expressly includes the Town of Cheshire's Water Pollution Control Authority.

D. The term "Delray" refers to Delray Contracting, Inc. and includes its agents, engineers, architects, accountants, representatives, officers and employees.

E. If a request is not complied with because you claim it is an exempt record, set forth the exemption claimed, the general facts which support invocation of the exemption (as would be argued at court, and not in such a manner as would obviate the exemption claimed) and identify the documents as to which the exemption is claimed with the greatest specificity possible. Then respond to the request for documents as if it had excluded from its scope only the documents for which the exemption is claimed explicitly as set forth above.

F. The term "Project" refers to the development and construction of a certain project known as "Contract # 1617-23, West Johnson Avenue Pump Station Upgrades" and located in Cheshire, Connecticut.

REQUESTED DOCUMENTS

1. Any and all Applications for Payment and supporting documents issued by Delray in connection with the Project.
2. Any and all documents reflecting an accounting of payments made by you to Delray for work performed on the Project.
3. Any and all documents evidencing any claims asserted by Delray in connection with the Project.

August 23, 2019

Via Electronic Mail lbrennan@cheshirect.org and Certified Mail, Return Receipt Requested

Laura Brennan, Town Clerk
Town of Cheshire
84 South Main Street
Cheshire, CT 06410

FREEDOM OF INFORMATION ACT REQUEST

**Re: West Johnson Avenue Pump Station Upgrade Project, Cheshire, CT
Contract 1617-23**

Dear Ms. Brennan:

Please consider this letter a request for records pursuant to the Freedom of Information Act. Pursuant to Conn. Gen. Stat. § 1-200 *et seq.*, the undersigned hereby the ability to inspect and copy the following records.

DEFINITIONS

A. The term "documents", as used herein and in subsequent discovery, including interrogatories and requests for production, is defined to mean any of the following things in the possession of any person or entity referenced or named in Paragraph "C" below: any writing, drawing, plan, film, graph, chart, photograph, photocopy, tape record or other graphic matter of any kind or nature, and all mechanical and electronic sound recordings or transcripts thereof, and any retrievable data whether carded, taped, coded, electrostatically, electromagnetically or otherwise, and any other data compilations from which information can be obtained, such as but not limited to, all notices, memoranda, diaries, minutes, purchase records, purchase invoices, market data, correspondence, computer storage tapes, computer storage cards, contracts, books, journals, ledgers, statements, reports, invoices, bills, vouchers, worksheets, jottings, notes, letters, abstracts, audits, agreements, charts, checks, diagrams, drafts, recordings, instructions, lists, logs, orders, recitals, financial, telegram messages, resumes, plans and drawings, specifications, summaries, change orders, any and all compilations of data or other records and

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Laura Brennan, Town Clerk
Town of Cheshire
August 23, 2019
Page 3

4. Any and all documents evidencing any claims asserted by you against Delray in connection with the Project.
5. Any and all documents evidencing any change orders or back-charges by and between you and Delray in connection with the Project.
6. Your contract with Delray and any and all amendments in connection with the Project.
7. Any and all communications by and between you and Delray relating to the Project.
8. Any and all communications by and between you and Delray's surety relating to the Project.
9. Any documents evidencing any liquidated damages assessed by you against Delray in connection with the Project.

Thank you for your attention to this matter.

Very truly yours,



Peter E. Strniste, Jr.

PES/mmi