

Water Pollution Control Authority
January 25, 2012
Regular Meeting
Town Hall – Council Chambers

Members Present: Mr. Steve Eberle
Mr. Walter Gancarz
Mr. Mark Korman
Mr. Tim Pelton (Chairman)
Mr. John Perrotti
Mr. Thomas Scannell

Members Absent: Mr. Mark Witek

Others Present: Mr. Dennis Dievert, Superintendent, WPCD
Mr. Donald Chelton, AECOM
Mr. David Schrumm, Town Council Liaison (8:10 p.m.)
Town Attorney Andrew Lord

Chairman Pelton called the meeting to order at 7:30 p.m. Roll was called and a quorum determined. The assembled group recited the Pledge of Allegiance. Mr. Pelton explained to the audience how to exit the chamber in the event of an emergency, in compliance with the Fire Marshal's order.

PUBLIC COMMUNICATIONS

Authority members discussed issues occurring in some towns relating to phosphorous limits. There is a general feeling that limits are being considered without scientific evidence that it will make a significant change in the rivers. Some towns are challenging the EPA on this issue. Mr. Dievert will address this issue further during New Business discussion.

APPLICATIONS

490 West Main Street

Mr. Taylor Dowdy, of Vanasse Hangen Brustlin, Inc., addressed the Authority on behalf of the applicant. Mr. Dowdy explained that the application relates to the proposed redevelopment of an existing gas station. The station consists of three fuel pumps and a car wash. The plan is to level the site and install five new pumps. There will be a rest room for employees only, and the attendant will be the only one who will allow access to the rest rooms.

Mr. Dowdy stated that there will be no food preparation at the site and water usage will be minimal. The removal of the car wash facility will reduce the amount of water usage

currently being used at the site. The proposal calls for connection into the existing lateral, which is located just over the eastern property line.

In response to a query from Mr. Pelton, Mr. Dowdy stated that if a fuel spill happens to occur, there are grooves around the pumps which will hold any small spills. Precautions have been taken for any larger spills which would go into the catch basin. This application has been approved by the Inland Wetlands Commission.

Mr. Dievert referred to a memo from Mr. Michelangelo, stating that he does not have any concerns regarding approval of this application. Mr. Dievert requested that the existing lateral from the site to the interceptor be camered during construction.

Mr. Dowdy stated that the gas station will be open seven days per week and the expected flow is 60 g.p.d.

Mr. Pelton moved that The Cheshire WPCA has reviewed the application and submittals of Gas Development Cheshire LLC for an Award of Capacity. Based upon that review and based upon the recommendation of the Director of Public Works, the WPCA has determined that the application and submittals propose an award of capacity which meets the requirements of the Cheshire Sewer Regulations and other applicable specifications, codes, and laws; therefore, the application is APPROVED for 60 gallons per day.

This Approval is conditioned upon the following:

1. This Approval does not confer the right to connect to the sewer system. The right to connect to the sewer system can only be gained by applying for, and obtaining approval of a Sanitary Sewer Connection Permit.
2. All costs connected with the proposed sewer system shall be borne by the developer.
3. The application and submittals are incorporated and made a part of this Approval.
4. The executed Developer's Agreement, required by Section 12.4 of the Cheshire Sewer Regulations, shall be on file with the Director of Public Works.
5. This Approval shall expire two (2) years from the date of approval by the WPCA, unless an application for renewal is applied for not less than thirty (30) days prior to the expiration date, pursuant to Section 12.10.F of the Cheshire Sewer Regulations.
6. A TV camera shall be used to inspect the lateral before and after construction.

The motion was seconded by Mr. Scannell and carried unanimously.

382 South Main Street

Mr. Craig Goldstein addressed the Authority and stated that this application relates to a building which was previously occupied by a tree landscaper and a gym facility. The current owner will demolish the building and the applicant will construct a new office building and two residential apartments.

Mr. Goldstein stated that the proposed building will discharge via gravity to the existing town manhole in Route 10. It will utilize the existing lateral connection. Mr. Gancarz expressed concern that where the lateral comes out of the building there is only two feet of cover. Mr. Goldstein responded that they will run more plumbing under the slab.

Mr. Dievert referred to a memo from Mr. Michelangelo stating that although it is not on the plans, he is assuming that the service lateral is 6" PVC pipe. He also expressed concern regarding the two feet of cover over the pipe which is located in the driveway area. This needs to be addressed by the applicant.

Mr. Pelton moved that The Cheshire WPCA has reviewed the application and submittals of Jorasa LLC for an Award of Capacity. Based upon that review and based upon the recommendation of the Director of Public Works, the WPCA has determined that the application and submittals propose an award of capacity which meets the requirements of the Cheshire Sewer Regulations and other applicable specifications, codes, and laws; therefore, the application is APPROVED for 1,204 gallons per day.

This Approval is conditioned upon the following:

1. This Approval does not confer the right to connect to the sewer system. The right to connect to the sewer system can only be gained by applying for, and obtaining approval of a Sanitary Sewer Connection Permit. Feasibility and Design approval are not necessary for this application.
2. All costs connected with the proposed sewer system shall be borne by the developer.
3. The application and submittals are incorporated and made a part of this Approval.
4. The executed Developer's Agreement, required by Section 12.4 of the Cheshire Sewer Regulations, shall be on file with the Director of Public Works.
5. This Approval shall expire two (2) years from the date of approval by the WPCA, unless an application for renewal is applied for not less than thirty (30) days prior to the expiration date, pursuant to Section 12.10.F of the Cheshire Sewer Regulations.
6. The lateral will be moved closer to South Main Street to maintain four feet of cover over the pipe.

The motion was seconded by Mr. Korman and carried unanimously.

435 Highland Avenue

Mr. Daryn Overton of Milone and MacBroom addressed the Authority on behalf of the applicant. He stated that this application relates to a proposed office building which was the former Stoneworks and Supply Co. There are presently three lots. There are many options to tie into the sewer system as there are five laterals on the property. It is being proposed that two laterals tie into the sewer system.

Mr. Dievert referred to a memo from Mr. Michelangelo stating that the plans should show an approximated depth of the laterals and the type and size. The size, type and slope of the lateral should also be shown, as well as the elevation leaving the buildings. At this time it cannot be determined if the lower level will have gravity sewer service. Mr. Michelangelo stated that the original assessment will be evaluated and compared to the proposal in order to determine a capacity charge.

Mr. Overton informed the Authority that although the plans do not show it, the laterals will be four feet above the grade on Route 10 so there will be ample elevation to work with. The estimate flow is expected to be 520 g.p.d.

Mr. Gancarz expressed concern that the laterals show a very jagged route which could be an issue. Mr. Overton agreed to change that to one continuous line with a cleanout. In response to a query from Mr. Pelton as to why the other three laterals were not used, Mr. Overton stated that the two being used were the easiest to work around.

Mr. Eberle inquired about the current water use data from the property and whether there is a water line to the property. Mr. Gancarz noted that none is shown on the plans. Mr. Overton agreed to investigate that issue. Mr. Overton offered that this property is across from Highland School and there will be a traffic light opposite Highland School so there will be signal work as part of this project.

Mr. Overton informed the Authority that he is requesting Feasibility, Final Design and Award of Capacity approvals. He noted that this application is currently before Planning & Zoning. Mr. Pelton stated that there are some aberrations regarding this application and questioned whether the Authority is in a position to grant Feasibility Approval. Mr. Eberle commented that he would like to see all issues addressed on the plans.

In response to a query from the Authority, Mr. Overton stated that any septic systems on the property will be abandoned. Mr. Gancarz would like to see more information relating to the water line. Mr. Pelton commented that he would agree to grant Feasibility Approval with stipulations as long as it is clearly delineated. Mr. Pelton informed Mr. Overton that the Authority will not grant all three requests for approvals at this meeting, but will consider each one on its own merit as it passes through the proper channels.

Mr. Schrumm entered the meeting at 8:10 p.m.

Mr. Pelton moved that The Cheshire WPCA has reviewed the application and submittals of JAD Partners LLC for Feasibility Approval for Extension of Public Sanitary Sewers. 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 sewerage system which is generally capable of construction and which is capable of being connected to the Town of Cheshire public sanitary sewer system; therefore, the application is APPROVED, with the following conditions:

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, an 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.
5. This Approval permits the construction of the sanitary sewerage system in installments or phases, but it requires the construction to proceed in consecutive order of the numbered sections Building B and Building A.
6. This approval is contingent upon the minimization of the number of bends in the laterals as well as the installation of cleanouts, the identification of elevations where research provides information. Also that septic systems should be eliminated if found on the site. The applicant will camera and inspect laterals during construction.

The motion was seconded by Mr. Eberle and carried unanimously.

COMMUNICATIONS

Authority members discussed an article which was in the Hartford Courant regarding sewer situations occurring across the state relating to sewers and treatment plants. Mr. Scannell commented that it is important for the public to be aware that the money spent to improve the treatment plant will prevent situations which have occurred in other towns.

PROJECTS

Mixville Pump Station

Mr. Mariusz Jedrychowski of Wright Pierce addressed the Authority and stated that the warranty period for this project ended on December 15, 2011. He received a final invoice from Xenelis Construction Co. which relates to the release of final retainage on the project. He recommends that the retainage be released as all punch list items have been addressed.

Mr. Gancarz moved that the Water Pollution Control Authority approve Application #14 of Xenelis Construction Co., in the amount of \$8,201.63 for work relating to the Mixville Pump Station project. The motion was seconded by Mr. Pelton and carried unanimously

This item will be removed from the agenda.

WPCD Influent Pump Station

Mr. Chelton reported that this project is still under warranty. It will be kept on the agenda until the warranty period has expired.

WPCD Plant Upgrade Design-Project Update

Mr. Chelton reported that the project is in the planning phase and AECOM has been in contact with Mr. Dievert. The plan is to make a 60% submittal to Mr. Dievert for review in the next two weeks. Mr. Chelton stated that the project is still on target for 90% design completion in April.

Mr. Gancarz moved that the Water Pollution Control Authority approve Invoice #37200702 in the amount of \$161,774.50 for work relating to the WPCD Plant Upgrade Design Project. The motion was seconded by Mr. Eberle and carried unanimously.

Mr. Chelton informed the Authority that he still owes the Authority an amendment regarding the value engineering conducted on this project. He will prepare the document for presentation at the March meeting. He does not anticipate the net increase to be large.

Cook Hill Pump Station Design Project

Mr. Mariusz Jedrychowski of Wright Pierce informed the Authority that design is at the 90% completion stage and he will present documents to Mr. Scott Hallier for review next week. Design should be finalized during the next month. There will not be any construction for this project at this time.

Mr. Pelton inquired of Mr. Jedrychowski and Mr. Dievert as to whether they have had any discussions with Elim Park regarding some contribution towards this project. Mr. Dievert and Mr. Jedrychowski will meet with representatives of Elim Park once the design phase is 90% complete. Mr. Pelton noted that this meeting is an important design element of this project. The meeting will take place during the next month.

Mr. Eberle moved that the Water Pollution Control Authority approve Invoice #81194 of Wright-Pierce in the amount of \$15,916.79 for work related to the Cook Hill Pump Station Project. The motion was seconded by Mr. Scannell and carried unanimously.

West Johnson Pump Station Design Project

Mr. Chelton informed the Authority that he sent Amendment #1 to the Agreement for Engineering Services for AECOM to the Authority for review. He reminded members that only the conceptual phase has been funded to date, and this amendment relates to design phase. Mr. Perrotti thanked Mr. Chelton for updating that agreement.

Mr. Gancarz offered that it is obvious from the referendum failure regarding this project that the public is looking to the Authority to do everything possible to minimize costs for this project. His initial reading on this amendment is that the cost is much higher than was expected for the design phase of the project. He noted that there is no money for construction of this project and there will not be any in the near future. He suggested that the Authority request a fee proposal from Wright Pierce also.

Mr. Perrotti asked if it is the intention of the Authority to open this request up to other firms. Mr. Chelton asked members where they thought the fee was high. Mr. Gancarz commented that he expected that it would be higher than the design fee for the Cook Hill pump station, but not to this degree. He opined that the best way to determine if this is a reasonable cost is to open it up to other firms. Since the project will not be constructed for several years it will not hurt to wait and receive further information.

Mr. Chelton stated that he is surprised about the comments relating to the Cook Hill pump station because this project is five times the size. Mr. Gancarz offered that it may come to pass that another design fee could come in even higher. Mr. Chelton stated that he is concerned that if the Authority wanted to go the route of obtaining other proposals that it should have been done in the beginning. He feels that it is not fair to open this up now that his fee has been disclosed. Mr. Perrotti offered that Mr. Chelton could also resubmit a new proposal.

Mr. Perrotti stated that the Authority has been tasked with the job of scrutinizing costs and it is incumbent upon the Authority to make sure that the town is getting the best value for funds expended.

Mr. Gancarz commented that he would prefer not to discuss this in open session, but rather to go into executive session. Authority members agreed that is not possible due to Freedom of Information regulations.

In response to a query from the Authority, Attorney Lord stated that the Authority can ask for additional proposals, since the only fee paid to date relates to conceptual design. There is no agreement in place for the design phase. Mr. Chelton stated that the contract included design phase but it was not funded. Attorney Lord will check on the wording of the contract.

Mr. Pelton stated that the reason that design is proceeding at this time is that in the event of a catastrophic failure of the pump station that time would be saved if design is already in place.

Mr. Korman commented that he is uncomfortable with the fact that the Authority may ask for another bid when the bid of AECOM is already available for anyone to see. Mr. Pelton agreed that AECOM has presented their numbers and requesting another bid will muddy the waters. He did agree that the figure presented by AECOM does seem very high. It is incumbent upon the Authority to do due diligence in regard to this project.

Mr. Chelton stated that he would be happy to go back and revisit the number. He noted that he was doing this work remotely and may be able to alter the cost with additional time for review. Authority members agreed to allow Mr. Chelton to return in March with a more fine-tuned fee.

Mr. Pelton commented that there is an integrity issue relating to the Authority's decision to seek another proposal. He feels that this is a reasonable accommodation for AECOM.

Mr. Gancarz inquired of Attorney Lord as to whether it is possible to go into executive session to negotiate this fee. Attorney Lord responded that there are only a very few instances when you can move into executive session. The public needs to be able to scrutinize what is going on at each meeting. He will bring information from the Freedom of Information Act to the Authority and review the guidelines. In response to a request from the Authority, Attorney Lord will bring information relating to communication among members in between meetings, especially electronically. Mr. Pelton offered that the Authority must be careful in how it conducts business.

The fee proposal will be tabled for discussion at the March meeting.

SUPERINTENDENT'S REPORT

Revenue from New Fees

Attorney Lord informed the Authority that he has conducted a review and found that the Statutes and Regulations allow the WPCA to set fees related to the sewers in the same

manner that the Authority establishes the sewer use fees. The Authority and staff must develop costs associated with the fee proposal.

Attorney Lord commented that this also relates to dewatering fees and fees for planning review, as it all relates to using the sewer and costs of using the sewer. Mr. Dievert will develop a plan to bring to the next meeting.

Update on Phosphorus Meetings

Mr. Dievert informed the Authority that a meeting of the coalition of towns including Cheshire, Wallingford, Meriden and Southington took place on January 11. Via a phone conversation, the coalition members submitted a proposal for phosphorous removal to Betsy Winfield regarding further study of the data, but Ms. Winfield was not in agreement.

The coalition is not in agreement with the proposed phosphorous limits because limits are not based on scientific data or studies. Ms. Winfield agreed to obtain better data but does not agree with changing the permit numbers at this time.

Mr. Dievert stated that the current plan is for each town to come up with a graph showing what the costs would be to arrive at different phosphorous limits. Once this information is gathered, the group will meet with Mr. Dan Esty to discuss the costs and the fact that there is no scientific data available to support the expenditure of funds necessary to meet permit limits. There is a possibility that the coalition may seek legal action regarding the permit limits. There have been some court decisions that have come out that support the argument that EPA does not have scientific data to back its permit limit requests.

Mr. Dievert informed the Authority that Quinnipiac area permits will be generated by the end of February. He suggests that a subcommittee of Authority members be formed to help support the question of phosphorous limits. It would be helpful to have more technical data. Mr. Gancarz and Mr. Perrotti have agreed to serve on that subcommittee.

Mr. Dievert stated that one goal is to get the permit limit to a number that will support chemical treatment to address phosphorous limits. He noted that there is a chance that 5-6 million dollars could be saved if the permit levels are changed. There is no scientific data that shows that the permit number proposed is accurate.

Mr. Chelton stated that some towns have spent money on phosphorous removal and nothing has changed. He feels that there is insufficient evidence to show that spending more money on phosphorous removal will improve the rivers.

Mr. Chelton commented that currently there is no phosphorous limit in place. When the draft permit is issued the Town can then respond with all necessary documentation. It is important that the Authority has a good technical argument in place at that time. There will be ample time to voice concerns at a public hearing which must be conducted. He noted that the EPA is getting pressure from environmental advocates regarding

phosphorous removal. Discussion took place regarding phosphorous limits, which started out at .7 and moved to .5, then to .2. Authority members reiterated their concern that there is no scientific data to support the proposed phosphorous limits.

Mr. Schrumm informed the Authority that the Town Council met with five State delegates at their last meeting. Discussion took place regarding clean water. It is evident that many municipalities are beginning to push back against phosphorous limits and the lack of data to support the remediation.

Mr. Dievert offered that it is not fair to ask sewer users to bear the brunt of phosphorous removal. The system as is seems to be very convoluted. The four towns in the coalition feel strongly that this financial burden should not be undertaken since it is unknown whether it will make the river any better than it is right now. This is an unfunded mandate from the State.

Mr. Dievert is hoping that it will be possible to remediate phosphorous with chemicals now, and study its effect on the river in three to four years. Mr. Chelton commented that there is no funding available for studies on the rivers. Some towns are opting to do their own studies so they have a basis for their opposition to the phosphorous limits.

Mr. Dievert noted that the town is concerned about the effects of phosphorous on the environment, specifically rivers, but at the same time we do not want to expend money if we are not sure that it will help.

Attorney Lord inquired as to whether the DEP will issue permits simultaneously to all towns. Mr. Dievert stated that he did not think that would be possible. He further commented that it is expected that DEP will have a draft report in February that the town will have to answer. Mr. Dievert requested that members of the Authority join the coalition to add their expertise. Mr. Gancarz and Mr. Perrotti agreed to help lend their expertise.

Plant Equipment Upgrade

Mr. Dievert stated that he and his staff are continuing to repair and replace parts as necessary. He does not have any equipment failures or Capital cost items at this time.

NEW BUSINESS

Terms Ending

Mr. Pelton advised that terms on the Authority are ending for Mr. Witek, Mr. Korman and Mr. Scannell. Mr. Witek, and Mr. Korman have indicated that they will not be staying with the Authority, but will remain until replacements are appointed by the Town Council. Mr. Scannell has agreed to continue to serve. Mr. Schrumm offered that it is important to obtain members with technical expertise to serve on the Authority.

Mr. Pelton thanked Mr. Witek and Mr. Korman for their service to the Town and the Authority and accepted their resignation with regret.

Other New Business

Mr. Dievert referred to correspondence to the Town Council from the Town Manager regarding legislative concerns which will be presented to the Town Council in January. The list includes issues related to the Clean Water Fund Grant/Loan Program. The Town supports changing the defining term in the program from nitrogen to nutrient.

Other items in the package include issues relating to prevailing wage, real estate property assessment, Freedom of Information Act, Modify State-mandated compulsory binding arbitration laws and financial support for the Wastewater Project for the Department of Corrections.

Mr. Dievert reported receipt of correspondence from Tighe & Bond relating to CT water and sewer rate surveys which are available for review on line. The survey indicates that Cheshire is under the average for fees for water and sewer usage.

Mr. Dievert informed the Authority that he has presented a draft of the Operations and Maintenance Budget to the Town Manager for review. After he meets with Mr. Milone he will share the budget with the WPCA. There is no new equipment in the budget. A revenue item will be added to include the new fees which are being proposed.

Ameresco Contract

Mr. Schrumm informed the Authority that the Town Council has entered into an agreement with Ameresco to conduct a town-wide energy audit. This audit will be conducted on all town buildings. Once the study is complete, Ameresco will pay for Capital costs related to energy savings. Projects will be paid for with the energy savings generated by the energy savings projects. The project will include an energy audit of the Wastewater Treatment Plant

OLD BUSINESS

CCI

Mr. Dievert informed the Authority that the gage/meter recording flows from the prisons has been replaced. It was discovered that the gage only metered up to 500 gallons of flow and has been replaced with a gage that measures up to 800 gallons. Since the installations, readings of up to 750 gallons have been recorded. The CCI is also contributing up to 30% of the phosphorous that the State is requesting be removed.

Riverside/Applewood Project Appraisal

Mr. Dievert informed the Authority that Mr. Michelangelo is requesting that the amount approved for appraisal of the Riverside/Applewood Project be increased, as all proposals have come in higher than the amount approved. It was noted that appraisal costs have risen in the last few years. Authority members agreed that obtaining the assessment before setting the assessment charge to property owners is very important to have as backup data.

Mr. Pelton moved that the Water Pollution Control Authority increase the approved funds for the appraisal of the Riverside/Applewood Sewer Project to a fee not to exceed of \$9,000 and authorize Mr. Michelangelo to move forward with the assessment. The motion was seconded by Mr. Eberle and carried unanimously.

Chesprocott Information

Authority members received copies of the Chesprocott report for the month of December detailing septic system failures and repairs for the month of January. Nothing of significance was noted.

WPCA Upgrades

Mr. Gancarz compiled a report detailing suggestions to increase public awareness of the necessity of sewer upgrades in hopes of obtaining a favorable vote at the next referendum. Suggestions include speaking to civic and community organizations, creating newspaper articles, a taped broadcast of the issue as well as a Power Point presentation. Mr. Gancarz suggests that the program be initiated at least four months before the referendum. Authority members thanked Mr. Gancarz for this important input.

APPROVAL OF MINUTES

Mr. Gancarz moved that the minutes of the regular monthly meeting of December 14, 2011, be approved as published, subject to correction. The motion was seconded by Mr. Scannell and carried 4-0-2. Mr. Eberle and Mr. Pelton abstained.

ADJOURNMENT

Mr. Eberle moved that the Water Pollution Control Authority adjourn at 9:50 p.m. The motion was seconded by Mr. Scannell and carried unanimously.

Respectfully submitted,

Tim Pelton, Chairman
Water Pollution Control Authority

Attest:

Susan F. Zwick

Distribution:

Members: W.P.C.A.
Michael Milone, Town Manager
David Schrumm, Town Council Liaison
Andrew Lord, Town Attorney
Donald Chelton/Jon Pearson, AECOM
Joseph Michelangelo, Ex-Officio Member
George Noewatne, Operations Manager
Dennis Dievert, Superintendent [WPCD](#)
Susan Zwick, Recording Secretary

