

Water Pollution Control Authority
December 19, 2012
Regular Meeting
Town Hall – Room 202

Members Present: Mr. Matt Bowman
Mr. Steve Carroll
Mr. Walter Gancarz
Mr. Mark Kasinskas
Mr. Tim Pelton (Chairman)
Mr. John Perrotti
Mr. Thomas Scannell

Members Absent: All members present

Others Present: Mr. Dennis Dievert, Superintendent, WPCD
Mr. Donald Chelton, AECOM
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

1146 Waterbury Road

Mr. Jack Krudwig, representing a property owner at 1146 Waterbury Road addressed the Authority regarding an addition to the Cornerstone Church. Mr. Krudwig informed the Authority that he appeared before Planning & Zoning regarding this addition and they advised him to present the plans to the WPCA.

Mr. Pelton advised that this matter relates to a pre-existing condition which rarely comes before the Commission. He questioned whether it is necessary for the property owner to obtain feasibility, capacity and final approval.

Mr. Krudwig presented a map of the property detailing and explaining the addition. The addition relates to expansion of the church and reworking the parking lot. There will be very little additional flow into the sewer system. The kitchen will not be a full service kitchen, and will only have a sink, a microwave and a small counter area. No food will be served, nor will the facility be rented out.

The addition will contain two new bathrooms, but no shower or tub. Mr. Bowman commented that this facility will not be used every day, and will generate very little flow. Mr. Carroll inquired as to what will happen if the property owner decides to change the

use in years to come. If that were to happen, the property owner would have to obtain the necessary approvals to make the change.

It was the consensus of Authority members that since there will be no change in the use of the property and the increased flow is negligible, that there is no need for the WPCA to take any action on this addition. Mr. Dievert was in agreement and added that there will only be two bathrooms added and a small kitchenette.

Mr. Perotti moved that the Water Pollution Control Authority authorize PDS Engineering to proceed with the expansion of the Cornerstone Church on 1146 Waterbury Road with plans as presented at this meeting. The motion was seconded by Mr. Scannell and carried unanimously.

APPLICATIONS

There were no applications to come before the Authority.

PROJECTS

WPCD Plant Upgrade Design-Project Update

Mr. Chelton presented a chart of the design and anticipated bidding schedule for the plant upgrade project. Design is still on schedule. Regarding State funding for the project, Mr. Chelton stated that once the grant loan is executed, the first payment request may be submitted for design costs. Reimbursement will be 20% for the upgrade, 30% for phosphorus removal and 2% for the balance.

Mr. Chelton informed the Authority that there has been no change in the State funding program, and it is not anticipated that there will be any change. Bids are expected by the middle of June, so the application has to go in by the middle of April. Bids must be received by the end of June. It was noted that there is a good amount of interest in this project in the marketplace.

Mr. Pelton noted that because the funds have been appropriated from the Clean Water Act the State cannot change the use of the funds. Mr. Pelton noted the importance of moving this project along on schedule. Mr. Gancarz requested that Mr. Chelton add that the application is due in the middle of April to the project schedule. Mr. Chelton agreed.

Mr. Chelton informed the Authority that as a result of questions raised at last month's meeting he has presented a detailed document listing costs for the disc filter pre-selection and deletion and re-addition of the plans for the plant upgrade. Mr. Chelton discussed all aspects of changes to the original design plans and details regarding costs associated with the changes.

Mr. Chelton noted that there has been mutual confusion regarding the costs because there have been so many changes to the plans, i.e., removal of the disc filters, re-addition of the

disc filters, the decision regarding the pre-selection process for the vendor as well as the decision to proceed with value engineering and resultant revisions to the plans.

Mr. Gancarz voiced his displeasure with the fact that there is \$72,000 being requested that he does not agree with. He requested that Mr. Chelton produce the documents that show which plans had to be changed and why. He opined that some of the documents may not have had to be changed.

Mr. Chelton explained the documentation regarding how the plans had to be changed and why. Mr. Gancarz voiced his concern that he has a duty to the public to be a good steward of the funds expended for this large project. He needs assurance that some of the documents were actually not usable. He is requesting to see all information regarding the changes in the documents.

Mr. Chelton commented that there should be no surprises in the amendments requested, as everything was discussed in detail as the project unfolded. Mr. Perrotti inquired as to why some of the documents could not be salvaged. Mr. Chelton explained the changes and why the documents had to be altered. Mr. Perrotti also requested to review the plans.

Mr. Bowman thanked Mr. Gancarz for his recap of the appropriations and changes to the original contract, the items needing further review and a recommended course of action. Mr. Bowman commented that this document spells out clearly the course of action regarding funding and changes for this project.

Mr. Chelton stated that it is important to understand that the first estimate of costs was a good faith estimate, but the project had many starts and stops along the way. The referendum last year caused some delay. In response to queries from the Authority, Mr. Chelton stated that there are always changes in design of any project, as things come up during design that could not have been anticipated.

Mr. Chelton commented that his contract is a cost plus fixed fee contract because design is a process, and this type of contract allows for fairness to all parties. He stated that the DEEP prefers that this type of contract be utilized.

Mr. Gancarz noted that his review reveals that at this point there is a disagreement in what is owned to AECOM of \$72,000. He told Mr. Chelton that if he was not willing to negotiate that figure that he would like to see the documents that are in question. Mr. Gancarz pointed out the place in the contract that allows the Town to go to arbitration if this situation cannot be resolved.

Mr. Chelton informed the Authority that he is not willing to accept the reduction of \$72,000 in payment. He commented that his firm has acted in good faith and has not requested a profit for the work in question.

Mr. Pelton questioned how best to resolve the issue of \$72,000. He noted that Mr. Bowman and Mr. Gancarz would like to see the actual documents. Mr. Carroll stated that

there have been so many changes to this contract that it should have been kept as a running total similar to the one presented by Mr. Gancarz. Mr. Chelton noted that he kept the Authority apprised of all the changes as the project unfolded.

The subcommittee will meet with Mr. Chelton to review the plans that had to be changed. Attorney Lord stated that he does not want the contractual agreement to fall apart at this time. No one wants that to happen. Attorney Lord agreed to sit down with Mr. Gancarz to review the contract.

After discussion, it was agreed that the Authority would approve \$188,300, which includes the amount approved at the last meeting, to bring the contract to within 98% completion. It was agreed that Mr. Chelton change Amendment #5 to \$66,000.

Mr. Gancarz moved that the Water Pollution Control Authority approve Invoice #37298147 of AECOM in the amount of \$51,711.06 for work related to the WPCD Plant Upgrade Design. The motion was seconded by Mr. Kasinskas and carried unanimously.

Mr. Schrumm entered the meeting at 8:25 p.m.

Mr. Pelton stated that discussion can take place at the January meeting, or at a special meeting next week regarding this issue.

West Johnson Pump Station Design Project

Mr. Chelton informed the Authority that design for this project will be submitted to Mr. Dievert next week for his review.

Mr. Gancarz moved that the Water Pollution Control Authority approve Invoice #37298253 of AECOM in the amount of \$21,273.84 for work related to the West Johnson Avenue Pump Station Design Project. The motion was seconded by Mr. Kasinskas and carried unanimously.

SUPERINTENDENT'S REPORT

Manager's Forum Meeting

Mr. Dievert informed the Authority that as a result of public request the DEEP will create a "right to know" document regarding the change in methodology in how sewer overflow is reported. Mr. Dievert sent the necessary information to the DEEP which will be mapped so the public will be informed.

Mr. Dievert reported that the nitrogen credit amount may be reduced this year, most likely to \$4.95 - \$5.15 per pound. Cheshire is presently meeting the goals for nitrogen reduction. The system for buying credits also may change. It was noted that Cheshire has not received the amount originally expected from the sale of nitrogen credits.

Mr. Dievert informed the Authority that he is participating in a Manager's School for prospective pump station managers. He is currently mentoring someone and feels that the program is a good one to prepare future workers.

Illegal Sewer Connections

Mr. Bowman informed the Authority that in the process of his work he came upon a property where the roof drains were illegally tied into the sewer system. He questioned how he should repair such connections. Mr. Dievert responded that the Authority must come up with a policy or procedure regarding how to inform property owners that they must disconnect from the sewer system, and if they do not, there will be fines and penalties forthcoming.

Authority members were in agreement that with all of the projects underway, especially the plant upgrade, that the situation of I & I has taken a back seat. Mr. Chelton stated that there is tax abatement for property owners who have water in their basement. No one was aware of such a procedure.

NEW BUSINESS

Conflict of Interest Ordinance

Mr. Pelton informed the Authority that at last month's meeting Mr. Bowman announced that he was related to one of the applicants, but did not recuse himself because he did not live in the same household as the applicant, nor did he receive financial gain from the applicant.

As a result of that, Mr. Pelton requested a copy of the Conflict of Interest Ordinance, which was included in the packet. Mr. Pelton opined that the purpose of the Ordinance is to protect the integrity of members of boards and commissions. He suggested that even if there is a question of a conflict, that members take the higher ground and recuse themselves when necessary.

Mr. Pelton commented that it really relates to how the Authority is viewed in the court of public opinion. Attorney Lord stated that if a member has any question regarding a conflict that they contact him for advice. Always err on the side of caution. Mr. Bowman stated that his legal advisor told him that he only had to recuse himself if he had a financial relationship with the person or lived in their household.

Terms Ending

After discussion it was determined that the terms of Mr. Gancarz and Mr. Pelton will be up in January 2013.

Meetings 2013

Mr. Bowman moved that the Water Pollution Control Authority approve the meeting dates for 2013 as follows. The motion was seconded by Mr. Carroll.

Wednesday, January 23, 2013
Wednesday, February 27, 2013
Wednesday, March 27, 2013
Wednesday, April 24, 2013
Wednesday, May 22, 2013
Wednesday, June 26, 2013
Wednesday, July 24, 2013
Wednesday, August 28, 2013
Wednesday, September 25, 2013
Wednesday, October 23, 2013
Wednesday, November 27, 2013
Wednesday, December 18, 2013
Wednesday, January 22, 2014

The motion carried unanimously.

OLD BUSINESSDiscussion of AECOM Amendment

This item was discussed previously at this meeting.

WPCA OPM Map

Mr. Kasinskas presented a draft of the OPM locational guide mapping. He stated that there has been extensive confusion with the new map, both with content and application. He noted that categories have now changed, with mapping being based on census blocks. He noted that the OPM is willing to make adjustments to the maps to refine sewer/non-sewered areas which are below the census block level. This information must be presented to the OPM, and is currently being investigated by Town Planner William Voelker. Mr. Kasinskas will assist with this.

It was noted that if there is a conflict between the State and local plan, that the local plan will supersede.

Attorney Lord stated that a different agency is now overseeing the map. The OPM is saying that this is now a planning document rather than a lot by lot definition. Mr. Bowman requested that the report prepared by Mr. Kasinskas be presented to the Planning Department.

Mr. Pelton suggested that the Feasibility Plan be reviewed and compared to the new OPM map. Mr. Bowman suggested that the subcommittee meet with the Planning Department to review all documents. Mr. Bowman also suggested that the Inland Wetlands Commission be involved with this plan.

Mr. Schrumm commented that the Authority should not recreate its Facilities Plan, as local plans apply. The Authority must back up decisions based upon the Facilities Plan, not the OPM map.

Mr. Kasinskas will now contact Mr. Voelker to discuss the map and his report. Mr. Pelton noted that this meeting is an important component of the report and map. Mr. Dievert will assist in the meeting with Mr. Kasinskas and Mr. Voelker. Mr. Pelton thanked Mr. Kasinskas and Mr. Carroll for their work on this most difficult and confusing document.

Chesprocott Summary

Authority members received copies of the report from Chesprocott, detailing septic system failures and repairs for the month of November. There was nothing of significance in the report.

APPROVAL OF MINUTES

Mr. Bowman moved that the Water Pollution Control Authority approve the minutes of the Public Hearing of November 28, 2012, as published, subject to correction. The motion was seconded by Mr. Scannell and carried 6-0-1. Mr. Carroll abstained.

Mr. Bowman moved that the Water Pollution Control Authority approve the minutes of the regular monthly meeting of November 28, 2012, as published, subject to correction. The motion was seconded by Mr. Scannell and carried 6-0-1. Mr. Carroll abstained.

ADJOURNMENT

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

