

Water Pollution Control Authority
February 27, 2013
Regular Meeting
Town Hall – Council Chambers

Members Present: Mr. Steve Carroll
Mr. Mark Kasinskas
Mr. Tim Pelton (Chairman)
Mr. John Perrotti (Vice Chairman)
Mr. Thomas Scannell

Members Absent: Mr. Matt Bowman

Others Present: Mr. Dennis Dievert, Superintendent, WPCD
Mr. Donald Chelton, AECOM
Mr. Walter Gancarz, Town Engineer
Mr. David Schrumm, Town Council Liaison

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

All communications received will be addressed under the appropriate subcommittee report.

1008 South Main Street

Mr. Gancarz informed the Commission that this application relates to a proposed nail salon at 1008 South Main Street. He stated that the existing building is currently connected to the Town sanitary sewer system. The proposed change of use will generate minimal flows estimated at 100 gpd, and will not significantly increase the sewer flow. Therefore, Mr. Gancarz recommends that no further approvals are necessary from the Authority.

650 Oak Avenue

Mr. Ryan McAvoy of Milone and MacBroom addressed the Authority on behalf of the applicant. He stated that he is requesting final approval and Award of Capacity for this project, which received Feasibility Approval in December.

Mr. McAvoy stated that this is a 37 acre parcel subdivision which has been approved by Planning & Zoning. The project consists of connecting two new homes into the sewer system. The home that now exists on the property will continue to utilize the existing

septic system. There is a sewer which runs from Wintergreen Lane down to Higgins Road. The two lots will be served by a gravity system and will have basement service. In response to a query from the Authority, Mr. McAvoy stated that the sewer is 11 ft. deep and thus basement service will be provided.

Mr. Pelton moved that The Cheshire WPCA has reviewed the application and submittals of Pinnacle Land Development LLC for Final Design Approval. 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 can be constructed and used for sanitary sewerage purposes in accordance with requirements of the Cheshire Sewer Regulations and other applicable specifications, codes, and laws; therefore, the application is APPROVED.

This Final Design Approval is conditioned upon the following:

1. This Approval does not confer the right to connect to the sewer system which can only be gained by applying for, and obtaining approval of, an Award of Capacity and a Sanitary Sewer Connection Permit.
2. All costs connected with the proposed sewer system shall be borne by the developer.
3. 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.
4. [3.10] All construction shall conform to all relevant federal, state and local laws, rules, regulations, and specifications.
5. Official representatives and agents of the Town of Cheshire, including the Building Official and the Director of Public Works, are authorized to enter the property, at reasonable times, for purposes of inspection, observation, measurement, sampling, and testing.
6. This Approval permits the construction of the sanitary sewerage system in installments or phases, but it requires the construction to proceed in consecutive order.
7. The proposed sanitary sewer system shall become a part of the public sanitary sewer system. The application and submittals are incorporated and made a part of this Approval.
8. This Final Design Approval, which is issued in connection with a Site Plan application, shall be valid for a period of one (1) year from the date of Site Plan approval by the Cheshire Planning and Zoning Commission. Extensions of this Final Design Approval for additional one (1) year periods may be applied for and will be granted by

the WPCA, by resolution, for good cause shown if the WPCA (in its discretion) finds that substantial compliance has been made with the approved Site Plan; that is, that work on the public improvements and the sewer system has been completed or substantially completed.

9. No Zoning Permit or Building Permit shall be issued and no construction authorized by this Approval shall commence until the Developer's Agreement referred to below is signed by the developer and the WPCA and is filed with the Director of Public Works.
10. The applicant, or his authorized representative, shall prepare and submit to the WPCA, for approval by the Town Attorney and for execution by the WPCA and the developer, a "Developer's Agreement" which sets forth all the conditions of this Approval.

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

Mr. Perrotti moved that The Cheshire WPCA has reviewed the application and submittals of Pinnacle Land Development 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 454 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, Feasibility Approval, Final Design Approval, and 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.

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

156 North Brooksvale Avenue

Mr. Ryan McAvoy of Milone and MacBroom addressed the Authority on behalf of the applicant. He stated that this is a three lot subdivision on the west side of North Brooksvale Road. The project received Feasibility Approval in November, 2012, and just recently received approval from Planning & Zoning.

Mr. McAvoy noted that when the applicant received Feasibility Approval from the WPCA there were some concerns regarding how best to serve the two rear lots. He stated that plans now reflect an 8" sewer line that runs along the common driveway. The line will connect to the existing manhole in the street.

Mr. McAvoy stated that Mr. Gancarz requested clarification regarding the scale of the plans, which now reflect 1" equals 30 ft. and the sewer 76 ft. long. The water line has also been relocated. Mr. Gancarz commented that neither house will have gravity service from the basement. It was noted that the type of PVC pipe to be used is noted on the plans. Mr. Gancarz commented that if all of his concerns have been met, staff recommends approval of the Final Design and Award of Capacity for this project.

Mr. Chelton inquired as to whether there could be a drop connection to the manhole. Mr. McAvoy responded that it could be done, but is less than desirable to do so. Mr. Chelton stated that he is concerned about infiltration of ground water. He noted that the way it is currently proposed is because of the cost of the drop connection to the manhole. Mr. McAvoy stated that it is also a maintenance issue and more likely to cause a problem with the format suggested by Mr. Chelton.

Mr. Perrotti inquired as to how prospective homeowners would be notified about the connections, specifically sharing the lines. Mr. McAvoy responded that the driveway is in common ownership agreement, so anything happening in that strip will be borne by all three property owners. The original house would probably be excluded from that agreement because it has its own line. This will become part of the Maintenance and Sewer Agreement.

Mr. Chelton commented that for the last 35 years it has been the policy of the Authority to require basement service if it is feasible. The proposed plans not to include basement service because of a cost issue. He further stated that policy has been that all sewers with an 8" lateral will be turned over to the Town. He stated that if problems develop with the sewer line, those problems will be directed to the Town to resolve so it would be best for the Town to maintain the sewer.

Mr. Chelton stated that in order for the Town to access the sewer, it will be necessary to obtain an easement and right-of-way to get to the system. That has been the policy of the Town for the last 35 years. Mr. McAvoy stated that there is a lot of rock and ledge on the property which may be difficult to address and could cause further maintenance issues in the future.

Mr. Schrumm entered the meeting at 7:45 p.m.

Mr. Dievert stated that an easement will be necessary for the Town to access the sewer and ownership will have to be transferred.

Mr. Perrotti moved that The Cheshire WPCA has reviewed the application and submittals of PT Real Estate LLC for Final Design Approval. 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 can be constructed and used for sanitary sewerage purposes in accordance with requirements of the Cheshire Sewer Regulations and other applicable specifications, codes, and laws; therefore, the application is APPROVED.

This Final Design Approval is conditioned upon the following:

1. This Approval does not confer the right to connect to the sewer system which can only be gained by applying for, and obtaining approval of, an Award of Capacity and a Sanitary Sewer Connection Permit.
2. All costs connected with the proposed sewer system shall be borne by the developer.
3. 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.
4. [3.10] All construction shall conform to all relevant federal, state and local laws, rules, regulations, and specifications.
5. Official representatives and agents of the Town of Cheshire, including the Building Official and the Director of Public Works, are authorized to enter the property, at reasonable times, for purposes of inspection, observation, measurement, sampling, and testing.
6. 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 plan.]*
7. The application and submittals are incorporated and made a part of this Approval.
8. This Final Design Approval, which is issued in connection with a Site Plan application, shall be valid for a period of one (1) year from the date of Site Plan approval by the Cheshire Planning and Zoning Commission. Extensions of this Final Design Approval for additional one (1) year periods may be applied for and will be granted by the WPCA, by resolution, for good cause shown if the WPCA (in its discretion) finds that substantial compliance has been made with the approved Site Plan; that is, that work on the public improvements and the sewer system has been completed or substantially completed.

9. No Zoning Permit or Building Permit shall be issued and no construction authorized by this Approval shall commence until the Developer's Agreement referred to below is signed by the developer and the WPCA and is filed with the Director of Public Works.
10. The applicant, or his authorized representative, shall prepare and submit to the WPCA, for approval by the Town Attorney and for execution by the WPCA and the developer, a "Developer's Agreement" which sets forth all the conditions of this Approval.
11. There will be no basement service to the lots.

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

Mr. Carroll moved that The Cheshire WPCA has reviewed the application and submittals of PT Real Estate Investments, 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 454 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, Feasibility Approval, Final Design Approval, and 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.

The motion was seconded by Scannell and carried unanimously.

PROJECTS

WPCD Plant Upgrade Design-Project Update

Mr. Chelton informed the Authority that documents for this project will be submitted to DEEP next week to commence their review of the project. There have been a few issues that have arisen. DEEP is responsible for conducting an environmental assessment. There have been some issues related to turtles on the plant property. As a result on March 3 a Public Notice will be held. It will be necessary to prepare an environmental impact statement. Mr. Chelton stated that a letter was received from the Natural Database stating that the site could support two types of turtles.

Mr. Chelton stated that the DEEP does not feel that it is a matter of concern, especially if there is no public opposition at the public hearing and the project will then move along. Mr. Kasinskas explained the National Database and commented that the contractor will be required to do a sweep of the area to determine if there are any turtles visible. It was noted that if turtles are found, they are to be relocated, facing the same direction in which they were moving.

Mr. Chelton referred to newspaper articles which are discussing the fact that some communities are receiving permits with a reprieve from current requirements and will be allowed to go to an interim step before they have to meet the same levels that Cheshire will be meeting with the treatment plant upgrade.

The only reason that may change that plan will be if the communities can prove scientifically that the permit levels are not required. Mr. Chelton noted that this is not likely to happen. Mr. Chelton informed the Authority that there is a proposed bill which may increase the rate of reimbursement for communities for upgrade projects.

Regarding invoices received from professionals, Mr. Scannell inquired as to whether anyone on the Authority peruses invoices for accuracy. Mr. Pelton stated that all Authority members receive the invoices and backup details and review them if they desire. Mr. Gancarz offered that the invoices can be confusing and for that and other reasons he is recommending that further work on the treatment plant project be broken up into separate parts.

Mr. Scannell inquired as to how the Authority knows that the invoices are accurate. Mr. Pelton asked Mr. Chelton if he peruses the invoices for accuracy. Mr. Chelton stated that every week sheets containing details of hours worked and by who are reviewed and approved. Mr. Jon Pearson of AECOM gets a draft of all invoices to insure that there are no irregularities.

Mr. Chelton commented that in the past one member of the WPCA was assigned the responsibility of reviewing all invoices.

Mr. Carroll moved that the Water Pollution Control Authority approve Invoice #37317890 of AECOM in the amount of \$122,570.66 for professional services relating to the WPCD Plant Upgrade Design. The motion was seconded by Mr. Kasinskas and carried unanimously.

West Johnson Pump Station Design Project

Mr. Chelton reminded the Authority that he submitted design plans for this project to Mr. Dievert in December. Mr. Chelton is preparing a final estimate for the project. The invoice presented brings the project to 95% completion.

Mr. Carroll moved that the Public Building Commission approve Invoice #373317875 of AECOM in the amount of \$7,560.00 for professional services relating to the West Johnson Pump Station Design Project. The motion was seconded by Mr. Kasinskas and carried unanimously.

SUPERINTENDENT'S REPORT

Outcome of 16 Cherry Street

Mr. Dievert informed the Authority that water has been shut off of the property at 16 Cherry Street for the last 18 months. The property owner was looking for relief of a portion of the water charge. Mr. Dievert noted that the property is still a user of the water system, but it was decided to give the property owner a 25% discount for the year 2013. Authority members felt that this was a fair and acceptable agreement.

Local Consortium

Mr. Dievert informed the Authority that although Cheshire is not part of the consortium regarding DEEP requirements, he is still in communication with the communities and no fees are being paid by the Town.

Cell Tower Status

Mr. Gancarz informed the Authority that the legal agreement regarding the cell tower to be erected on the treatment plant property will take 180 days to become final.

Town's IT Backup Center

Mr. Gancarz stated that a meeting was held regarding the location of the Town's IT backup center. The Town would like to locate the backup center at the treatment plant as part of the renovation. The center requires a room with a separate entrance, no windows and a space of 20 ft. by 20 ft., but could live with a 14 ft. by 20 ft. space. It has been determined that the only space that could be carved out of the treatment plant would be a room of 8 ft. by 14 ft.

In response to a query from the Authority, Mr. Dievert stated that communication lines do come in from the street. He stated that staff is still looking into this request, but it does not appear that the size available at the treatment plant will be sufficient.

Snow Removal/Storage Issue

Mr. Dievert informed the Authority that last weekend there was an issue when a large truck struck some lines at the treatment plant and caused a power outage. The truck owner stated that he was turning around, but it appears that he may have been illegally dumping snow on the property. The Town Manager is going to look into this, as there were costs incurred by the Town as a result of this issue.

Mr. Scannell left the meeting at 8:30 p.m.

NEW BUSINESS

Review and Approval of AECOM Engineering Agreement

Mr. Pelton informed the Authority that the subcommittee met with Mr. Noewatne and Mr. Gancarz regarding the review of the AECOM Engineering agreement. Significant improvements in the document were made as a result of the review, specifically relating to the scope of services.

After the document was revised, Mr. Noewatne requested some additional changes which he would like incorporated into the contract. Mr. Perrotti stated that most of the requests of Mr. Noewatne pertain to the project management portion of the project. Authority members discussed the possibility of approving the document in phases, as the project itself will occur in phases.

Mr. Gancarz offered that it would be better to approve the agreement in total. Mr. Perrotti stated that the new requests put forth by Mr. Noewatne need to be looked at in more detail. He would like to sign the bid phase agreement now rather than wait.

Mr. Chelton stated that it was his understanding that all parties had come to agreement on the changes to the contract, and he has the contract complete and ready to sign at this meeting. He noted that he was very surprised to learn of the additional changes requested by Mr. Noewatne at this late date.

Mr. Chelton stated that to make the changes requested by Mr. Noewatne would result in an unconventional contract. There are significant issues in the request that need to be addressed. One is the request that AECOM perform to a "higher degree of care." If that is to be met it will mean additional review by AECOM that is normally done and it will cost more money. Mr. Chelton also stated that he does not have a separate agreement for the bidding phase.

Another issue that Mr. Chelton took exception to is the request to have another firm do the document processing at the end of the project. Record drawings are a critical piece of the project. He further commented that the documents have to be signed by a professional, and that should be the firm who designed the project, not by an outside agency. It was the consensus of the Authority and Mr. Chelton that a special meeting take place on March 19 to discuss these issues.

Attorney Lord requested that he be in attendance at the meeting. Mr. Chelton stated that it could delay the project if some of these changes to the contract are made.

I & I Money to Bid Meter Data Collection

Mr. Pelton informed the Authority that Mr. Gancarz has developed a plan to utilize funds leftover from other I & I projects to address the issue. Mr. Pelton inquired of Attorney Lord as to whether it will be possible to utilize those funds. Attorney Lord responded that he would have to discuss this with bond counsel to see if the use of these funds relate to what was approved at referendum.

Mr. Gancarz stated that the intent is to look at the overall sewer system and to collect meter data. He suggests drafting an RFP to put in flow meters at different locations. Each location will be monitored for one week. The same firm will be requested to do camera work of the sewer lines at various locations to check for cracked pipes. Smoke testing may also be part of the project. Mr. Dievert stated that his staff will do the cleaning of the lines.

Mr. Pelton moved that the Water Pollution Control Authority allocate funds in the amount of \$100,000 for I & I testing, pending approval of bond counsel that the funds may be used for that purpose, and utilize the action plan prepared by Mr. Gancarz. The motion was seconded by Mr. Perrotti and carried unanimously.

Mr. Schrumm expressed concern that the Authority have a cost estimate for the upgrade to the treatment plant in time to be included in the Capital Budget.

Mr. Schrumm expressed concern regarding the high water flow at the North Brooksvale area where the subdivision discussed at this meeting will be constructed. He inquired as to whether there is a better pipe that could be utilized because of the high water table. It was noted that the pipe that will be used is industry standard and will withstand the high water table. Mr. Dievert stated that it could be a requirement that the Town inspect the installation of the pipe.

Mr. Schrumm inquired as to whether the discussion that is taking place regarding a mall being constructed in the north end of town will have any impact on the pump station proposed. Mr. Pelton stated that the pump station has been designed, but is not going to be built at this time because of lack of funding. There is a possibility that if the mall goes through that contractors may pay to have the pump station built.

OLD BUSINESS

Chesprocott Summary

Authority members received copies of the monthly report from Chesprocott detailing septic system failures and repairs for the month of January. There were no significant issues.

APPROVAL OF MINUTES

Mr. Perrotti moved that the minutes of the regular monthly meeting of January 23, 2013, be approved as published, subject to correction. The motion was seconded by Mr. Carroll and carried unanimously.

ADJOURNMENT

Mr. Pelton moved that the Water Pollution Control Authority adjourn at 9:20 p.m. The motion was seconded by Mr. Carroll 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
Walter Gancarz, Town Engineer

