

**MINUTES OF THE TOWN OF CHESHIRE WATER POLLUTION CONTROL
AUTHORITY REGULAR MEETING HELD ON WEDNESDAY, SEPTEMBER 23, 2015
AT 7:30 P.M. AT THE WASTEWATER TREATMENT PLANT, 1325 CHESHIRE
STREET, CHESHIRE CT 06410.**

Present

Chairman Tim Pelton; John Perrotti, Vice Chairman; Matthew Bowman, Steve Carroll,
Ken Cianci, Tom Scannell

Absent: Mark Kasinskas

Staff: Dennis Dievert, Supt. WWTP

Guest: Don Chelton, AECOM; Attorney Anthony Fazzino

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.

Chairman Pelton read the emergency evacuation notice.

REGULAR MONTHLY MEETING

1. PUBLIC COMMUNICATIONS

2. APPLICATIONS

Chairman Pelton moved agenda item #6c to current status.

c. Letter from Fazzino, Ryan & Ricciuti LLC dated August 18, 2015.

Attorney Fazzino distributed information and exhibits regarding the Bardon Court Water Assessment History, and reviewed them with the Authority members. Mr. Fazzino noted that this has become a "title" issue.

Page #2 of the exhibits is the GIS Map of Bardon Court. Four (4) houses are labeled 104, 105, 106, 107 (Assessor numbers); they were created out of land which is Map 69, Lot 63. The developer acquired lot #63 and a 50 foot strip and developed a public road.

March 1998 - the history shows the first caveat on the land records, with lot #63 included in the caveat.

May 1999 - WPCA adopted a \$4,200.00 assessment for the properties fronting on Mountain Road for water.

2000 - Bardon Court subdivision approved by PZC; subdivision map filed July 21, 2000; four (4) new lots were created as new lots out of the Donahue parcel #63.

2001-2002 - Developer of Bardon Court built and sold four (4) houses; paid RWA \$4,200.00 for installation/extension of water main from Mountain Road down Bardon Court to service the four new houses.

Exhibit #2 - the RWA document showing payment of \$20,942.04 for the water main on Bardon Court.

Exhibit #3 (page 2) shows the Donahue property listed. Attorney Fazzone said it looks like the sole reason this caveat was re-filed is the language which says the \$4,200.00 is "payable with respect to any of the properties listed or any properties originating in whole or in part from those properties..."

The Authority was informed by Mr. Fazzone that he could not find anything in the WPCA minutes (starting with the date of this caveat filed 1/29/02 and back to the original caveat). He also reviewed the minutes when the \$4,200.00 was established, but did not find anything in WPCA minutes setting forth a reason why there was a second caveat. It was never discussed and is not reflected in any of the minutes. At this time, #104 house is sold; the title search found a second caveat, checked to see if the \$4,200 was ever paid, and found it was not paid. The Engineering Department stated if there is no evidence of payment, therefore, the \$4,200 is due.

Mr. Perrotti stated that the Town of Cheshire paid nothing for the extension, and should not recoup any money. Mr. Bowman agreed with this statement.

With regard to this matter, Attorney Fazzone would like an agreement in the minutes that the \$4,200.00 is not due for the new lots within the subdivision. This would satisfy the title company and Town Engineering Department could be advised of this.

Mr. Bowman is vehemently opposed to any additional caveat after the first caveat. He explained that any time there is a main extension the developer pays, and there is no caveat. He cited Summit Road and Byam Road subdivision main extensions as an example. Attorney Fazzone has advised the Authority that there was never a public hearing, nothing in the minutes, and Mr. Bowman said this is despicable and to have this decision done by a chairman and former Town employee was wrong.

It was determined that the WPCA was given water responsibilities in 1998.

Attorney Fazzone explained there were a series of mains around town and all were assessed at \$4,200.00. When the house fronted Mountain Road, someone went to build a house and connect, and the Building Department would see that \$4,200.00 was collected. This can be shown in the records of the Engineering Department. However, for the subject parcels there are no records that show anything was paid or not paid.

Chairman Pelton noted there was a consensus of the Authority members that this matter should be resolved. He suggested having the Town Attorney draft a legal

statement to Attorney Fazzone so there can be relief from the 2nd caveat, and specifically with respect to those 4 lots serviced by the developer's payment.

Regarding the sale of #104, Attorney Fazzone advised \$4,200.00 is held in escrow. Once the issues are resolved, the title company will remove the caveat.

Mr. Bowman explained that once an extension is done, the RWA owns it and is responsible for everything. The developer is responsible for the initial tap fee, meter charge, and their curb cock to the home. There were fees paid for the extension, taps and meter charge.

MOTION by Mr. Bowman; seconded by Mr. Carroll.

MOVED that the Bardon Court matter be forwarded to the Town Attorney for the appropriate wording to remove all the caveats for the four (4) lots on Bardon Court, #104, #105, #106, #107 as shown on the Town Assessor's Map #69.

Discussion

Upon receipt of the document from the Town Attorney, the Authority can approve release of the caveat at the October meeting, with everything recorded in the minutes.

VOTE The motion passed unanimously by those present.

3. PROJECTS

- a. AECOM Invoice #27 dated September 9, 2015, in the amount of \$82,332.25.**

MOTION by Mr. Scannell; seconded by Mr. Cianci.

MOVED that the WPCA approve payment of AECOM invoice #27 dated September 9, 2015 in the amount of \$82,332.25.

Discussion

Town Engineer Gancarz has reviewed this invoice and recommends it for payment.

VOTE The motion passed unanimously by those present.

- b. Carlin Contracting Co. pay estimate #22 dated August 31, 2015, in the amount of \$714,626.05.**

MOTION by Mr. Scannell; seconded by Mr. Cianci.

MOVED to approve payment of Carlin Contracting Co. pay estimate #22 dated August 31, 2015 in the amount of \$714,626.05.

Discussion

Town Engineer Gancarz has reviewed this invoice and recommends it for payment.

The project is 96% completed at this time, with the contractor on site until the middle of November. Mr. Chelton stated the contractor hoped to have the project done in 20 months, and with the November date it will be a 25 month project.

VOTE The motion passed unanimously by those present.

c. Carlin Contracting Co. Change Order #19 in the amount of \$5,611.68.

MOTION by Mr. Scannell; seconded by Mr. Carroll.

MOVED to approve payment of Carlin Contracting Co. Change Order #19 in the amount of \$5,611.68.

Discussion

Town Engineer Gancarz has reviewed this invoice and recommends it for payment.

VOTE The motion passed unanimously by those present.

Chairman Pelton reviewed the spread sheet of information submitted by Town Engineer Gancarz, which encapsulates where the treatment plant project is at this point in time. At the completion of the project there will be about \$100,000 left over.

Sheet Drawings - Mr. Chelton stated they are average and have not changed.
Contingency - the spread sheet shows about \$110,000 in the contingency. Mr. Chelton said if the job runs to date of completion, middle of November, the project has a shortfall of \$110,000, which is the amount spent on the PCB's.
O&M Manual - 70% completed.
Start up Services - there is no demand for this yet.

4. SUPERINTENDENT'S REPORT

a. Update on Construction Progress

Supt. Dievert reported construction is going well and highlighted a few items. They are integrating the new SCADA system with the new control system for each piece of equipment; testing the new WIN-911 alarm call out system; working on the Effluent pump station; 2 new Eff. pumps are tied into old control system and 2 new Eff. pumps will be tied into the new system; influent pump station mechanical screen is waiting for spray bar to wash and help discharge solids from the screen; the new JWC grinder is in and running. The plant will be on shutdown for about 4 hours next Thursday, while contractor enters three different distribution boxes to install sample pump installation tracks, etc. When completed the plant will be started up. Mr. Dievert noted that the monthly average flow of 1.55 MGD on flow chart shows the lowest monthly average flow in 10 years; programming continues on new equipment but some of the new equipment is still on the old control system. Hydro-seeding has been done, and clean-up of the

administration building will be completed in the next two weeks. Prison flow is still up despite low Plant flow and the declining population at the facility.

Ribbon Cutting Ceremony - set for October 16th, 10 A.M.

The contractor has started de-mobilizing, and most of the equipment will be off-site by October 16th.

5. TOWN ENGINEER'S REPORT

6. NEW BUSINESS

a. Proposed Sewer Use Fee for 2016 (Public Hearing can be scheduled for 7:00 p.m. on October 28, 2015).

The Authority members discussed the process for evaluation of a sewer fee for 2016. Mr. Gancarz will provide a comprehensive report on the history of the fees at the October meeting. The Authority members will review the report, discuss the data, calculations, summary and recommendation of the Town Engineer, and set a public hearing for Wednesday, November 18th, 7:30 p.m. followed by the regular WPCA meeting.

Chairman Pelton raised the issue of the forthcoming \$200,000 rebate from Eversource with the question of whether this money will go into the department budget.

Regarding Solar City, Mr. Pelton explained the Town is discussing solar energy on a town wide basis, and the treatment plant administration building will be included in the discussions.

b. Letter from Chesprocott dated September 18, 2015.

Chairman Pelton noted all the repairs are code compliant.

The PW Department crew is working on the Cook Hill Pump Station, using the funds from the Elim Park donation for associated costs. When there is a new and final number for the referendum on the Cook Hill Pump Station rehabilitation project, it will be announced to the public along with information on the work previously done at the pump station with donated funds.

c. Letter from Fazzone, Ryan & Ricciuti LLC dated August 18, 2015.

7. OLD BUSINESS

a. Approval of minutes - Regular Meeting held August 26, 2015.

MOTION by Mr. Pelton; seconded by Mr. Scannell.

MOVED to accept and approve the minutes of the Regular Meeting of August 26, 2015 subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

8. ADJOURNMENT

MOTION by Mr. Bowman; seconded by Mr. Scannell.

MOVED to adjourn the meeting at 8:13 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk