

**MINUTES OF THE TOWN OF CHESHIRE WATER POLLUTION CONTROL
AUTHORITY REGULAR MEETING HELD ON WEDNESDAY, JANUARY 27
2016 IN COUNCIL CHAMBERS, TOWN HALL, 85 SOUTH MAIN STREET,
CHESHIRE CT 06410.**

Present

Tim Pelton, Chairman; John Perrotti, Vice Chairman; Steve Carroll, Ken Cianci, Tom Scannell. Absent: Mark Kasinskas and Matthew Bowman.

Staff: Walter Gancarz, Town Engineer

Guest: Town Council Liaison Tim Slocum; Don Chelton, AECOM

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 Perrotti read the emergency evacuation notice.

1. PUBLIC COMMUNICATIONS

Mr. Pelton reported on a communication from Town Planner Voelker which will be discussed later in the agenda.

2. APPLICATIONS

3. PROJECTS

a. AECOM invoice #37684409 dated 1/8/16 in the amount of \$53,126.11

MOTION by Mr. Perrotti; seconded by Mr. Scannell.

MOVED that the WPCA approve invoice #37684409 dated 1/8/16 in the amount of \$53,126.11.

Discussion

Mr. Gancarz recommended the invoice for approval for work completed.

VOTE The motion passed unanimously by those present.

b. Carlin Contracting Co. pay estimate #26 dated 12/31/15 in the amount of \$304,188.86.

MOTION by Mr. Perrotti; seconded by Mr. Scannell.

MOVED to approve Carlin Contracting Co. pay estimate #26 dated 12/31/15 in the amount of \$304,188.86

VOTE The motion passed unanimously by those present.

c. Contingency status as of 11/11/15.

Mr. Gancarz reviewed the contingency status, which shows a total estimated contingency of \$15,402.32.

4. SUPERINTENDENT'S REPORT

a. Update on construction progress.

Mr. Gancarz gave the Authority members an update on the construction status, advising that the contractor is working on punch list items and final connection under SCADIA systems, bringing all systems on line electronically. There are one or two housekeeping change orders to clean up some past work, and they are included in the estimated change order amounts.

Carlin had 20 pages of punch list items from painting touchup to significant items. SCADIA system continues to go on line. Kruger on site now; 14 day testing started for phosphorous removal filter; Digester gets filled on February 8th; one belt filter press refurbished and will be re-installed and operational. SCADIA connections will be completed by February 15th.

Chairman Pelton thanked Mr. Gancarz for his hard work and informative reports over the last two years of the treatment project, which came in on time and under budget.

Mr. Gancarz commented on the project being a good work effort in conjunction with AECOM, and it is in good final shape.

The Authority members were informed by Mr. Gancarz that Supt. Dievert returned to work part time last week, but is working more hours this week, almost full time, following knee surgery. He will have another knee replacement surgery in late March.

Mr. Carroll noted we are near the end of this project, and asked about the billing to date of \$270,000 which is shy of the budgeted amount. He asked about the possibility of the any of this money coming back to the Town if it is not spent.

In response, Mr. Chelton stated the budget number is \$2.620 million. AECOM only bills for what they charge. If the charge did not meet the budget this is money not spent. He noted there is still another year of AECOM services, i.e. record drawings at a cost of \$260,000, and there are some projections because of the PCBs and extended services. We are probably looking at increasing this budget by \$160,000. This is all in the budget and contingency sheets presented at each meeting.

Mr. Chelton said to date AECOM has not reached the initial budget cap; there are a number of tasks remaining to be done; record drawings is the most significant task to be done at a budget of about \$260,000, to be started when work is completed and field data is collected. There was an update given in June and December, and the increase is about \$150,000 to the \$2.620 million, which is counted for in the sheets each month.

On page 2 of the information sheet, Mr. Gancarz pointed out the overall contingency of \$113,859.50, which is the estimated final amount above change orders. On page #1 there was an AECOM adjustment of \$37,012.

Mr. Perrotti asked about the status of the owner manual as he would like a preliminary review of the manual.

Mr. Chelton replied it will be available in about one month.

5. TOWN ENGINEER'S REPORTA

a. Assessment for 146 Park Place

Mr. Gancarz reviewed the situation with 146 Park Place, its failing septic system, and the property owner being anxious to get the house connected to the sewer system. He stated this is a unique situation, and the matter was referred to legal counsel for review and opinion.

This situation goes back to 1978. This particular house sits very low; when gravity sewers were put in there was no way for connection to this sewer; they could not be provided a lateral and the house was never assessed. The property owner now wants to connect with a pump system, which was not available in 1978. The recommendation was a \$3,700 connection fee which is the current fee for connections. The property owner paid \$3,700. Back in 1978 the property owners were charged an assessment of total \$2,200, and the property owner of 146 Park Place is requesting the lower fee because he thinks the higher fee is unfair.

Mr. Gancarz forwarded the matter to legal counsel and asked for a legal opinion for the WPCA to consider. Legal counsel, Attorney Schwartz, advised the Town has the right to charge the \$3,700.

It was stated by Mr. Carroll that, normally, when a neighborhood is sewerred, no one usually opts out.

In this situation, Mr. Gancarz said the resident did not opt out, his house could not be served.

Mr. Carroll said the question is whether the Town is charging the 1978 fee of \$2,200 or the 2016 fee of \$3,700, and if the resident is eligible for a rebate.

In 1978, Mr. Gancarz explained that the sewer authority was not interested in pump connections; it would have made the project more expensive to serve one outlying property; so this is a unique situation.

In his response, Attorney Schwartz cited scenario #2 in which the property owner declined to connect, and was assessed the full \$5,400 assessment.

With a hookup or not, Mr. Perrotti said the property value increased due to being in a sewer area, and the question he raised was whether the Authority is setting a precedent.

Mr. Carroll commented on home values increasing since 1978, and it being within the rights of WPCA to charge current day rates.

According to Mr. Pelton the most defensible position is what the neighbors paid in 1978, and the fact that the world has changed since that time. At the end it is a balanced approach, with the Authority getting one of these situations every few years.

Mr. Scannell said the resident should pay \$3,700.

Mr. Cianci talked about 1978, with Metcalf & Eddy trying to accommodate every homeowner and did not leave a situation for someone to come back years later. He said cutting some slack to this homeowner could set a precedent.

Stating he is unsure if this is the original homeowner of the property, Mr. Gancarz said this house cannot get into the connection by gravity.

Mr. Perrotti's recommendation is to leave things "as is" because of the compared cost between now and 1978. He noted the \$3,700 was calculated in 2009.

Mr. Carroll stated \$3,700 is a fair cost given the amount of time lapsed since 1978, and is in favor of the \$3,700 fee.

A public hearing is not required because \$3,700 is the adopted regulation of the WPCA, and Mr. Gancarz has no concerns about a precedent in offering something less than \$3,700 but more than \$2,200. This type of situation comes up once every 5+ years.

Mr. Pelton stated the homeowner is getting a good deal with the rate of \$3,700 when comparing the money from 1978 dollars to 2016 dollars.

Mr. Perrotti supports the legal counsel opinion of a \$3,700 fee.

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

MOVED that the WPCA, in a situation where a homeowner wants to attach his home to a sewer on an after action basis, each case will be taken and studied on a case by case basis; the bench mark for the connection fee will be the capacity fee of record during the tenure of that WPCA.

VOTE The motion passed unanimously by those present.

b. Cook Hill Pump Station status

Elim Park donated \$150,000 for the station upgrade. Mr. Gancarz advised quotes have been received to install the shell of the small addition, 9'x13', 100 sq. ft. WPCA agrees to continued use of this money for the pump station. In order to do this work, a building permit is required, and Planning and Zoning approval. An Inland Wetlands permit has been received. The recommendation is to go before the Town Council and request that pump stations be exempt from the zoning regulations.

The memo from Town Planner Voelker clearly outlines the process for exemption of pump stations from zoning regulations.

Mr. Gancarz said it would be a good decision of the Council to exempt pump stations. The Chairman of the WPCA could write a letter to Council Chairman Oris requesting this exemption of pump stations from zoning regulations. A copy of the draft letter was given to the Authority members.

It was suggested by Mr. Carroll to ask for exemption for the nine (9) existing pump stations. He said future pump stations could be an issue.

This would be satisfactory and Mr. Gancarz does not see the need to exempt proposed pump stations.

It was the consensus of the Authority members to approach the Town Council with a request for exemption of the existing pump stations from zoning regulations.

c. CCI Claims Commission

The hearing was held on January 5th; the Town has until January 29th to submit its closing briefs; the Commissioner has 90 days to issue a decision after filing of the briefs.

6. NEW BUSINESS

Mr. Perrotti suggested there be an update of the sewer regulations. The last update was done in 2009. Developer agreements were updated in 2013.

a. Chesprocott report for October 2015.

b. Chesprocott report for November 2015.

c. Chesprocott report for December 2015.

The reports were accepted by the WPCA.

d. Election of officers

Chairman

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

MOVED to elect John Perrotti as Chairman of the Water Pollution Control Authority.

Nominations were called for three (3) times; there were no other nominations.

VOTE The motion to elect John Perrotti as Chairman passed unanimously by those present.

Vice Chairman

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

MOVED to elect Steve Carroll as Vice Chairman of the Water Pollution Control Authority.

Nominations were called for three (3) times; there were no other nominations.

VOTE The motion to elect as Vice Chairman passed unanimously by those present.

7. OLD BUSINESS

a. Approval of Minutes of the regular meeting held December 16, 2015.

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

MOVED to approve the minutes of the regular meeting of December 16, 2015 subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

8. ADJOURNMENT

MOTION by Mr. Carroll; seconded by Mr. Scannell

MOVED to adjourn the meeting at 8:19 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk