

**MINUTES OF THE TOWN OF CHESHIRE WATER POLLUTION CONTROL
AUTHORITY REGULAR MEETING HELD AT 7:30 P.M. ON WEDNESDAY,
SEPTEMBER 28, 2016 IN COUNCIL CHAMBERS, TOWN HALL, 85 SOUTH MAIN
STREET, CHESHIRE CT 06410.**

Present

John Perrotti, Chairman; Matthew Bowman, Ken Cianci, Mark Kasinskas, Tom Scannell, James Sima. Absent: Steve Carroll
Staff: Walter Gancarz, Town Engineer; Attorney Joseph B. Schwartz, Murtha & Cullina.
Guest: Tim Slocum, Town Council Liaison; 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.

Mr. Perrotti read the emergency evacuation notice.

1. PUBLIC COMMUNICATIONS

a. Letter from Earl Kurtz Jr. dated September 16, 2016.

The letter was noted as being received and was made part of the record and the file.

Regarding the Kurtz letter, Mr. Sima commented on clarification for paragraph #4 and the fact that Chesprocott and Charles Drive and Sir Walter Drive residents stated their opposition to sewerage the area...they did not attest to the need to sewer the area.

Chairman Perrotti noted a letter from Robert Gieseler dated September 27, 2016, which was not stamped/received by the Public Works Department at the time of the meeting.

2. APPLICATIONS

a. Talmadge 66-14 - continuation

Attorney Schwartz provided an interpretation of the legalities of sewerage areas which are not on the map to be sewerage. He summarized his legal opinion dated 9/23/16 on the Talmadge Road feasibility application #66-14.

Attorney Schwartz explained that the general statutes permit the WPCA to adopt regulations and a feasibility plan. The purpose of the feasibility plan under the general statutes allows certain things. For the importance of the subject application, the plan allows for certain areas in Cheshire for development and certain areas "to be avoided". In this instance the feasibility plan states "not to be recommended" and this is synonymous with "to be avoided."

Separate and apart from the WPCA plan the State adopts a separate Conservation and Development Plan (Plan) with review of land in every municipality, and classifies areas for conservation and development. The general statutes state that the WPCA plan does

not have to be consistent with the State Plan. But, if the WPCA plan is not consistent, and the Town goes ahead with an application inconsistent with the State Plan, the Town runs the risk of losing State funding, grants, loans etc. for any future WPCA projects.

Regarding the current application, Attorney Schwartz noted it deals with area 13, along Talmadge Road, and in reviewing the WPCA plan, this is an area not recommended or should be avoided under the general statutes. Attorney Schwartz spoke with Town Engineer Gancarz and noted the area is classified by the State Plan as not being proper for development purposes.

Attorney Schwartz said the actual issue is whether it is possible for WPCA to amend its plan so the subject area is not in the area "to be avoided". The general statutes say this can be done; there is nothing stopping WPCA from amending its plan as it sees fit; it is broad, and does not explain how to go about doing this as it would be the same as amending any other plan or regulation. If WPCA goes ahead and amends their plan and includes the subject area that could be developed, the next part is whether it would be consistent with the State Plan.

The review by Town Engineer Gancarz of the State Plan and the subject area shows it is not currently set for development under the State Plan. If WPCA were to approve the subject application, there could be loss of State funding for future projects.

Chairman Perrotti recognized the letter from Mr. Gieseler dated 9/27/16 which will be made part of the file.

Ryan McEvoy, P.E. Milone & MacBroom, represented the applicant Mr. Kurtz. Mr. McEvoy commented on just being made aware of the Town Attorney's document, without a chance to review the information. In light of this, he believes it is prudent to request the application be continued to the October meeting of the WPCA, to permit the applicant time to review and comment on the information. He said in the 2005 Town plan this property was designated as conservation, and now there is the 2013 plan with a different designation, no longer referring to properties as "conservation, preservation, etc." Mr. McEvoy requested continuance to October so the applicant and his representatives can speak with the Town Engineer, Town Attorney and the State.

With regard to the September presentation on this application, Ms. Sima posed a question about the slope being .51 on the sewer main, and this being the lowest the applicant could go on it. He asked if this is really the shallowest or lowest slope for use on a sewer line.

In response, Mr. McEvoy said some towns go to .4 on the sewer main; .5% is generally acceptable slope. He could estimate the .4 slope and provide information at the next meeting. There is not a significant difference over 2400 feet, and it is about a foot or two, and for the subject property we are talking about 25 to 30 feet.

Mr. McEvoy presented clarification that sewerage this property is not the only means for development. It is in an R-40 zone which allows for 40,000 sq. ft. lots, and under

current regulations Mr. Kurtz could get as many as 12 lots, and Mr. Longo could get 3 lots. This is a cluster development application. Mr. McEvoy submitted a handout to Authority members with sheets 1 and 2 show the conventional layout.

Mr. Bowman supports the continuation of the application so the applicant can review the Town Attorney recommendations.

Town Engineer Gancarz noted one new thing from last month. He stated the proposed plan is to extend sewers to Charles Drive so future streets can be served through this pipe. The proposed alternate that starts on Wallingford Road to Talmadge Road was cited, and this would cost \$500,000 to construct. Another option if the need arose for Sir Walter and Charles Drives, it was found that when Copper Beach Drive was developed there was a stub put in and easement across this property which lines up with Clearview Drive. The idea was this could be the future potential way to serve this area.

The WPCA meeting packages included a copy of this information. Mr. Gancarz noted that Authority members have all the information needed to come to a conclusion.

With regard to the Town Attorney's information, Mr. Sima said it mentions the possibility of a variance in the State Plan and WPCA puts sewers into a spot, the Town runs the risk of losing State funding. He asked for clarification on this statement.

Attorney Schwartz explained that the statute requirement is...if the State is to administer any grants or financing for a project it would have to be consistent with the State Conservation and Development Plan. When he said "run the risk" he means if the State becomes aware of any inconsistency, under the statute the State could not administer the grant.

Mr. Sima commented on the upcoming November referendum on the pump station rebuild, this being passed, and whether the State would be able to give funding to the Town if it is aware of a violation of its Plan. He said there would be significant money needed to rehab this pump station.

If an application is approved that is inconsistent with the State Plan and the State becomes aware of this, Attorney Schwartz said under general statutes the State is required to withhold funding for the project.

Mr. Sima commented on his thinking the funding is withdrawn only for WPCA projects...not all State funding.

The way the statute is written Attorney Schwartz said it would be "all State funding" for acquisition and rehabilitation of any Town real property...i.e. water treatment facility, pump stations and things of this nature. There was a new State Conservation and Development Plan in 2013. It may be that as a result of the adoption of that Plan the classification of the subject property might not be classified into two buckets...yes it can

be developed...and no it cannot be developed. Prior to the next meeting the applicant's engineer will review this Plan, and Attorney Schwartz will also review the 2013 Plan. If development of the subject property is not inconsistent with the State Plan, then it might be an issue of whether WPCA wants to amend its Plan, without risk of losing State funding.

Chairman Perrotti read his opinion statement into the record of the meeting, and a copy is attached to these minutes. In summary, Mr. Perrotti's statement stated WPCA is bound by certain rules and regulations, including the process to review applications requesting connection to Cheshire's sewer system. His opinion is that making an exception to the proposed plan for sewerage with possible risk of loss of State funding is something WPCA cannot afford to take for the benefit of all Cheshire residents.

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

MOVED that the WPCA approves continuation of Feasibility Application 66-14, Earl J. Kurtz, Jr. to the October 2016 meeting.

VOTE The motion passed unanimously by those present.

3. PROJECTS.

a. AECOM Invoice #37808913 dated 9/15/16 in the amount of \$44,363.50

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

MOVED that the WPCA approves the AECOM invoice #37808913 dated 9/15/16 in the amount of \$44,363.50.

Discussion

Mr. Gancarz has reviewed the invoice and recommends it for payment. The invoice is for a number of different items...PCB finalization report, shop drawing reviews, warranty support, and other items.

VOTE The motion passed unanimously by those present.

b. Carlin Contracting Application #30 dated 8/31/16 in the amount of \$31,863.44

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

MOVED that the WPCA approves the Carlin Contracting Application #30 in the amount of \$31,863.44.

Discussion

Mr. Gancarz has reviewed the invoice and recommends it for payment. This is for release of all the money held for punch list items, except for \$800.

VOTE The motion passed unanimously by those present.

c. Project contingency status as of 9/20/16.

Mr. Gancarz noted there is an update included with the sheet; \$11,000 estimated balance; biggest item is shop drawings, and by end of January 2017 the record drawings are to be done. The O&M Manual will be finalized. PCB closure report for the October meeting.

4. SUPERINTENDENT'S REPORT

In the absence of Supt. Dievert, highlights of the e-mail report were presented by Mr. Gancarz. Next week it will be two full years of successful ultra violet disinfection without violations; no phosphorous violations; SKADA program being completed; Digester operating very well; now heating with recovered methane gas.

a. Status of plant operations.

Chairman Perrotti commented on the plant operating very well.

5. TOWN ENGINEER'S REPORT

a. Phosphorous Funding

Mr. Gancarz informed the Authority members that the amendment increasing the funding by 20% has been worked out between the State and Town Bond Counsel. The Town Manager will sign documents next week; Finance Director Jaskot and Town Clerk Brennan have already signed off on the documents; and there is \$1.5 million in additional funding to the Town. This increased funding reduces the interest charges on the loan, and the closing will take place on June 30, 2017.

b. Cook Hill Pump Station

The contractor is in place for the next section of electrical upgrades; and the Town is using the last of the Elim Park funding.

c. Solar at WPCP

This item will be kept on the agenda. There should be an RFP to investigate this project; the big advantage is what is behind the meter; there are savings for transmission and distribution charges. A limited section of the site is being looked at...the lagoon area. The landfill solar panels, 20 year lease, has been approved by Council.

The RFP would include information on the terms of the lease. Mr. Gancarz said the program would be along the lines of a power purchase agreement, similar to the landfill project. The agreement states the rate for purchase; the landfill is getting virtual net metering credits to reduce costs; WPCA project would not be the same as nothing would be outside the plant.

Methane - in winter there is no excess; in summer there is excess. Mr. Gancarz and Mr. Dievert met with someone from a fuel cell company, but it was not worth pursuing. Mr. Chelton noted this was discussed during the plant upgrade process, with a look at micro turbines.

6. NEW BUSINESS

a. Proposed Sewer Use Fee for 2017 (Public Hearing can be scheduled for 7:00 p.m. on October 26, 2106.

The sewer use fee public hearing date and time was approved by the Authority members.

Mr. Gancarz will provide information to the Authority on the commercial water usage. He commented on it being a dry year; numbers will be down; and adjustments for the balloon costs for next year. Prior to the next meeting, he will have commercial water usage which provides information on what this usage has been. For the prison (CCI) the billing is December 1 to November 30th so it will be 10 months of records. He will plug in all the numbers for commercial and residential users and estimate the prison invoice.

I&I Issue with the prison was raised by Mr. Gancarz. CCI rates this year compared to past years shows them being much less. April 2016 is 536 vs. 626 in 2015; May 2016 486 vs. 589 in 2015; June 2016 463 vs. 554 in 2015. His initial estimate is an invoice of \$40,000 to \$50,000 less than last year. Plant flows are down about 20% from last year.

Clean Water Fund Grant and Loan - for the plant upgrade. Out of \$32 million - \$8 million grant and \$24 million loan. There were construction draws throughout this year; construction loan interest is 2%; \$24 million at 2% is \$40,000 per month carrying costs. At closing next year the Town must pay all the construction money and start making annual payments. The first payment (construction loan and 1st year's payment) will be \$3.5 million, and subsequent year payment will be \$1.7 million.

Town Council and Town Manager Milone have been aware of this for a long time, and there is some sentiment to increase the WPCD reserve fund (about \$700,000 now) to help pay for the first year spike payment. One way to do this is to increase the user fee this year and again next year...or do one large increase next year. There is Council anticipation of assistance from the reserve fund with this payment next year.

Chairman Perrotti requested more data for review, some financial input, and discussion at the October meeting. Mr. Gancarz will provide these numbers.

Sewer User Fee - last year WPCA looked at \$385, and settled on \$383 as the new fee. Mr. Sima noted \$393 as the number for next year.

Mr. Chelton brought up the issue of setting the user fee before the public hearing is noticed. The rate must be in the public notice, and WPCA cannot increase the fee, but

can go lower. It was decided that \$400 for a single family dwelling would be the fee cited for the public hearing notice...and it can be reduced by the WPCA.

Councilor Slocum commented on the budget process discussions and WPCA setting of the sewer user fee once a year. The Council also discussed a special assessment as a means to generate funds but none of this was voted on by the Council.

It was clarified by Mr. Gancarz that the WPCA can only set the fee once a year. He suggested there be an explanatory insert in the sewer use bills this year, informing people about the one-time increase, and the reason for the larger fee increase which will not be a recurring cost. This will be discussed and decided by the WPCA at the next meeting.

b. Chesprocott Letter dated September 14, 2016.

The upcoming sewer use bills could also contain information about I&I.

7. OLD BUSINESS

Chairman Perrotti commented on the need for WPCA to look at updating its map(s), plan(s) and make sure all is in line. There should be a decision making process.

Mr. Bowman commented on the voter approval for purchase of the Chapman property, resulting in less development and taking more sewers off the table. With the change of codes he noted that bathroom toilets/showers and kitchen and bathroom faucets will result in lower water usage. He advised that parts for older toilets, showers, kitchen/bathroom faucets are no longer being made...and these items must be replaced rather than repaired. A question is how this will affect effluents.

According to Mr. Gancarz this does not change the solids at the plant...there is handling of less liquid. There are changes in flows throughout the year.

Mr. Chelton said the number of pollutants stays the same, but concentration changes. There is less flow within the footprint of the plant.

Mr. Kasinskas stated that Mr. Bowman's comments should be considered by WPCA looking long range at a higher level. With less flow provided annually to the plant, and a fee increase, people can become disgruntled.

Chairman Perrotti said this is a challenge being looked at now.

8. APPROVAL OF MINUTES

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

MOVED to approve the minutes of the meeting of August 24, 2016 subject to corrections, additions, deletions.

Corrections: James Sima was present at the August 24th meeting.

Page 2, para. 4 & 5...should read "Mr. Carroll stated..."

Page 3, para. 2...should read "Mr. Carroll asked if the first property ruled as non-sewerable because it is a single residence?" and..."Mr. Chelton" explained...

Page 3, para. 3 should read "Mr. Chelton"

Page 3, para. 5 should read "Mr. Chelton said.."

Page 4, para. 3 should read..."Mr. Sima" asked about code compliant...and para. 4 should read "Mr. Cianci asked..."

VOTE The motion passed unanimously by those present.

9. **ADJOURNMENT**

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

MOVED to adjourn the meeting at 8:40 p.m.

VOTE The motion passed unanimously by those present.

Attest:



Marilyn W. Milton, Clerk