Chairman Attwood called the meeting to order at 7:35 p.m. Roll was called and a quorum determined. The assembled group recited the Pledge of Allegiance. Mr. Attwood 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

Mr. Attwood informed members that the Annual Meeting and Spring Workshop of the CT Assoc. of Water Pollution Control Authorities, Inc. will take place on June 11 from 8:30 to 1:30 at the Crowne Plaza in Cromwell. Mr. Chelton will be making a presentation regarding phosphorous at the meeting. Mr. Attwood and Mr. Dievert will attend.

APPLICATIONS

Richmond Glen

Mr. Attwood reminded members that this application was originally granted on September 24, 2008. He requested guidance from Town Attorney Lord regarding the regulations relating to this extension request. Attorney Lord stated that there are two different approvals: one for Award of Capacity which is for two years and starts when WPCA approval is granted. The next is Final Design approval, which is for one year and begins upon P & Z approval of the site plan.

Attorney Anthony Fazzone addressed the Authority on behalf of the applicant. He stated that when the applicant applied for these approvals in 2008, part of the package was a copy of the approval of Planning & Zoning, which was granted in 2005. He offered that
because of the requirement that the approval only be granted for one year beyond the 2005 P&Z approval, that the approval by the Authority was a meaningless act. At that time the site plan was already 3 years old. Attorney Fazzone informed the Authority that the Planning & Zoning approval was extended on September 14, 2009, which reapproved the project for another year. This approval was within one year of the WPCA approval of September 28, 2008.

Attorney Fazzone stated that he has concluded that the approvals of the WPCA in the past have been inconsistently applied. He stated that 12 projects applied for Final Design and Award of Capacity, and only 4 of those projects have the standard motion included in the minutes. Some do not refer to time limits.

Attorney Fazzone informed the Authority that the reason for the delay of this project is because the applicant successfully approached the State to have the property in question changed from Conservation Area to Neighborhood Conservation Area. Properties designated as Neighborhood Conservation Areas are permitted to be sewer based on the Conservation & Development Plan.

Attorney Fazzone discussed other projects which he opined deviate from the regulations of the WPCA. He reiterated his position that the regulations have not been consistently applied by the Authority, and were not always read. In response to a query from Attorney Lord, Attorney Fazzone acknowledged that not reading the regulations does not absolve an applicant from abiding by those regulations.

After Attorney Fazzone cited several applications where he deemed that there were inconsistencies, it was the consensus that only one instance appears to be inconsistent, and the Authority agreed to investigate that situation, which it feels was an aberration. Although some of the motions do not reference the entire regulation, it is inherently implied in the approval of the application.

In response to a query from Mr. Gancarz, Attorney Lord offered that the Authority should take action to either approve or deny this application. Mr. Attwood stated that it would be acting inappropriately for the Authority to take action on an expired permit. Attorney Lord responded that the Attorney could take action to deny the request for the extension based on the fact that the permit has expired, and state the regulations which support that position.

In response to a query from Mr. Witek, Attorney Fazzone stated that there have been no changes to the final design since the applicant received approval from the WPCA. Mr. Witek stated that the question is how the Authority is meeting the regulations. It was the consensus of the Authority that changes in wording of the regulations must be reviewed for possible changes.

Attorney Fazzone asked a rhetorical question relating to how an applicant with site plan approval would address a change in the regulations.
Mr. Attwood moved that the Water Pollution Control Authority deny the request of Richmond Glen for an extension of Final Design Award and Award of Capacity approvals, based on WPCA regulations that the time of approval has lapsed and there has not been substantial compliance with the site plan and public improvements which have not been substantially completed. The motion was seconded by Mr. Pelton.

Discussion of Motion:

Mr. Pelton expressed his desire for the Authority to review its regulations and insure that they are congruent. Motions must be prepared by staff prior to the meetings. Any aberrations need to be adjusted at a later date.

Mr. Gancarz offered that this situation is unfortunate, but he agrees that the Authority must abide by its regulations.

In response to a query, Attorney Lord advised that it would be permissible for the Authority to grant the Award of Capacity to the applicant.

Vote on Motion: Carried 4-0-1. Mr. Scannell abstained.

Mr. Pelton moved that the Water Pollution Control Authority grant the Award of Capacity previously granted to Richmond Glen for a period of one year. The motion was seconded by Mr. Witek.

Discussion of Motion:

It was the consensus of the Authority that the regulations be examined immediately to insure that they are congruent and easily measured. Mr. Attwood requested that Mr. Dievert create a spreadsheet detailing all WPCA approvals and time frames.

Vote on Motion: Carried unanimously.

Members agreed that language in the regulations be changed to be consistent with regard to site plans, subdivisions and all other pertinent situations. It was agreed that both Final Design an Award of Capacity should be granted for a period of two years.

REPORTS FROM CHAIRMAN/STAFF

Mixville Pump Station

Mr. Dievert informed the Authority that Mr. Mariusz Jedrychowski of Wright-Pierce was not able to be at this meeting. The project is moving along very well, and work is presently progressing on the hip roof.
Mr. Attwood moved that the Water Pollution Control Authority approve Invoice #70285 of Wright-Pierce for work related to the Mixville Pump Station Project in the amount of $3,965.62. The motion was seconded by Mr. Gancarz and carried unanimously.

Mr. Attwood moved that the Water Pollution Control Authority approve the invoice of Xenelis Construction Co. for Application #3 in the amount of $3,800.00, for work related to the Mixville Pump Station Project. The motion was seconded by Mr. Witek and carried unanimously.

Facilities Plan Update

It was decided that there will be a special meeting next month for the purpose of establishing a sewer service area. The public hearing regarding the upgrade to the Treatment Plant will not be conducted until after final design.

The public hearing for Phase I of the Facilities Plan will be held at 7:30 p.m. on June 23, following the regular monthly meeting which will be held at 6:30 on June 23. There will also be a public hearing to discuss the WPCA regulations on the same night. Attorney Lord will draft suggested changes to the language of the regulations and make it available to members before the public hearing.

Mr. Chelton informed the Authority that the next step regarding the Treatment Plant Upgrade Project is to move forward with final design.

Mr. Attwood moved that the Walter Pollution Control Authority request a proposal from AECOM for design of the improvements outlined in Phase 2 of the Facilities Plan. The motion was seconded by Mr. Pelton and carried unanimously.

Mr. Chelton reminded the Authority that the DEP did not score this project request highly on the State funding priority list. Although the project will not commence in 2011, the low status on the DEP funding priority list is a serious concern. Mr. Chelton has been in conversation with representatives of the DEP informing them that the scoring does not seem fair to those municipalities who are trying to meet the regulations. Most of the money is going to Towns who are out of compliance.

Mr. Dievert addressed similar concerns regarding the Town’s scoring at the DEP public hearing. Mr. Chelton submitted information documenting why the Town should have received more points. Cheshire is now on the 2012 list for funding.

Mr. Gancarz expressed the importance of continuing an ongoing program to drive up points to receive DEP funding for the Pump Station Project. If that funding is not received, the cost of this project could be extremely high. Mr. Chelton commented that the scoring system is completely antiquated. There is little in the language relating to phosphorous.
Mr. Gancarz informed the Authority that he informally submitted the document presented by Mr. Chelton regarding points to the DEP. Mr. Chelton stated that there is a bill which has been submitted which will change the word “nitrogen” to “phosphorous”.

**Influent Pump Station**

This was the topic of discussion earlier in the meeting.

**Superintendent’s Report**

Mr. Attwood noted receipt of the report prepared by Mr. Dievert regarding a summary of present lab equipment and needs at the Treatment Plant.

**I & I Program – Interceptor Manhole Rehabilitation**

This project has been awarded to C. H. Nickerson, Inc., and the project is beginning to move along.

**Chesprocott Information**

There was no monthly report from Chesprocott included in the packet this month.

**APPROVAL OF INVOICES**

Mr. Attwood moved that the Water Pollution Control Authority approve invoice #7078772 from AECOM in the amount of $4,368.95, for services relating to Phase 2 of the WPCP Facility Plan Project. The motion was seconded by Mr. Pelton and carried unanimously.

Mr. Attwood moved that the Water Pollution Control Authority approve invoice #7078767 from AECOM in the amount of $779.45, for services relating to the Interceptor Manhole Rehabilitation Project. The motion was seconded by Mr. Scannell and carried unanimously.

**NEW BUSINESS**

Mr. Schrumm informed the Authority that the Town Council Planning Committee has received information that AT&T has plans to install a 100 to 180 ft. tower at the Treatment Plant Facility. The tower will serve the Town and will be sublet to other carriers. Mr. Witek commented that AT&T will need a separate entrance for the tower.

**OLD BUSINESS**

There was no old business to come before the Authority.
APPROVAL OF MINUTES

Mr. Witek moved that the Water Pollution Control Authority approve the minutes of the regular monthly meeting of April 28, 2010, as published, subject to correction. The motion was seconded by Mr. Scannell.

Corrections: Page 3, paragraph 3, should read, “There was discussion regarding the installation of *arborvitae* around the pump station, and it was the consensus of the Authority to delay a decision on the fence until the *arborvitae* has been installed.”

Page 4, first paragraph under Richmond Glen, first sentence should read, “Attorney Fazzone granted the WPCA a 35 day….”

Same paragraph, last sentence should read, “The Authority took no action and will address the issue at the next meeting.”

The motion to approve the minutes, as amended, carried unanimously.

ADJOURNMENT

Mr. Pelton moved that the Water Pollution Control Authority adjourn at 9:15 p.m. The motion was seconded by Mr. Gancarz and carried unanimously.

Respectfully submitted,

John Attwood, 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