

BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

Wednesday, March 27, 2013 Room 133 7:00 p.m.

SPECIAL MEETING APPROVED MINUTES

1. **Convene Meeting** – Chairman Malwitz called the meeting to order at 7:00 PM with the following persons in attendance:

WPCA:

N. Malwitz, Chairman
T.E. Lopez
C. Scott

OTHERS:

W. Charles Utschig, Engineer
Jeffrey Sienkiewicz, Attorney
S. Welwood, Accountant
R. Prinz, Chief of Maintenance
D. Will, Inspector
K. McPadden, Executive Administrator
E. Cole Prescott, Recording Secretary

2. **Approval of Minutes** – 2/20/13: Chairman Malwitz recommended the following changes: page 1 - change the word “ability” to “maintenance”; page 3 – 7e first paragraph – add the word “end” after “front”. **T.E. Lopez made a motion to accept the minutes with the noted changes. C. Scott seconded the motion, and it carried unanimously.**

3. **Correspondence**

- a. Memo from Ralph Tedesco, DPW dated 3/19/13 Re: Mechanic Rates – Chairman Malwitz reviewed the memo with the Commission. The memo noted the increased hourly mechanic rates for work performed by the Public Works Department.

4. **Old Business**

- a. 20 Vale Road – Sewer Extension Application (Revised plans received 3/20/13)
- b. 111 Park Ridge Road Parcel 1(fka 20 Vale Road) – Sewer Connection Application
N. Levesque of CCA, LLC was present on behalf of the applicant for 20 Vale Road & 111 Park Ridge Road.
- Memo from S Sullivan was received, asking for an extension to the April meeting and also to table the discussion until the next meeting. Attorney Sienkiewicz noted some issues with the current easement language, specifically in regard to the width of the roadway. Chairman Malwitz asked N. Levesque to ask S. Sullivan to touch base with Attorney Sienkiewicz regarding this information.

C. Scott made a motion to table the applications for 20 Vale Road and 111 Park Ridge Road to the next meeting and to extend both applications to April 24, 2013. T.E. Lopez seconded the motion, and it carried unanimously.

- c. 11 Orchard Street – Request to discontinue sewer assessment (Letter received 3/18/13) – *M. Grimes was present on behalf of M.J. Grimes.* Chairman Malwitz reviewed the details of the resolution with the Commission. Attorney Sienkiewicz mentioned that the sewer service map may need to be changed to remove this parcel to reflect this change. **T.E. Lopez moved to approve the Resolution, and C. Scott seconded the motion. Motion carried unanimously.**

5. **New Business**

- a. 40 & 64 Laurel Hill Road – Commercial Sewer Connection Application – *N. Levesque of CCA, LLC was present to discuss the application.* N. Levesque stated that there are three buildings with twenty-four units each, and there is an existing commercial structure on the lot that is going to be moved to another location on site. N. Levesque stated that the application is to tie

the proposed buildings into the sewer. N. Levesque noted that the existing office is already connected to the sewer. N. Levesque noted the location of the manholes on the proposed plan. She also noted the location of a proposed grease trap because there is a kitchen in the current office building. N. Levesque noted that the entire property will be maintained by the same owner. N. Levesque noted that it is not the intent of the owner to sell the individual units as condos. R. Prinz stated that he believes it is better for gravity lines to be used rather than to build more pump stations, as is proposed as part of this plan. C. Scott asked for clarification about what will be added to the current office building, and N. Levesque mentioned that it is the intent of the owner to maintain the building as a rental office. W. Charles Utschig suggested that the applicant investigate opportunities to eliminate the proposed pump station from the plan. R. Prinz suggested that the engineers review the plans before the inspection fees are set. **T.E. Lopez made a motion to accept the application, setting the engineering fee at \$1,000. C. Scott seconded the motion, and it carried unanimously.**

6. Accountant Reports

- a. Audited Financials
- b. Month End – S. Welwood reviewed the audited financials and the month end with the Commission.
- c. Billing Process – S. Welwood suggested that the WPCA billing be done on a semi-annually rather than a quarterly basis to cut back on the amount of time required for the WPCA office to complete the extra billing work that is necessary with billing on a quarterly basis. S. Welwood noted that the online payment method which the WPCA plans to use starting in May will make the June 1 billing process more efficient for the bill payers, but will not make the work load easier on the WPCA office. Chairman Malwitz recommended that this matter be discussed when there is a more full board present at the meeting.
- d. 2013/2014 Budget – S. Welwood noted that the minimum contribution for the pension has now doubled. The Commission reviewed the budget documents. **Chairman Malwitz made a motion to accept the budget with the narrative changes on page 1 as presented. C Scott seconded the motion, and it carried unanimously.**

7. Engineer Comments/Project Update –

- a. Del Mar Drive Sewer Extension Project - W. Charles Utschig stated that the pre-construction meeting was held with the contractor and R. Prinz stated that test pits will be started the week of April 8th. W. Charles Utschig stated that the contractor feels as though his company can meet the deadline.
- b. High Meadow/Ledgewood/Newbury Crossing Project/Wetlands Application Status – W. Charles Utschig reported that a site visit has been done and they have attended two wetlands meetings. He noted that Birdsall is working on submitting the revised drawings to the Commission by April 4th based on the comments from the wetlands consultant. T.E. Lopez stated that it is critical that this project must be done in the summer.
- c. GIS System Update - W. Charles Utschig stated that Birdsall is waiting for a schedule from the GIS Director who is currently working for the Town.
- d. Caldor Pump Station Flow Meter - Chairman Malwitz noted that this item will be discussed at the next meeting.
- e. Other Engineering Matters – W. Charles Utschig stated that he has gotten some direction on how to prepare numbers for some of the private sewer systems that the private entities will be responsible for maintaining.

8. Legal Matters –

- a. 56 Del Mar Drive Grading & Landscape Easement – Attorney Sienkiewicz noted that this matter has been completed.

- b. 67 Federal Road Easement – R. Prinz noted that the idea of a license agreement sounds acceptable. R. Prinz stated that he met with M. Finan yesterday, and he feels that the WPCA should have its own meter whether inside of the electrical room or out near the sewer. Attorney Sienkiewicz stated that he has been in touch with the owner and the owner’s attorney. Attorney Sienkiewicz noted that he has drafted a license agreement. R. Prinz stated that once he receives the description from the electrical engineer, he will forward it to Attorney Sienkiewicz.
- c. Pocono Crossing Amended Permanent Maintenance Agreement – Attorney Sienkiewicz stated that he has done an amendment and has sent it to the property owner but has not yet heard back from them. Chairman Malwitz recommended that this item be discussed at the next meeting.
- d. Remaining Permanent Maintenance Agreements – Attorney Sienkiewicz stated that he has been in contact with Mr. McNamara, the representative from Brookfield Commerce LLC, and Mr. McNamara believes that the system is up to the WPCA’s standards. K. McPadden stated that she had found as-built plans for several individual properties but not for the entire street. R. Prinz will look to see if he has an as built of the entire street. This matter is continued to the April meeting.

9. **Chief of Maintenance Report** – R. Prinz stated that he has no written report for tonight’s meeting. D. Will stated that he was out at 871 Federal Road today doing the hydro-testing.

10. **Other WPCA Business**

- a. Outlet Capacity Account Interest Transfer – K. McPadden reported that all of the Outlet Capacity refunds have been issued and sent out and the interest that remains in the account and needs to be transferred to the Operating Account. S. Welwood noted that because the money is being moved from a restricted account to an unrestricted account, a motion needs to be made to allow this transfer. **Chairman Malwitz made a motion to transfer from the Outlet Capacity Account to the Operating Account all but one penny to keep the account open. C. Scott seconded the motion, and it carried unanimously.**
- b. Expired Permit Status – K. McPadden noted that there are a couple of permits that have expired for which escrow money is currently being held. K. McPadden sent out a letter to four customers, all of which said that they would like to extend the permit for one year. **T.E. Lopez made a motion to extend the recently expired sewer permits for Silvermine Development Corporation (1055 Federal), Joseph Cruz (77 Vale Road), 23-41 Grays Bridge Road LLC, and 470 Federal Road for Cirignano for a period that would expire on March 31, 2014. C. Scott seconded the motion, and it carried unanimously.**
- c. Invoice Cloud Update – K. McPadden stated that the software training will be held on April 23rd and the soft launch is scheduled for May 3rd.
- d. Logo – K. McPadden stated that she got responses from P. Kurtz and T.E. Lopez with parameter ideas for the logo. She will compile the parameters and send them to Crowdspring.com to see what type of logos are submitted.
- e. Three Condo District Assessment Re-calculation – Attorney Sienkiewicz suggested that if the Commission decides to do an assessment re-calculation, they may want to re-spread just the assessment and interest and not the delinquent, but not offer this re-spread unless the account is brought current. Attorney Sienkiewicz also suggested that the other alternative could be to accelerate all of the delinquent accounts. T.E. Lopez stated that he agrees with the accelerated approach suggested by Attorney Sienkiewicz. C. Scott agreed that the back debt should be paid off, and then the owner should get on the new plan to pay the remaining amount off. Attorney Sienkiewicz mentioned that there are between 55 to 60 delinquent accounts, which is about twenty percent of the units on this line. The back debt will be accelerated, and once the debt has been paid off, it will allow the owner to get on the new payment plan. Chairman Malwitz suggested that Attorney Sienkiewicz send a letter to the delinquent accounts, which reflect the

April 30th amount. K. McPadden will send all of the address information to Attorney Sienkiewicz for this mailing.

- f. Employee Handbook –T.E. Lopez asked that the highlighted employee handbook be sent to him and P. Kurtz to be discussed at the next meeting.
- g. Other WPCA Business – T.E. Lopez asked what was happening with the old computers. R. Prinz stated that he is still using his computer. C. Scott asked if the meeting conflict with the Board of Education budget meeting could be resolved for the next year’s meeting schedule.

11. Vouchers

T.E. Lopez made a motion to accept the vouchers as presented. C. Scott seconded the motion, and it carried unanimously.

12. Adjournment

Chairman Malwitz made a motion to adjourn at 9:30 PM. T.E. Lopez seconded the motion, and it carried unanimously.

*** Next meeting scheduled for April 24, 2013 ***

**RESOLUTION CONCERNING
11 ORCHARD STREET
FEDERAL ROAD BENEFIT ASSESSMENT**

WHEREAS, on September 23, 2009, the Water Pollution Control Authority, acting upon the petition of Peter Dimasi, Jr., Trustee, then owner of 11 Orchard Street, voted to make sewer service available to 11 Orchard Street and determined that a benefit in the amount of \$7,280.00 had accrued to such property as a result of the availability of sewer service; and

WHEREAS, Matthew Joseph Grimes, the current owner of 11 Orchard Street, has petitioned the Authority to vacate its prior action, to permanently remove 11 Orchard Street from the sewer service area and to abate the benefit assessment heretofore levied on the basis that such property will no longer benefit from the availability of sewer service; and

WHEREAS, the Authority has determined that such petition should be granted subject to the specific terms of this resolution:

Now Therefore, Be It Resolved That

1. On or before April 15, 2013, the petitioner, Matthew Joseph Grimes, shall tender the sum of \$121.02 to the Authority in payment of the March 1, 2013 Danbury Plant Charge (\$25.88) and bond interest (\$95.14) accrued on the remaining unpaid principal balance due with respect to the benefit assessment.

2. Upon receipt of such payment, the benefit assessment levied on September 23, 2009 against the property known as 11 Orchard Street, formerly owned by Peter Dimasi, Jr., Trustee and now owned by Matthew Joseph Grimes, shall be rescinded and abated; provided however, that such rescission and abatement shall become effective only upon the timely payment as provided in Paragraph 1. If such payment is not timely made, then the rescission and abatement of the benefit assessment against such property shall be void and of no effect. If such payment is not made, the Collector shall notify the Authority.

3. Upon the effective rescission and abatement of the such benefit assessments as above provided, the Collector of the Authority is directed to cause notice of such rescission and abatement to be to be filed and recorded in the Office of the Brookfield Town Clerk and to cause a notice of such action to be mailed to the affected property owner at the address as shown on the last completed Grand List, or to any such subsequent address of which the Collector may have knowledge.

4. Upon the effective rescission and abatement of such benefit assessment as above provided, the property known as 11 Orchard Street shall be permanently removed from the sewer service area and future sewer service to such property shall be denied.

5. No refund of amounts previously paid on account of such benefit assessment shall be made to the current of former property owner.