

**New Hartford Water Pollution Control Authority
TOWN OF NEW HARTFORD, CONNECTICUT
SPECIAL MEETING MINUTES
Thursday, August 31, 2017 at 7:00 PM
New Hartford Town Hall
530 Main Street, New Hartford, Connecticut**

PRESENT: Chairman Denton Butler, David Douyard, Mary Beth Greenwood, Michael LeClaire, Wes Marsh, and Polly Pobuda, and Joe Toro.

ABSENT: None.

Chairman Denton Butler called the meeting to order at 7:00PM.

1. PUBLIC HEARING - PROPOSED CHANGE TO ARTICLE III, SECTION 4 OF THE SEWER RULES AND REGULATIONS:

Mr. Butler read the published legal notice for this public hearing into the record. Copies of the existing regulations were made available to the public as was the draft of the proposed changes to Article III of Section 4 as well as the definition that was also under review. Prior to the discussion, time was allowed for members of the Board and public to review the distributed materials.

The hearing was open to the public for comment.

Regina Wexler of 116 Town Hill Road, noting that she is in the proposed sewer service area, shared her concerns with the proposed changes. She noted that under the existing regulation, a property within the sewer service area, and abutting a sewer line, could be ordered to connect within ninety days. Under the new proposal, a property that does not even abut a sewer line could be subject to the same order. Ms. Wexler objected to what she characterized as very broad language and unfettered authority provided to this board through these changes. She also noted the omission of waivers. Ms. Wexler reported having researched circumstances for waivers in other towns noting that among the reasons to grant them are unique topography, engineering problems, age of an existing system and health of an existing system.

Aulay Carlson of 455 West Hill Road, noted a typo in the third line of the proposed regulation with the language, "...with the Town of New Hartford..." as having ought to read, "...within the Town of New Hartford...".

Norma Pappalardo of 14 Church Street, noting that she is in the proposed sewer service area, questioned the timeline with respect to connections. Mr. Butler explained that details, such as which properties abut sewer lines, will likely be worked out over the next ninety days. Mr. Butler also confirmed that there will be an appeal process.

Mary Ann Gunning of 45 Church Street questioned why the provision within the regulation for waivers was removed. Mr. Butler explained that he cannot confirm that waivers will not occur. Ms. Gunning commended this Board for the work that they have done.

Erik Perotti of 27 Church Street questioned whether a possibility exists that should he connect to an older pipeline behind his property and a new one was to be installed in the front of his home, he would then have to hook up to that one instead. Mr. Perotti also questioned whether there will be assistance or payment plans for financing the cost of the connections. Mr. Butler

noted that discussions will likely occur among the Board regarding property owners who are ordered to connect and do not have the financial capability to do so.

Paul Pobuda of 22 Church Street, noting that he lives across the street from where the line runs down the old railroad tracks, questioned whether this Board would seek and obtain the necessary right-of-way should he receive an order to connect. Mr. Butler noted that because his property does not abut a sewer line, he would not receive an order to connect.

David Rosengren of 495 Town Hill Road opined that improper notice was provided for the meeting citing that the published notice was too general. Mr. Rosengren indicated that proper notice should have included the existing regulation, red-lined along with the proposed changes to be made. Citing the distance of Ms. Wexler's property as three-hundred yards from a sewer line, Mr. Rosengren questioned whether orders to connect will be limited to those properties abutting a sewer line within ninety (90') feet. Mr. Butler noted that the existing regulation has that provision for abutting properties within one hundred (100') feet.

Ms. Gunning questioned what type of review the Board will undertake in terms of compiling a list of properties ordered to connect. Mr. Butler explained that some time ago, the WPCA communicated that they were anticipating sending out notices to connect. Those properties will again be reviewed in terms of boundary lines, whether they abut, and conduct additional analysis.

Noting that this board has no clear and written practices that a person can obtain and review, Ms. Wexler noted her opposition to the proposed regulation as written opining that it is far too broad and vague. She implored this Board to adopt clear and specific standards, especially in terms of the consideration of waivers. Noting that this WPCA with relatively new members has operated under regulations that migrated from ordinances, Mr. Butler explained that they have dealt with financial recovery by billing for services that had been received and not paid for and by collecting bad debt, all undertaken without the benefit of any existing practices or written policies. He noted that the board has also worked a whole host of issues including updating the sewer service area, advance planning for the potential expansion of additional sewers in the Cottage Street and Pine Meadow Section as well as updating the water supply plan without having the budget to do the same. Ms. Wexler opined that the progress this Board has made with regards to the practices and procedures is unacceptable.

Jim Fitzgerald of 30 Kinsey Road concurred with Ms. Wexler and questioned whether this board has a lawyer. Attorney Matt Willis of Halloran & Sage confirmed that he is counsel to this board and that he drafted the proposed regulation. Mr. Fitzgerald noted that Mr. Rosengren and Ms. Wexler are attorneys. He indicated his agreement with Mr. Rosengren's assertion that the call for the meeting was inadequate and Ms. Wexler's assessment that the language was too vague.

Mr. Rosengren questioned whether the document distributed at this hearing entitled, "Article III, Sec. 4" is proposed to be substituted for the existing Article III, Section 4 in the current regulations. Mr. Butler confirmed.

MOTION: Ms. Greenwood, Mr. Marsh second, to adjourn this public hearing to the September 7, 2017 Regular Meeting; unanimously approved.

The public hearing portion of the meeting concluded at 7:46PM followed by a short break. The Board reconvened at 7:48PM.

2. DISCUSSIONS CONCERNING IMPLEMENTATION OF ADMINISTRATIVE INITIATIVES CONCERNING ANY CHANGES TO ARTICLE III, SECTION 4.

Mr. Butler canvassed the Board regarding the feedback received at the initial public hearing. Mr. Marsh noted the common shared concern over the broad scope of the proposed regulation. Mr. Douyard shared the same observation, noting that he can appreciate the concern over the vagueness of the proposed regulation but was unsure how quickly this Board could come up with some written practices. Ms. Greenwood agreed, noting that the word “abutter” is missing. Mr. Toro reminded the Board that the goal is to add users into the system but perhaps there needs to be more clarification within the document concerning abutters. Ms. Pobuda opined that this Board should not update just one section at a time and instead should update all the regulations. Mr. LeClaire indicated that the regulation could very likely be modified some but still be adopted, meeting the needs of all those involved. Mr. Butler indicated that the proposed regulation could use some tightening up but objected to the notion that all the regulations need to be modified and approved at the same time. He reminded the Board that the group has been meeting twice a month for the last two years and have reviewed the regulations at about six of those meetings, and while significant progress has been made, there is still much work to be done.

Ms. Greenwood and Mr. Marsh agreed to join Mr. Butler in a meeting with Attorney Willis in efforts to adjust the proposed regulation. Mr. Toro offered to continue his research with the financing aspect for costs associated with connection for new users.

3. REVIEW - YEAR-ENDING FINANCIAL STATEMENT:

Mr. Butler reminded the Board that FY2017 ended with a deficit of \$42K. Two months into the new fiscal year finds the Board with a positive \$15K cashflow but Mr. Butler explained that this will likely be short-lived. A residential customer at 33 Church Street as well as 443 Main Street have been added as users to the system.

4. MINUTES - AUGUST 3, 2017 MEETING:

The August 3, 2017 Minutes should be amended as follows:

In the second paragraph of the second page, the portion of text that reads, “...Fiscal Year ending June 20, 2016, revenues received were \$664,650.00...” should instead read, “...Fiscal Year ending June 20, 2016, revenues received were \$646,650.00...”; and

In the third paragraph of the third page, the portion of text that reads, “...coordination of the western WUC...” should instead read, “...coordination of the western WUCC...”.

The August 3, 2017 Minutes were approved as amended.

5. ACCESS TO DEBT SERVICE FUNDS - A “WHAT IF” DISCUSSION:

Mr. Butler reported that at a Board of Selectmen meeting that he recently attended, they had questioned what this Board would undertake if the WPCA had relief from the debt service. Mr. Butler suggested that he was inclined to position a study of the condition of the wet well at the pumping station located at the corner of the Routes 44 and 219 as the top priority.

Discussion ensued over the list of priority maintenance items.

Ms. Greenwood noted that the first thing the WPCA would do is that they would balance the budget, which would require an influx of \$50K to do so.

Consensus of the board was that the wet well indicated by Mr. Butler would be the top priority in this regard. Following that, the Board deemed the overdue inspection/repair of water tanks,

replacement of Prospect Street pumping unit, and inspection of the drinking water wells are also top priorities.

6. PRIORITY LIST DISCUSSION 2018-19:

It was noted that the priority list of maintenance items was discussed.

7. GENERAL OPERATIONS UPDATES:

A. Water & Sewer - Bud Butler.

Mr. Butler reminded that when Aquarion first began as the WPCA's operator of the plant, they completed an analysis of the facility and prioritized what need to be addressed. One of their priorities included the cleaning of the equalization tanks for which two outside quotes were received with an estimated cost of \$7K. Mr. Butler reported that the employees completed the certification process for "confined space entry". Last week, they rented all the necessary equipment and cleaned the equalization tanks, saving the WPCA \$6K, according to Mr. Butler. It was agreed that Mr. Butler should forward a communication acknowledging the extraordinary level of commitment by these employees.

B. SAVOL Report - Joe Toro.

Mr. Toro provided an update on his research into the cost of the caustic soda that Torrington Water Company purchase from SAVOL. It was noted that the price appears to be high but may very well be justified due to the cost of Torrington Water Company purchasing it in smaller volumes, a 55-gallon drum at a time.

C. WUCC Report - Wes Marsh.

Mr. Marsh reported that First Selectman Dan Jerram indicated that New Hartford has not confirmed the town's ESA. He noted that New Hartford is not alone in this regard. Mr. Marsh explained that Mr. Jerram has questioned whether the WPCA foresees this as a positive if the town moves forward with an RFP for the water and sewer assets.

D. AET Update - Joe Toro.

Mr. Toro reported that the AET met last week and that the Board of Selectmen will be reviewing the RFP at their September 26, 2017 regular meeting.

E. New Customer Update - Bud Butler.

Mr. Butler provided an update regarding work at 443 Main Street.

F. FOG Change @ Landfill - Bud Butler.

Mr. Butler reported that Regional Refuse District #1 had been accepting home cooking oils and grease for an individual who was buying it for biofuel. When that ceased, they then instructed people to throw it away. He noted that a sign has been posted at the land fill advising that the dumping of oils and grease can cause their septic or sewer system irreparable harm.

MOTION: Mr. LeClaire, Ms. Pobuda second, **to adjourn at 8:55PM; unanimously approved.**

Respectfully submitted,

**Pamela A. Colombie
Recording Clerk**