

**New Hartford Water Pollution Control Authority
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Thursday, April 2, 2015 at 7:00 PM
New Hartford Town Hall
530 Main Street, New Hartford, Connecticut**

PRESENT: Chairman Denton Butler, Joe Toro, Roy Litchfield, Mary Beth Greenwood, Michael LeClaire and First Selectman Dan Jerram.

ABSENT: Ken Krohner, Robert Fulton.

Chairman Denton Butler called the meeting to order at 7:00PM. All regular members present were seated for the meeting. The proceedings were recorded digitally and copies are available at Town Hall.

1. Welcome & Discussion

A. 7 PM - Attorney Andrew Lord

Attorney Andrew Lord was welcomed and invited to share his qualifications and experience relative to WPCA matters. Identical questions were provided to both attorneys as indicated by Mr. Butler. Attorney Lord began with the question requesting how his skills would complement the needs of the WPCA. He detailed his work history and education for the benefit of the board. Regarding the question as to whether the board would need anyone else, Attorney Lord commented that the WPCA would likely need a good engineer, or a good wastewater person, to go through technical details. Separate bond counsel would also be required if a situation arose requiring bonding, Attorney Lord noted. Additionally, he noted that the WPCA would need additional representation for litigation as he is not a courtroom lawyer.

Regarding the question posed by the WPCA as to what current clients and fellow attorneys say about him, he provided board members with written testimonials. Mr. Butler explained that the WPCA has just gone through the RFQ process, detailed the three engineers that they will be interviewing and inquired whether Attorney Lord has experience in dealing with them. Attorney Lord confirmed that he did.

Attorney Lord then reviewed proposed billing rates. His WPCA rate is \$300 per hour and reported that his preference is to work on an hourly basis, and does not prefer alternative billing practices.

Mr. Butler then inquired whether Attorney Lord could foresee ever taking a case on a contingency basis and the type of assignment that he could foresee this involving. Attorney Lord commented that he does not care for contingency fee based cases. Mr. Jerram inquired whether Attorney Lord has ever done any type of settlement work in terms of bringing people into compliance with orders to connect or collecting in a situation where a residence has received service but never paid for it. Attorney Lord noted that orders to comply should be issued at once. Mr. Jerram inquired whether Attorney Lord has any experience with working with communities to aid the cost in terms of a revolving loan fund. Attorney Lord responded that he hadn't seen it in the towns he has worked with.

Benefit assessments and possible approaches were then discussed.

Attorney Lord was thanked for meeting with the group and he departed. Mr. Butler commented to Attorney Lord that a decision would be made as soon as possible to appoint counsel for the WPCA and that he would be notified accordingly.

B. 8 PM – Attorney Matthew Willis

Attorney Matt Willis was welcomed by the WPCA. He, too, had the list of questions that had been provided in advance of the meeting. He began with describing his firm's history. In response to the second question regarding any foreseeable situation or event where additional representation would be necessary, he noted that the only situation he could envision for that would be if the group needed bond counsel.

Regarding the question posed by the WPCA as to what current clients and fellow attorneys say about him, he commented that most of his clients are referred by existing or former clients. He also noted his firm's rapid response to questions as they arise.

Regarding billing terms, Attorney Willis noted that his firm bills by the hour at a rate of \$185. He noted he is unaware of attorneys representing municipalities on a contingency basis.

Benefit assessments and appeal process was discussed as Attorney Willis described his experience in this area.

Attorney Willis was thanked for meeting with the group and he departed. Mr. Butler commented to Attorney Lord that a decision would be made as soon as possible to appoint counsel for the WPCA and that he would be notified accordingly.

Discussion ensued regarding impressions and opinions regarding the two candidates.

MOTION: Mr. Toro, Mr. Litchfield second, **to hire Attorney Matt Willis as counsel for the WPCA: Mr. Toro, Mr. Litchfield, Mr. Butler voted aye, Ms. Greenwood voted nay, Mr. LeClaire abstained; Motion passed.**

2. Opportunity for Public Comment

None.

3. Review & Approval Minutes March 19, 2015

MOTION: Ms. Greenwood, Mr. Toro second, **to approve the March 19, 2015 Minutes; unanimously approved.**

4. Correspondence & Meeting Activity (if any)

Mr. Butler reported receiving a voluntary seven page annual survey of local government finances directed at WPCA from the United States Department of Commerce US Census Bureau. Mr. Butler polled the WPCA for a volunteer who had interest in working on the voluntary survey. There were none.

Mr. Butler noted that he had sent a note out to Dr. Bill Rieger regarding the fire hydrant work and noted that once the snow melts, work will commence. Mr. Butler noted that the group will provide the requested Hold Harmless Agreement prior to the work.

A. Roadshow - River Run Association

Mr. Butler noted that a review of the Sewer Line Extension Analysis was presented to the Board of Directors of the River Run Association.

B. Board of Education

Mr. Butler noted that an abbreviated version of the Sewer Line Extension Analysis was provided to the local Board of Education. He noted that the subcommittee reviewed with the Board of Education that a developer has presented recently for a development in town for whatever effect that might have in that board's discussion of potentially closing a school.

5. Operations Reports – Sewer & Water

A copy of the report received from The Torrington Water Company and will be available for review in Town Hall in accordance with the State of Connecticut schedule for records retention.

A. Status Water Tank

Mr. Butler reported an update on the water tank. He reminded the group that the manufacturer reserves the right to perform any repairs. Mr. Butler reported that if the board decides to go with option C of the proposed estimate, it will include the inspection process and minor repairs as such.

MOTION: Mr. LeClaire, Mr. Toro second, **to approve an amount not to exceed \$7,000 for repairs to the water tank; unanimously approved.**

6. Any Other Business to Come Before the Authority

A. Standing Committee Updates

Ms. Greenwood reported that the WPCA has a list of special water charges that are included in the approved rates every year. The services included are turning services on/off, installing new meters, and repairing meters. There is a flat rate charge for each service. The Torrington Water Company bills customers for the non-routine services at the approved rates. If non-routine service is not on the list of approved rates, the customer is not billed for that work. When Torrington Water Company bills the WPCA, they bill at the rates listed in the contract. The contractual rate for non-routine work performed by Torrington Water Company employees is \$85 per hour. The hourly charge to the WPCA does not always match the flat rate that the customers are charged. Mr. Butler polled the group and it was agreed that Ms. Greenwood complete a more thorough audit to evaluate just how much the WPCA spends for non-routine work that is not billable to customers.

Mr. Litchfield provided an update on the budget progress.

Mr. Butler reported that twenty-two (22) liens were recently filed protecting \$47,449, money that is owed to the WPCA.

Mr. Butler reviewed that the meeting scheduled for April 16, 2015 will commence at 5:00PM to allow each engineering firm that is being interviewed an hour time slot each. He noted that he will be directing each firm to a maximum of three representatives for that meeting. Mr. Butler also noted that like the attorney interview process, the engineering firms will be provided with advance copies of questions to be posed.

MOTION: Mr. Toro, Mr. LeClaire second, **to adjourn at 9:20PM; unanimously approved.**

Respectfully submitted,

**Pam Colombie
Recording Clerk**