

**WATER POLLUTION CONTROL AUTHORITY
REGULAR MEETING MINUTES
THURSDAY, JANUARY 3, 2013 – 7:00PM
NEW HARTFORD TOWN HALL – 530 MAIN STREET**

PRESENT: Chairman Robert Krzys, Steve Hanright, Michael LeClaire, Bill Michaud, Joe Nerney, David Rosengren; First Selectman Dan Jerram; Jason Hofmann, The Water Planet; Alan Goettel, United Water.

ABSENT: Ken Krohner.

1. CALL TO ORDER:

Chairman Robert Krzys called the meeting to order at 7:00PM. All regular members present were seated for the meeting. Mr. Michaud arrived to the meeting at 7:15PM. The proceedings were recorded digitally and copies are available at Town Hall.

2. APPROVAL OF MINUTES:

A. October 18, 2012 Public Hearing.

B. October 18, 2012 Special Meeting.

The Board agreed to table review of these minutes to the February 7, 2013 regular meeting.

C. December 6, 2012 regular meeting.

MOTION Mr. Hanright, second Mr. LeClaire, to accept the minutes of the December 6, 2012 regular meeting as written; unanimously approved.

3. OPPORTUNITY FOR PUBLIC COMMENT:

No business was discussed.

4. UPDATE FROM THE ECONOMIC DEVELOPMENT COMMISSION:

David Childs and David Krimmel from the Economic Development Commission (EDC) addressed the Board to discuss their recent initiatives. Mr. Childs informed the Board that the EDC had recently begun work to investigate the possible creation of a walking/biking trail along the Farmington River. While they ultimately hoped to connect from Canton to Barkhamsted, they had tentatively decided to start with the portion from the Town Center to Barkhamsted, as this was likely to be less costly and less difficult in terms of obtaining easements and rights-of-way. Mr. Krimmel explained that they had recently determined that only 6% of Town revenues came from commercial and industrial properties; this number should ideally be around 20%. In order to address this shortfall, Mr. Krimmel explained that the EDC had decided to promote New Hartford as a tourist destination. He explained that the EDC was currently working to compile a list of recreational attractions, restaurants, lodging establishments, shops and craftspeople, and professional services in order to determine what was still needed in Town and how best to market the Town to attract these types of businesses. Mr. Krimmel and Mr. Childs both explained that the EDC was exploring the potential use of the Hurley property and Town property across the river as an ideal location for mixed-use development, noting it was also in the path of a possible sewer line extension.

Mr. Krzys questioned whether the EDC had considered commercial and/or industrial development in any location other than across the river. Mr. Krimmel explained that they were open to and desirous of development in other locations in Town as well, provided it tied into the vision of New Hartford as a tourist destination. Mr. Krzys asked that the EDC keep in mind during its work the location of the sewer service area; he noted that the Hurley property was along the possible line extension included in the Town's STEAP grant application.

Members of the Board reacted positively to these proposals and thanked Mr. Childs and Mr. Krimmel for their update.

5. FOG REPORT AND DISCUSSION OF POSSIBLE ORDINANCE:

The Board reviewed with Vicky Arel the draft FOG ordinance and enforcement provisions that she had prepared. Ms. Arel explained that her draft was similar to the regulations used in the Town of Canton. She explained that the Town of Canton had enforcement procedures detailed in their regulations, and if an establishment did not comply with the FOG requirements, then they could be assessed a daily fine for each day they were noncompliant. She explained that she visited each establishment and tried to obtain compliance that way; however, if the property owner was still noncompliant, she would issue a written notice of noncompliance. At the end of that two-week period, she then re-inspected the establishment, and if it was still noncompliant she would then assess one day's fine. If after that, the establishment was still noncompliant, then she began assessing daily fines.

The Board reviewed the language of the proposed regulation. Mr. Michaud noted that appeals were possible under these regulations to the WPCA. Ms. Arel explained that in her experience, most establishments paid their fines and became compliant without ever appealing her decisions. She said that she had rarely needed to go as far as issuing the daily fine. The Board discussed how the fine would actually be charged; members contemplated assessing the fine on the user's bill. Mr. Rosengren suggested running the proposed regulations by Andrew Lord, the Board's attorney. Board members then agreed to have Mr. Rosengren use Ms. Arel's information, as well as that from other area towns, to put together an updated draft FOG regulation and enforcement provisions for the February 7, 2013 regular meeting.

Mr. Jerram questioned how much the required equipment cost, and Ms. Arel stated that it could be between \$2000 and \$5000 new; however, it was possible purchase used equipment at a much cheaper cost. Mr. Krzys noted that only two of 10 restaurants in New Hartford were currently compliant. He noted that Ms. Arel was working with a new restaurant to bring them into compliance before they opened.

6. UPDATE FROM BOARD OF SELECTMEN ON USDA CHANGE ORDER; REQUEST TO USDA FOR DEFERRAL OF PRINCIPAL PAYMENTS FOR YEARS 3 AND 4 OF PLANT UPGRADE LOAN; SEPTAGE RECEIVING PROCEDURE; SALE OF WASTEWATER AND WATER SYSTEM.

First Selectman Dan Jerram addressed the Board to update them on several issues. He explained that the Town had not yet heard back from the USDA regarding their updated change order request or the deferral request. He stated that he would be sending another letter within the week, and he would follow that up with a phone call a week or so later. Mr. Krzys stated that he had spoken with Mike Rendulic at the USDA approximately a month ago, and he had been told that the USDA could not find the revised change order. Since the USDA could not locate the revised change order request, Mr. Krzys was told that there were several conditions still to be fulfilled in order to process this request. Mr. Krzys suggested to the Board that they ask Diane Johnson of the Atlantic States Rural Water and Wastewater Association to assist them in this process, and she had been very helpful with similar issues in the past.

Regarding the septage receiving procedure, Mr. Jerram stated the Board of Selectmen wanted to suggest that the WPCA consider arranging longer-term exclusive bulk contracts with septage haulers as a way to ensure a longer-term, steady revenue stream. Mr. Michaud stated that the thought this was a very good idea. Mr. Krzys noted that he had heard back from The Water Planet that their estimate of the cost of processing septage would be \$25 per thousand gallons; therefore, he recommended setting their rate at \$75 per thousand gallons of septage. Mr. Jerram suggested creating a second tier with a "preferred" rate for haulers that agree to exclusively bring their septage to New Hartford's treatment plant.

Mr. Krzys stated that he had spoken with Computil about doing the billing for the septage receiving program, and they stated they were able to do this; however, they did not yet have a price quote ready as it somewhat depended on how many bills would need to be generated on a monthly basis. Mr. Krzys asked Mr. Jerram how much the Town would charge the Board to perform the invoicing through Town Hall and the system developed by King & King. Mr. Jerram stated that it would be free. Mr. Krzys and

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Mr. Jerram then agreed that it would be most prudent to postpone the creation of a rebate program for Town residents whose septage is dumped at the treatment plant, given the current financial issues the Board was experiencing. Mr. Hanright, at Mr. Krzys' request, agreed to be the Board's contact person for King & King and the Town with regard to septage billing.

Mr. Michaud then asked Mr. Jerram about the Board of Selectmen's decision to explore the possibility of selling the wastewater treatment plant. He questioned how such a deal would address the outstanding debt and whether debt would be paid off as a part of any sale. Mr. Michaud explained that this issue directly impacted the Board's upcoming decision on whether or not to implement a benefit assessment. Mr. Jerram explained that the BOS's decision to sell would likely depend on whether or not any offer exceeded the amount of outstanding debt. Mr. Rosengren asked about the sales process. Mr. Jerram explained that the BOS would send out a letter to interested parties complete with a package of information that included maps, financial information, etc. He explained that any plan to sell Town-owned property, such as the treatment plant, would require a referral to the Planning and Zoning Commission under Section 8-24 of the Connecticut General Statutes for their review and comment as to whether or not the decision was in conformance with the Town's Plan of Conservation and Development.

Mr. Jerram stated that the Board of Selectmen had received the Board's request for a joint meeting with the Board of Finance. He explained that the BOS was amenable to this meeting; however, they wanted to wait until after the New Year. Mr. Krzys explained that the Board was currently considering scheduling a public hearing regarding the implementation of a \$4700 per equivalent dwelling unit benefit assessment for all properties abutting the sewer line. Mr. Jerram questioned whether this benefit assessment would also apply to unimproved properties, and Mr. Michaud suggested checking this with Andrew Lord, the Board's attorney. Mr. Jerram noted that septage contracts would help alleviate the need for such sizable benefit assessments. Mr. Krzys agreed but observed that money was needed to assist with loan payments now, whereas it may take time to get long-term contracts in place with septage haulers. Mr. LeClaire questioned why the Board should go ahead with a benefit assessment program if the Town was planning to sell the treatment plant anyway. Mr. Michaud concurred, noting that it would be best to remain with the sewer surcharge given this uncertainty. Mr. Krzys detailed the legal requirements prior to implementing a benefit assessment, which included a public hearing, and he noted that just because a public hearing was conducted did not mean that the Board had to ultimately enact the benefit assessment. He recommended proceeding as planned.

Mr. Rosengren exited the meeting for the evening at 8:10PM.

7. OPERATOR REPORT – THE WATER PLANET:

Mr. Hofmann reviewed his monthly report with the Board. He noted that two price quotes had been included in the information provided to all Board members. He explained that these were for work to be performed on the sewer lateral for 519 Main Street. Mr. Hofmann said that the lateral was broken for 2-3 feet. He explained that tree roots had caused some damage, as well as grease in the pipe. Mr. Hofmann said that the diameter of the lateral had decreased by half due to grease. He said that one quote was for \$6,455 and the second was for \$1,194.

MOTION Mr. LeClaire, second Mr. Michaud to authorize the expenditure of \$1,194 for repairs to the sewer lateral for 519 Main Street as per a Quotation Letter provided by Hemlock Construction Company, Inc. dated January 3, 2013 with the understanding that reimbursement for all or some part of this expense may be sought from the property owner at a later date; unanimously approved.

Mr. Hofmann then explained that the starter for the generator at the treatment plant had not been functioning properly and had been replaced. He questioned whether the original starter had been installed correctly. He also informed the Board that the variable frequency drive (VFD) on blower 3 had not been working properly and had been switched out with the VFD for blower 1. Mr. Hofmann stated that this was no longer covered by warrantee and he was not sure if this VFD was able to be repaired. He also informed the Board that just about all the equipment at the plant was now beyond the warrantee period.

8. OPERATOR REPORT – UNITED WATER:

Alan Goettel of United Water explained that flow had decreased for the winter and had been holding steady. He stated that there had been no issues with water quality monitoring or reporting. Mr. Goettel stated that meter readings were done in December, and all bills would be mailed out by the end of the week. He recommended that the Board re-examine the possibility of instituting shutoffs for nonpayment, as there were several customers who were noncompliant with their repayment plans. He said that he would compile a list of these customers for the Board's review. Mr. Goettel said that \$58,000 in fees were overdue 120 days or more. Mr. Krzys reminded the Board that 5 customers had hardship arrangements, and 2 commercial accounts were on a repayment arrangement.

Mr. Goettel explained that the Town was required to monitor its public water supply every 3 years, and this would be due in 2013; therefore, the Board could expect to see increased costs related to water monitoring during 2013. He also stated that he was putting together ideas for the Board to consider in order to increase efficiency and reduce costs. Mr. Goettel stated that the Board might want to consider using only the Pine Meadow well and eliminating the Black Bridge well as a way to save on electricity. He noted that the water at Pine Meadow also required less treatment than that from Black Bridge, which would also save money. Mr. Goettel reminded the Board that they had deferred maintenance on filters; however, that work would need to be done in order to prevent rust damage.

9. ORDERS TO CONNECT; OUTSTANDING ISSUES.

Mr. Krzys distributed to the Board information he reviewed with Andrew Lord regarding the deferral policy for orders to connect (see attached). He explained that Mr. Lord recommended a 45-day deferral period prior to the date of the order to connect whereby affected property owners could file a deferral request to the Board. This would allow residents to hear the results of their deferral request prior to the 21-day appeal period required by the State. Once the deferrals were determined, the Board could then issue orders to connect with a date of May 15, 2013 for those who were not granted a deferral; those who were granted a deferral would receive a different order to connect with whatever date pertained in their situation. Once these were issued, the 21-day appeal period would commence. A letter would go out to all residents required to connect that would explain the deferral request process. Mr. Krzys said that these letters would be mailed out as soon as they were completed.

Mr. Jerram questioned how the Board would handle deferral requests for financial reasons without requiring residents to discuss private financial information in the middle of a public meeting. Mr. Krzys explained that if the resident was already set up on financial assistance programs through the Assessor's Office, then that would meet the Board's deferral requirements; the Board would simply need to verify the resident's status with the Assessor's Office.

10. BUDGET REPORT.

Mr. Michaud explained that the Board had \$366,000 in revenue and \$288,000 in expenses so far this year, with a net balance of \$78,000. He explained that at this point last year, the Board had \$303,000 in revenue and \$384,000 in expenses. Mr. Michaud noted that money had not yet been put aside for the USDA loan payment due in September 2013.

11. BENEFIT ASSESSMENT; DATE FOR PUBLIC HEARING.

Mr. Krzys explained the procedural requirements for instituting a benefit assessment. He stated that a legal notice would have to be published 10 days prior to the public hearing, and all property owners that would potentially be affected must also be mailed notice. The legal notice would also have to be filed in the Town Clerk's office. Mr. Krzys then detailed the process to be followed when and if the benefit assessment program was approved, which also included legal noticing in the newspaper as well as mailings to all affected property owners. Because of these requirements, it would be several months before the Board would be able to implement the program and begin receiving payments. Mr. Jerram asked whether this assessment would appear on a user's existing bill or whether there would be a separate bill. Mr. Krzys said that this would be on a separate bill.

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The Board then agreed to schedule a public hearing regarding the benefit assessment program on Tuesday, February 12, 2013.

12. OLD BUSINESS:

A. STATUS OF D&G CONTRACTORS – REPAIR OF PATCH ON ROUTE 44.

Mr. LeClaire questioned whether the work had ever been completed, and Mr. Krzys stated that it had been finished and the State was satisfied.

13. NEW BUSINESS

No business was discussed.

14. ADJOURNMENT:

MOTION Mr. Hanright, second Mr. Nerney, to adjourn at 8:57PM; unanimously approved.

Respectfully submitted,

**Stacey M. Sefcik
Commission Clerk**