

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

**PRESENT:** Chairman Robert Krzys, Steve Hanright, Kenneth Krohner, Michael LeClaire, Bill Michaud, David Rosengren; First Selectman Dan Jerram; Jason Hofmann, The Water Planet.

**ABSENT:** Joe Nerney.

Chairman Robert Krzys called the meeting to order at 7:00PM. Bill Michaud arrived to the meeting at 7:11PM. All regular members present were seated for the meeting. The proceedings were recorded digitally and copies are available at Town Hall.

**1. APPROVAL OF MINUTES:**

**A. September 5, 2013 special meeting.**

**MOTION** Mr. Krohner second Mr. LeClaire, to approve the minutes of the September 5, 2013 special meeting as written; unanimously approved.

**B. September 12, 2013 regular meeting.**

Mr. Krzys noted that only himself, Mr. Krohner, Mr. Rosengren, and Mr. Michaud were present at this meeting. Due to a recorder malfunction, there was no recording of this meeting available.

**MOTION** Mr. Krohner second Mr. Rosengren, to approve the minutes of the September 12, 2013 regular meeting as written; the motion carried 3-0-2 with Mr. Hanright and Mr. LeClaire abstaining.

**C. July 25, 2013 regular meeting.**

**MOTION** Mr. LeClaire, second Mr. Krohner, to approve the minutes of the July 25, 2013 regular meeting as presented; unanimously approved.

**2. OPPORTUNITY FOR PUBLIC COMMENT:**

A member of the audience questioned whether a copy of the application for the USDA grant was available from the Board. Mr. Krzys stated that he did not have a copy, and the Town appeared to only have a copy of the cover sheet signed by then First Selectman Earl McInnes. Mr. Krzys stated that he had seen this cover sheet as well as a Letter of Conditions. He said that the Town was in the process of getting this information from the engineering consultant that had worked on the project, and he anticipated the Town would have these materials the next day. Mr. Rosengren noted that interested persons could also file a Freedom of Information Request with the USDA. Maria Moore, resident, then requested that copies of whatever is received from the engineering consultant be filed in the Town Clerk's office so that she could obtain a copy as well. Mr. Krzys stated that he would forward copies of whatever he received from the engineer.

**3. OPERATOR REPORT FOR THE WATER PLANET INCLUDING CHANGE ORDER PROGRESS:**

Jason Hofmann of The Water Planet addressed the Board to review his report for the previous month. Mr. Hofmann stated that permit compliance had been maintained for the month. The average daily flow was 84,000 gallons, and 45,000 gallons of sludge had been removed. Mr. Hofmann said that 222,400 gallons of septage had been processed during September 2013; the total year-to-date from March 2013 to present was 1,420,970 gallons of septage. Mr. Hofmann stated he would forward additional information to Mr. Michaud for budgeting purposes.

## **WPCA Minutes - 100313**

Mr. Hofmann informed the Board that Change Order #7 had been approved at the last minute along with Change Order #6. Thus far, all heat traces had been installed on the SBRs, the septage receiving station had been modified, the telescopic valves were reinstalled in the sludge holding tanks, and the inside parking lot had been paved. Work was currently being done on the outside parking lot. Mr. Hofmann then explained changes to the process by which sludge haulers would enter and exit the area to load their trucks. He said that the instrumentation for SBRs had been ordered and was expected to be installed next week. Work on the septage feed line into the influent man hole had actually been completed that day. The cover for the grit chamber had been ordered; however, it would take 3 weeks to arrive. A crane would be used to install it, and the grit chamber would then be hooked into the odor control system. The work to update the computer programming was still to be done, but it would only take one day to complete. Mr. Hofmann estimated that all work related to the change orders would be completed by the end of the next week, with the exception of the grit chamber cover. Once all the change order work was completed, the treatment plant project would be entirely complete, and approximately \$200 would be returned to the USDA from the grant funds.

### **4. OPERATOR REPORT – UNITED WATER:**

Mr. Krzys explained that the operator had submitted a written report, which he then reviewed with the Board. A total of 3.2 million gallons was produced in September. Water quality and treatment had been tested at a few sites and was found to be acceptable. There were no violations and no pressure complaints. A service connection was made at 53 Holcomb Hill Road. Meters were read, and the quarterly bills would be going out shortly.

### **5. CASTELLANI BLUE RIDGE, LLC DEVELOPMENT; POSSIBLE RELATION TO SEWER OPERATIONS.**

Mr. Krzys explained that he had been contacted by Mr. Castellani regarding a possible development in the Town of New Hartford, but it would require either a private septic system or connection to the City of Torrington's sewer system as the location of the development was not within the Town of New Hartford's sewer service area. In order for such an inter-town agreement to occur, this WPCA would have to enter into an agreement with the WPCA for the City of Torrington. Mr. Krzys noted that there would be a processing fee payable to Torrington by New Hartford; however, the new users would be subject to the rates set by the New Hartford WPCA, and therefore some monetary benefit was possible. Mr. Krzys stated that he had spoken Ray Drew of the Torrington WPCA.

Karl Nilsen then addressed the Board on behalf of Blue Ridge Development, LLC regarding their proposal. Mr. Nilsen explained that Mr. Castellani was considering developing approximately 75 acres of land that he owned between Torrington East Street and Ramstein Road. He said that it had been assumed that the City of Torrington had no available sewer capacity; however, he had recently learned that there might in fact be sewer capacity. Mr. Nilsen stated that, while sewer access would be preferable, their engineer had determined that the site could support 220 homes with onsite septic systems. He stated that the applicant was considering an affordable housing application before the Planning and Zoning Commission under Section 8-30g of the Connecticut General Statutes.

Ken Hrica, PE, then addressed the Board. Mr. Hrica stated that they had not put together development plans for the property as they had first wanted to look into whether sewer access would be available. He then reviewed with the Board a Feasibility Study he had prepared for the site. He noted that the bulk of the property was along the Town line with Torrington on Torrington East Street. Mr. Hrica explained that Torrington's sewer line comes down in front of Mr. Castellani's property and then turns west toward a housing development in Torrington. He suggested that they could conceivably construct infrastructure to connect to that sewer line.

## WPCA Minutes – 100313

Mr. Krohner requested clarification on the number of housing units proposed. Mr. Hrica explained that Mr. Castellani had just purchased a second portion of property to the rear of the one on Torrington East Street. The feasibility study he was now reviewing with the Board was only for the larger property on Torrington East Street; he stated that based on soil testing and permeability samples, he believed the site could potentially hold 240 housing units. Mr. Hrica said that the number would likely be less if open space were set aside. He noted that wetlands areas, areas with steep slopes, and area for infrastructure had already been set aside as a part of that estimate. Mr. Hrica also stated that, if they constructed amenities as a part of the development, the number of housing units would also decrease. However, the number of units would then increase once testing was done on the recently acquired parcel and a feasibility study was completed for that lot. He estimated 50 houses could go on the back lot, for a total development of approximately 250 houses on the two lots based on this very preliminary information.

Mr. Hrica then briefly reviewed with the Board the requirements of Section 8-30g. He explained how affordability was determined, noting that it was based on the median income within the Town of New Hartford. Mr. Nilsen stated that only 2.5% of the Town's housing has been designated as affordable; a Town must have at least 10% of all its housing designated as affordable in order to avoid affordable housing applications under Section 8-30g.

Mr. Krohner questioned whether the development would also require public water, and he asked the Board whether The Home Depot used public water from Torrington. He suggested that perhaps an water agreement was already in place with the City of Torrington. Board members discussed that the water operator in Torrington was a private company, not the City of Torrington. In any case, a separate agreement would be needed for connection to the Torrington sewer line. Mr. Hrica explained that a developer could not enter into any agreements with another Town regarding use of their sewer system; the town where the development is proposed had to contact the town that operated the sewer system. Therefore, the Water Pollution Control Authority for the Town of New Hartford would have to arrange an inter-town agreement with the City of Torrington in order for this possible connection to take place.

Mr. Krzys stated that he had looked into this issue, and he found that the Board would pay Torrington based on a meter reading of the pipe leading to the development. The Board would then bill the users of this system based on rates the Board would set. Mr. Krzys suggested that there was the possibility of income based on the difference between the charged rate and the amount of the payment due to Torrington. However, the Board would maintain control of all sewer infrastructure within the Town. Mr. Hrica stated that the developer would build the infrastructure; the Town would not be responsible for building or making connections. He said that all work would be in accordance with Town of New Hartford regulations, and the Town would only be required to maintain the infrastructure.

Mr. Krzys questioned whether condominiums or free-standing homes were planned. Mr. Nilsen stated that market studies were now being done in order to determine what would be the best mix for the site. Mr. Krzys suggested that the Board would need to speak with the Office of Policy and Management in order to verify whether an amendment to the sewer map would be required. He also stated he would speak with representatives of the Town of Litchfield and the Town of Harwinton regarding their experiences with inter-town agreements with the City of Torrington.

Maria Moore then addressed the Board to ask if they would be able to obtain information regarding the agreement with Torrington Water Company. She explained that the Town pays \$14,000 annually to Torrington Water Company. Mr. Krzys noted that the Board did not receive payment for water usage from The Home Depot. Mr. Nilsen said that this development would get water from the Torrington Water Company. As that is a private company unrelated to the City of Torrington, they would have private agreements with each of the individual units.

**6. LIEN POLICY; ADOPTION OF LIEN PROCEDURE; DESIGNATION OF PROPERTIES TO BE LIENED PURSUANT TO POLICY:**

Mr. Krzys stated that he had obtained a legal opinion earlier that day on this matter, which he then distributed to all members. According to the opinion, the WPCA has the authority to lien delinquent accounts; this authority does not rest with the Town and it had not been delegated to the Town by the WPCA. He noted that the Town did not have an ordinance in place designating a Town employee to be responsible for placement of liens. Mr. Krzys stated that the Board also had the authority to levy interest of up to 1.5% per month on past due balances, much like past due property taxes.

The Board then reviewed a draft lien procedure with a draft Notice of Intent to Lien and lien document. A letter would be sent to delinquent accounts stating the Board's intent to lien the property. If no payment is received within 30 days, a second and final letter would be sent to the property owner, and the lien would be filed on the land records. Mr. Krzys said that the lien would be valid for 15 years. After the Board authorized placement of a lien on a particular property, a Notice of Intent to Lien would be sent out by Computil to the property owner. If the property owner did not pay the past due amount, then Town staff would complete the lien document and file it on the land records. Mr. Krzys reminded Board members that the Board had agreed to lien any property owing more than \$500 for more than 120 days. He stated that Computil had generated a report on September 5, 2013 which showed that 48 properties owed more than \$500 for more than 120 days; the total amount past due greater than 120 days was \$102,000. Of this, \$42,000 was owed by commercial enterprises in the Town. Mr. Rosengren noted that a subsequent report dated September 30<sup>th</sup> stated that the total amount past due greater than 120 days was \$90,034. He pointed out a typo on the Notice of Intent to Lien in the capitalized paragraph; instead of "OF FRACTION THEREOF" it should be "OR FRACTION THEREOF."

Mr. Krzys pointed out that not all customers that were delinquent were actually the property owners; therefore, they could not lien property owners since they did not owe the money. Mr. Krzys stated that at 90 days late, the Board should issue a Notice of Intent to Lien; if no payment is submitted, then the Board could place the lien as of the 120<sup>th</sup> day. Mr. Rosengren pointed out that, because of the way the billing is done, most people would be at 90 days by the time they got the bill. Mr. Krzys explained that if the bill comes out on October 7<sup>th</sup>, it would not be due until 90 days later. However, the Board can start charging interest 30 days after October 8<sup>th</sup>; therefore, 120 days from October 7<sup>th</sup>, the date the bill came out, would be the date that triggered a lien if no payment were received.

Members of the audience questioned whether those properties already late should get immediate Notices of Intent to Lien. Mr. Krzys stated that the Board would probably first send information about this policy to the entire user base.

**MOTION** Mr. Michaud, second Mr. Rosengren, to state the Water Pollution Control Authority's resolution that, as matter of policy and process, when a property owner's water and/or sewer bill becomes delinquent for more than \$500, at 90 days from the date of the bill the Board will issue a Notice of Intent to Lien to the property owner and the Board will then file the lien on the land records 30 days later unless satisfactory arrangement is made to bring the account current; unanimously approved.

**7. UPDATE ON ORDERS TO CONNECT:**

Mr. Krzys stated that the subcommittee still needed to meet to make final decisions regarding the waiver requests. Mr. Rosengren volunteered to assist Mr. Krzys and Mr. LeClaire with this matter.

## **WPCA Minutes - 100313**

Mr. Krzys noted a complaint had been filed against the Board under the Freedom of Information Act by the owner of 540 Main Street, who had received a connection notice and had not been given maps he had requested when he had requested them. Mr. Krzys stated that, at the time the request was made the maps were not available; however, Mr. Krzys had since sent the property owner a CD of the maps. The FOI hearing was scheduled for later in the month, and the complaint would likely be withdrawn if the Board determined that the property was exempt from the connection requirement. Mr. Krzys noted that this property did not appear to directly abut the sewer line as New Hartford Land Trust property was located between this person's property and the sewer line; therefore it would likely be exempt from the connection requirement.

**MOTION** Mr. Michaud, second Mr. Rosengren, to remove 540 Main Street from the list of properties required to connect to the sewer line.

A brief discussion was then held regarding whether this decision ought to first be approved by the subcommittee reviewing all waiver and deferral requests. Mr. Michaud then withdrew his motion.

**MOTION** Mr. Rosengren, second Mr. Krohner to remove 540 Main Street from the list of properties required to connect to the sewer line, subject to final confirmation by subcommittee, based on the premise that 540 Main Street does not directly abut the sewer line; unanimously approved.

The Board then briefly discussed whether this property could be required to connect in the event of septic system failure.

## **8. BOARD OF FINANCE, BOARD OF SELECTMEN, AND WPCA MEETING ON OCTOBER 8, 2013:**

Mr. Krzys stated that he had forwarded everyone information prepared by Mr. Michaud regarding the allocation of wastewater treatment plant debt service. He stated that the Board had not paid the Town the \$120,000 that had been requested, and the Town had paid the entire \$197,000 payment. Mr. Krzys stated that Mr. Witte from the Board of Finance had forwarded a request for financial information to both Mr. Krzys and Mr. Jerram. Mr. Krzys stated that he had given him all information requested by the end of business that day, and he had acknowledged receipt of the documents.

Mr. Michaud then reviewed the information with Board members. He explained that he put together various options for how to allocate the USDA grant funding and debt service payment in light of the Town documents from before the second referendum stating that existing users would be responsible for 19% of the cost of the plant, taxpayers would be responsible for 39% of the cost, and 42% of the cost would be paid for by sewer extensions and economic development, the last portion of which had not materialized.

If the grant was used entirely to defray costs for the user base and the tax base of the entire Town paid for the 42% gap in funding, the average saving to users would be \$228 annually. This option would cost taxpayers an additional \$29 per year for a house appraised at \$250,000. Benefit assessments would be charged against any new users connecting to the system. He noted that with the grant funding being allocated to the existing users' share, existing users would have already met their 19% obligation.

If the USDA grant funding savings was split between the existing users and the Town, and the Town still agreed to be responsible for the 42% that sewer line extension and economic development had been supposed to cover, the existing users would still have already paid more than the 19% they had been obligated to pay. He noted that there had already been two debt service payments made by the existing users at the 61% level.

## **WPCA Minutes - 100313**

Mr. Michaud said that existing users, under the 61/39 split, were being asked to pay for \$1.9 million dollars more than the 19% stated in that original flyer. Mr. Rosengren noted that the Town residents had voted at referendum to fund an \$8.9 million dollar sewer treatment plant expansion; however, the meeting between the Board of Selectmen, the Board of Finance, and the Water Pollution Control Authority is what established the repayment split. He said that the Town did not vote on the split itself.

Mr. Krzys stated that, at the time of the referendum, there was only one loan of \$1.2 million dollars available from the State for the project; therefore the remaining \$7.7 million dollars was payable by the Town. As a result of the Board's efforts, the USDA got together with the State, and they jointly increased the grant by \$4 million dollars, thereby reducing the loan amount from \$7.7 million to \$3.7 million. He noted that the USDA grant was predicated on the income level of the user base, therefore the existing users should derive benefit from this grant.

With the implementation of these options whereby the 42% gap is now funded by the Town, Mr. Michaud noted that each Town taxpayer would only be paying a total of \$8 more than they should have been paying all along according to the terms of the original flyer.

A member of the audience, Brian Zelasko of Turkey Hollow, stated that, even in the best case scenario the user base is still paying \$2500 to \$3000 per year for sewer charges. Mr. Zelasko stated that, while some savings would be appreciated, the fact remains that the bill is still too high. He noted that sewer charges were much lower in many other Connecticut towns. Members of the Board concurred, noting that the reality was that there would never be appreciably lower rates without connecting additional users to the system. Mr. Rosengren suggested existing users petition the Board of Selectmen and Board of Finance to provide assistance funding sewer line extensions.

Another member of the audience, Dan Eddy, thanked the members of the Board for all of their volunteer work on behalf of the Town's sewer users.

Brian Zelasko again addressed the Board to question the status of orders to connect. Mr. Krzys reviewed information regarding the exemption requests and requirements for deferral of the Order to Connect. The Board then discussed the need for the Town to expend money to extend the sewer lines. Mr. Michaud noted that other towns offer no-interest loans to residents to fund hookups on sewer line extensions, whereby the town liens the property for the total amount and then assesses a portion of the cost yearly. Mr. Michaud offered to help with any petition effort the user base put forward on this issue.

## **9. EXECUTIVE SESSION REGARDING RENEWAL OF BILLING AND COLLECTION CONTRACT AND WATER OPERATOR CONTRACT:**

**MOTION** Mr. Krohner, second Mr. LeClaire, to enter executive session at 8:42PM for the purpose of discussing negotiations on the renewal of billing and collection contract and water operator contract; unanimously approved.

The Board came out of executive session at 8:56PM. No action was taken during the executive session.

## **12. ADJOURNMENT:**

**MOTION** Mr. LeClaire, second Mr. Rosengren, to adjourn at 8:56PM; unanimously approved.

**Respectfully submitted,**

**Stacey M. Sefcik  
Commission Clerk**