

**New Hartford Water Pollution Control Authority
TOWN OF NEW HARTFORD, CONNECTICUT
SPECIAL MEETING MINUTES
Thursday, February 19, 2015 at 7:00 PM
New Hartford Town Hall
530 Main Street, New Hartford, Connecticut**

PRESENT: Chairman Denton Butler, Joe Toro, Ken Krohner, Robert Fulton, Michael LeClaire (7:15PM).

ALSO PRESENT: Roy Litchfield, Line Extension Analysis Subcommittee member.

ABSENT: Bill Michaud, Mary Beth Greenwood.

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.

Mr. Butler read into the record a correspondence from Mr. Bill Michaud addressed to the Board of Selectman that he indicated was sent on February 18, 2015, tendering his resignation from the WPCA. Mr. Butler acknowledged Mr. Michaud's many years that he has dedicated to the WPCA. Additionally, Mr. Butler reported that he has expressed to Mr. Michaud that at any time, he is invited to share with the WPCA his views and the WPCA will continue to welcome his opinions.

1. Review and Approval of Minutes February 5, 2015

Mr. Toro noted that on Page 2, Line 4, of the February 5, 2015 Minutes, it should have read that, "...begun at \$55,216.63, invoices paid of \$76,455.74, and received \$60,703 resulting in an ending balance of \$39,500±."

MOTION: Mr. Rob Fulton, Mr. Toro second, **to approve the February 5, 2015 Minutes as amended; motion passed with Mr. Fulton, Mr. Toro, Mr. Butler voting aye; Mr. Krohner abstained.**

2. Opportunity for Public Comment

No business was discussed.

3. Correspondence – Meeting Activity (if any)

Mr. Butler provided WPCA members with a copy of a February 9, 2015 email he had sent to State Senator Kevin Witkos regarding a proposed bill from his fellow State Senator Henri Martin regarding the issue of wastewater staffing, a copy of which is attached hereto and made a part hereof, identified as Addendum A. He noted that after not hearing a response from Senator Witkos, he sent an additional email in follow up. Mr. Butler noted that he has not received a response from the second email.

Mr. Butler also provided WPCA members with a copy of a letter, sent via regular mail on February 19, 2015, to Department of Energy & Environmental Protection Commissioner Rob Klee regarding the same issue as that sent to Senator Witkos but had in this correspondence sought either the amending of the WPCA's regulations or a grant of exemption invoking the provision of "actual flow" substituted for "design flow", a copy of which is attached hereto and made a part hereof, identified as Addendum B.

Torrington Water Company

Mr. Butler reported that he and Mr. Toro met with representatives from The Torrington Water Company to introduce Mr. Toro to the principals of the organization, to ask about other ways in which they might work together, and whether they would be willing to aid in the hook-up verification process.

Mr. Butler reported that he had inquired whether Torrington Water Company had equipment that would detect man hole covers and that they indicated that they did. He noted that when the weather permits, Torrington Water Company will aid in locating the manholes along the trunk line which is to be cleared.

Mr. Butler noted that Torrington Water Company is willing to assist in the verification process of users who may be hooked up but not being billed once the WPCA is in receipt of the pending legal opinion.

The debt service fees assessed on each water bill was also discussed at this meeting, according to Mr. Butler. Information was provided from Torrington Water Company regarding these allocations and will be part of the next regular meeting, Mr. Butler reported. Mr. Butler explained that applying the rate factor for debt reserve, there can be a set aside in the WPCA's accounting system to meet the statutory requirements of the debt service.

4. Ongoing Business

A. Business Practices

i. Report of Findings & Possible Action – “Budget Allocation Payments”

Mr. Butler reported that he had met with Mr. Grant Weaver, P.E., and President of The Water Company, to discuss the practice that had been recently adopted in June of 2014, of pass through allocation, or advanced payment of operation expenses. Mr. Butler noted that Mr. Weaver was candid in his replies to inquiries made regarding the adoption of this practice. Mr. Butler reported that he explained to Mr. Weaver that while he is empathetic to the effect of the plight of businesses occasionally having expenses greater than the cash flow at a given point in time, but that because of the fiduciary responsibilities of the WPCA to the rate payers, it is not the role of the WPCA to advance pay on expenses. Mr. Butler reported that Mr. Weaver indicated he would understand if the group decided to reverse this action and instead revert back to a “pay as you go” basis. Mr. Butler reported that the Water Company will be alerted to the town's payment cycles. Noting that there is no implication to signal a belief in any type of impropriety occurring, Mr. Butler reported that he did question the “favorite customer” number on a slip, or “rewarded X number of customer points”. Mr. Butler reported that he had explained that if there is a discount or value that is received as a result of that, it should be passed back to New Hartford. Mr. Butler reported that Mr. Weaver indicated that he was unaware of this but agreed that if there were any credits or value, it would be passed back to the WPCA.

Mr. Toro questioned whether there has been any accounting done on the money that has been passed through since the inception of this practice in June, 2014. Mr. Butler responded that he has been advised by Ms. Lila Tuxbury, Town of New Hartford Assistant Bookkeeper, that this money is trued up on a quarterly basis.

Mr. Butler noted that as he had some advance notice of Mr. Michaud's likely resignation back in November, he reminded the WPCA members that a recommendation had been made then to the Board of Selectmen. He reminded members that they had passed a motion at the December 4, 2014 meeting with recommendations regarding the replacement of Mr. Steven Hanright, a user to the system, with Mr. Toro and replacement of Mr. Michaud, a non-user, with Mr. Roy Litchfield, also a non-user. He noted that once the board is at full strength, he will recommend an audit team to meet with Ms. Tuxbury to rectify the bill and provide assurance that the WPCA has the benefit of analyzing it themselves.

MOTION: Mr. Toro, Mr. Krohner second, **effective immediately, the WPCA will no longer authorize pass through allocations to the Water Planet Company and request a statement of how all past payments were applied; unanimously approved.**

ii. Update – Standing of WPCA Legal Requests

Mr. Butler reported that he has no update on the WPCA legal situation. He noted that while he is aware that First Selectman Dan Jerram has had communication with Attorney Roraback, there has been no response to the request for legal opinion from the November 24, 2014 request. The WPCA uniformly agreed to authorize Mr. Butler, through the auspices of the First Selectman's office, to indicate that if Attorney Roraback has not notified the WPCA with the answers to the open questions from the November 24, 2014 meeting, they will seek alternate legal counsel. Possible candidates for alternate legal counsel were discussed. Mr. Butler requested that suggested firms be submitted to him.

iii. Pending Resignation

Mr. Michaud's resignation was noted as having been previously discussed and addressed earlier in the meeting.

5. Tutorial – QBS (Quality Based Selection) Process

An overview of the Quality Based Selection Process was discussed. It included process steps, receipt of response steps, interview presentation and procedures, as well as close out procedures. Mr. Butler provided members with examples of the scoring point table to be used for the screening criteria as well as one for the selection criteria.

A draft of the Request for Proposal was provided to WPCA members for review, entitled, "NEW HARTFORD WPCA, NEW HARTFORD, CONNECTICUT STANDARD INSTRUCTIONS TO ENGINEERING CONSULTING FIRMS REQUEST FOR QUALIFICATIONS (RFQ) WASTEWATER CONSULTING AND ENGINEERING SERVICES", dated February 17, 2015, a copy of which is attached hereto and made a part hereof, identified as Addendum C.

Mr. Butler advised members to contact him no later than Monday night if they see something in the document that they either do not understand or feel is misstated.

MOTION: Mr. LeClaire, Mr. Krohner second, **to adjourn at 8:23PM; unanimously approved.**

Respectfully submitted,

**Pam Colombie
Recording Clerk**