

# Water Pollution Control Authority

## Meeting Minutes

Tuesday, February 18, 2020

### Present:

Mr. Robert Smith, Chairman  
Mr. Daniel Civitello  
Mr. Paul Phillips  
Mr. Ted Mannello

### Absent:

Ms. Noa Miller

### Also in attendance:

Attorney Brian Henebry, WPCA Counsel  
Mr. Michael Angieri, Consulting Engineer  
Mr. Ed Bailly, WPCA Employee  
Mr. George Caughman, Milone & MacBroom  
Ms. Maureen Del Vicario, Recording Clerk

### 1. Call to Order:

Mr. Robert Smith called the meeting to order at 7:30 p.m.

### 2. Acceptance of January 21, 2020 Meeting Minutes:

A **motion** was made by Mr. Paul Phillips and seconded by Mr. Daniel Civitello to accept the meeting minutes of January 21, 2020, as amended below. This motion was unanimously approved by the members.

On page 2, below "The bills were distributed for review and signed by the Chairman for payment.", add a header called "Additional Agenda Items".

### **3. Old and New Business:**

a) Industrial Development Group LLC requests the return of a sewer assessment for lot on 1700 Straits Tpke, Middlebury, CT – check amount \$23,500., date 2/16/07:

Mr. Michael Angieri provided background information about this property including planned development and permits approved in 2006 – 2007. Mr. Angieri reported an extension of the sewers along Route 63, which was approved at a town meeting as well as by DEEP, was part of the planned development. The property owners paid a \$23,500 sewer assessment at that time but no construction related to this development has occurred in the years since.

Attorney Brian Henebry reported on the law related to the assessment paid and time limits to any recourse available to the property owner. Attorney Henebry reported, based on the CT General Statute 7-249, the request made in December 2019 for a refund of the assessment is time barred.

Based on this information, a **motion** was made by Mr. Smith and seconded by Mr. Phillips to deny this request for a refund of the \$23,500 assessment. This motion was unanimously approved by the members.

The members requested that Attorney Henebry send a letter to Industrial Development Group, LLC to inform them of this decision.

b) WPCA Contract with Naugatuck:

Attorney Henebry reported that Naugatuck has issued a Request for Proposal for a wastewater treatment provider for a contract to begin when the current contract with Veolia ends in 2021. Attorney Henebry reported that, although negotiations are ongoing, the proposals from both of the two current bidders would each require a significant increase in expenditures for the Middlebury WPCA.

c) West Shore Update:

Mr. Angieri reported that Smith and Associates have completed a survey and submitted updated as built drawings which Mr. will be reviewing further to ensure they are in compliance with the WPCA's requirements.

d) Monthly Expenses:

The bills were distributed for review and signed by the Chairman for payment.

#### **4. Staff Discussions:**

##### **A and B. Pump Stations and Collection Systems:**

Mr. George Caughman of Milone & MacBroom provided a status report on the upgrades to Pump Stations 4, 6 and 7, as well as the Benson Rd overpass force main relocation. In addition, Mr. Caughman provided a list of requested items under Change Order #1. (Attached) The changes include 8 additional items, a credit for Value Engineering and an extension on the time to completion.

A **motion** was made by Mr. Smith and seconded by Mr. Phillips to approve Change Order #1, as reviewed by Mr. Caughman. This motion was unanimously approved by the members.

Mr. Caughman presented a proposal to increase the funds payable to Milone & MacBroom by \$35,000 due to unexpected changes to drawings, additional inspections and delays in the project.

A **motion** was made by Mr. Smith and seconded by Mr. Civitello to approve the increase in the fees for Milone & MacBroom by \$35,000. This motion was unanimously approved by the members.

Mr. Ed Bailly provided information on a suggested upgrades to the replacement gazebo on order for Glen Eagle Road. The upgrades would be sturdier and more similar to the current gazebo. Choosing these changes would not affect the installation date of 4/21/20.

A **motion** was made by Mr. Smith and seconded by Mr. Phillips to approve the upgrades to the gazebo ordered from Klotter Farm for a cost of \$1,600. This motion was unanimously approved by the members.

Mr. Angieri reported he has reviewed the status of the station upgrades and noted that approximately \$1.4 million will be payable approximately 60-90 days after the completion of the work.

#### **5. Adjournment of Meeting:**

A **motion** was made by Mr. Smith and seconded by Mr. Civitello to conclude the WPCA meeting at 8:25 p.m. This motion was unanimously approved by the members.

Respectfully submitted,

*Maureen Del Vicario*

Maureen Del Vicario, Recording Clerk, February 20, 2020

cc: WPCA members  
Board of Selectman  
Brigitte Bessette, Town Clerk  
Directors of Health  
Mike Angieri, P.E.  
Jennifer Yoxall, Attorney  
Brian Henebry, Attorney  
File