

SEWER COMMISSION MINUTES
REGULAR MEETING
MARCH 21, 2011

Frank Bidetti opened the meeting at 7:02 p.m. with the following present: John Heaton, Michael Ferguson, Gary Pfaff; Lori Schiesel, attorney, Ken Bailey, Superintendent.

No public participation.

Minutes of February 14, 2011 approved by motion of John Heaton, seconded by Michael Ferguson. Motion passed unanimously: Bidetti, Heaton, Ferguson, Pfaff.

Donald Wharton was present to request a six month extension for his project off Lanesville Road due to issues with financing. Frank Bidetti reminded Mr. Wharton that when the connection is finally made, he will be charged the connection fee in place at that time – Mr. Wharton acknowledged that he was aware of that fact.

Mr. Heaton asked if all permits were in place; Donald Wharton has permits from the town that run for five years, three years have lapsed. Mr. Heaton moved to approve the request for the six month extension, seconded by Gary Pfaff. Motion passed unanimously: Bidetti, Pfaff, Ferguson, Heaton.

Project status: treatment plant upgrade and expansion: Ken Bailey reported on two invoices processed: for construction \$1,197,204.26 and for engineering \$132,545.25, representing about 79% completion. A new payment arrived this date which will bring the completion to 83%. John Heaton questioned withholding the engineering payments; Ken Bailey is reluctant to withhold payments at this point. Progress on the plant is good: aeration tanks, number 3 and 4 clarifiers, turbo blowers are all up and running. The CL&P inspection is anticipated soon for the \$190,000 grant. Belt presses are functioning on a daily basis. The UV system is set for April 15 and phosphorous system expected by April 1 – the plant is ahead of schedule. Several change orders are to be addressed. The staff is running new equipment and are doing an excellent job.

Willow Springs Demolition: A draft plan is available; bidding documents were provided to Lori Schiesel for review. Within the next 30 days the final plan will be available for a meeting with the Mayor and the condominium association; it is anticipated that demotion will begin in 30 to 60 days.

The following are draft sewer regulations which will be brought forward to a public hearing in May:

GEORGE C. BUCKBEE
TOWN CLERK



2011 MAR 22 P 3:51

NEW MILFORD, CT

**NEW MILFORD WATER POLLUTION CONTROL AUTHORITY
PROPOSED AMENDMENTS TO REGULATIONS
MARCH 21, 2011**

The New Milford Water Pollution Control Authority Sewer Use Regulations are set out in full and available at the office of the New Milford WPCA, 123 West Street, New Milford, CT 06776

Proposed additions to or amendments to the text of the existing regulations, effective February 20, 2008, are shown by underscore, while deleted material is shown by strikeouts. Entirely new regulation text is identified by NEW, without underscoring.

1.5.3 Cash Deposit; Performance Bond. In order to assure completion of the work associated with any Sewer Use Permit and compliance with the provisions of Section 2.0 et seq. of these Regulations, no sewer use permit shall be issued unless the applicant has first provided the Sewer Commission with a \$750.00 deposit by cash, bank or certified check to insure completion of the permit work in accordance with the requirements of these regulations. Such cash deposit or bond shall be in addition to fees prescribed by the Sewer Commission for professionals engaged by the Sewer Commission or for the costs of inspections to assure compliance with the technical specifications of connection. Upon the completion of the permit work in accordance with these Regulations, the permittee shall be entitled to the return of the \$750.00 deposit. In the event that the permittee fails to complete the permit work in accordance with these Regulations or in the event that the permit expires, such cash deposit shall be forfeited to the Sewer Commission. In lieu of requiring a cash deposit, the Sewer Commission may authorize the applicant to post a performance bond with surety in the amount of not less than two thousand two hundred fifty (\$2,250.00) dollars conditioned upon the completion of the permit work and compliance with these Regulations. Persons engaged in the business of making sewer connections may post a performance bond to cover not more than three installations at any one time. When a performance bond is authorized, such performance bond shall be in the form authorized for use by the Commission's Attorney. The surety shall be a company authorized to act as surety by the State of Connecticut and shall be subject to approval by the Sewer Commission.

NEW

1.5.5 Charge for Inspections. The Sewer Commission will provide for reviews, construction observation and technical and administrative services associated with the construction of the work. When, due to the size or scope of a project requiring an internal collection system, it may be necessary for the Sewer Commission to retain outside technical assistance to assure compliance with the regulations, any costs incurred by the Sewer Commission to provide these services shall be paid by the applicant. The application for a Sewer Use Permit shall be accompanied by an inspection fee established by the Commission in an amount estimated to meet the Commission's expense for outside engineering review and report. Any funds not needed by the Commission shall be returned to the application within 30 days of issuance of the sewer use permit.

2.5 SEWER USE PERMIT: BUILDING COE COMPLIANCE & INSPECTION

Amend last paragraph as follows:

In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM ~~and Water Pollution Control Facility Manual of Practice No. 9~~ shall apply.

NEW

2.7 Maintenance and repair of building sewer.

A "building sewer" means the entire length of pipe from a building to the connection at the publicly owned sewer main, including the portion within public easements and right-of-ways.

It shall be the responsibility of the building owner, whose property is benefited by the building sewer, to make all necessary maintenance, repairs, extensions, relocations or changes for a building sewer.

3.1 General

When the Sewer Commission has adopted a water pollution control plan as provided for in Conn. Gen. Stat. Sec. 7-246(b), which provides for an expansion of the sewage collection system, and when a preliminary or detailed design for such expansion or a portion thereof has been approved by the Sewer Commission and by the Planning Commission or legislative body pursuant to Conn. Gen. Stat., Sec. 8-24, then, in such event, the sewage collection system may be expanded to accommodate real estate development located within such expansion area as provided for herein. Any such expansion shall be consistent with and complementary to the New Milford Plan of Conservation and Development, ~~adopted on October 29, 1997,~~ as currently in effect, by the New Milford Planning Commission; and shall be restricted to serve property located within the "Central Development Area" as delineated on that certain map entitled "Land Use Plan, New Milford, Connecticut" ~~revised October 29, 1997,~~ as revised, as contained in said Plan of Conservation and Development. Areas beyond the boundaries of said "Central Development Area" are areas where sewers are to be avoided except a) where necessary to abate or mitigate an existing or threatened pollution problem; and b) where it is demonstrated to the satisfaction of the Commission, based upon a favorable recommendation by the Planning Commission, that the Town of New Milford will realize a distinct and significant benefit from the extension of the sewerage collection system beyond the limits of said "Central Development Area".

3.4.4 Approval

Unless it decides otherwise, the Commission shall not consider an incomplete application. Before the Sewer Commission approves an application under subsection 3.4, the proposed work as shown on the plans shall (1) be consistent with the Sewer Commission's water pollution control plan, (2) conform to the design, easement and

contract requirements of the Sewer Commission, (3) be approved pursuant to Section 8-24 of the General Statutes, (4) if intended for the connection of residential uses, be consistent with the density of development permitted by the New Milford Zoning Regulations for the zoning district in which the property to be served is classified, (5) be performed by a contractor approved by the Sewer Commission, (6) be subject to inspection during construction by the Sewer Commission, and (7) if work is to be performed within public rights of way or upon public property, be secured by performance and payment bonds in the form and with surety approved by the Town or Commission Attorney in amounts equal to one hundred percent (100%) of the estimated cost of such work, and (8) if the Sewer Commission is to acquire or construct any part of the proposed work, be subject of a public hearing and notice pursuant to Section 7-247a of the General Statutes. The owner or developer shall provide the Sewer Commission with all necessary easements in a form satisfactory to the Town or Commission Attorney before commencing such work and with complete "As-Built" plans and elevations within 30 days following the completion of such work. The Sewer Commission shall closely monitor the construction. As a condition of approval, the owner or developer shall be required, within thirty (30) days of billing, to reimburse the Commission for all expense incurred by the Commission in the administration of the project and for engineering and legal review, analysis and inspections. The application fee required by Section 3.4.1 shall be applied against such expense.

3.5.7 Acceptance of Community Sewerage System

Upon completion of the work associated with such community sewerage system, the applicant shall offer same to the Sewer Commission for acceptance into the municipal sewer system together with a Bond as required by Paragraph 3.5.8 hereof. If said community sewerage system is accepted by the Commission, the ownership of the system shall be conveyed to the Town of New Milford, along with such manufacturer and contractor warranties, easements and rights-of-way which, in the opinion of Sewer Commission are necessary for the operation, maintenance, and repair of the system. Municipal ownership shall include all collection works and pump stations, but shall not include laterals between buildings and collector sewers, nor any interior facilities. Upon acceptance, the Sewer Commission shall assume responsibility for operation, maintenance and repair of the portion of the system owned by the Town. Acceptance shall occur only after total completion of the entire system, and only if the system has, in the opinion of the Sewer Commission, been constructed in strict accordance with the specifications and standards of the Sewer Commission. Acceptance shall occur only after a public hearing is held in accordance with the provisions of Section 7-247a of the General Statutes.

3.5.10 Connection charge. When any community sewage system is accepted by the Town, sewer user charges, and if otherwise applicable, sewer connection charges shall be levied by the Sewer Commission against each property owner whose property is served by or has access to such sewage system. Such charge shall be in an amount and shall be payable on the same terms and conditions as prescribed by Section 5.0 et seq. of

these Regulations and in accordance with the Fee Schedule in effect at the time of acceptance. The Commission may also assess benefits in accord with Section 5.3 of these Regulations.

5.1.2 Commission to calculate user charges. Each fiscal year the Sewer Commission shall determine, fix and charge user charges following public hearing as required by Section 7-255 of the General Statutes according to criteria including, but not limited to, (1) anticipated or actual costs of operation, rehabilitation and maintenance, (2) discharge types and volumes, (3) local, state, or federal flow and other standards, and (4) the costs of bonds and other indebtedness incurred to finance the construction or improvement of the sewerage system or any part thereof. In determining the user charges, the Commission may classify groups of users, and make reasonable estimations. The Commission may prescribe a minimum annual user charge for any class of user. An owner of a multi-family or commercial complex serviced by a private water supply may install a single water meter per building for purposes of determining the gallonage charge. A meter shall not be added mid-year but shall be in place at the start of the billing year. The Commission may set a service fee for quarterly reading of such a meter.

5.1.6 Prorated charges. In the case of a residential property not connected to the sewage collection system for the entire year, the used charge shall be prorated on a daily basis for the actual number of days the property was connected for that billing year.

There shall be no prorating for installation of a water meter during the billing year.

5.2.1.Cc Deferred Payment of Capital Recovery Connection Fee in Excess of Fifteen Ten Thousand Dollars (\$10,000.00~~15,000.00~~)

Any property owner who is required to pay a Connection Fee in excess of ~~Fifteen Ten~~ Ten Thousand Dollars (~~\$15,000.00~~10,000.00) may, at the option of such property owner, elect to pay the Connection Fee together with interest on the unpaid principal amount at the rate of 5.5% per annum, in accordance with the following installment plan. The first installment shall be in the amount of ~~Ten Five~~ Five Thousand Dollars (~~\$10,000.00~~5,000.00) and shall be payable at the time application is made for the Sewer Connection Permit. The balance of the Connection Fee shall be paid in nine (9) equal annual installments of principal, together with accrued interest, commencing on October 1st next following issuance of the connection Permit. If any installment remains unpaid for thirty (30) days after the same shall become due, the entire unpaid balance of the Connection Fee, together with all unpaid interest, shall become immediately due and payable. The Commission shall have all rights provided by the Connecticut General Statutes to enforce collection and payment of said unpaid amount, including those rights provided by Section 7-254 of the Connecticut General Statutes, as amended.

In the event that subsequent audit pursuant to Section 5.2.2 of the Sewer Use Regulations results in an increase in the Connection Fee, the then remaining installments

due pursuant to said installment payment plan shall be increased in an amount sufficient to pay the total amount of the audit increase in equal installments over the then remaining term of such installment payment plan.

The liability of any person electing to defer payment of the Connection Fee in accordance with this section shall be reflected on the land records by the recording of appropriate documentation evidencing the existence of such deferred payment plan.

Any person electing to defer payment of the Connection Fee in accordance with this section shall pay a fee of \$47.00 to cover the the applicable cost of recording of such documentation.

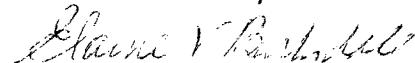
Lori Schiesel will add terminology to section 5.2.1 for installments on larger amount connection fees; the section now states "Connection Fee shall be paid in nine (9) equal annual installments of principal, together with accrued interest, commencing on October 1st next following issuance of the connection Permit." To be added will be "unless otherwise set by the Commission."

John Heaton moved to accept draft of New Milford Water Pollution Control Authority Proposed Amendments to Regulations, motion seconded by Gary Pfaff and passed unanimously: Bidetti, Ferguson, Pfaff and Heaton in favor.

The public hearing for the Regulations and Rates and Charges will be held on May 16, 2011 at 7 p.m. at the Sewer Commission administration building.

Meeting adjourned at 7:17 p.m. by motion of John Heaton, seconded by Michael Ferguson; motion passed unanimously.

Minutes recorded by:



Elaine V. Barksdale