

Avon Water Pollution Control Authority
March 21, 2024 – 5:30 PM
Meeting Minutes
Via GoToMeeting

I. CALL TO ORDER

The Avon Water Pollution Control Authority was called to order at 5:32p.m. via GoToMeeting by Chairperson Chris Roy.

AWPCA – Roll Call:

Present: Chris Roy, Chairperson
Pam Monroe
Aden Baume
Rob Gonse
Drew Bloom
Lawrence Baril, Town Engineer

II. MINUTES OF PRECEDING MEETING

On a motion made by Ms. Monroe, seconded by Mr. Bloom, it was voted:

RESOLVED: That the Authority approves the minutes of the February 8, 2024 Public Hearing. Ms. Monroe, Messrs: Roy, Baume, Gonse, and Bloom voted in favor.

III. COMMUNICATION FROM AUDIENCE

Audience in attendance:

Josh Levy, Vessel Technologies, Inc.

Dave Whitney, David F. Whitney Consulting Engineers, LLC.

IV. OLD BUSINESS

On a motion made by Mr. Gonse, seconded by Ms. Monroe, it was voted:

RESOLVED: That the Authority approves to move up agenda item **2023 – 10 Policy derivation for infrastructure improvements and flow allocation considerations due to proposed developments and 2023 – 4 Potential Apartment Development at 25 & 41 Avonwood Road** ahead of New Business.

Ms. Monroe, Messrs: Roy, Baume, Gonse, and Bloom voted in favor.

2023 – 10 Policy derivation for infrastructure improvements and flow allocation considerations due to proposed developments

Mr. Baril provided a brief review of the information provided at the February 8, 2024 Public Hearing and December 14, 2023 meeting and an update from the Town Attorneys. Mr. Baril stated that a formal regulation/policy is being prepared for infrastructure improvements and flow allocation considerations due to proposed developments, but the process had been slow. Mr. Baril shared that in addition this process may also need a reboot as the Town is currently soliciting proposals that may result in a new Town Attorney. Mr. Baril requested the Authority discuss the topic to provide direction, as this would have a direct effect on agenda item 2023 – 4.

Ms. Monroe commended Mr. Baril for coming up with a reasonable method.

Mr. Bloom stated that the method seemed pretty logical.

Mr. Roy inquired if the discussion was solely about capacity and not infrastructure.

Mr. Baril stated that was correct and that every project that flows through a pipe has an impact on the downstream infrastructure. The Town of Avon charges sewer connections fees, so if Mr. Levy's project comes to fruition, he will inject a little more than a quarter of a million dollars into the system by virtue of connection charges, which would help to offset infrastructure improvements in his opinion.

Mr. Roy stated he was more concerned about those pipes down by the pump station where we talked about capacity being overrun.

Mr. Baril stated that they have looked at a couple of different design alternatives, one of which is to piggyback a set of pipes either directly aside or directly above, the funds from sewer connections will be more than enough to cover the capacity problem.

Mr. Roy asked if funds would be collected before or after construction.

Mr. Baril stated he would think funds would be collected at the time of approval from planning and zoning and that there would be a sewer permit agreement that states all AWPCA requirements. Mr. Baril provided additional information regarding sewer connection funds.

Ms. Monroe asked when this charge would start.

Mr. Baril stated that Mr. Levy's project is the first development to exceed the capacity in that sub shed, previously allocated, and there are others that will do that if they come to fruition.

On a motion made by Ms. Monroe, seconded by Mr. Bloom, it was voted:

RESOLVED: That the Authority approves in concept the flow allocation payment structure as outlined in Mr. Baril's memorandum updated February 22, 2024.

Ms. Monroe, Messrs: Roy, Baume, Gonse, and Bloom voted in favor.

2023 – 4 Potential Apartment Development at 25 & 41 Avonwood Road

Mr. Baril asked Mr. Whitney to provide an update for the proposal of Vessel Technologies.

Mr. Whitney provided a brief update regarding the number of units for the development. Mr. Whitney stated that the current number of units would be 64, with 61 one-bedroom apartments and 3 two-bedroom apartments for a total number of bedrooms will be 67 multiplied by 150 gallons per bedroom, that comes to an estimated daily flow of 10,050 gallons per day. Using \$9.26 per gallons per day, that comes to a donation of \$93,063.

Mr. Baril inquired if there are no other water-using components, like no gym, no rec center.

Mr. Whitney confirmed there is no pool or pool house or other water-using component.

Mr. Baril stated that the question at hand to the AWPCA is do you approve the will-serve and suggested that if the answer is yes, to make it conditional upon all the AWPCA typical requirements to be met and recommend a time limit for the approval with construction.

Mr. Roy asked if this development has been to Planning and Zoning.

Mr. Whitney stated that there have been some informal discussions with Hiram Peck, but the goal is to apply to Planning and Zoning in April or May and they would like to break ground by the end of the year. Mr. Whitney provided that they have been waiting on the AWPCA to make a decision, but things will move pretty quickly going forward, so the 3-year sunset clause is no problem.

Ms. Monroe inquired if that was 3 years from the will-serve approval adopted date from Planning and Zoning or AWPCA.

My. Roy and Mr. Baril confirmed that the AWPCA makes the approval.

Mr. Bloom confirmed that the AWPCA would say 3 years from today, if approved today.

Mr. Baril reiterated that the recommendation was that the project must be under construction within three (3) years of the date of the will-serve approval and construction must be completed within one (1) year thereafter. Mr. Baril stated that the project is not that large, and construction is a fairly quick process for this type of unit so one year should be plenty of time to build the sewers. Mr. Baril originally suggested a flow limit of 9,000 gallons per day based on 60 apartments, but now it would be 10,050

gallons per day based on 64 units and that should be written into the approval of the will-serve.

Mr. Roy agreed.

Ms. Monroe stated for all future projects.

Mr. Baril stated that it would be the same thing for any of the aforementioned projects.

Mr. Gonse stated that item number one changed, so as long as that is an amount of flow rate in those units, we can adjust that or something that the AWPCA can apply for each request that comes in, so just want to make sure that is not a flat rate on every project.

Mr. Baril stated that is a per unit or per bedroom rate.

Mr. Roy reinforced that will fluctuate for each project.

Mr. Whitney reinstated 10,050 gallons per day, 67 bedrooms, 64 units.

On a motion made by Ms. Monroe, seconded by Mr. Gonse, it was voted:

RESOLVED: That the Authority approve the will-serve for the proposed project at 25 and 41 Avonwood Road by Vessel Technologies, conditional upon a maximum of 10,050 gallons per day, 64 units, 61 of which will be single bedrooms, 3 of which will be 2-bedroom units, conditional upon all AWPCA requirements including the requirement as previously discussed to provide funds for future flow allocation purchase at \$9.26 per gallon, per day of excess.

Ms. Monroe, Messrs: Roy, Baume, Gonse, and Bloom voted in favor.

V. NEW BUSINESS

2024 –2 Benefit Assessments – Undeveloped Properties and 2024-3 Deferred Benefit Assessment Clarifications Concerning Interest Charges

Mr. Baril provided a brief background for benefit assessments on undeveloped properties. Mr. Baril stated there is nothing for the Authority to do right now, but he would try to have an appropriate legal response by the April meeting. Mr. Baril asked the Authority to think about this process in the meantime because the Authority will have to make a decision how to deal with deferred assessments that have not paid any interest to date.

Mr. Roy asked if this is just the undeveloped lots.

Mr. Baril stated that this also applies to the elderly deferrals.

Ms. Monroe and Mr. Roy stated that they agreed with Mr. Baril.

Mr. Gonse stated that he was unsure he was 100 percent on board because they received a benefit, they had a payment that was deferred, the principal as stated, so understandably there is something problematic because a previous Authority told them they did not have to pay, is there some legal liability so would the Town of Avon be exposed to any kind of lawsuit.

Mr. Baril stated that is exactly why he has involved the Town Attorney's.

The Authority agreed to table item 2024—2 until the April meeting.

2024 – 4 Lois Wilson – 97 Deepwood Drive

Mr. Baril provided that Lois Wilson requested and was granted a deferred benefit assessment because she complies with the elderly modest income program administered via the Town Assessor. Mr. Baril stated that several years ago Ms. Wilson paid her connection charge which was \$2,500 at that time and as mentioned previously, there are outstanding questions concerning the deferral of interest charges.

Ms. Wilson has asked that the Authority reallocate the connection charge payment to pay down her benefit assessment. Mr. Baril stated that the Collector of Revenue has asked that the Authority deny the request because it will both create an unwieldy precedent and will make accounting documentation difficult to manage.

Ms. Monroe asked if Ms. Wilson would receive a letter explaining all of this.

Mr. Baril stated he certainly would do that and there should be a formal motion to approve or deny.

Mr. Gonse stated he had a question if someone pre-pays a connection charge, do they have an option to

receive a refund in the future and that doesn't exist currently and that is not something the Authority would ever do.

Mr. Bloom asked if there was anything in the agreement that she signed that says there is no refund on this or is there anything in the original agreement that states that Ms. Wilson cannot change her mind later. Mr. Bloom stated that when it comes to refunds, the Consumer Protection Agency likes to jump in when people cannot have a refund, and this dabbles dangerously along the lines that Ms. Wilson prepaid for something and now she is not going to use that something so she would like her money back so that she can put it towards something else and Ms. Bloom thinks the Town Attorney's should be consulted before the Authority makes a decision.

Mr. Baril stated that he would discuss this topic with the Town Attorney's and the Authority could table this topic.

The Authority agreed to table item 2024 – 4 until the April meeting.

VI. **PLANNING & ZONING MATTERS** – NONE

VII. **COMMUNICATION FROM STAFF** - NONE

VIII. **COMMUNICATION FROM MEMBERS**

Mr. Roy stated that it would behoove the Authority to appoint a Vice-Chairperson on a chance that the Chairman is not available.

On a motion made by Mr. Baume, seconded by Mr. Bloom, it was voted:

RESOLVED: That the Authority appoint Pamela Monroe as Vice-Chairperson of the Avon Water Pollution Control Authority.

Messrs: Roy, Baume, Gonse, and Bloom voted in favor. Ms. Monroe abstained.

IX. **OTHER BUSINESS** - NONE

X. **ADJOURNMENT**

On a motion made by Ms. Monroe, seconded by Mr. Bloom, it was voted:

RESOLVED: That the Authority adjourn the meeting at 6:26pm.

Ms. Monroe, Messrs: Roy, Baume, Gonse, and Bloom voted in favor.

Attest: Nicole Chambers, Clerk