

AVON WATER POLLUTION CONTROL AUTHORITY
October 12, 2017
Selectmen's Chambers, 5:30 p.m.
Town of Avon

I. CALL TO ORDER

The Avon Water Pollution Control Authority was called to order at 5:30 pm by Mr. Johansen.

AWPCA

Present: Eric Johansen, Chairman
Terry Ryan, Vice Chairman
Chris Roy
Tom Armstrong
Keith Jones
Lawrence Baril, Town Engineer
Tim Foster, Superintendent of Sanitary Sewers

II. MINUTES OF PRECEDING MEETING –

MOTION: Mr. Johansen made a motion for approval of the September 14, 2017 minutes. The motion, seconded by Mr. Ryan, received unanimous approval.

III. COMMUNICATION FROM THE AUDIENCE – Mr. Johansen inquired if there were any audience members present for items that are not on the agenda.

IV. NEW BUSINESS – None

V. OLD BUSINESS -

2016 – 10 Potential Sanitary Sewer Extension for Jackson Street/Sylvan Street

Mr. Baril introduced the three representatives present for the Jackson Street / Sylvan Street project.

Present were Dana Steele from J.R. Russo & Associates, Mr. Robert Mannarino, President, Mannarino Builders, Inc., Attorney Robin Pearson, Alter & Pearson, LLC

Mr. Steele provided an overview of the proposed 28 units on Sylvan Street and reviewed the map noting the location of the proposed development including the easement and the proposed sewer route to Berta Lane which can provide gravity sewer to all 28 lots. Mr. Steele noted the intent of the presentation to the Board is to confirm the project is a viable one and to answer any questions. Mr. Steele noted it's a private road with a town sewer. There will be an easement provided to incorporate the entire roadway including 20 feet on either side. Mr. Baril confirmed Mr. Roy's question that the Town's policy is that whenever there is more than one connection to a sewer line, the Town takes ownership. Mr. Steele replied to Mr. Roy's question regarding the location where there will be sewer access. Mr. Baril replied to Mr. Armstrong's questions regarding who the responsible party would be should there be sewer repairs or re-paving needed for the road in forty years. Mr. Baril noted the Town will conduct

the sewer repairs and typically the language in the easement does not cover pavement. Mr. Baril inquired to Mr. Foster about the easements in place for Farmington Woods. Mr. Foster noted he believes the Town would be obligated to repair. Mr. Baril noted that the typical language in sanitary sewer easements is the Town is obligated to loam and seed. Most of the easements are over forest or grassland – not over paved areas. Mr. Baril noted there are places such as Hunters Run, Farmington Woods and Avonwood Road where there are easements over paved areas. Mr. Baril noted he expects if the Town had to excavate to repair, he would expect the Town would repair the pavement. Ms. Pearson noted that the development is envisioned as a common interest community and she assumes there would be reserves in place to do any additional work that would be necessary for the road as a result of that – that would be a private road. Mr. Mannarino mentioned that typically the reserves are for 15-20 year road replacements.

Ms. Pearson noted she would like to add one more aspect that Mr. Baril discussed with her what to expect from the AWPCA meeting, understanding what is needed in terms of submitting the application, needing to receive positive feedback from this Board in regard to the proposed sanitary sewer route. Ms. Pearson further indicated that timing is critical to her client as they are required to go through a change of zone to know whether this project can be developed. She added they are hoping to get conceptual approval from the AWPCA in the form of a sign-off indicating that the concept proposed is acceptable. She explained that one of the issues that has been discussed with Mr. Baril is that– while not specifically built into the AWPCA written regulations (or statutory authorization to allow you to consider) other than the ability to set fees and assessments, is how the project will impact people on Sylvan in the future. Ms. Pearson noted Mr. Mannarino has made an outreach effort already to work as closely as possible with neighbors on Sylvan who are not enamored with the project - not the sewer component - to have the site developed. Ms. Pearson explained that Mr. Mannarino is looking at ways to be helpful in terms of whatever is possible to do (for the neighbors) and still make the development work. The development is price restricted – 6 of the units will be price restricted. She noted the issue that Mr. Baril raised is whether this will negatively impact the cost of sanitary sewers to people on Sylvan in the future should the Town ever put sewer in on Sylvan. She added it's on the Town's list but not a high priority and whether it ever happens is for the future to determine. She explained that Mr. Mannarino has agreed to put up \$50,000 in an account to be set aside by the Town to offset the costs for people with regard to their future assessment should they ever build out that sewer system in the future. She noted it's a very magnanimous gesture and a positive thing to do. Further she indicated that her client proposes to make a contribution each time a building permit is pulled for one of the units to be developed in this development, prorated against that \$50,000.

Mr. Armstrong asked if that was Mr. Baril's understanding. He mentioned the dollar amount is not what he discussed. Mr. Baril provided background information on his discussions with Mr. Mannarino and Mr. Foster about the proposal. He noted Sylvan Street is on the sewer master list (part of the Arch Road Area). The area has a score of 13 out of 17, which is in the high quarter. Mr. Baril noted he has not received any requests from people in the Arch Road area for sewers, unlike many other areas in Avon. Mr. Baril noted there's a concern regarding the flow route for Sylvan area. He illustrated the neighborhood on the map those affected streets and noted which lots will be taken out of the assessment equation. Mr. Baril believes there were going to be five lots removed and approximately a \$16,000 cost. Mr. Baril replied to Mr. Mannarino's question regarding how he came up with five lots and whether they would be subdivided. Mr. Baril explained how the Town puts in two laterals if there is a lot that is

subdividable in accordance with current zoning. The vacant part of the lot is assessed but deferred if it's not developed. He mentioned the over-sized lot on School Street as an example.

Mr. Baril commented on how the Engineering physics works – that's not the issue noting the design of ½ percent is right on the edge but the Town has put in ½ percent sewers. If it were 4/10 of a percent, that would not be a fair and reasonable thing to do. Mr. Steele replied noting he will try and not go right to the minimum. Mr. Baril noted that ½ a percent is flat but it works. Mr. Baril noted he met with Mr. Foster and conveyed to Mr. Mannarino he does not believe it's fair and reasonable for the rest of the residents to bear the burden of the result of the development. Mr. Baril commented he explained it's up to the AWPCA to decide realizing that Sylvan Street will be sewered but not sure when. The costs of sewers at that point will not come down in price unless unpredictable economic condition prevails.

Mr. Armstrong requested clarification on what is requested from the Authority. Mr. Baril replied noting he believes they are looking for approval in concept from the AWPCA. Mr. Armstrong noted there's one loose end regarding the reserves and how that can be articulated. Ms. Pearson commented she would be pleased to work that out at the meeting noting Mr. Baril was convincing and understands why he wants to do this. Mr. Mannarino noted the development should not cost people money on the street. Ms. Pearson commented there's nothing that says a developer has to offset what does or does not happen on the street in the future but it's a nice thing to do if they can do it. She noted there are restrictions in the project as the houses are priced below the market typically for Avon. There will be six price restricted units where you can't pass along those costs to those units. If there is \$50,000 pot that grows for 15 years or until the Town puts in the sewers, that will only get better for future costs. Ms. Pearson noted it's a good will effort that helps out the Town and people on Sylvan. This is a major contribution should the sewers ever come to pass.

Mr. Armstrong commented that a compromise is a good idea. He understands it's infeasible to go the normal way that has been proposed for sewer (from a financial point of view). Mr. Armstrong believes it's fair for the people on Sylvan to not be adversely impacted by the development. If the development were to go in after the sewers the divisibility would have been 28 rather than 5. Mr. Armstrong noted he looks at that as a compromise. Mr. Roy commented he looks at it more from a dollar perspective. He understands the concept. He noted if one took 5 lots at \$16,000, that is \$80,000. If one takes \$50,000 divided by the 5 lots, that is \$10,000 which is a drop in a bucket for what the Town is hitting for the average assessments in the last year. Mr. Baril noted it's basically half. Mr. Roy noted the numbers are short of what is really fair for the people on Sylvan Street. Mr. Mannarino replied that he will be paying to put the sewer in on the new road. He noted the assessment is different because he is building the road and putting the sewer in. Mr. Foster commented it does work and believes in a compromise to make it work out that it's good for everyone. He replied to Mr. Jones's question regarding the three houses on Sylvan that won't get sewered. Mr. Mannarino noted it might make sense to put in a lateral for maybe one house. Mr. Foster noted there's a large parcel that abuts a bunch of properties to the north. Mr. Baril commented these are not part of the mix. Mr. Steele noted that there are three on the west side of Sylvan and there are also four on the other side so the sewers if brought in, will serve all of those. Mr. Foster clarified that's when the Town does it.

Mr. Baril replied to Mr. Johansen's question regarding assessment costs and reviewed the numbers that were discussed when meeting with Mr. Mannarino. Mr. Baril explained that part

of the Town's job is to protect the residents' interest to a certain extent but does not have an issue with developers and development. Mr. Baril noted he wants to make sure what happens is fair and reasonable to the residents left behind. Ms. Pearson noted the Town will have significantly more connection fees if the development goes through, is there a possibility of waiving some of those or all of those for this development to have more money on the table for Sylvan in the future. She added the Town will be making more money off the development if the area was developed the way the Town is looking at for their assessment. Mr. Johansen noted the Town will lose five connection fees. Mr. Baril noted the Town will be getting 26 connection fees. Mr. Johansen believes rather than going in circles, an agreement will make the costs known. Mr. Armstrong noted the delta between where Staff is and where the developer is is \$30,000. Mr. Johansen commented it's not the Board's decision whether there should be development - the Board is strictly sewers and focus on that. Before a motion is made, Mr. Johansen discussed the dollar amount. Mr. Roy and Mr. Armstrong noted they would be comfortable with a \$75,000 figure. Ms. Pearson inquired whether there's a possibility for the Board to make two caveats - that the money is paid into the pot at the time the building permits are pulled and to waive the connection fee for the six price restricted units. Mr. Mannarino replied to Mr. Johansen's question that the units are income based and the sale price is based on the number of bedrooms and income. Mr. Mannarino replied to Mr. Baril's question that the price point of the six units (or 20% of what will be approved) will be somewhere around the mid \$350s. Mr. Johansen noted that eliminating the connection fee for the six houses will not reduce the cost of the six people buying the house but just reducing the \$75,000. Mr. Baril noted that placing caveats sets a precedence. Mr. Johansen noted that prior projects have come in much more but placing caveats makes things too difficult. It's a fair judgment on what the cost is. Mr. Armstrong inquired if the project will be built all at once. Mr. Mannarino replied noting it's a two-year project. Mr. Mannarino replied to Mr. Armstrong's question that he realizes the connection fee may increase and understands whatever the connection fee is when he pulls the building permit - that is the connection fee. Mr. Mannarino also acknowledged Mr. Baril's comment that he could pull it all at once. Mr. Foster noted the Board could consider holding the \$2,500 connection fee for a certain time period, such as 14 months. Mr. Armstrong noted he would not be opposed to that, but would want something kicked in if all the permits weren't pulled within a certain timeframe. Mr. Baril noted that the agreement would have to run with the property in case something happens such as maybe the developer sells it. Mr. Armstrong noted he would not want it to go out for 10 or 20 years. Mr. Mannarino offered a term five years. Mr. Armstrong noted he is not opposed to five years.

MOTION: Mr. Johansen made a motion to set the fee of \$75,000, to be paid on a pro-rata basis based on the number of approved lots and to be paid at the time each building permit for a lot is pulled for each of the parcels up to a maximum point of 5 years. At five years, any portion of the fee not paid must be paid in full, regardless of the disposition of the project. The AWPCA approval is subject to engineering and all the engineering details that have to be met. The general concept with these conditions is approved. The AWPCA gives authority to Larry Baril to move forward with the details and in Larry's judgement, if something has to come before the Board, Larry will work with the AWPCA.

Mr. Mannarino inquired if that money will be specifically for Sylvan Street. Mr. Baril recommended that the money be put into a specific fund for Sylvan. Mr. Mannarino would like the residents to know that.

The motion, seconded by Mr. Ryan, received unanimous approval.

Mr. Johansen reviewed the details noting the responsibility will be to pay the full \$75,000 divided by the number of parcels to be approved. In five years, regardless of who owns it, the responsibility will be to pay the full \$75,000. Mr. Armstrong noted it could be pro-rated based on the number of units authorized by Planning & Zoning. Mr. Baril noted it's simple math - \$75,000 divided by what the number of units will be. Mr. Mannarino responded to Mr. Foster's question regarding the timing of the payments. The payments will be done at the time the building permit is paid.

All members voted aye.

2017 – 10 Low Pressure Sewer Project for School Street –

Mr. Baril noted the construction crew started working and the project is approximately 1,200 feet long. Mr. Foster noted there is a 3-foot wide trench with a narrow bucket and the project is going very well. Mr. Baril noted there was a challenge with the storm drainage. Mr. Foster has not received a complaint and he is impressed. Mr. Foster replied to Mr. Johansen's question that there are at least three properties who want to tie in right away. Mr. Armstrong asked if material is getting collected for low pressure sewers. Mr. Baril noted he spoke to Weston and Sampson and there is learning on the job which was expected. He noted the contractor has done similar projects in the past. Mr. Baril expects the project will be done soon. Discussion continued regarding pipe specifics and it was noted the pavement is holding up.

2017 – 9 Sanitary Sewer Project for Winding Lane and Stony
Corners North

Mr. Baril noted the contractors began on Tuesday by saw-cutting and they are still saw-cutting. Mr. Baril instructed them where to stop saw-cutting and noted that this project is significantly different than the School Street one because it is gravity rather than low pressure. Mr. Baril noted he does not believe that the project will be completed before winter weather forces a shut down for the season. If it is not completed, the contractor will be asked to leave and return in the springtime. The contractor bid on another job and was awarded the contract. Mr. Baril noted there is a 'time of the essence' clause in the contract. Mr. Roy asked about the prior project asking for clarification regarding the over-lay of all of Stony Corners rather than just the ditch. Mr. Baril noted the trench was lost – from curb to curb and asked the Public Works Director ways to reduce the cost to pay for the paving. It was negotiated with Simscroft since they owned the trench.

2017 – 5 Cost of Service Analysis

Mr. Baril mentioned he spoke with the consultant regarding obtaining water records. Mr. Foster noted the two water companies merged. The consultant is looking for a three year history on every account. Mr. Johansen noted water usage can change in weather conditions. Mr. Baril noted they are correlating water usage with weather.

2015 – 6 Research on Low Pressure Sewer Systems

Mr. Baril noted the agenda item is for setting standards for low pressure systems. Mr. Baril is reviewing what Mr. Armstrong has prepared. The School Street Sewer is a low pressure sewer project and the low pressure specifications have been forwarded to the engineer for Sunlight Construction. The Town is developing a defacto document.

2017 – 11 Stratford Crossing proposed Low Pressure Sewer

(For future phase)

Mr. Baril provided an update on the proposal for the two members who were absent from the prior meeting's presentation for the proposed low pressure sewer project noting the project will allow for a potential extension to the Oxbow / Woodhaven area. The developer is looking for an approval, in concept. The Town will handle the design criteria. Mr. Baril's recommendation is to approve the project in concept and allow the Engineering Department to work out the details. Mr. Baril responded to Mr. Roy's question noting there will be individual pumps. Mr. Baril responded to Mr. Johansen's question that there needs to be a flow so the contact time is not too long. This could be one of those neighborhoods with mandatory connections. Mr. Foster noted it's a great opportunity to get into the neighborhood. Mr. Baril noted there will be a developer's sewer permit agreement and noted flushing is recommended on a routine basis. Mr. Foster noted there are two flushing systems at School Street and does not believe it will be a large cost to flush the main. Mr. Armstrong commented he wants to make sure the concept includes getting the easement through the other property on Hollister. Mr. Baril suggested this is included in the motion.

MOTION: Mr. Armstrong made a motion to approve the project in concept with the use of low pressure systems through Stratford Crossing with the understanding that the he will secure the appropriate easement to extend a similar system through the lot on the other side of Hollister connecting into the subdivision that is called Oxbow. Staff will follow the normal process to manage the project. The motion, seconded by Mr. Jones, received unanimous approval.

VI PLANNING & ZONING MATTERS – Mr. Armstrong commented there is interest on the vacant furniture place on Route 44 and 10. Mr. Baril noted there's interest to have Raymour & Flanagan in and noted they are not connected to the pump station. Mr. Foster noted they will have to connect out to Waterville which will be expensive.

VII COMMUNICATION FROM STAFF – Mr. Baril and Mr. Foster received and accepted an invitation from the Town Engineer of Ellington to see the sewer videoing the Town of Ellington purchased through a regional grant with three towns.

VIII COMMUNICATION FROM MEMBERS – Mr. Baril responded to Mr. Ryan's question regarding any updates on the Farmington Treatment plant upgrade. Mr. Baril noted he learned the projected completion date is 2019.

IX OTHER BUSINESS – None

X ADJOURNMENT –

MOTION: Mr. Johansen motioned to adjourn the meeting at 7 p.m. The motion, seconded by Mr. Roy, received unanimous approval.

Respectfully submitted,
Suzanne Essex, Clerk