

AVON WATER POLLUTION CONTROL AUTHORITY

November 10, 2016

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
Tom Armstrong
Chris Roy
Lawrence Baril, Town Engineer
Absent: Keith Jones

II. MINUTES OF PRECEDING MEETING – October 13, 2016

MOTION: Mr. Armstrong made a motion for approval of the October 13, 2016 minutes. The motion, seconded by Mr. Roy, received unanimous approval.

III. COMMUNICATION FROM THE AUDIENCE – Mr. Joseph Bordieri from 50 School Street introduced himself stating he was in attendance because he noted his address was included in the presentation from the prior AWPCA meeting which noted that 50 and 51 may not have to pay the full assessment. He requested additional information regarding this. Mr. Bordieri explained he already paid an assessment when he connected to the Town's sewer in 2003. He mentioned sewers came down School Street and up to Volovski. He mentioned he used to live at 48 School Street, on the corner of School Street and Volovski. He had the lot next door and hooked up 48 and brought the lateral to the side of School Street (on the Volovski side). Mr. Bordieri noted he paid the assessment for that and also paid the assessment for 50 School Street where he was building the house. One of the provisions from the Town was not to go into the right of way and therefore he mentioned he lowered the price to the people he was selling the house to and put a right of way (easement) in front of 48 School Street. All the piping is in the easement. Mr. Bordieri confirmed Mr. Baril's comment that he granted himself an easement and the pipe was run in the easement and not the Town's right of way. Mr. Johansen inquired whether the pumps are both in 48 and 50 School Street. Mr. Bordieri responded noting that that the pumps are not in 48 School Street as the owners did not hook up to it but the deal was Mr. Bordieri would pay the assessment for them. Mr. Baril clarified the connections noting that 48 is on Volovski and 50 is one that has a pump system that runs to Volovski and noted that 48 School Street would and should have been part of the Volovski sewer project and it was a benefitting property and not part of the current proposed School Street sewer extension. Mr. Johansen reviewed the benefit assessment policy. Discussion included the amount Mr. Bordieri paid for the assessment for Volovski. Mr. Bordieri believes he paid approximately \$8,000 or \$9,000. Mr. Baril recollects that although the Volovski project was before his time, he estimates the amount to be closer to \$5,600.00. Mr. Johansen noted Mr. Bordieri's lot and his neighbor across the street tied into a similar way but across the right of way. Typically, when a town does a sewer project, everyone needs to be tied in via a connection in front of their property so there aren't issues with pipes in the right of way and then the Town becomes responsible trying to manage the system so it becomes problematic when one is not consistent. Mr. Johansen further commented it has been discussed how to handle the couple of properties that are considered outliers because they already have somewhat of a system there and how does that work with putting in a new system. Mr. Johansen further explained there's no resolution now because that does not get decided until after the project is completed and the assessments are divided out. Mr. Baril

noted Mr. Bordieri's lateral is in a private right of way (easement) and therefore the concern that the Town does not want private utilities in the Town's right of way is not an issue. Here, Mr. Bordieri ran the pipe in a private easement so that he has rights on that property such that if he had a problem with his lateral, he can dig up that property. Mr. Baril explained the lot was devalued accordingly and therefore it is a legitimate exercise. Discussion continued regarding where within the right of way is there a cut-off and when is the homeowner responsible for their system. Mr. Baril replied to Mr. Johansen's comment that it is Mr. Baril's understanding that the parcel across the street from Mr. Bordieri's is running their pipe in the Town's right-of-way.

Mr. Baril noted the two issues the AWPCA will wrestle with. The question for Mr. Bordieri and the other two is whether to require them to change the connection from where they are to connecting to directly in front of their house which is consistent with the idea of not having the private utility in the public right of way. But considering he does not have that situation that issue probably goes away and the second issue is the assessment. Mr. Baril noted he learned from his predecessor the Town did not allow people to run in the right of way unless they sign a connection agreement whereby the agreement states the Town would allow the connection as a courtesy yet if sewers were run in front of their house, they would have to pay the assessment, connect in front of their house and acknowledge they could not argue against the assessment. Mr. Baril noted further this condition has occurred in other areas of Town such as Indian Pipe Trail and off of Country Club. Mr. Baril noted his concern that an assessment was paid to the Volovski sewer project (in addition to the parcel across the street) but there isn't a sewer connection agreement. The AWPCA needs to consider the issue and either not have the homeowner pay an assessment (which will inflate the cost of the assessment for the rest of the rate payers) or pay the differential of the assessment due versus the assessment amount of what has been paid.

Mr. Bordieri shared his conversation from Town Staff when he hooked into the Town sewers. Mr. Bordieri added he doesn't remember the exact words used, he was told he is ahead of the game because Mr. Bordieri is connecting and he won't have to pay another assessment when it comes down the road because in the future, one doesn't know how much it will cost. Mr. Bordieri replied to Mr. Johansen's question that 48 School Street never tied in but the assessment has been paid. Mr. Bordieri replied to Mr. Johansen's question that due to wetlands he was unable to put in a septic system.

Mr. Armstrong summarized the discussion that no decision has to be made for 50 and 51 School Street at this time until there's an assessment but at some point in time, a decision has to be done to determine if 50 and 51 will be hit with an assessment. Mr. Armstrong inquired if there was an agreement signed at the time of connection. Mr. Baril replied there is not an agreement. Mr. Armstrong noted facts need to be gathered, such as assessment paid, connection charge. Then, the facts need to be weighed. Mr. Baril noted the assessment is considered a benefit assessment. If Mr. Bordieri's line is ever crushed and wanted to connect to the Town Sewer, he has a direct benefit that would not require him to utilize the easement. However, Mr. Baril noted Mr. Bordieri already paid an assessment with a fair understanding that was what he was supposed to do. Mr. Johansen provided a sample scenario whereby should the assessment be \$12,000 for everyone and Mr. Bordieri already paid \$5,000, then there is a benefit assessment of \$7,000 to tie in directly in front of the house which can be put on the record and held. If Mr. Bordieri's system is ever damaged, he can look at the cost and determine it would be cheaper to pay the \$7,000 as opposed to digging up the whole line. Mr. Baril commented one option may be to release the easement, which would have value and use the money to offset the cost. Mr. Bordieri noted a scenario if the \$5,000 used for the assessment was still in the bank, it could have increased to approximately \$8,000 which one might say that could be used to offset the cost. Mr. Johansen noted the project needs to go

ahead and then the benefit assessment is calculated. Mr. Baril reviewed the assessment process noting that a public hearing will be held and notices will be mailed to residents, along with notices in the newspaper.

Mr. Johansen recommended that Mr. Bordieri send a letter stating what has been done, such as an easement is in place and what the agreements were at the time. Mr. Bordieri acknowledged the request. Mr. Baril replied to Mr. Bordieri's questions regarding the reason why the School Street project is not planned for gravity fed sewers. Mr. Baril also replied to Mr. Bordieri question regarding the possibility of installing natural gas. Mr. Johansen noted he's aware natural gas is running down Smith which is close. Mr. Bordieri noted he will include a diagram in his letter, per Mr. Armstrong's suggestion.

IV. NEW BUSINESS – None

V. OLD BUSINESS -

2015 – 8 Potential Sanitary Sewer Service for School Street

In addition to the above, Mr. Baril provided clarification on how many parcels are included for the project based on Mr. Armstrong's question. Mr. Johansen noted the decision for the assessment amount for 50 and 51 School Street needs to be made soon and requested facts, such as what assessments and connection fees have been paid. Various assessment options were discussed and Mr. Johansen suggested to continue discussion for the next meeting.

2016 – 4 Potential Sewer Connection Charge Increase

Mr. Armstrong noted that he's aware that once an application is received, one cannot make a change in a regulation that affects that regulation but he's not aware this includes fees. Mr. Baril commented he believes it could be similar to applying for a loan at a bank, the rate is set at the time of the loan and one is held at that rate.

Mr. Johansen provided feedback on his discussion regarding connection fees with his colleague, Mr. Tom Sgroi, who is head of the Greater New Haven Water Pollution Control Authority. Mr. Johansen noted that a charge needs to be based on what the systems costs are. When a Town is considering making a change to fees, such as connection charge, yearly usage fee, and benefit assessment, one needs to know what the real system costs are to a Town and then proportions out based on a budget that is fair to everyone. Mr. Baril agrees to Mr. Johansen's comments in concept and extends his comments to cost and value accounting. Mr. Johansen explained the program from the EPA – CMOM (Capacity Management Operations and Maintenance). He noted this is a program whereby the EPA provides an assessment of one's system which includes how old a system is and typical maintenance. Mr. Johansen noted this would be an outside consultant which would provide a document that offers an independent opinion from the Town. Mr. Johansen provided further specifics what the consultant's report would provide the AWPCA, such as using the outside report as guidance on what needs to be done.

Mr. Armstrong noted he took Mr. Baril's advice and offered language to Mr. Baril that could be included in a potential RFI rather than a RFP. Mr. Baril provided further information regarding the CMOM concept and noted it's a great idea to reach out to firms to help the Town identify CMOM and items the Town is looking for in the short term are the financial justifications that are related to fee structures. This will offer the Town a guidance document. Mr. Johansen reiterated imposing a charge has to be based on the Town's costs rather than what other towns are charging and imposing an EDU cost has to be defined by the Town's actual costs. Mr. Armstrong commented on the cost to the Town of Avon from the Town of

Farmington associated with the expansion to 200,000 gallon capacity which the Town will be responsible to pay for from day one. As people connect, the Town needs to get back the cost of that. Mr. Baril noted it might be possible the Clean Water Fund may pay for such an analysis and document. Mr. Johansen mentioned an EPA representative provided an overview of CMOM at a spring 2015 Connecticut Association of Water Pollution Control Authorities (CAWPA) which may be helpful to view as the presentation is on their web site. Mr. Armstrong mentioned it would be helpful to use the engineer once and then create the formula to use later on, every five or ten years. Mr. Armstrong further noted in reference to the Request for Information, he would like Mr. Baril to present to the Authority with the firms experience and methodology rather than the name of the engineer. Mr. Armstrong inquired whether Mr. Baril should move forward with the RFI. Mr. Johansen agreed and it would be helpful if Mr. Baril had names to use. Mr. Armstrong mentioned he would send the names to Mr. Baril.

Mr. Ryan expressed concern regarding the speed of project completion. Mr. Armstrong commented the potential timeline for the RFI noting Mr. Baril could have an answer at the December AWPCA meeting and a decision could be made regarding which engineer to go with.

Discussion included potentially changing the RFI to a RFP. Mr. Baril noted that in order to obtain Clean Water Fund monies, the Town needs to submit an RFQ. The RFQ process was discussed and how it differs to a RFP. Mr. Baril suggested he could contact Fuss and O'Neill for direction on how to derive a RFP. Mr. Johansen recommended that Mr. Baril's discussion to Fuss and O'Neill include CMOM.

2016 – 8 Potential Sanitary Sewer Service for Paperchase Trail South

Mr. Baril mentioned the goal is to put the project out to bid in late December or early January and plans to reach out to prior bid contractors to let them know about the bid. The easement was approved by the Inland Wetlands Commission.

VI PLANNING & ZONING MATTERS – None

VII COMMUNICATION FROM STAFF – None

VIII COMMUNICATION FROM MEMBERS – Mr. Johansen commented, based on something Mr. Armstrong mentioned regarding benefit assessments which will be researched further, such as how much can be collected compared to the appraised benefit. Mr. Armstrong noted that a collection of benefit assessments cannot include anything more than it cost the municipality to do the project. Mr. Johansen clarified his prior comment noting that the difference between placing a benefit assessment on a property based on how much the project costs versus how much the increased value of each house would be based on having a sewer connection. Mr. Baril commented that the Town of Avon's Assessor would be a good person to contact. Mr. Johansen inquired what the mission is for the AWPCA – install sewers throughout the Town of Avon? Mr. Johansen sees the mission as reaching out to residents where there is a real need. Mr. Johansen referenced the money that is in the emergency fund. If the money is in the fund, it should be used, for example, there's a benefit to a lot of people to put a sewer in. Mr. Armstrong noted the AWPCA can charge less than the cost of dollars and provided feedback on his conversation with Mr. Baril regarding how much and when will the Town of Avon be charged for the Town of Farmington assessment. Mr. Armstrong provided initial calculations and figures noting the reserves will be decreased based on payments to the Town of Farmington. Mr. Baril concluded that Mr. Armstrong made a good point that once the payment to the Town of Farmington is requested, it will need to be made quickly but noted he believes the Town is accounting for this charge.

Mr. Johansen commented that CAWPA will be happy to work with the Town of Avon to conduct an informational gathering survey possibly using Survey Monkey. Mr. Johansen plans to share the survey with the AWPCA.

IX OTHER BUSINESS – Mr. Baril noted he will send to members the Capital Improvement Budget and not much has changed for the Operating Budget.

X ADJOURNMENT –

MOTION: Mr. Johansen motioned to adjourn the meeting at 7:10 p.m. The motion, seconded by Mr. Roy, received unanimous approval.

Respectfully submitted,
Suzanne Essex, Clerk