

Minutes not yet approved.  
Approval and any edits made  
in succeeding minutes.

**BROOKFIELD WATER POLLUTION CONTROL AUTHORITY**

**53A Commerce Road, Brookfield, CT 06804**

**Wednesday, November 15, 2023, 7:00 p.m.**

**MINUTES**

**1. Convene Meeting**

**WPCA:**

N. Malwitz, Chair  
J. Murray, Treasurer  
L. Donovan, Member (via Zoom)  
M. Brown, Member  
M. Wolk, Alternate

**Others:**

L. McMahon, Langan Engineering  
C. Utschig, Langan Engineering (via Zoom)  
S. Harding, Commission Attorney  
M. Allred, Accountant  
A. Kennedy, Operations Manager  
K. McPadden, Executive Administrator  
T. Strid, Inspector  
E. Boisvert, Recording Secretary

**2. Approval of Minutes - 10/25/23 Regular Meeting, 11/2/23 Special Meeting**

**J. Murray made a motion to approve the 10/25/23 regular meeting minutes as written. M. Brown seconded the motion, and it carried unanimously.**

**M. Brown made a motion to approve the 11/2/23 Special Meeting Minutes as written. N. Malwitz seconded the motion and it carried 3-0-1 with J. Murray abstaining due to not being present at the meeting.**

**3. Correspondence/Public Comment/Informal Discussion**

K. McPadden presented a letter from Candlewood Shores Residents, Mr. & Mrs. DeMaio. *Gail Minor of 18 South Lake Shore Drive, Brookfield, CT* was present on behalf of the Candlewood Shores Community to inquire about the survey and why it is necessary. N. Malwitz explained that it is a requirement for CT DEEP and the conditions of the Clean Water Fund grant.

**4. Accountant Report**

- a. Monthly Financials** – M. Allred read the monthly financial reports. K. McPadden questioned an item on the trajectory report and M. Allred stated he would look into it further.
- b. Vouchers** – K. McPadden presented the monthly vouchers and asked if there were any questions from the Commission. N. Malwitz questioned the amount for the postcards that were sent out and K. McPadden clarified that it will be charged to the Candlewood Shores Project.  
**J. Murray made a motion to approve the vouchers as presented. M. Brown seconded the motion, and it carried unanimously.**

**5. Old Business**

- a. 160 Whisconier Road - Additional Connection Application** – L. McMahon stated the required Engineering review had been satisfied and Langan has submitted their letter recommending approval. K. McPadden confirmed that the required fees had been paid.  
**M. Brown made a motion to approve the Connection Application for 160 Whisconier Road upon recommendation of a letter from Langan Engineering dated November 7, 2023. J. Murray seconded the motion and it carried unanimously.**

**M. Brown made a motion to elevate Alternate M. Wolk to a voting member in the absence of L. Trojanowski-Marconi. J. Murray seconded the motion and it carried unanimously.**

## 6. New Business

- a. **500A & 518 Federal Rd. Request for Will Serve Letter** – *Steve Sullivan of CCA Engineers (via Zoom) and Gary Michaels of 52 Deer Hill Ave., Danbury, CT* were present to discuss the request for a Conditional Will Serve Letter. S. Sullivan stated this project has been approved by local Zoning and Inland Wetlands Commissions for 78 residential units. He said a conditional will serve letter will satisfy the Applicant's request. G. Michaels explained that his financial institution required a will serve letter by the end of the year. Attorney Harding discussed the conditions that should be included in the letter prior to execution. He noted such letter would not guarantee anything regarding the moratorium. There was discussion amongst the Commissioners and Attorney Harding about whether the issuance of a Will Serve letter would add this project to a "cue" to reserve capacity. Attorney Harding said this letter would not put the Applicant in any type of "cue" and they would have to apply to the WPCA like any other applicant. M. Brown asked Attorney Harding if approval of a Will Serve letter will have any legal ramifications or set any kind of precedence. Attorney Harding said this letter does not exempt the Applicant from any of the WPCA's Rules and Regulations, including the moratorium. C. Utschig said this is not an uncommon request and may or may not satisfy the financial institution. **J. Murray made a motion to authorize N. Malwitz to sign a Will Serve Letter for 500A & 518 Federal Rd., with the conditions as stated by the WPCA Attorney and to give Attorney Harding authorization to draft the correspondence with the conditions as discussed. M. Wolk seconded the motion and it carried unanimously.**
- b. **468 Federal Rd. - Request for Permit Extension (Expiration date 12/15/23)** – *Rafael Marin of 27 Hoyt Rd. Bethel, CT* was present to request a permit extension for 468 Federal Rd. He explained the delay was due to the permitting process with the architect and engineer taking longer than was expected. Mr. Marin said he has received all the required land use permits and has the building contractor ready to go. He said everything is lined up to start the project in January. T. Strid noted if the extension is not granted, the Applicant could put in one manhole on the property before the permit expires and that would keep him in compliance with his current permit. **M. Wolk made a motion to grant the the extension of the permit for 468 Federal Rd, based on the extenuating circumstances presented, with a new expiration date of 6/30/2024. M. Brown seconded the motion and it carried unanimously.**
- c. **128 Federal Rd. Application to Connect** – *Michelle Morris-Micoli of Artel Engineering* was present via Zoom to discuss the application to connect at 128 Federal Rd. M. Morris-Micoli said this property is just north of the entrance to the BJs/Kohls Plaza on the west side of Federal Road. They are proposing a 4,782 square foot building with two units including a Starbucks with drive-thru and a general retail unit. She explained the sewer connection would be gravity from the building to the sewer main located in Federal Road. They are proposing a grease trap for the Starbucks unit. **M. Wolk made a motion to accept the application for 128 Federal Road for review, contingent upon receipt of Engineering & Inspection fees totaling \$2,850.00. J. Murray seconded the motion and it carried unanimously.**

**N. Malwitz made a motion to move to agenda item 11.c.B. M. Brown seconded the motion and it carried unanimously.**

## 7. Study Updates

- a. **Candlewood Lake Area Study** – N. Malwitz discussed the public information session that was held on November 13, 2023, explaining that it was agreed that a survey will be conducted by CDM Smith, as part of the study. He expects the survey to be prepared by early December and once completed, will be a part of the final report by CDM Smith. Gail Miner was present as a member of the public. She questioned whether the survey was already paid for. M. Brown explained that this survey will conclude the study for which the WPCA received Clean Water Funds and has no connection to the survey already conducted by members of the Candlewood Shores Tax District.
- b. **Dean/Pocono Road Area Study** – N. Malwitz stated there will be more news in December regarding a grant for this study. He discussed CDM Smith finishing the engineering design and putting together a bid package.

**8. Project Updates**

- a. **Brookfield Market Area Project** – A. Kennedy updated the Commission that the signing of the contract for the grant by First Selectwoman T. Carr was pending clarification of additional documents requested. A. Kennedy also stated that she is waiting for an update from TD & Sons.
- b. **Route 133 Station Project Phase II** – L. McMahon gave an update stating that Lagan is working on the bid package and expect to have a draft to the Commission by the end of the year. N. Malwitz stated he expects to have approval to go out to bid in January 2024.
- c. **Other Engineering Matters** – L. McMahon requested more information to include in the Sewer Capacity Analysis. A. Kennedy and T. Strid stated they would work together to provide the needed information. Attorney Harding stated he would like to review the Aquarion non-disclosure agreement prior to supplying any additional information to Lagan to ensure compliance with the agreement.

**9. Employee Activity Reports** – T. Strid gave a brief synopsis of his report and expressed his concern over the current actual average discharge gallons per day & the increases that will be occurring with all of the projects that have already been approved, but not yet completed. Attorney Harding suggested a special meeting to discuss the impact and the study being done by the Engineers at Lagan.**10. Legal Matters**

- a. **Collection Update** – Attorney Harding gave an update on the collections list he received from the WPCA Staff.
- b. **Other Legal Matters** – No other legal matters discussed.

**11. Other WPCA Matters**

- a. **Proposed Procurement Policy** – There was a discussion on whether or not to include the Code of Conduct in the Procurement Policy. It was decided to make the Code of Conduct a stand alone document and approve the Procurement Policy as amended.

**J. Murray made a motion to approve the procurement policy based upon the changes that were discussed. M. Wolk seconded the motion and it carried unanimously.**

- b. **Proposal to move December meeting up one week to 12/13/23.** – There was a discussion regarding cancelling the December meeting.

**M. Wolk made a motion to cancel the December 20, 2023, meeting. J Murray seconded the motion and it carried unanimously.**

- c. **Danbury Plant & Brookfield Allocation**

**A. Langan Sewer Capacity Analysis** – Previously discussed in Agenda item 8c (other Engineering Items.)

**B. RCAP - Brookfield I&I Study** – *Matt Cassedy of RCAP Solutions was present.* He gave a brief overview of the RCAP organization and how they operate. He explained that RCAP conducted a third-party review of the inflow and infiltration information for Brookfield. M. Cassedy explained that due to the State of CT not having any regulations on inflow & infiltration, RCAP, on the advice of CT DEEP, used Massachusetts regulations as a guideline. He noted that Catherine Chu from DEEP agreed that using Massachusetts guidelines was the best way to go. RCAP used data from the studies performed by Langan, CDM Smith, & Drew MacMillan to complete the review. N. Malwitz suggested this study be approved and sent to Danbury and CT DEEP for approval. M. Cassedy said he would be happy to work with Brookfield again on other projects in the future. He asked that the WPCA provide a thank you letter to RCAP, as that is something that would help with future funding.

**N. Malwitz made a motion to accept the RCAP Study as written and to submit the report to the CT DEEP and to the city of Danbury. J. Murray seconded the motion and it carried unanimously.**

**L. Donovan made a motion to amend the agenda to add an Executive Session regarding Personnel Matters. J. Murray seconded the motion and it carried unanimously.**

**N. Malwitz made a motion to enter executive session at 8:54 p.m., inviting Attorney S. Harding to join. M. Brown seconded the motion and it carried unanimously.**

**12. Executive Session - Pending Litigation**

**J. Murray made the motion to come out of executive session at 9:06 p.m. M. Brown seconded the motion and it carried unanimously.**

**J. Murray made a motion to award holiday bonuses as discussed. M. Brown seconded the motion and it carried unanimously.**

**13. Adjournment**

**Matt Wolk made a motion to adjourn at 9:08 p.m. J. Murray seconded the motion and it carried unanimously.**

**\*\*\* Next Regular Meeting January 24, 2024 \*\*\***