

**Town of Montville Water Pollution Control Authority
Meeting Minutes of Monday, May 3, 2010
Town Hall – Council Chambers – 7:00 p.m.**

I Water Pollution Control Authority

a. Call to Order

Chairman May called the regular meeting of the Water Pollution Control Authority to order at 7:00 p.m.

b. Pledge of Allegiance

c. Roll Call

Present were Commissioners Hillman, May, Schober, Siragusa and Thorn. Also present were Administrator Lynch, Superintendent Michael Didato, Mayor Jaskiewicz and Attorney Ronald Ochsner.

d. Approval of the regular meeting minutes of Monday, April 5, 2010.

Motion made by Commissioner Thorn, seconded by Commissioner Schober. Discussion: Commissioner Hillman discussed the last sentence on page 2 regarding the bid process and requested the secretary listen to the tape of the meeting to determine if Mr. Lynch stated the bid was waived in September. Commissioner Hillman suggested the approval of the minutes be postponed until next month in order to get a determination of the wording from the secretary of the commission. Commissioners Thorn and Schober rescinded their motions.

Motion made by Commissioner Thorn, seconded by Commissioner Schober to add the approval of the April 5, 2010 minutes to the June agenda. Discussion: none. Voice vote: 5-0, all in favor, motion carried.

e. Communications

Administrator Lynch reviewed a correspondence submitted to the Commissioners from Mr. John Geary regarding an article on Courant.com titled “Bio fuel production puts pressure on water”. He indicated the article is informative and thanked Mr. Geary for passing it along.

Items to be Added to the Agenda.

Commissioner Hillman requested agenda item P be added to the agenda as follows: Discussion regarding rules and procedures for the Water Pollution Control Authority. Motion made by Commissioner Hillman, seconded by Commissioner Thorn. Discussion: none. Voice vote: 5-0, all in favor, motion carried, agenda item added.

Chairman May requested agenda item K(2) be added to the agenda as follows: The Town of Montville Water Pollution Control Authority hereby resolves to approve the extension of the sewer interceptor; sewer extension of the domestic sewer line from the intersection of Route 32 and Cook Drive to 41 Cook Drive. Motion made by Commissioner Hillman, seconded by Commissioner Siragusa. Discussion: none. Voice vote: 5-0, motion carried, agenda item added.

f. Remarks from the Public Relating to Matters on the Agenda – none.

g. Report from the Operations Division

Superintendent Didato discussed his monthly operating report for April, 2010. The WPCF was in full compliance of its NPDES permit for the month of April. There were no treatment plant odor complaints during the month and sludge thickness held at an

average of 4.6% last month. An average of 132 lbs/day of nitrogen was in the discharge last month. He gave an update regarding the outfall pipe discussed at the previous meeting. Scuba divers were able to discover several leaks along the out fall and each leak was located by GPS as well as the approximate stationing along the pipeline. The leaks consisted of one quarter inch to one half inch in diameter on top of the pipe. These holes may have been drilled in the pipe by the contractor during construction to allow the PVC pipe section to sink easier. These leaks do not pose a hazard to the environment nor do they appear to be a result of any deterioration in the joints or sections of the PVC pipe, therefore costs to fix them are minimal and not costly like first anticipated. He welcomed any questions or comments from the Commission and stated his full report is in the packet for review.

h. Report from the Administration Division

Administrator Lynch stated unaccounted for water is at 9.5% this month. He stated there was a time prior to the Town taking over the water when unaccounted for water was as high as thirty three percent consistently. He credits the competent staff for correcting errors and bringing the numbers down below ten percent. He stated he did not receive the final draft of the Water Supply Plan in his office prior to the meeting but Rich Johnson of Amory Engineers will be sending the finished work to the State after the Commission reviews it. He will send the copies out as soon as he receives them. He discussed a meeting with the Ledyard Water Pollution Control Authority regarding downsizing their water department. There were discussions regarding looking into other companies to run their water system. He has concerns regarding this possibility because Montville water comes through Ledyard from Groton. It is not the intention of Montville to take over their water at this time. Commissioner Hillman suggested Mr. Lynch look into regionalization of water supplies and research the issue and submit his findings to the Commission. The rest of his report is in the packet for review and he welcomed questions or comments from the Commission.

i. Report from the Mayor

Mayor Jaskiewicz thanked the entire staff of the Water Pollution Control Authority for a job well done during the heavy rainstorms. A discussion was held regarding manhole covers and repairs to damage done during the storm. Mayor Jaskiewicz indicated he is happy the Maple Avenue pump station is moving forward.

j. Report from Special or Sub-Committees – none.

k. Report from Engineers

1. To consider and act on authorizing URS to provide bid specifications and drawings and to go out to bid for the purchase and installation of one high speed turbine blower for the SBR system.

Mr. Alan P. Asikainen of the Maguire Group was present to discuss the proposal to purchase two new high speed blowers for the SBR system for the treatment plant. He stated the purchase and installation of the blowers would be at virtually no cost to the town after the grant money from Connecticut Light and Power is applied to the two hundred and twenty five thousand already received. The blowers will save the town eighty thousand dollars each per year in operating energy costs with total savings of one hundred and eighty thousand dollars per year compared to what the town is paying for operating costs at this time. He encouraged the town to take advantage of these saving while they are available and stated he will have specific numbers and dates regarding the purchase and installation costs for the next meeting. He discussed the time frame for the purchase and installation. The new blowers are much more efficient than the blowers the town is currently using and they have the ability to turn down to a slower speed during slower periods throughout the day and night that the current system does not offer.

Superintendent Didato stated the new blowers are biologically better for use at the plant and are more energy efficient with the capability to produce dissolved oxygen. The current blowers are limited in their capabilities and use more energy.

SAR 2010-012, The Town of Montville Water Pollution Control Authority hereby resolves to authorize URS Corporation to go out to bid for two high speed blowers for the Treatment Plant.

Motion made by Commissioner Schober, seconded by Commissioner Thorn. Discussion: none. Roll call vote: 5-0, voting in favor of adopting the resolution were Commissioners Hillman, May, Schober, Siragusa and Thorn. Voting in opposition, none. Resolution adopted.

2. SAR-2010-013, The Town of Montville Water Pollution Control Authority hereby resolves to approve the extension of the sewer interceptor; sewer extension of the domestic sewer line from the intersection of Route 32 and Cook Drive to 41 Cook Drive.

Motion made by Commissioner Thorn, seconded by Commissioner Hillman. Discussion: Administrator Lynch indicated he has been in contact with the neighbors on Cook Drive and there has been no opposition expressed regarding the proposal. The homeowner is aware that he is responsible for all costs relating to the extension of the sewer line and once it is tied in other homeowners can tie into it in the future.

Roll call vote: 5-0, voting in favor of adopting the resolution were Commissioners Hillman, May, Schober, Siragusa and Thorn. Voting in opposition, none. Resolution adopted.

l. **Old Business** – none.

m. **New Business**

1. Discussions regarding the employment Contract for Administrator Brian Lynch

Attorney Ronald Ochsner discussed materials he identified in the Town Clerk's office pertaining to the 1995 Charter Review Commission activities. These documents stated the Commission initially recommended language which would expressly authorize the WPCA to hire and establish salaries and benefits for WPCA employees. The result of that attorney's opinion was dropped and the last sentence of Section 407(c) was deleted. The voters then adopted the proposed revisions by referendum and it was published in a full page ad in the New London Day. Mr. Ochsner indicated it is clear the intent of the Charter Revision Commission was to give the WPCA the authority to hire employees and to establish their salaries without approval from the Town Council. This provision is in conflict with Section C906 of the Charter that states the Town Council approves all salaries. He stated there are many conflicts throughout the Charter but it is clear at that time it was meant for the WPCA to set all salaries. Commissioner Hillman offered two legal opinions from 2001 and 2002 from the law firm of Suisman Shapiro regarding this issue for the Commission to review.

Chairman May proposed the Commission authorize Attorney Ochsner to address the Town Council with his findings with regard to the WPCA and whether or not they have the authority to hire and establish salaries based on information filed in the Town Clerks office from 1995. Motion made by Commissioner Thorn, seconded by Commissioner Schober. Discussion: Commissioner Hillman suggested the Commission read over the two opinions she presented and inquired if Attorney Ochsner will be prepared to answer questions from the Council at their upcoming meeting. Commissioner Thorn stated the documents have clear existing rule that has not been addressed and should have precedence over subsequent rules that have not been amended or changed. Mayor Jaskiewicz stated he follows the rules of Section 906 and will not sign a contract unless the Town Attorney states that he has to. Chairman May suggested the Commission look

at all the documents presented and use them as a guide post for future decisions. Voice vote, all in favor, motion carried. Commissioner Hillman stated she will distribute copies of the opinions to the Commission for review.

Chairman May stated the Town Council voted to send the contract of Administrator Lynch back to the WPCA for discussion and amendments to the proposed salary. He suggested the following with regard to the salary; Mr. Lynch started with the Town of Montville WPCA in December of 2007 with a salary of \$61,250. Based on the average increase given to all town employees in the amount of 3.5% per year, Mr. Lynch will receive a 3.5 percent increase yearly to his existing salary and be in line with all of the other town employees on the anniversary of his date of hire for each consecutive year he has been on the job payable retroactive to date in one lump sum amount of \$6,661. This proposal would give Mr. Lynch a salary of \$63,394 as of December 3, 2008, \$65,614 as of December 3, 2009, \$67,911 on December 3, 2010 and \$70,291 on December 3, 2011. Chairman May indicated Administrator Lynch should be entitled to back pay that is owed to him. Commissioner Hillman requested documentation regarding the actual increases given to town employees yearly for comparison and to make sure the 3.5% is a correct number. Commissioner Thorn stated the contract for Administrator Lynch has been misrepresented in the newspaper and false information has been published and the public should know the true facts.

Motion made by Commissioner Thorn, seconded by Commissioner Schober to forward the salary proposed by the WPCA for Administrator Lynch to the Town Council for their approval of a 3.5% salary increase once a year on the anniversary of hire and a one time retroactive check in the amount of \$6,661 for back pay due to Administrator Lynch. Discussion: Mayor Jaskiewicz stated the Town Council can only accept or send the proposal back to the WPCA, they can not negotiate or change a contract presented to them. Commissioner Siragusa would like all documentation in writing prior to voting on the proposal. Mayor Jaskiewicz will confirm the town employee pay raise percentage for the Commission tomorrow. A discussion was held regarding the monetary difference between a 3% and a 3.5% pay increase. A discussion was held regarding the issues the Town Council had other than salary with the Administrator's employment contract.

Roll call vote: 3-2, voting in favor of forwarding the proposed salary increase for Administrator Lynch to the Town Council for approval were Commissioners May, Schober and Thorn. Voting in opposition were Commissioners Hillman and Siragusa. Motion passed.

2. To consider and act on a request to return the accounting functions described in Resolution #2006-057 and adopted by the Town Council on July 10, 2006 to the Administration Division of the Water & Sewer Department.

Motion made by Commissioner Thorn, seconded by Commissioner Schober.

Discussion: Administrator Lynch indicated he and Maureen are eager to take back the function and is confident he can do so within a six month time frame. He discussed issues the WPCA is dealing with now with the arbitration and feels the time frame would allow enough time for a smooth transaction. A discussion was held regarding the wording "administration division" and whether or not it should be changed to "administrator". Councilor Hillman requested Administrator Lynch provide the Commission with a clear and concise written document depicting the implementation of the transition. A discussion was held regarding the time frame for the transition period. The Commission requested the addition of the wording "within eight months of Town Council receipt of the proposal" after the word "department" to read:

Motion rescinded by Commissioner Thorn, second rescinded by Commissioner Schober.

Motion made by Commissioner Thorn, seconded by Commissioner Schober To consider and act on a request to return the accounting functions described in Resolution #2006-057 and adopted by the Town Council on July 10, 2006 to the Administration Division of the Water & Sewer Department within eight months of Town Council receipt of proposal.

Councilor Hillman has a problem with implementing a time constraint. Administrator Lynch stated he is in favor of removing the time frame and letting the transition “flow in”. He stated he has been in contact with the Finance Department to discuss the transition. Commissioner Hillman stated she is in favor of the WPCA taking back their responsibilities and is not trying to delay or stall the transition but does not want to see a time frame for the transition documented on the resolution. Commissioner Hillman indicated she is not in favor of implementing a time constraint for the transition and agreed it is best to let the transition flow in as discussed.

Commissioners Thorn and Schober rescinded their motion and second to amend the original resolution by adding an eight month time frame to complete the transition of duties from the Finance Department to the WPCA.

SAR 2010-2014, The Town of Montville Water Pollution Control Authority hereby resolves to return the accounting functions described in Resolution #2006-057 and adopted by the Town Council on July 10, 2006 to the Administration Division of the Water & Sewer Department.

Motion made by Commissioner Thorn, seconded by Commissioner Hillman. Discussion: Commissioner Siragusa stated he will be abstaining from the vote because he did not get a copy of the resolution. Administrator Lynch stated the resolution is on the agenda.

Motion made by Commissioner Thorn, seconded by Commissioner Schober. Discussion: none. Roll call vote: 4-0-1, voting in favor of adopting the resolution were Commissioners Hillman, May, Schober and Thorn. Voting in opposition, none, Commissioner Siragusa abstained. Resolution adopted.

3. To consider and act on a resolution that states all future non-union contracts be vetted through the Town of Montville Human Resource Department prior to the approval by the Water Pollution Control Authority.

Motion made by Commissioner Schober, seconded by Commissioner Thorn. Discussion: Chairman May stated the Commission has spent excessive amount of time reviewing and discussing contracts over the past year. He stated the Town currently has a Human Resources director that could look over the contracts and determine if they are in line with other Town contracts before they are presented to the WPCA for discussion. This would free up time for the Commission to focus on water and sewer issues. Commissioner Hillman stated this practice could open the WPCA up to fees for professional services of the Human Resources director and stated the Charter states the WPCA must review all contracts.

SAR 2010-015, The Town of Montville Water Pollution Control Authority hereby resolves all future, non-union contracts be vetted through the Town of Montville Human Resources Department prior to approval by the Water Pollution Control Authority. Discussion: Commissioner Hillman stated the WPCA may be setting a policy that may not work so well if the Human Resource position is not funded by the Town Council this year.

Roll call vote: 3-2, voting in favor of this resolution were Commissioners May, Schober and Thorn. Voting in opposition were Commissioners Hillman and Siragusa. Motion passed.

4. To consider and act on accepting the sewer budget for the fiscal year 2010-2011 in the amount of \$6,357,189.

Motion made by Commissioner Schober, seconded by Commissioner Thorn.

Discussion: Administrator Lynch stated a forensic auditor was hired to go through all the accounting and made suggestions regarding his findings to the WPCA. Commissioner Hillman inquired if the budget is based on estimates and Administrator Lynch stated

some of it is because there is no way to determine exact numbers for some of the line items. Commissioner May stated that due diligence has been done by the staff and the budget is an accurate account of the needs of the WPCA. Commissioner Hillman stated her copy of the budget request depicts a 14.5% increase over last year. Administrator Lynch stated this is due to a computer error from the Finance Department. The true increase requested for this year is .53%. Commissioner Hillman requested \$500 be cut out of the bottled water account for the upcoming year. She stated the Water Commission should stand by the water they sell to the consumer. Superintendent Didato explained the pipes at the treatment plant are old and a water test to determine if the water is potable would be costly. There is also the issue of cross contamination of water at the treatment plant, making the water not safe to drink. Superintendent Didato explained some of the costs for water are for distilled water used in the plant.

Motion made by Commissioner Hillman, seconded by Commissioner Siragusa to amend the resolution to reflect a reduction in the amount of \$500 from the sewer budget designated for the purchase of bottled water. Discussion: Superintendent Didato stated the bottled water is not only used for the staff, it is used as an alternate source of water when water can not be provided to residents due to contamination or repair.

Roll call vote: 2-3, voting in favor removing \$500 from the bottled water line item were Commissioners Hillman and Siragusa. Voting in opposition were Commissioners May, Schober and Thorn. Motion failed.

Administrator Lynch stated the budget proposal is a solid one and he did the best he could with everything that is going on in the WPCA this year with the arbitration and attorney fees. He understands the concerns expressed by everyone but feels this is a good, solid budget and would recommend the Commission pass it along.

SAR 2010-016, The Town of Montville Water Pollution Control Authority hereby resolves to accept the sewer budget for the fiscal year 2010-2011 in the amount of \$6,357,189 and to forward it to the Town Council for approval.

Roll call vote: 4-1, voting in favor of adopting the resolution were Commissioners May, Schober, Siragusa and Thorn. Voting in opposition was Commissioner Hillman. Resolution adopted.

Motion made by Chairman May, seconded by Commissioner Thorn to take a ten minute recess. Discussion: none. Voice vote: 5-0, all in favor, Commissioners took a recess between 9:30 p.m. and 9:40 p.m. when Chairman May resumed the meeting.

n. **To Consider and Act on Referrals from Planning and Zoning** – none.

o. **To consider and Act on the Payment of Bills**

SAR 2010-017 The Town of Montville Water Pollution Control Authority hereby resolves to pay invoices in the amount of \$43,920.00 per attached Schedule A.

Motion made by Commissioner Schober, seconded by Commissioner Thorn. Discussion: Commissioner Siragusa inquired regarding questions the Commission had last month regarding attorney fees. Administrator Lynch stated all bills were verified and correct. Roll call vote: 5-0, voting in favor of adopting the resolution were Commissioners Hillman, May, Schober, Siragusa and Thorn. Voting in opposition, none. Resolution adopted.

p. **Consider and Act on a Motion to Discuss Rules and Procedures for the Water Pollution Control Authority.**

Motion made by Commissioner Hillman, seconded by Commissioner Schober. Discussion: Commissioner Hillman distributed copies of the Rules and Procedures of the Water and Sewer Commission for the Town of Montville, stamped in at the Town Clerk's office on March 16, 1993. She suggested the Commission look the document

over and discuss it at the next meeting. She suggested the Commission form a sub-committee to look into the policies and procedures and how they are being used. She pointed out several discrepancies in how the WPCA implements certain things and how they should be done per Charter. She stated documents must be filed with the Town Clerk if there are any changes to the Rules of Procedure and the WPCA is in violation of several items. It was the consensus of the Commission to review the document for discussion next month. Voice vote: 5-0, all in favor, motion carried.

II Water Commission

a. **Report from Special or Sub-Committees** – none.

b. **Report from Engineers** – none.

c. **Old Business**

1. **SAR 2010-018, The Town of Montville Water Pollution Control Authority hereby resolves to** authorize Stearns & Wheler (GHD) to go out to bid for the construction of the Water Pump Station to be located on Maple Avenue.

Motion made by Commissioner Hillman, seconded by Commissioner Siragusa.
Discussion: Chairman May explained this is step two of a four step process and the land has been secured by the Town and is ready to move forward.

Roll call vote: 5-0, voting in favor of adopting the resolution were Commissioners Hillman, May, Schober, Siragusa and Thorn. Voting in opposition, none. Resolution adopted.

d. **New Business**

1. **SAR 2010-019, The Town of Montville Water Pollution Control Authority hereby resolves to** approve a rate increase for all water services located within the Town of Montville service area to be effective July 1, 2010 and to forward the proposal to the Town Council for final approval and Public Hearing.

Motion made by Commissioner Schober, seconded by Commissioner Thorn. Discussion: Administrator Lynch stated he had hoped to receive final numbers regarding the rate increase from the City of Groton by the time of the meeting but he did not. He explained this is the first year the Water Department will have a true and realistic budget. He discussed and reviewed the draft Rate Schedule for all Water Service Located within the Town of Montville Service Area Billed on and After July 1, 2010 with the Commission. He stated quarterly bills for residential homeowners will increase by five dollars and Commercial bills will increase from 4.13 to 4.85. This is an increase of twenty dollars per year for residential customers. He discussed the hydrant increase and the sprinkler connection increase. He suggested additional wording be added to item #3 (c) to read “installation for residential corporation cock, copper feeder line, and curb stop - \$2,750 plus additional time and materials; item 3 (e) add the wording “with a minimum of four thousand dollar charge”, and item 4 (a) emergency service after business hours is \$100 per hour with a minimum of three hours. He explained the last item is to cover the cost of overtime costs for the person who gets called out to the job. Administrator Lynch stated he will distribute the revised copy with the changes highlighted for the Commission to review.

Roll call vote: 5-0, voting in favor of adopting the resolution were Commissioners Hillman, May, Schober, Siragusa and Thorn. Voting in opposition, none. Resolution adopted.

e. **SAR 2010-020, The Town of Montville Water Pollution Control Authority hereby resolves to** pay invoices in the amount of \$1,336.50 per attached Schedule B.

Motion made by Commissioner Hillman, seconded by Commissioner Siragusa.
Discussion: none. Roll call vote: 5-0, voting in favor of adopting the resolution were Commissioners Hillman, May, Schober, Siragusa and Thorn. Voting in opposition, none.
Resolution adopted.

III Remarks from the Public

Steve Loiler discussed agenda item m (3), stating it will be difficult for the Commission to utilize the services of the Human Resource director because the Town Council did not vote to fund this position after June 30, 2010. He inquired what the Commission will do with the contracts after this time.

IV Remarks from the Commission Members – none.

Attorney Ochsner updated the Commission regarding Pedurgal Lane, stating the town now has access to the property with a twenty five foot easement and the property has been purchased by the adjacent land owner and is now back on the tax rolls.

Commissioner Siragusa inquired if the attorney had an opportunity to look into the proper name of the Commission. It was determined it would remain as the Water Pollution Control Authority.

Administrator Lynch stated he will forward copies of the Water Study to the Commissioners when he receives it.

V Adjournment

Motion made by Commissioner Hillman, seconded by Commissioner Thorn to adjourn the meeting at 10:30 p.m. Discussion: none. Voice vote: 5-0, all in favor, motion carried.

Respectfully Submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville