



The Bedding Plant Capital of Connecticut

WATER POLLUTION CONTROL AUTHORITY WPCA AGENDA

Thursday, January 28, 2021 – 6:00 PM
Virtual Meeting Via Zoom

(PER EXECUTIVE ORDER OF THE GOVERNOR OF CONNECTICUT)
Public access made available through live streaming on YouTube at
https://www.youtube.com/channel/UC4_xey3QjJmwe57R_6K94Dw

*Public comments accepted at Comments@cheshirect.org and by voice mail message at 203 271-6638.
Video will be available on Channel 14 and on demand at www.cheshirect.org as soon as possible.*

REGULAR MEETING 6:00 PM (Via Zoom)

1. Pledge of Allegiance
2. Roll Call and Determination of Quorum
3. Public Communications
 - a. Tri-Star Development, LLC - Stone Bridge Crossing feasibility approval modification.
 - b. Cheshire Hillside Village sewer use charge correspondence dated January 6, 2021.
4. Applications
5. Projects
6. Superintendent's Report
7. Engineering Report
8. New Business
 - a. Conflict of Interest memo
9. Old Business
9. Approval of Minutes/Meeting Notes
 - a. Meeting Minutes - December 17, 2020
11. Adjournment

Public Communications

- a. Tri Star Development, LLC –
Stone Bridge Crossing
feasibility approval
modification**

| | | | |
|-----------------|--|---------------------|-----------|
| TO: | Water Pollution Control Authority | DATE: | 1/19/2021 |
| FROM: | Dennis Dievert Jr. | PROJECT NO.: | 20458 |
| SUBJECT: | Feasibility Approval Modification Tri-Star Development, LLC – Stone Bridge Crossing | | |

Review of a January 14th, 2021 letter from John Milone, PE on behalf of the applicant, SLR Corporation, indicates that the applicant is requesting approval for a modification to the location of the proposed sanitary sewer pump station.

The WPCA granted feasibility approval for the development at their December 12th, 2018 WPCA meeting. On April 24th, 2020, the WPCA modified this approval to reflect a revision regarding how the sanitary sewers would be constructed on the property.

At this time, Wright-Pierce does not feel that they have been provided with enough information to prepare a formal review of the January 14th, 2021 Feasibility Approval Modification request in time for the January 2021 WPCA meeting.

We plan to review the request following a workshop meeting with the town and the developer tentatively schedule for Friday, January 22nd, 2021.

JAN 14 2021

BY: _____



January 14, 2021

Water Pollution Control Authority
Town of Cheshire
84 South Main Street
Cheshire, CT 06410

Re: ^{Tri} Feasibility Approval Modification, Price-Star Development, LLC

Dear Authority Members:

Please accept this letter and attached conceptual plan as supportive documentation for a request for the Authority to consider a modification to the previously granted feasibility approval for the above-referenced project. At the Authority's meeting on December 12, 2018, the Authority granted feasibility approval for the development. On April 24, 2020, the Authority modified this approval to reflect a revision to the method in which the sanitary sewers were to be constructed on the subject property. At this time, we are requesting a second modification to reflect the relocation of the sanitary sewer pump station location. No other modifications to the previous approval are requested at this time. This modification essentially proposes to relocate the approved sanitary sewer to the western portion of the site in close proximity to Dickerman Road rather than in the central portion of the site. By doing this, there will be additional gravity sewer through the property to connect to this sanitary pump station and a reduction in the length of force main to eventually connect to the existing manhole located just north of West Johnson Avenue.

In addition, we have enclosed a revised master plan, which has recently been submitted to the Planning and Zoning Commission. This master plan is a revision to the approved master plan in that it eliminates a section of public roadway and modifies certain uses.

Please place this revision on the Commission's agenda at its next meeting.

Sincerely,

SLR International Corporation

A handwritten signature in blue ink, appearing to read "John M. Milone".

John M. Milone, PE
US Sector Lead, Built Environment, on behalf of the Applicant

Enclosures

1000-01-2-j1421.ltr.docx

Map

Conceptual Site Plan –

Sanitary Sewer

Stone Bridge Crossing

Map

**Special Development Plan North
End Parcel**

Public Communications

b. Cheshire Hillside Village sewer use charge correspondence

| | | | |
|-----------------|--|---------------------|-----------|
| TO: | Don Nolte, Engineering Operations Manager | DATE: | 1/19/2021 |
| FROM: | Dennis Dievert Jr. | PROJECT NO.: | 20458 |
| SUBJECT: | Sewer Use Charge Billing Cheshire Hillside Village Associates 175 East Mitchell Avenue | | |

The 150 units at the above referenced location have a common water meter which measures the total water consumption, which was 7,000.55 CCF for the period of 12/31/2019 to 1/5/2021. There are 100 rental units, and 50 privately individually owned condominiums. Based on information provided by the Cheshire Village Associates from their private meter data totaling 1,446.00 CCF, the total charge to Cheshire Village Associates for the 100 rental units is 5,554.55 CCF at \$4.22796/CCF = **\$23,484.42**.

The 50 individually owned units should have each been billed the flat rate single family charge of \$425.00.

Any liens or late fees resulting from these accounts should be removed.

cc: Mr. John Capone

Cheshire Village Associates

John Capone
John F. Capone
General Partners

Received
Town of Cheshire Public Works Dept

JAN 08 2021

BY: _____

175 East Mitchell Avenue
Cheshire, Ct. 06410
(203) 272-2243
FAX (203) 272-8633

January 6, 2021

Mr. George Noewatne, PE
Town Engineer
84 South Main Street
Cheshire, CT 06410

Dear Mr. Noewatne,

Every year since 1978, there is an adjustment for the sewer use charge for the apartment portion of Cheshire Hillside Village. That is because the water for 50 of the condominiums flows through our water meter and is billed out by us separately from the SCCRWA.

We are enclosing copies of the water bills to the Cheshire Hillside Village Condominium Association, which were sent during the past year. Their total consumption was 1,446.00 CCF and should be deducted from our total that was billed.

Would you kindly recalculate our usage and adjust the enclosed sewer use charge invoice. Also, please inform the Tax Collector that there may be a delay and to please re-bill the account once you have made your annual calculation.

Thank you and if there are any questions, please do not hesitate to contact us.

VERY TRULY YOURS,

JOHN F. CAPONE
GENERAL PARTNER

Encl.

Cc: William Donlin, Tax Collector



SEWER USE BILL
TOWN OF CHESHIRE
www.cheshirect.org

TAXPAYER COPY



FOR THE PERIOD - DECEMBER 1, 2020 THROUGH NOVEMBER 30, 2021.
LAST DAY TO PAY WITHOUT PENALTY IS MONDAY, FEBRUARY 1, 2021.

Table with 2 columns: Field Name, Value. Fields include BILL NUMBER (2021 06 0004478), TOTAL AMOUNT DUE JANUARY 1, 2021 (\$29,598.05), and PROPERTY DESCRIPTION (175 E MITCHELL AVE 039 334/33).

T11 P4343 *****SCH 5-DIGIT 06410
CHESHIRE VILLAGE ASSOC
175 E MITCHELL AVE
CHESHIRE CT 06410-4125

Unique ID: 4478



Handwritten signature 'AJUST' with a checkmark

This is the only bill that the TOWN OF CHESHIRE mails each year. Failure to receive a Sewer Use Bill does not relieve the taxpayer of the requirement to pay the statutory interest on a late Sewer Use payment.

Make Check Payable To:
Cheshire Collector of Revenue
84 South Main Street
PO Box 129
Cheshire, CT 06410-0129

PAYING IN PERSON: Please bring the entire bill to the Tax Office. For your convenience, a drive-up DROP-BOX is located in the Town Hall Parking Lot. Due to the Covid-19 Virus, access to the Town Hall Offices may be limited.

RECEIPTS: Include a SASE/Self Addressed Stamped Envelope along with the Entire Bill.

CREDIT CARD PAYMENT: Visit the Town's website to look up your bill and pay on line @ www.cheshirect.org. A convenience fee will be applied.

IF THE WORD DELINQUENT APPEARS IN THE STATUS BOX on the bill, there are prior sewer use charges due, contact the Tax Office for an updated amount due.

LATE PAYMENTS: If Sewer Use fees remain unpaid as of March 2021, sewer use liens will be filed in accordance with state statute.

For Water Consumption Questions call the South Central Connecticut Regional Water Authority.
For Payment Questions call the Tax Office at 203-271-6630.

Tax Office Hours: Monday - Friday 8:30 A.M. - 4:00 P.M. / Last day for payment without penalty is Monday, February 1, 2021

TURN OVER FOR IMPORTANT INFORMATION

SEWER USE BILL
TOWN OF CHESHIRE
www.cheshirect.org

RETURN THIS COPY WITH YOUR PAYMENT

FOR THE PERIOD - DECEMBER 1, 2020 THROUGH NOVEMBER 30, 2021.
LAST DAY TO PAY WITHOUT PENALTY IS MONDAY, FEBRUARY 1, 2021.

Table with 2 columns: Field Name, Value. Fields include BILL NUMBER (2021 06 0004478), TOTAL AMOUNT DUE JANUARY 1, 2021 (\$29,598.05), and PROPERTY DESCRIPTION (175 E MITCHELL AVE 039 334/33).

UNIQUE ID 4478
CHESHIRE VILLAGE ASSOC
175 E MITCHELL AVE
CHESHIRE CT 06410-4125

Town of Cheshire
Collector of Revenue
Post Office Box 129
Cheshire, CT 06410-0129



Cheshire Village Associates

2021
 AIR I \$1533.25
 AIR II \$1533.23

John Capone
 John F. Capone
 General Partners

175 East Mitchell Avenue
 Cheshire, Ct. 06410
 (803) 272-2243
 FSP (203) 272-8633

CHESHIRE HILLSIDE VILLAGE
 CONDOMINIUM ASSOCIATION INC.

WATER USAGE

BLDG. #1 7-9-20 04835900 GALLONS
12-31-19 04780000 GALLONS
55,900. GALLONS USED

BLDG. #2 14730300 GALLONS
12-31-19 14542600 GALLONS
187,700 GALLONS USED

BLDG. #3-4 30051900 GALLONS
~~29432400 est~~
12-31-19 29742650 est GALLONS
+ 309250 est GALLONS USED

BLDG. #1 GALLONS USED 55,900
 BLDG. #2 GALLONS USED 187,700.
 BLDG. #3-4 GALLONS USED 309,250 e
 TOTAL 552,850

552,850 GALLONS + 750 = 737.13 CCF

737.13 CCF x \$4.16 CCF = \$3066.46 AMT. DUE

Cheshire Village Associates

2021
 AIR I # 1470.91
 II # 1470.90

John Capone
 John F. Capone
 General Partners

175 East Mitchell Avenue
 Cheshire, Ct. 06410
 (203) 272-2243
 F&B (203) 272-8533

CHESHIRE HILLSIDE VILLAGE
 CONDOMINIUM ASSOCIATION INC.

WATER USAGE

| | | | |
|------------|---------------|----------------------|--------------|
| BLDG. #1 | <u>1/5/21</u> | <u>04891900</u> | GALLONS |
| | <u>7-9-20</u> | <u>04835900</u> | GALLONS |
| | | <u>56,000.</u> | GALLONS USED |
| BLDG. #2 | <u>1/5/21</u> | <u>14896700</u> | GALLONS |
| | <u>7-9-20</u> | <u>14730300</u> | GALLONS |
| | | <u>166,400</u> | GALLONS USED |
| BLDG. #3-4 | <u>1/5/21</u> | <u>30361150 EST.</u> | GALLONS |
| | <u>7-9-20</u> | <u>30051900 EST.</u> | GALLONS |
| | | <u>309,250 EST.</u> | GALLONS USED |

| | | |
|------------|--------------|----------------|
| BLDG. #1 | GALLONS USED | <u>56,000</u> |
| BLDG. #2 | GALLONS USED | <u>166,400</u> |
| BLDG. #3-4 | GALLONS USED | <u>309,250</u> |
| TOTAL | | <u>531,650</u> |

531,650 GALLONS + 750 = 708.87 CCF

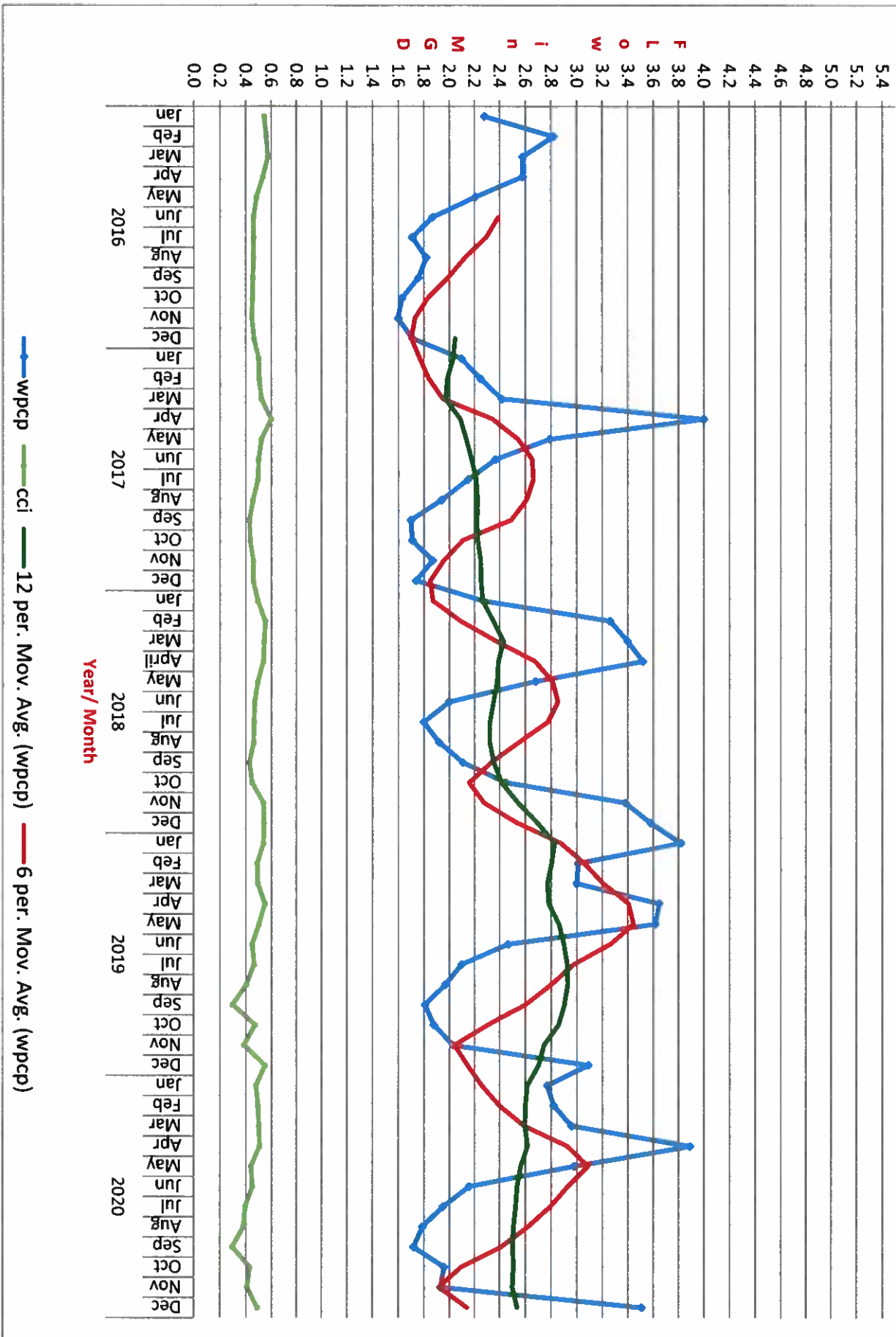
708.87 CCF x 4.15 CCF = 2941.81 AMT. DUE

Applications - None

Projects - None

Superintendent's Report

5 year rolling average Flows for Water Pollution Control Plant and CCI



History of Flows at Water Pollution Control Plant and CCI

| 2019 | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC |
|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| WPCP | 3.82 | 3.01 | 3.00 | 3.65 | 3.62 | 2.47 | 2.10 | 1.97 | 1.81 | 1.88 | 2.03 | 3.09 |
| CCI | 0.540 | 0.492 | 0.495 | 0.550 | 0.505 | 0.451 | 0.466 | 0.406 | 0.391 | 0.474 | 0.386 | 0.550 |

| 2020 | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC |
|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| WPCP | 2.77 | 2.82 | 2.96 | 3.89 | 2.98 | 2.16 | 1.95 | 1.79 | 1.72 | 1.96 | 1.93 | 3.51 |
| CCI | 0.481 | 0.496 | 0.503 | 0.509 | 0.441 | 0.452 | 0.394 | 0.382 | 0.296 | 0.430 | 0.410 | 0.489 |

| 2011 | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC |
|------|------|------|---------|---------|---------|---------|---------|------|------|------|------|------|
| WPCP | 2.40 | 2.89 | 5.24 | 3.68 | 3.45 | 3.40 | 2.39 | 3.14 | 3.86 | 3.15 | 3.31 | 4.11 |
| CCI | .580 | .515 | .550est | .550est | .550est | .550est | .550est | .561 | .727 | .699 | .688 | .727 |

| 2012 | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC |
|------|------|------|------|------|------|------|------|------|------|------|------|------|
| WPCP | 3.13 | 2.68 | 2.43 | 2.26 | 2.40 | 2.61 | 2.06 | 2.11 | 1.97 | 2.18 | 2.25 | 2.44 |
| CCI | .675 | .651 | .626 | .629 | .591 | .614 | .572 | .554 | .529 | .575 | .584 | .558 |

| 2013 | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC |
|------|------|------|------|------|------|------|------|------|------|------|------|------|
| WPCP | 2.70 | 3.03 | 5.04 | 2.52 | 2.08 | 3.75 | 2.71 | 2.08 | 1.92 | 1.87 | 1.95 | 2.22 |
| CCI | .600 | .633 | .727 | .582 | .532 | .632 | .564 | .540 | .511 | .510 | .533 | .547 |

| 2014 | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC |
|------|------|------|------|------|------|------|------|------|------|------|------|------|
| WPCP | 2.90 | 2.40 | 3.12 | 4.71 | 4.48 | 2.43 | 2.00 | 1.84 | 1.79 | 1.88 | 2.02 | 3.16 |
| CCI | .507 | .520 | .573 | .608 | .589 | .510 | .471 | .457 | .461 | .499 | .513 | .565 |

| 2015 | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC |
|------|------|------|------|------|------|------|------|------|------|------|------|------|
| WPCP | 2.60 | 2.24 | 3.47 | 4.07 | 2.19 | 2.02 | 1.83 | 1.55 | 1.52 | 1.94 | 1.59 | 1.79 |
| CCI | .541 | .492 | .591 | .626 | .589 | .554 | .507 | .473 | .477 | .474 | .478 | .482 |

| 2016 | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC |
|------|------|------|------|------|------|------|------|------|------|------|------|------|
| WPCP | 2.28 | 2.82 | 2.77 | 2.58 | 2.21 | 1.87 | 1.71 | 1.82 | 1.76 | 1.63 | 1.60 | 1.71 |
| CCI | .547 | .563 | .577 | .536 | .486 | .463 | .462 | .468 | .457 | .456 | .449 | .466 |

| 2017 | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC |
|------|------|------|------|------|------|------|------|------|------|------|------|------|
| WPCP | 2.1 | 2.25 | 2.42 | 4.00 | 2.79 | 2.37 | 2.15 | 1.94 | 1.7 | 1.71 | 1.87 | 1.74 |
| CCI | .502 | .506 | .525 | .600 | .557 | .503 | .497 | .458 | .429 | .436 | .460 | .460 |

| 2018 | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC |
|------|------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| WPCP | 2.27 | 3.26 | 3.4 | 3.52 | 2.68 | 2.00 | 1.80 | 1.92 | 2.11 | 2.45 | 3.38 | 3.58 |
| CCI | .495 | .554 | 0.547 | 0.539 | 0.498 | 0.471 | 0.466 | 0.464 | 0.429 | 0.452 | 0.539 | 0.543 |

WPCP 6 MONTH AVERAGE FLOW: July 20 - December 20 = 2.14 mgd
WPCP 12 MONTH AVERAGE FLOW: January 20 - December 20 = 2.54 mgd
Note: 90% Maximum Allowable (6month average) = 3.60 mgd 6 Month Average cannot exceed 3.60 mgd
- 12 Month Average Permitted Flow= 4.00 mgd

CCI 6 MONTH AVERAGE FLOW: July 20 - December 20 = 0.400 mgd
CCI 12 MONTH AVERAGE FLOW: January 20 - December 20 = 0.440 mgd

Engineering Report

New Business

a. Conflict of Interest memo

CONFLICT OF INTEREST

CHARTER

9-3. Conflicts Of Interest.

Any elected or appointed officer or any employee of the Town who has a conflict of interest, as set forth in Section 10-1, "Conflicts of interest and standards of conduct", of the Town's Code of Ordinances, as amended, shall, in addition to the requirements of Section 10-1, disclose that interest to the Council who shall record such disclosure upon the official record of their meetings. Violation by any such officer or employee of the provisions of this section shall be grounds for his removal. Violations of this Section with the knowledge, express or implied, of any person or corporation participating in such contract, transaction, or decision shall render the same voidable by the Council or by a court of competent jurisdiction.

CODE OF ORDINANCES

Sec. 10-1. Conflicts of interest and standards of conduct.

(a) *Declaration of policy.* The proper operation of the government of the Town of Cheshire requires that public officers and employees be independent, impartial and responsible to the people; that governmental decisions and policies be made in the proper channels of the government structure and free of coercive or other improper influence; that public office and employment not be used for personal gain; and that the public have confidence in the integrity of its government. The purposes of this section are to set forth standards of ethical conduct, to assist public officers and employees and persons dealing with them in acting in the performance of their duties, and to maintain and enhance a tradition of responsible and effective public service. In recognition of these goals, there is hereby established for the Town of Cheshire the following standards.

(b) *Definitions.* As used in this section, the following words or phrases, unless a different meaning is required by the context or is specifically prescribed, shall have the following meanings:

(1) *Financial interest* shall be defined as any ownership of stocks, notes, bonds, obligations or other pecuniary interest in or with any person, partnership, firm or corporation which is involved in any matter, contract, subcontract, service, transaction, administrative decision or controversy directly or indirectly with the Town of Cheshire and which is not in common with the other members of the agency and the citizens of the town. Financial interest shall include the financial interest of any person related to any officer or employee by blood or marriage in a degree closer than the fourth degree of consanguinity or affinity (determined by the civil law method). A divorce or separation between spouses shall not be deemed to terminate any such relationship. In the case of members of the town council, financial interest shall also include any interest direct or indirect in any labor contract to which such council member may be a party or

in any appropriations to any town department or agency through which the council member may be employed.

(2) *Improper influence* shall be defined as: "coercion," as that term is defined in section 53a-192 of the Connecticut General Statutes; "bribery," as that term is defined in sections 53a-146 through 53a-147 of the Connecticut General Statutes; and as communications or attempts to communicate privately either in person or by an agent with any public officer or employee concerning the substantive details or wisdom of any proposed or pending application or appeal before that public officer or employee wherein a decision will be made approving or denying any permit, license, regulation, appeal or enforcement proceeding after a public hearing. Communications by the town attorney, special counsel, town engineer, town planner and other staff members or consultants hired to advise and assist public officers and employees in their duties as permitted by law shall not be considered an improper influence.

(3) *Personal interest* shall be defined as any interest which is incompatible with the proper discharge of one's official duties in the public interest or which would tend to impair one's independence of judgment or action in the performance of one's official duties. It is either an interest in the subject matter or a relationship with the parties before the public officer or employee which impairs or reasonably might impair the impartiality expected to characterize a public officer or employee. A personal interest can take the form of favoritism or hostility. It is a personal bias or prejudice which imperils or reasonably appears to imperil the open-mindedness and sense of fairness which a public officer is required to possess.

(4) *Public hearing* shall be defined as a hearing authorized or required to be held by law at which the applicants, parties or members of the public have due process rights. The term "public hearing" includes, but is not limited to, public hearings held by hearing officers and regulatory agencies of the town, but shall not include hearings held by the town council on ordinances, budgets or appropriations or other hearings held by other town agencies or public officers or employees held for informational purposes where no permit, license, regulation, order or appeal will be approved, denied, suspended, revoked or decided.

(5) *Agency* shall be defined as any multimember board, commission, authority, committee or agency of the Town of Cheshire.

(6) *Prima facie* shall be defined as a fact presumed to be true unless disproved by a preponderance of credible evidence to the contrary.

(7) *Public officer or employee* shall be defined as any person, officer or employee holding a position of election, appointment or employment in the service of the Town of Cheshire whether paid or unpaid, including members of any board, commission, authority, committee or agency of the town.

(c) *Conflicts prohibited.* No public officer or employee of the town shall:

(1) Have any financial interest or any personal interest, either directly or indirectly, in any matter involving a decision pending before him, or in any contract or purchase order for any supplies, materials, equipment or contractual services furnished to or used by the Town of Cheshire which contract or purchase order is to be recommended, made, granted or awarded by such public officer or employee or by an agency of which he is a member.

(2) Accept or receive, directly or indirectly, from any person, partnership, firm or corporation to which any decision, permit, license, contract or purchase order may be awarded by the town, by an agency or by a public officer or employee any money or anything of value whatsoever (by

rebate, gift or otherwise), or any promise, obligation or contract for future reward or compensation as consideration for awarding or influencing the award of such decision, permit, license or contract or purchase order.

(3) This section shall not prohibit the acceptance of reasonable and customary dinner favors in the course of town business by public officers or employees.

(4) A public officer or employee shall prima facie not be considered to have a prejudice or bias as to issues pending before him or his agency merely because of his personal expertise in any field of endeavor, and this shall be especially so where by virtue of the Cheshire Charter, a state statute or a Cheshire ordinance a special expertise or philosophy is desired or required as a qualification for appointment or election of a public officer or employee.

(d) *Improper influence prohibited.* No person, partnership, firm or corporation shall improperly influence or attempt to improperly influence either directly or indirectly any public officer or employee of the town.

(e) *Solicitation of private communications prohibited.* No public officer or employee shall encourage, make or accept any private communications concerning any matter where a decision is to be made after a public hearing. If a public officer or employee inadvertently receives such a communication, he shall make the contents of the communication a part of the record of the public hearing.

(f) *Procedure.* Whenever a financial interest or a personal interest, as defined in this section, exists, the person so interested shall, in addition to such other requirements of law;

(1) In the case of a member of any agency:

- a. Disclose such interest and enter such fact in the official records of such agency; and
- b. Abstain from participating publicly or ex parte in any hearing, discussions, debate or decisions of such agency or with members thereof of which he is a member regarding the matter in which such a conflict may exist;

(2) In the case of a single public officer or employee of the town:

- a. Disclose such interest to the town manager or the superintendent of schools, as the proper case may be, or, in the case of the town manager, to the chairman of the town council, or, in the case of the superintendent of schools, to the chairman of the board of education; and
- b. Abstain from participating in any relevant hearing, discussion, debate or decision on any matter to which he or she has control or decision-making power over as such public officer or employee.

(3) This section shall not be construed to preclude discussion of generic product type or technology, but does prohibit the participation in any hearings, discussions, debates or decisions of any agency, etc., by a public officer or employee concerning proprietary products and services with which a member has a financial interest.

(4) Whenever any agency member is requested by another member of that agency, or by a party to the matter pending before such agency or by a member of the public who may be aggrieved by the decision of such agency, to abstain from participating in any hearing, discussion, debate or vote on any matter which is pending before such agency for the reason that he has a conflict of interest, and if such agency member refuses to so abstain, the remaining unchallenged members shall consider any relevant evidence concerning such claimed conflict of interest, as defined by this section, and vote on such request for abstention as follows:

- a. Sustain the member's refusal to abstain and proceed with the meeting; or

b. Overrule the member's refusal to abstain and proceed with the meeting without the member's participation.

(5) Whenever any public officer or employee of the town reasonably determines that an attempt to improperly influence him has occurred, he shall report that fact to the agency of which he is a member, the town manager, superintendent of schools, town attorney, chairman of the town council, chairman of the board of education or the chief of police, or any combination of them, as may be appropriate under the circumstances. The town attorney shall be consulted on all reports and he shall notify the town council of his recommendations for further action.

(g) *Disclosure pursuant to section 9-3 of the Cheshire Charter.* Disclosure of financial interest required to be made pursuant to section 9-3 of the Cheshire Charter shall be updated annually to disclose the continued existence of the conflict, any changes to the degree and nature of the conflict, or the termination of the conflict and the reason for that termination.

(h) *Penalties.* A violation of any provision of this section may constitute a cause for removal from office and/or dismissal from employment by the town or such other disciplinary, civil, judicial or administrative action against the public officer or employee as the appointing authority and/or the town council may determine proper. Any person, partnership, firm or corporation who violates paragraph (d) of this section shall be fined one hundred dollars (\$100.00) for each and every offense.

(i) *Voidable action.* Any contract or purchase order or decision made or adopted in violation of this section shall be voidable by action of the town council of the Town of Cheshire.

(j) *Other laws.* This section shall not be interpreted so as to be in conflict with, but rather in addition to, any other general or specific law relating to ethical conduct, interest or procedure by town officers and employees. Any personnel rules and regulations as adopted in accordance with section 8-2 of the Town Charter may be more restrictive but not less restrictive than the standards contained in this section.

(k) *Severability.* If any section, subsection, clause, provision or portion of this section shall be held to be invalid, ultra vires or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other section, subsection, clause, provision or portion of this section.

(l) *Distribution of section.* The town manager shall cause a copy of this section to be distributed to every public officer and employee of the town within thirty (30) days after enactment. Each public officer and employee elected, appointed or engaged thereafter shall be furnished a copy before entering upon the duties of his office or employment.

Old Business - None

Approval of Minutes/Meeting Notes

- a. Meeting Minutes December 17, 2020**

**MINUTES OF THE TOWN OF CHESHIRE WATER POLLUTION CONTROL
AUTHORITY MEETING HELD ON THURSDAY, DECEMBER 17, 2020 AT
6:00 P.M.
VIRTUAL MEETING VIA ZOOM**

*Public access made available through live streaming on YouTube at
https://www.youtube.com/channel/UC4_xey3QjJmwe57R_6K94Dw*

*Public comments accepted at Comments@cheshirect.org
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Video will be available on Channel 14 and on demand at www.cheshirect.org
as soon as possible.*

Present

John Perrotti, Chairman; Steve Carroll, Vice Chairman; Jason Beach, Tom Scannell,
James Urbano, Zack Wellburn

Absent: Aboud Abdelghani

Others Present: Dennis Dievert Jr. P.E. Wright-Pierce Engineering; Mark Lovley,
Lovley Development; Andrew Quirk, P.E. Kratzet-Jones.

Chairman Perrotti called the meeting to order at 6:00 p.m.

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

The Clerk called the roll and a quorum was determined to be present.

3. PUBLIC COMMUNICATIONS

4. APPLICATIONS

a. Tuttle Avenue and Cook Hill Road – Lauren A and Earl J. Kurtz Jr.

Attorney Anthony Fazzone represented the applicants who plan to build a house on Tuttle Avenue at the corner with Cook Hill Road. The proposed house faces Tuttle Avenue. The boundary between Cheshire and Wallingford is the western edge of Tuttle Avenue. The applicant is requesting feasibility approval for the applicant to hook into the sewer system in Wallingford. Attorney Fazzone informed the Authority that he has spoken with Eric Kruger in Wallingford. There is an email between Mr. Kruger and Mr. Nolte (Cheshire) saying that Wallingford will accept the sewer and the applicant would have to follow the Wallingford regulations for hooking up to the town's sewer system.

Mr. Fazzone has discussed the application with Mr. McEvoy from Milone & MacBroom, and he will look into the design work for hook up to the Wallingford sewer system. Once that is set, the applicant must do an Inter-Municipal Agreement. A single family home on Allison Avenue was allowed to connect to the Wallingford system, and this

agreement form will be used for the subject application. Attorney Fazzino will prepare the agreement; it will be reviewed and approved by the Town Attorney and the Wallingford Public Utility staff.

Sewer Connection – Mr. Fazzino explained the connection to the Wallingford system would be serviced with a grinder pump up to the manhole in front of the Kurtz property. Wallingford has no issues with a grinder pump.

Chairman Perrotti said these types of connections are rare and infrequent and there are no issues. If approved, the drafting of the legal document between the three parties should be made the responsibility of the applicant. Payment of any applicable Wallingford plan reviews, legal connection, sewer fee uses and costs would be borne by the applicant.

Mr. Perrotti addressed the fact that Cheshire has, in the past, assessed a cost for other municipal upgrades to a facility, specifically the City of Waterbury. WPCA and engineering staff must find out if there are any upgrade costs, and that they be levied to the applicant, not the Town of Cheshire.

The WPCA was told by Mr. Dievert that he has discussed everything with Mr. Nolte. There will be no costs to the Town of Cheshire. The town of Wallingford is upgrading its plant at this time. A letter is needed from Wallingford stating they have reviewed the engineering plan and it complies with the town's sewer installation requirements.

Attorney Fazzino said the applicant is okay with this, and he thinks there is an email and assessment of costs to the homeowner.

The Authority members had no other questions or comments on the application.

MOTION by Mr. Carroll; seconded by Mr. Scannell.

MOVED that the WPCA accepts the first phase in the steps of the process for hook-up to the Wallingford Sewer System, and approves feasibility approval of the Tuttle Avenue and Cook Hill application from Lauren A. Kurtz and Earl J. Kurtz Jr.

VOTE The motion passed unanimously by those present.

b. 687 South Main Street – 687 South Main LLC.

John Milone, Milone and MacBroom represented the applicant for feasibility approval to connect the vacant parcel formerly known as the underground gas station at the corner of Higgins Road and South Main Street. This is a ¼ acre site; seven (7) housing units would be on the site in accordance with the Infill Housing Regulations.

Mr. Dievert summarized his letter. The application has been reviewed, and some things came up. Mr. Nolte also commented on issues with the application.

Environmental Land Use Restriction (ELUR) – Mr. Dievert said there must be a better understanding of the ELUR and why the project cannot go with gravity.

- ELUR limits the depth of excavation to no more than 4 feet below grade.
- If the connection is going with grinder pumps...how many...where will they be located...and how will they be powered...and will there be emergency power in the event of a power outage.
- Right now it shows the forced main discharging through the intersection of Higgins Road and South Main Street...which was recently paved.
- It is suggested there be consideration to run that forced main to the new manhole on the sanitary line, which is in the shoulder of the road.
- This would eliminate the need to excavate and deal with the DOT signaling wiring for the crosswalk, and mill and overlay this entire intersection.
- More information on the water meters is needed; will it be a single water meter or individual water meters.
- More details are requested on the abandoning of the sub-surface disposal system.

From the perspective of the WPCA, Mr. Perrotti said these will be addressed for the Authority.

Mr. Milone said they are good comments. The applicant wants to consider alternatives which are more efficient and effective...and each one of the comments will be looked at for consideration. The applicant is looking for feasibility and can meet with staff to discuss and form the most effective design possible.

With respect to the limit of depth of 4 feet, Mr. Milone advised this has been worked though with the State. The State says there is some diesel fuel contamination, and agreed to have no excavation 4 feet below the existing surface. This restriction applies to the entire site. Just enough fill...2 or 3 feet...will be brought in to even the footings, and not get below 3 or 4 feet of existing grade. Mr. Milone said it is difficult to get a gravity connection out to Route 10, and there are options to be explored.

Mr. Beach stated there would be a potential option for the property owner to reach out to DEEP and ask for a temporary release of the ELUR restrictions. DEEP would require information on the soil below the 4 feet to determine whether to use a grinder pump or get the temporary release.

In that regard, Mr. Perrotti pointed out that dealing with regulatory agencies is not the quickest response.

Mr. Milone noted the applicant has taken the path of least resistance, which is working within the ELUR restriction and associated criteria. More research will be done, and there will be review with Mr. Nolte and Mr. Dievert.

Chairman Perrotti stated the comments from Mr. Dievert and Mr. Nolte will be part of the record.

MOTION by Mr. Carroll; seconded by Mr. Scannell.

MOVED that the WPCA approves the feasibility for the extension of public sanitary sewers to the proposed residential Infill Development at 687 South Main Street, property owned by 687 South Main Street LLC.

VOTE The motion passed unanimously by those present.

c. 648 Wallingford Road and Talmadge Road – Earl J. Jr. & Lauren Kurtz
Attorney Anthony Fazzone represented the applicant, Lovley Development Inc. Plantsville CT, and Earl and Lauren Kurtz, are the property owners.

This piece of property was before the Authority a few years ago, and it was granted extending the sewers into this area. Feasibility was approved for a 24-houses in a cluster subdivision with sewer extension to Talmadge Road...by gravity.

The subject application is for 40 new age restricted homes, age 55+ with estimated flows as used by the Authority for a four(4) bedroom single family homes. The system is entirely by gravity out to Talmadge Road; there are two alternates proposed. Wright-Pierce favors one alternate and Mr. Nolte favors the other. This can all be resolved and IWW will comment on one of the alternates.

One alternate which does not involve crossing the road will need an easement from Talmadge Crossing HOA because it cuts through a corner of the open space.

Comments – Mr. Fazzone said there was nothing in the Wright-Pierce comments or in Mr. Nolte's comments which were objectionable, and all would be resolved in the final design stage.

Part of the approval to extend sewers in this area had a consideration for ability to connect through an easement to the adjacent street to the east...Charles Drive. Mr. Kurtz has an easement to get to Charles Drive. The final design shows how the sewer would be extended there and connected through the age 55+ property and out onto Talmadge Road. There would have to be discussions at that time on what would be public and remain private.

Mr. Quirk stated that Attorney Fazzone has covered everything for the feasibility approval. He stated the project would be served by public water. Two alternates were shown for connection on Talmadge Road; both have wetlands impact and impact to the pavement on Talmadge Road. There are benefits for each, and either way would be feasible in terms of the extension.

Chairman Perrotti recalls this parcel from a few years ago. This is the property on the original conservation map listed as "not sewer capable". In the last go around the conservation map was modified, sent to the State of Connecticut to be updated and insure everything was proper for sewerage this parcel.

Mr. Carroll agreed. He explained WPCA took this parcel which was sandwiched between two sewerage areas, and modified the map to include this area as sewerage. This makes the subject application simple.

Mr. Perrotti stated the engineering comments will be addressed in the design process.

With regard to this proposal for 40 new age restricted housing units, Mr. Urbano said this is lot of units crammed into a small piece of property. WPCA must make sure it will not affect anything else in the area. He said it is a large project in a residential neighborhood.

It was noted by Mr. Perrotti that this subdivision proposal comes under the PZC.

MOTION by Mr. Scannell; seconded by Mr. Beach.

MOVED that the WPCA approve the application for feasibility for property at 648 Wallingford Road for Lovley Development Inc.

VOTE The motion passed 5-0-1; Mr. Urbano abstained.

d. East Mitchell Avenue – Strathmore Holdings, LLC

Ryan McEvoy, P.E. Milone and MacBroom, LLC represented the applicant for a 56 multi-family affordable housing project. Dean Fiske, one of the applicants, was present.

Mr. McEvoy explained the application is for 56 residential apartments; 48 will be two-bedroom units and 8 will be one-bedroom units. The property is five (5) parcels at the east end of Mitchell Avenue (across from Stop & Shop) and it is a 5.5 acre site. The project is eligible for affordable housing under Section 44.A.8 of the zoning regulations.

There will be 56 units spread out over five (5) buildings, with 10 to 12 units per building. The proposal is to direct sewer flow from all these buildings to an existing sewer interceptor on the west side of the site, adjacent to Cheshire Hillside Village.

The sewer is a 12 inch clay pipe from Highland Avenue and brings it down to the interceptor to the east. All proposed units will be served by gravity with 8 inch pcb pipe.

Staff comments were received from Mr. Nolte and Mr. Dievert. The applicant has no exception to these comments, and will work with Mr. Nolte on another manhole and its location. There are no design issues. Because of the size of the pipe and age of the existing clay (which could be original) there will be inspection of the sanitary sewer prior to final approval.

Mr. McEvoy explained the proposal to extend East Mitchell Avenue to a cul de sac in the road. If there is an additional manhole in the cul de sac portion of the sewer could be controlled by the town to allow for potential future connection to other properties.

Sewer Feasibility Flow – The applicant provided two flow estimates. Every unit in the development is allotted 206gpd; this totals 11,546gpd. Mr. McEvoy commented on the WPCA approval of Hazel Drive development under the same regulation, and has provided a more reasonable or likely flow estimate from the units...this brings the flow down to 8163gpd. The estimate is based on 50 units being two-bedrooms and 6 being one-bedroom units.

Discussion have been held with the application and his architect, and they might get all 56 units as two-bedroom. Under that scenario and population estimates the flow would be 8645gpd. This would be consistent with the WPCA review of the Hazel Drive application. If preferable the applicant would seek approval for 206gpd per unit.

Mr. Dievert said there are no exceptions taken to the comments. He cited the following:

- The sewer main must be 8 inches
- Televising of the sewer
- Working out the details of whether the sewer main will be private, or public and maintained by the town; this was unclear
- If there would be a homeowner's association

It was clarified by Mr. McEvoy that the units will be privately owned. There could be an additional manhole in the cul de sac that could allow for other East Mitchell properties to connect. That portion could be taken over by the town.

With Mr. Nolte's suggestion, a manhole would be placed in the right-of-way to connection into the town's sewer...about half of the system would be a town sewer. This will be worked out in the final design.

Mr. Dievert talked about the two single-family homes on two of the five parcels that were demolished. When the television inspection is done we must make sure those laterals were properly abandoned or capped.

According to Mr. McEvoy those houses were not connected to the sewer system. There were five properties with sewers on two of them. The houses demolished were not on the sewer system...they were on septic.

Mr. Dievert was unaware of the previous application with approval of Metcalf & Eddy method for estimating close...that will be up to the WPCA.

The Hazel Drive application has mostly studio and one-bedroom units, with a few two-bedroom units. Mr. Gancarz noted 206gpd for a studio unit was a stretch, and the flow from this project was less than half of the 206gpd allowed for.

Mr. Carroll talked about sewers going partially down East Mitchell at the moment.

Mr. Dievert said there are no sewers; Hillside Village connects to the 12 inch line; two houses at the corner of East Mitchell and Highland Avenue could be connected, and if so it would be to Highland Avenue. That leaves one house on the north side of East Mitchell connected to the sewers, and one house connected to the 12 inch line being sought for connection. One or two properties on East Mitchell could benefit from public sewers.

Mr. Carroll clarified that these are newly developed units on East Mitchell Avenue...no existing structures will be replaced.

There were just two houses at the end of East Mitchell that were demolished, and Mr. McEvoy said we are starting fresh.

Mr. Perrotti noted there is a map of the existing area and overlay of the sewer system for review...there is a sewer going all the way through down along the rear wetlands.

MOTION by Mr. Carroll; seconded by Mr. Beach.

MOVED that the WPCA approves the application for feasibility for extension of public sanitary sewers to the Strathmore Holdings, LLC, project-East Mitchell Avenue.

VOTE The motion passed unanimously by those present.

5. PROJECTS
None.

6. SUPERINTENDENT'S REPORT

Flow report for the month was submitted by Supt. Hallier, and shows a decrease over the last few months.

7. ENGINEERING REPORT

Mr. Dievert is keeping track of what is being done for an understanding of the billing; there is a spreadsheet for all the work performed in the last month for Cheshire. Questions were answered and feasibility for Fieldstone Court, and discussions with Mr. Nolte. The WPCA was told by Mr. Dievert that Mr. Nolte is doing a good job working with an steering Mr. Dievert. There will be assistance from Mr. Gancarz on the CCI flows in the spring.

Mr. Carroll stated that Mr. Dievert's comments on applications are perfect along with the spreadsheet on the hours of services to Cheshire.

8. NEW BUSINESS

None

9. OLD BUSINESS

Chairman Perrotti commented on looking at the sewer regulations and finding a specific prohibition for "spent hops". This is something to be watched with Authority members becoming more knowledgeable about this issue. For the last brewery application there was a screening practice which satisfied the WPCA.

Mr. Perrotti read this section of the regulations into the record.

It was suggested by Mr. Perrotti that Mr. Dievert be knowledgeable about some of the specifications, small nuances within the Cheshire regulations, specifically the sewer regulations.

Mr. Dievert agreed, and will be spending time reviewed the regulations.

10. APPROVAL OF MINUTES – Pubic Hearing November 18, 2020 and Regular Meeting November 18, 2020.

MOTION by Mr. Scannell; seconded by Mr. Carroll.

MOVED that the WPCA approves the minutes of the Public Hearing, November 18, 2020 and Regular Meeting November 18, 2020, subject to corrections, additions, deletions.

Correction – page 2, item F, #1 – line #3...change word bid to "big".

VOTE The motion passed unanimously by those present.

Ms. McBain informed the Authority members that all meetings would be "virtual meetings" until the town hall is no longer under closure and restrictions.

Mr. Dievert complimented the WPCA on the way it handles applications. He asked if WPCA requires applicants to conduct flow monitoring due to concerns about capacity of the line. This is something he looks at with applications from other towns.

In the past, Mr. Perrotti said the WPCA looks at maximum flows, what they could be in the area. There has been flow monitoring in the past for a variety of different portions in the system. The last time this was done was for I&I investigation...looking for sump pumps and other types of non-compliant sources of clean water. This information still exists, and Mr. Gancarz was putting it into the GIS. Mr. Perrotti was uncertain if the flow monitoring was otherwise done.

Mr. Carroll has no recollection of this being done. There are funds available for research and resolution of I&I issues. This could be something the Authority should have on its radar in the future for a handle on all flows throughout town.

Chairman Perrotti will invite Supt. Hallier to the January 2021 meeting to report on the plant operation.

Regarding grinder pumps, Mr. Wellburn asked whether Cheshire has a regulation for backup power for pumps.

This would be in the sewer regulations, and Mr. Perrotti said the WPCA tries to discourage any type of forced main private pump that has to raise the flow where it is taken over for gravity. WPCA tries to push for a gravity connection. Mr. Perrotti does not believe there is a requirement, but it has been pushed to be included in the application. If there is a backup, the house loses power, the first thing a homeowner does is call the town...and the town must state it is not the town's problem.

Mr. Dievert said he would validate whether there is a requirement and inform WPCA.

It was confirmed by Mr. Perrotti that there is no "generator" word in the WPCA regulations.

Mr. Wellburn said Middletown CT changed to fully automatic pump system.

11. ADJOURNMENT

MOTION by Mr. Scannell; seconded by Mr. Perrotti

MOVED to adjourn the meeting at 7:05 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk