

**WATER POLLUTION CONTROL AUTHORITY
TOWN OF SOUTH WINDSOR**

**DRAFT MINUTES
VIRTUAL MEETING**

**PUBLIC HEARING & REGULAR MEETING
PAGE 1 MAY 4, 2021 AT 7:00 PM**

PUBLIC HEARING

Members Present: Thomas Ruby, Erik Dabrowski, Carol Fletterick, Steven King, Jr., Toby Lewis, and Stephen Wagner

Members Absent: Ashwatha Narayana

Alternates Present: Shawn Jacobaccio

Alternates Absent: Vicki Paliulis

Staff Present: Tony Manfre, Superintendent of Pollution Control
Michael Lehmann, IT Technician/Webmaster

1. Proposed Water Pollution Control Budget, proposed Sewer User Charges, Surcharges, Sewer Assessment Schedules, and Septic Disposal Fees for Fiscal Year 2021/2022.

Chairman Thomas Ruby called the Water Pollution Control Authority (WPCA) Public Hearing/Virtual Meeting to order at 7:02 p.m. Mr. Ruby explained that the public is welcome to email comments to wpcacomments@southwindsor-ct.gov or to call in through the WEBEX Conference Call-In Number 855-925-2801; meeting code 7930.

Included with the Agenda was a copy of the Legal Notice (See Exhibit A); a copy of the proposed Sewer User Charges (see Exhibit B) and copy of the proposed Water Pollution Control Budget (see Exhibit C). Mr. Tony Manfre, Superintendent of Pollution Control explained that the proposed sewer user rate is \$415; the commercial sewer rate is \$415 per 79,000 gallons. The calculated user fee remains at \$415 for the third year in a row. At this time Chairman Ruby asked if there was any comments from the public via email or through the WEBEX Conference Call-In. There were no comments. The Chairman noted that due to the virtual nature of the session, any comments received after the closing of the public hearing would be appended to the record.

Motion to adjourn the public hearing at 7:06 p.m.

The motion was made by Mr. Toby Lewis and seconded by Mr. Erik Dabrowski.
The motion carried unanimously

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REGULAR MEETING

Chairman Thomas Ruby called the Regular Meeting/Virtual Meeting to order at 7:06 p.m. The following actions were taken during the May 4, 2021 Regular Meeting.

A. Roll Call

Members Present: Thomas Ruby, Erik Dabrowski, Carol Fletterick, Steven King, Jr., Toby Lewis, and Stephen Wagner

Members Absent: Ashwatha Narayana

Alternates Present: Shawn Jacobaccio and Vicki Paliulis at 7:39 p.m.

Alternates Absent:

Staff Present: Tony Manfre, Superintendent of Pollution Control
Michael Lehmann, IT Technician/Webmaster

Others Present: John Filloramo
Tim Shepard

B. Acceptance of Minutes of Previous Meetings

1. April 6, 2021, Regular Meeting

Motion to accept the minutes of the April 6, 2021 Regular Meeting as presented.

The motion was made by Mr. Toby Lewis and seconded by Mr. Erik Dabarowski. Mr. Stephen Wagner abstained. The motion passed.

C. New Business

1. Sewer Use Appeal Hearing
 - i. Commercial Sewer Use Bill – 310 Nutmeg Road

Mr. John Filloramo, Appellant was in attendance this evening. However, he was having technical problems streaming the meeting. Chairman Ruby offered Mr. Filloramo the option to continue his audio presentation or to postpone this matter until next month when the WPCA is expected to meet in person at the Town Hall. Mr. Filloramo agreed to postpone this matter until the next WPCA meeting in June.

2. Review of South Windsor Water Pollution Control Authority Rules and Regulations Section 5.3 – (Discussion – Stephen Wagner)

Included with the Agenda was a copy of the WPCA Rules and Regulations Section 5.3 (see Exhibit D). Mr. Stephen Wagner explained that Mr. Tim Shepard, property owner of NuWay Tobacco reached out to him after he had an event occur where his lateral failed under the street and it was their responsibility to repair the line. They had a general discussion on the current Rules and Regulations Section 5 as it states

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that it the responsibility of the property owner to repair the lateral. Is it fair, asked Mr. Wagner and that's the reason for this discussion.

Mr. Tim Shepard, property owner of NuWay Tobacco located at 200 Sullivan Avenue, South Windsor, CT was in attendance this evening and explained that the sewer lateral at said location had plugged up and they had the pipe inspected with a camera. The sewer lateral stub had been put in by the town and subsequent to that Nuway tied into it. The lateral seems to go out at a regular depth from Nuway across the road and then when it gets near the main there's an elbow that drops it down to tie in to the main. One of the camera crew found out that the pipe was compromised by a rock puncturing and collapsing the pipe. Mr. Shepard explained that he reached out to the town to figure out the alternatives of repairing the line. The first thing was to try to put a sleeve in it, however, that was not doable so it was decided to plug the pipe in an attempt to prevent soil from going in to the sewer line. That was an expense of over \$24,000 and they tied in to the sewer for an additional \$25,000 into a main discharge line of the company. Mr. Shepard explained that he called Mr. Wagner to see what the policy is. He understands that it relates to the customer being liable for maintenance of the lateral, however, he thinks that when a homeowner or a company ties into the sewer, they are not aware of the technical aspects. He expressed that as a tax payer he wouldn't mind if once the Town approves that connection, it becomes part of the Town's infrastructure so that the home owner will only have to worry about the edge of the property line to maintain. He expressed that there could be other small businesses that all of the sudden are going to pay \$25,000 which wasn't to dig the road up, that was just to camera and plug the pipe. "If we had to dig the road, I don't know what the cost would have been", said Mr. Shepard. Therefore, he recommended the Authority to take a look at the current policy and make it part of the town's infrastructure. He expressed that the number of failures is pretty small compared to the overall budget. It would be worthwhile having the town consider going to a property line. Once the town have inspected and approved the connection they should continue to maintain it.

Mr. Wagner read into the record Section 5.3 of the WPCA Rules and Regulations (see Exhibit D). It is very clear that the Town doesn't cover the repair of the sewer, said Mr. Wagner. He explained that he called his homeowner's insurance company and asked "what would happen to me if something happens to my lateral on the city side". They said "we will only cover you up to the property line". Mr. Wagner expressed that it will personally put him in a great deal of risk if something happens where they have to dig up the road and he wouldn't have an alternative place to connect. Maybe it will be fair to be advisable for the rate payers to share the risk of things that happen over the property line. Mr. Wagner explained that he doesn't know how often this sort of thing happens and asked Mr. Manfre to provide some information.

Mr. Manfre explained that when the Town staff typically receive phone calls, a lot of the issues that homeowners deal with are blockages and it can be due to a variety of reasons. It could be due to roots or rags in the line or it could just be fats oils and grease blocking the line. That will be something to consider if there's a policy

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change, said Mr. Manfre. Where is the blockage and who's liable for paying to have that cleared. As far as crushed laterals, Mr. Manfre explained that he doesn't personally know but the town's infrastructure is beginning to see pipe deterioration due to age. The WPC is starting to make investments into the sewer pipes where it is needed to be relined before it needs to be replaced which is a greater cost. Mr. Manfre also explained that some of these homes may be 50, 60, 70 years old. Although the Town deals with a greater flow and the sulfite levels are much greater than what's coming out of the residential house, they are going to be facing the same issues in the future. A lot of the pipes that have been rehabilitated at this point are typically in the industrial area of town, said Mr. Manfre; this is due to high levels of sulfites essentially deteriorating the pipe which makes it unstable and in need of replacement.

Mr. Stephen Wagner explained that he sees the distinction between a clog which could be cleared by a Roto Rooter type service and a situation where there's a structural failure on the town side. If there's a clog it can be cleared from inside the house assuming in almost all cases it goes away and probably doesn't clog again for years and years, said Mr. Wagner. But if there's a structural failure there will be serious expenses. He expressed that if the Authority is going to reframe the policy they should focus on structural failure versus ordinary clogs. Mr. Wagner also explained that recently he was having some issues with the sewer pipe and he had it inspected. It turned out that there were no problems in the pipe, however, the problem could have been a failure of the pipe. Since his homeowners insurance would not cover a sewer repair which could have been a very expensive cost for him or any other homeowner, Mr. Wagner said that as a community they should absorb the risk of a fairly rare event which could be a catastrophe for a homeowner.

Mr. Manfre responded that there is a total of 8800 sewer users in Town (residential, commercial and industrial); there's essentially 8800 connections to the sanitary sewer system. The town's right of way for roadways is 50'; theoretically if there's a policy change the town will be acquiring essentially 25 feet on either side of the road of the pipe which equates to an additional 42 miles of sewer line. In looking at the proposed budget, Mr. Manfre explained that he removed \$250,000 out of the capital improvements designated for manhole and pipe rehabilitation to maintain the sewer user rate of \$415. Mr. Manfre explained that he is trying to use the money the best they can, however, he's concerned if they are taking on an additional 42 miles of sewer line. This will mean that at some point there will be a significant increase in the sewer user fees. Currently there's 130 miles of sewer to maintain and taking on another 42 miles is a large increase in infrastructure that needs to be maintained.

Chairman Thomas Ruby asked if the pipes are inspected using the camera system. That is correct, responded Mr. Manfre. Does the camera system have the capability to check the laterals, asked Chairman Ruby. No, responded Mr. Manfre and explained that they can only pull up next to a lateral and turn the camera head. Chairman Ruby expressed that they don't have a way of examining the laterals effectively to anticipate a problem; they have to run the camera through each lateral.

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Correct, responded Mr. Manfre and explained that if they have to do that they'll probably have to access homeowner's homes to do a proper inspection.

Mr. Toby Lewis expressed that in comparison with other towns and WPC Authorities he's assuming that the current policy is best practice. Is that correct, he asked. Mr. Manfre responded that as far as he's aware, everyone that he has spoken to, the town only owns the main line in the road. Other municipalities have similar policies for the simple fact that the point of connection is a fixed point. The policy in place is in the best interest of the town. The town is struggling to maintain the infrastructure as it is and taking an additional 40 miles of sewer line is very concerning.

Mr. Lewis asked if it is possible to have a partial solution that can perhaps benefit everybody. There's going to be a cost to doing that, responded Mr. Manfre. There's a fixed point where the Town owns the pipe and the homeowner owns the pipe. There's a cost if you start moving off of that.

Chairman Ruby explained that Mr. Manfre noted that the town's right of way is 50 feet. If the road is only 30 feet wide that extra 10 feet on either side that might well be the homeowner property with the right of way on it. That is correct, said Mr. Manfre. Chairman Ruby expressed "that makes things a little murkier in terms of where is the line". He explained that he understands that the point of connection provides certainty as the responsibility and other alternatives become less certain.

Mr. Manfre explained that when the sewer is constructed, they lay the main trunk line and then they'll run stubs to each property and if the property doesn't connect they'll just put a cap on it. If they do connect, the connection is made and inspected and then at that point it becomes the property owner's responsibility to maintain the lateral. The purpose of doing that is so that if the property doesn't connect during construction they don't have to dig up the road to get to the sewer line when they do connect; so it'll be less intrusive on the constructed road way.

Mr. Erik Dabrowski expressed that to his understanding many home owner policies do not cover repairs of sewer laterals. The homeowner needs to obtain a linebacker coverage or a sewer line coverage with regards to the property line. He recommended educating people that they can have a sewer failure that might not be covered in the homeowner policy and that they should look into extra insurance. That extra insurance would cover the stub, the point of connection to the home. Mr. Dabrowski asked Mr. Manfre that if the Authority was to take this on and there's a clog that happens on the property line or lateral leading to the home, who's responsibility is that to clear? Mr. Manfre responded that is going to be a concern as well as they are leaving it up to the plumber to say where the clog was; the person clearing the blockage. They measure it out so that they know where the blockage is. However, if it's 10 feet down the pipe but is still on the property side there is a possibility that they can say that it was 30 feet down on the town side and then the town ultimately will be responsible to reimburse the homeowner for the expense. The current policy states that the homeowner is responsible to clear their lateral if the

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blockage is theirs. If there's a blockage in the town's sewer line and sewage backs up into a house then the town will be responsible and will pay for the cleanup.

Mr. Tim Shepard explained that these sewer failures don't happen that often and he understands now why the Town wouldn't want to get into this. However, it will be fine with him if the Town notifies the users of their liability should there be a sewer failure.

Chairman Ruby explained that last year included with the residential sewer bill was a brochure that did mention who's responsible for the lateral and a discussion about fats oil and grease. Perhaps that should be a larger point of emphasis this year at least to get the information to each customer. Mr. Manfre agreed and explained that it will be a good opportunity to inform people especially now that the sewer pipes are reaching the end of their useful life. Mr. Dabrowski recommended telling the homeowners that there's insurance available out there that will cover the line itself and advising them to look into it to make sure it's covered on their homeowner policy.

This seems like a risk management issue, said Mr. Wagner. He explained that he has homeowner insurance and even has the line backup coverage but he doesn't know what the limits are. As a community the best way for the Authority to manage this risk is to say that if the sewer pipe in the property line clogged up by roots, rags or debris it is the responsibility of the property owner to clean out. However, if there's a structural failure in the pipe that can be demonstrated with a camera and be demonstrated to be under the road or under the side walk, maybe the Town would incur some of the cost. There's really no way for the homeowner to adequately manage this risk and I don't believe a linebacker insurance will recover what Mr. Shepard just went through, expressed Mr. Wagner.

Chairman Ruby responded that he believed the linebacker program is through CT Water and deals with potable water line. Mr. Dabrowski responded that there's similar insurances available; an insurance that will cover the sewer lateral. He does not agree that the Town should get involved. It should be that the main line is the Town's responsibility and the laterals point of connection is the property owner's responsibility.

Chairman Ruby asked if there were any other comments or questions. Mr. Wagner asked if the only action the Authority is taking is that they are going to promote linebacker or some other program to the property owners. Chairman Ruby responded that the Authority will advise them that such things are available and provide some sort of messaging that the laterals are their responsibility rather than promoting a specific program. Mr. Dabrowski responded that the property owners should be notified that they are responsible if there's a problem. He stated that it's a lot for the town get into especially with the different issues that they are trying to keep within the budget.

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Mr. Steven King, Jr. stated that he agrees with Mr. Erik Dabrowski. However, he thinks that the notification to the people should be in a wording that they'll understand what's in it for them.

Chairman Ruby asked Mr. Shepard if the discussion met his goal. Mr. Shepard responded that making homeowners and land owners aware of the situation is great. He thanked the Authority for taking the time to discuss this matter.

Mr. Stephen Wagner asked Mr. Manfre how many of these structural failures of lines and laterals have occurred every year on average. Mr. Manfre responded that's a question for the Engineering Department to answer. When this happens a permit needs to be issued for the repair. Chairman Ruby thanked Mr. Shepard for bringing this matter to their attention.

D. Communications and Reports

1. Superintendent Report

Mr. Tony Manfre reviewed his report (see Exhibit E). He also explained that the following information was received from the Collector of Revenue: the 2021 commercial rate for the most recent sewer bills is 75.82%; the residential collection rate is 97.79% which surpasses last year's collection rate of 97.71%. The delinquent balance is in the amount of \$209,000 and in April the delinquent balance was \$237,000. She's collected almost \$30,000 in delinquent sewer fees by utilizing the State Marshall, said Mr. Manfre. Also, the Collector of Revenue is in the process of renewing alias tax warrants for the residential accounts for the State Marshal for the month of May. In compliance with the Standard Operating Procedures (SOP) they will be mailing commercial sewer demand/intent to lien notices so that liens may be placed no later than July 1st.

Chairman Ruby asked if there were any questions or comments.

Mr. Stephen Wagner asked if the capital improvements for the Clark Street pump station is completed. They reason why he asked is because the 2020 energy usage in the Clark Street pump station is 13% lower than what was reported in 2019. He's not sure what amount is due to COVID but he's beginning to see the benefits of some of the improvements that have been done in previous years. Mr. Manfre responded that they've installed variable frequency drives for the pumps which helps to save electricity. Some of it could be COVID effect but a lot of it have to do with the VFD.

Ms. Carol Fletterick recommended sending a letter to Mr. Jim Kavanaugh congratulating him on passing the Class III Wastewater Operator exam on behalf of the Authority. Everyone agreed and Chairman Ruby will write a letter to Mr. Kavanaugh on behalf of the WPCA.

There were no further comments or questions.

E. Public Participation (Items not on the agenda)

None

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F. Bills, Change Orders, Disbursements

None

G. Unfinished Business

- a. Fiscal Year 2020/2021 Budgets, Sewer User Fee and Income Eligible Discount Program (Decision)

Mr. Tony Manfre explained that the proposed budget remains the same from last meeting. He did not receive any phone calls or emails with questions. Also, the proposed sewer user rate of \$415 remains the same for the third year in a row.

Chairman Ruby stated that included with the Agenda was a 10 year capital improvement plan chart (see Exhibit F). He asked Mr. Manfre if he had any comments on it. Mr. Manfre explained that he included a copy of the 10 year capital improvement plan to make the Authority aware that there's a number of projects lined up in the future. As he previously mentioned, the proposed sewer user rate of \$415 remains the same for the third year in a row, however, in the future the sewer user fees would have to be increase just to maintain infrastructure; there's 130 miles of sewer lines and 11 pump stations to be maintained. Mr. Manfre explained that this year he had to cut \$250,000 out of the manhole and pipe rehabilitation project. The capital improvement project plan is a projection of future projects.

Mr. Vicki Paliulis asked if the subcommittee will be meeting again regarding the Miscellaneous Industrial User Permitting (MIUP). Yes, responded Mr. Manfre; he's planning to schedule a meeting for the end of this month. Mr. Manfre reported that the subcommittee did meet in April and he'll present a preliminary report for the June meeting.

H. Executive Session

None

I. Adjournment

Motion to adjourn at 8:04 p.m.

The motion was made by Mr. Toby Lewis and seconded by Mr. Erik Dabrowski.
The motion carried unanimously.

Respectfully Submitted,

Ether Diaz, Recording Secretary