

received June 2, 2017 @ 10:47 am  
Donna L. Christy, ATC

**MEMBERS OF THE WPCA THAT ARE UNABLE TO ATTEND THIS MEETING,  
PLEASE CALL ETHER DIAZ, (860) 644-2511, EXT. 243, ON OR BEFORE 4:30 P.M. ON  
THE DAY OF THE MEETING**

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

REGULAR MEETING  
SPRENKEL ROOM

**AGENDA**

7:00 P.M.  
JUNE 6, 2017

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**A. ROLL CALL**

**B. ACCEPTANCE OF MINUTES OF PREVIOUS MEETINGS**

1. May 2, 2017, Regular Meeting

**C. NEW BUSINESS**

1. 2 lot subdivision of 198 Smith Street (Approval to connect)
2. 2164 Ellington Road (Approval to connect)
3. 74 Miller Road (Discussion)
4. 152 Lawrence Road, Sewer Assessment (Discussion)
5. Water Pollution Control Budget FY 2017/2018 (Approval)
6. Sewer User Charges, Surcharges, Sewer Assessment Schedules and Septic Disposal Fees for Fiscal Year 2017/2018 (Set Rates)
7. Set Time and Date for Public Hearing for Qualifying Income Sewer User Charge Discount
8. Set Time and Date for July 2017 Regular Meeting
9. Legal Notice ad after approvals (Discussion)
10. TaxServ – Sewer User Charge and Assessment Notice of Delinquency (Approval)

**D. COMMUNICATIONS AND REPORTS**

1. Chapel Road Sewer repairs
2. Vegetative Management Plan Update
3. TaxServ/Uncollected Sewer User Charges

**E. PUBLIC PARTICIPATION (Items not on the agenda)**

**F. BILLS, CHANGE ORDERS, DISBURSEMENTS**

1. 60 & 90-100 Bidwell Road
2. 136 Rye Street

**G. UNFINISHED BUSINESS**

**H. MOTION TO GO INTO EXECUTIVE SESSION TO DISCUSS PENDING CLAIMS**

**I. ADJOURNMENT**

Rec. 07/14/2017 @ 2:25 PM  
Theresa G. Samuel, ATC

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**A. ROLL CALL**

**Members Present:** Richard Aries, Donald Antaya, Erik Dabrowski, Carol Fletterick, Patrick Soucy, and William Vees

**Members Absent:** Zaheer Sharaf

**Alternates Present:**

**Alternates Absent:** Ed Havens, Jr. and Vicki Paliulis

**Staff Present:** Tony Manfre, Superintendent of Pollution Control  
Ether A. Diaz, Recording Secretary  
Michael Gantick, Director of Public Works

**Others:** Andy Kebalo, KF Realty, LLC  
Joel M. Fuller, Licensed Land Surveyor  
Tom Sgroi – 74 Miller Road, South Windsor, CT  
Steven and Deborah Migneault, property owners of 74 Miller Rd, South Windsor, CT  
Bill Soucy, 43 Cliffwood Drive, South Windsor, CT  
Kathy Daugherty, 12 Roy Road, South Windsor, CT

Chairman Richard Aries called the meeting to order at 7:00 p.m. The following actions were taken during the June 6, 2017 Regular Meeting of the Water Pollution Control Authority (WPCA).

**B. ACCEPTANCE OF MINUTES OF PREVIOUS MEETINGS**

**1. May 2, 2017, Regular Meeting**

Motion was made to accept the minutes of May 2, 2017 regular meeting as presented.

The motion was made by Mr. Donald Antaya and seconded by Erik Dabrowski. The motion carried unanimously.

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**C. NEW BUSINESS**

1. 2 lot subdivision of 198 Smith Street (Approval to connect)

Andy Kebalo, was in attendance this evening presenting the application. This is a proposed two lot subdivision on a property located on the northerly side of Smith Street, westerly of Wheeler Road, known as 98 Smith Street. The subdivision application received approval from the Planning & Zoning Commission. Mr. Kebalo was seeking approval to connect to the Town's sewer system on Wheeler Road and he explained that when Wheeler Estates was built, a sewer main ran down Wheeler Road and then extended to a manhole, from there the main ran behind Smith Corner to serve Smith Corner. There is an easement in place. Mr. Kebalo was proposing a manhole, conventional gravity sewer for lot 2 and a low pressure pump system for lot 1.

Chairman Aries asked if the easement in place covers these two proposed lots. Yes, responded Mr. Kebalo and explained that it is in the records. Chairman Aries explained that the easement in place needs to be reviewed and approved by the Town Attorney. In further reviewing the plans it was determined that there will be another easement to be reviewed and approved by the Town Attorney. Mr. Kebalo explained that lot 2 will have an easement in favor of the cross lot. Mr. Patrick Soucy expressed that he was unclear as to why Chairman Aries was requesting the Town's Attorney review of the existing easement. Chairman Aries explained that he does not know the specifications of the easement in place, however, he wants to make sure that the proposed lots (1 & 2) on Smith Street are included in said easement.

Chairman Aries asked Mr. Tony Manfre if any comments were made by the Town Engineer on this project. Mr. Manfre responded that there is a proposed pump system, however, at this point and time it is unclear what size pump will be put in place. Mr. Kebalo agreed.

Motion was made to approve the connection to the Town's sewerage system of the proposed two lot subdivision for KF Realty, LLC, on property located on the northerly side of Smith Street, westerly of Wheeler Road, known as 198 Smith Street, South Windsor, CT, and as more specifically shown on plans entitled "Proposed Lot Division Plan, K F Realty, LLC., 198 Smith Street, South Windsor, Connecticut", prepared by BSC Group, Glastonbury, CT; DW: No.: 83645.00.dwg; Job No.: 83645.00, Sheet EC-1. Dated March 6, 2017; Revisions Dates: 4/20/17 "Engineering Comments". This approval is subject to the following conditions: (1) A draft copy of the existing private easement (178 Wheeler Road) shall be revised to include lots 1 and 2 (Smith Street) and must be reviewed and approved by the Town Attorney; (2) A draft copy of a private easement between the property owners on lot 1 in favor of

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lot 2 (Smith Street) for the installation and maintenance of the sewer lateral must be reviewed and approved by the Town Attorney; and (3) The pump system design for lot 1 must be submitted to the Town Superintendent of Pollution Control and Town Engineer for review and approval.

The motion was made by Mr. Patrick Soucy and seconded by Mr. Erik Dabrowski. The motion carried unanimously.

Mr. Andy Kebalo raised a different matter and asked members of the Authority if there is any merit for him to bring the sewer line out to the public right of way to service a few lots on Smith Street as there is one person on Smith Street that is interested in hooking up to the sewer. Mr. Kebalo said there are two lots that are very old with very old septic systems and explained that before he sells the lots, he'd like to hear from the Authority if there is any merit in him bringing another manhole out to the public right of way which can then be all gravity at that point. Chairman Aries responded that he would like to seek out some guidance on that matter first. He asked Mr. Manfre to follow up with Mr. Kebalo with the ability of doing that which will then be further discussed.

2. 2164 Ellington Road (Approval to connect)

Mr. Joel M. Fuller was in attendance this evening presenting the application. He explained that the lot was subdivided in 1976 but never got developed. Mr. Fuller was seeking approval to connect to the town's sewer system. This is a proposed residential home. Mr. Fuller explained that the plans have been revised (6/05/2017) to reflect the comments made by the Town Engineer including his comments for the sewer connection.

Motion was made to approve the application as presented for connection to the Town's sewerage system for a proposed residential home at 2164 Ellington Road, South Windsor, CT as more specifically shown on plans entitled "Site Improvement Location Plan, Proposed Lot 91B, Prepared for Zheng Li Kwok, 2164 Ellington Road, South Windsor, CT); Prepared by Joel M. Fuller, Marlborough, CT; Dated March 5, 2017; Revised: 6/05/2017.

The motion was made by Mr. Erik Dabrowski and seconded by Mr. Patrick Soucy. The motion carried unanimously.

3. 74 Miller Road (Discussion)

Mr. Tony Manfre reported that the septic tank located at 74 Miller Road is failing; the septic tank needs to be pumped out on a monthly basis. The property owners were in attendance this evening. Mr. Manfre reported that the leech field is not draining. The

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property owners approached the Town and asked for options to connect to the Town's sewer system. Via a conference call made on May 23, 2017, the following four options were discussed:

**Option 1:** Installation of an engineered septic system.

**Option 2:** Installation of a low pressure pumping system that will connect to 105 Miller Road; this still needs to be confirmed as to whether or not it is permitted, said Mr. Manfre.

**Option 3:** Installation of a low pressure system that will connect to the sewer on Cambridge Drive which will be a private lateral.

**Option 4:** Installation of a low pressure system to the top of Miller Road and gravity feed down to Cambridge Drive. This option will require the Town to assume responsibility for the gravity section of the line. There are other properties on Miller Road that could connect and there is a future assessment that will be applied to these properties that could connect, said Mr. Manfre.

Mr. Willaim Veas asked Mr. Tony Manfre which of the four options he recommends. Mr. Manfre responded that right now the best options could be option 3 and 4. Mr. Manfre explained that the property owners at 74 Miller Road weren't interested in the engineered system as it requires a lot of work and money; this may not work as there is some leaching problems with the soil. Also, Option 2 which will be to hook up to the last house on Miller (105 Miller Road) and connects to the existing manhole on Cambridge Drive would require a road cut.

Mr. Tom Sgroi was in attendance this evening to discuss this matter. Mr. Sgroi reported that he is an Engineer and brother of the property owner. He explained that the property owners, purchased this house in 2001. The house was built in the 1950s and the septic was redone in 1988. The septic system started failing a few years ago and every year it has gotten worse and worse, said Mr. Sgroi. The property owners have to actually do their laundry out of the house and they have four kids which is unreasonable. Mr. Sgroi explained that he pulled all the records from the Town's Health Department on this property. He explained that when the Perk test was done, it came out to over 60 minutes for one inch of water to drop. A septic system should not be put in at that level, said Mr. Sgroi. Also, variances were approved on redoing the septic system; they were supposed to have over 300 feet of trench and they only could get 148 ft, but actually only installed 140 ft. Also, a variance was issued for the distance to the well of the home which is 60 ft. The problem really is confined and there is not even an alternate place for the septic tank because the backyard is so wet, explained Mr. Sgroi.

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In discussing this matter with the Town Engineer and Mr. Tony Manfre, the best option will be to put a grinder pump in the existing septic tank and run about 400 feet of pipe to Cambridge Drive sewer; only about 100 ft will be pressure sewer and then it will actually gravity feed downhill towards Cambridge Road. There will be a cleanout on Cambridge Road and then go to a conventional lateral. This will be the most economical way for the property owners, said Mr. Sgroi. They will be disturbing the road only in one small area; they will be crossing three driveways and then connect to the existing septic tank and abandon the old field that is in the front yard.

Mr. Sgroi proposal is to install a 1.5" wide pipe which will be as shallow as possible 2 feet down; which will drain back into the septic tank.

Chairman Aries asked if others could hook up to the proposed lateral. Mr. Sgroi responded that it could be done, however, he does not think it is reasonable to do because then they'll need to front all the cost. If the Town was going to do that portion of the work then it'll be fine, but they only want to incur the cost only for their property. They don't have the ability to collect assessment from the other properties, only the Town has the ability to collect the assessment, said Mr. Sgroi.

Mr. Patrick Soucy asked if the neighbors have received the opportunity to attend this evening meeting to voice their opinion. Chairman Aries asked if anyone knows the status of the other neighbor's septic systems, or if they are interested in hooking up to the town's sewer system. Mr. Manfre responded that he is not aware of any problem with other septic systems and the neighbors have not been notified of this matter.

Ms. Deborah Migneault, property owner of 74 Miller Road explained that her three next door neighbors are all on septic system. However, their utilization of their septic system alone is much less than theirs.

Chairman Aries responded that he likes the idea of hooking up to the sewer. However, he is unclear as to what assistance can the Authority provide, it is really an open question as far as getting this done. He explained that he will hate to just put in a line that can only be utilized by one of the three residences that are on a septic system. Most likely the other neighbors may not want to participate at this point and time. It is worth making an inquiry to them of the possibility of hooking up to the sewer system.

Donald Antaya asked if a 1.5" pipe is able to handle the proposed flow. Mr. Sgroi responded that if others connect, the design will be to install a cleanout at the top of the manhole, a cleanout at the bottom of the manhole with a two inch line, with stubs coming off of them and shut offs so that the other houses could be connected afterwards; a 1.5" pipe will come out of 74 Miller Road and each house will have a

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1.5" pipe coming to the 2" pipe. Mr. Sgroi explained that it is a good option for future planning for the Town, however, it has a cost associated to it.

Motion was made to table this matter for next meeting to allow Mr. Tony Manfre reach out to the other property owners that might be affected by this and obtain their feedback as to their interest in being involved and review the final engineering recommendations.

The motion was made by Mr. Patrick Soucy and seconded by Mr. Erik Dabrowski. The motion carried unanimously.

4. 152 Lawrence Road, Sewer Assessment (Discussion)

Mr. Tony Manfre reported that the property owner of 152 Lawrence Road received a bill for sewer assessment and they asked why they are getting assessed on their property for sewers when they are on a septic system. A dye test was done and it's been confirmed that the house is not connected to the Town's sewer. Mr. Manfre made reference to the WPCA rules and regulations, Section 14.6c states the following: "If an existing property owner connects to a sewer installed by a private developer and its expense prior to Town acceptance said sewer, and pays the developer for same, said property owner will not be assessed again subsequent to the Town's acceptance of the line. Any other property owner who does not connect to the sewer shall not be assessed until the time of connection, and at such time, would be assessed at the current assessment rate in effect." Mr. Manfre stated that in reading this section, probably they should not be assessed at this time until connection. Mr. Manfre also explained that there is a caveat on the property that reads as follows: "At the completion of the installation said sewers, assessments of benefits will be levied upon the properties now or formerly owned by the following persons or parties. In addition thereto, when a connection is made from said properties to said sewer line, a connection charge will be collected. Thereafter, an annual use charge will be collected from the users of the sanitary sewer line."

Mr. Patrick Soucy explained that what's been discussed is out of order because no one from said property was in attendance this evening and copies of information that Mr. Manfre was reading were not provided to members of the Authority. Therefore, he made the following motion:

Motion was made to table this matter until next month.

The motion was seconded by Dabrowski and the following discussion ensued whereby Chairman Aries explained that members of the Authority had many opportunities in which to raise the request for information because the agenda was

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provided via email and by mail and it was received by all the parties. He explained that it will be highly unusual past precedence to alter the agenda just on the basis that the person is not here or involved or that there was not an advanced distribution of all the information being discussed. The information has been provided this evening, is opened for discussion and members should finish with the discussion and proceed forward, said Chairman Aries.

Mr. Soucy responded that every month members of the Authority receive an agenda packet, and they sit down in the meeting in which additional information is provided, therefore, he asked why sending out a packet if it is not complete. Chairman Aries responded that it is certainly better if the packet is complete, however, sometimes this information isn't available until after the agenda packets has been sent out.

The motion stands, said Mr. Soucy. Chairman Aries asked for a vote to table this matter until the evidence is available. Upon a Roll Call Vote, Aye (Mr. Erik Dabrowski), Nay (Richard Aries, Donald Antaya, Carol Fletterick, and William Veas). The motion failed and Mr. Manfre was asked to continue with discussion. Mr. Manfre re-read the caveat which reads as follows: "At the completion of the installation said sewers, assessments of benefits will be levied upon properties now or formerly owned by the following persons or parties. In addition thereto, when a connection is made from said properties to said sewer line, a connection charge will be collected. Thereafter, an annual use charge will be collected from the users of the sanitary sewer line".

Chairman Aries explained that there is a merit in reviewing the whole process again on sewer assessments and placement of liens. Chairman Aries explained that he will schedule a meeting with the Water Pollution Control Authority attorney and Mr. Manfre to review various issues that have come up. It'll be appropriate at that point and time to discuss this matter with the Attorney. Therefore, Chairman Aries asked to table discussion on this matter until next month in order to obtain a legal opinion from the WPCA attorney regarding this matter.

Motion was made to table discussion of this matter until next meeting in order to obtain a legal opinion from the WPCA Attorney regarding this matter.

The motion was made by Mr. Donald Antaya and seconded by Ms. Carol Fletterick. The motion carried unanimously.

Motion was made to move to Item F "Bills, Change Orders, Disbursements".

The motion was made by Mr. William Veas and seconded by Ms. Carol Fletterick. The motion carried unanimously.



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**F. BILLS, CHANGE ORDERS, DISBURSEMENTS**

**1. 60 & 90-100 Bidwell Road**

This agenda item was previously discussed in the last WPCA meeting and the outcome of that was that the Authority asked for the property owner be present to address his request. Mr. Doug Nation of 90 Bidwell Road sent in a letter (See Exhibit A) requesting an adjustment of the commercial sewer bill based on their irrigation usage after the deadline to report irrigation usage had passed. Also, in going through their water bills they have found that some of the meter flow records were double billed and they are also looking for an adjustment of the bill.

Mr. Doug Nation, Tenant of 90 Bidwell Road was in attendance this evening and explained that his commercial sewer bill used to be \$2,000 a year and then it increased to \$5,000 in 2015; in 2016 the bill increased to \$10,000. He explained that he doesn't have any more people in his establishment and the use of the business has not changed at all. He explained that the sewer bill is for both properties, 90 & 100 Bidwell Road. These properties are owned by the JE Shepherd's Company, however, Mr. Nation is the tenant of 100 Bidwell Road and Doosan is the tenant of 90 Bidwell Road. For the last four years Mr. Nation has been paying the sewer bill for both properties. Mr. Nation explained that he has previously discussed this matter with Mr. Fred Shaw in which he had a difficult time dealing with him. Mr. Shaw has advised him to install an irrigation system, however, one was already installed but not in use. The irrigation system was inspected by Mr. Shaw and the use of the private meter was approved by the Water Pollution Control Authority. A letter was sent out to Mr. Doug Nation stating that the irrigation flow needs to be submitted by the end of January in order to obtain the adjustment to the sewer bill. However, Mr. Nation explained that he was not aware of having to submit the water meter records by a certain time to obtain a reduction on his sewer bill.

Motion was made to take action on each matter individually.

The motion was made by Mr. Patrick Soucy and seconded by Mr. Erik Dabrowski.  
The motion carried unanimously

Motion was made to allow the adjustment of gallons for commercial sewer bills for properties located at 90 & 100 Bidwell Road and make refund accordingly.

The motion was made by Mr. Erik Dabrowski and seconded by Mr. Donald Antaya. A discussion ensued whereby Chairman Richard Aries explained that Mr. Nation did not disputed the fact that an approval letter was sent to him.

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For point of information, Mr. Michael Gantick, Director of Public Works explained that the sewer bills are sent to the property owners, however, the water company bills are sent to each individual tenant of the property. Apparently, Mr. Nation has been paying for both 90 & 100 Bidwell Road and maybe that's the reason why the bill has increased significantly.

For the record, Mr. Patrick Soucy expressed that his concern is that there is a business owner that walks in to the Water Pollution Control office with a concern on the amount of his bill and the staff fails to help them understand the bill. "It's not the first time we have heard this concern raised in these meetings", said Mr. Soucy. Chairman Aries corrected him by saying that it is very rare to have heard anyone complain about Mr. Fred Shaw's treatment of people on the contrary. Mr. Soucy responded that members of the Authority have had conversations before about Mr. Shaw not being responsive of requests for information; Mr. Dabrowski agreed. Chairman Aries responded that mentioning that Mr. Shaw was not responsive seems a bit out of order, given the fact that Mr. Nation was informed by Mr. Shaw that he could reduce his sewer bill if he measured the water that doesn't go into the sewer. The use of the irrigation system was approved by the Authority and an approval letter was sent out to Mr. Nation. Chairman Aries conveyed that the Authority has faced tough decisions, and one of those decisions is that someone will come to the Water Pollution Control Authority with an extremely equitable argument of what would be fair. But the Authority could be setting a precedence.

Motion to allow the adjustment for the private meter records despite the deadline.

The motion passed with 5 ayes 1 abstained (William Vees)  
Chairman Aries asked to be added to the agenda for discussion a draft copy of the approval letter.

Motion was made to move to Item E "Public Participation".

The motion was made by Patrick Soucy and seconded by Carol Fletterick  
The motion carried unanimously

**E. PUBLIC PARTICIPATION (Items not on the agenda)**

Mr. Bill Soucy of 43 Cliffwood Drive in South Windsor was in attendance this evening. For the record, he explained that he runs a business in town "Electro Methods" and has 200 employees. He expressed that it is ridiculous that members of the Authority are giving a hard time to Mr. Nation for not meeting the deadline in providing the flow meter records. On another matter, he explained that he's been assessed \$10,000 for a sewer system that he does not use. In 2015, he purchased the property as a "flip house". In 2009 sewers were put in along the road on Lawrence

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Road, however, this house is not connected to the sewer. The septic tank was tested and is working properly. Two land record searches were made on the property and no liens had been filed against the property, said Mr. Bill Soucy. He explained that he received a letter from the Town stating that the property is being assessed in the amount of \$10,000. He asked Mr. Fred Shaw for an explanation, however, he feels Mr. Shaw gave him nothing but a hard time. Mr. Bill Soucy also discussed this matter with the Town Manager, Matthew Galligan. Mr. Bill Soucy explained that he tabled this matter for a while because he understood that Mr. Shaw was retiring. Mr. Bill Soucy, table, this matter until this evenings meeting and expressed the following "My plan quite frankly is to sue the Town of South Windsor for that assessment because I am not paying a \$10,000 assessment when I have two title searches that told me that there was no liens on that property in 2015". Mr. Soucy also explained that Mr. Fred Shaw had told him that the assessment has to be paid for the benefit of having the sewer in front of the house. He explained that Mr. Manfre just read a statement from the Rules and Regulations stating that "until you tie in you don't have to pay assessment". Mr. Soucy made reference to the list of properties provided by Mr. Shaw in which he's been informed of the sewer assessment due in the amount of \$10,000 when his property is not hooked up to the property. Mr. Bill Soucy explained that a certified letter was sent to the previous owners in 2009 and a year after he purchased the house (2015); he also received a certified letter that said there was a meeting about a sewer assessment on the property at 43 Cliffwood Drive in 2016. He stated that he read and discarded the letter since his house was not connected to the sewers.

Ms. Kathleen Daugherty of 12 Roy Road explained that she was helping Mr. Bill Soucy to handle this situation. She explained that she took the bill to the Tax Collector's office and was told that she needed to speak with Mr. Shaw. She walked to the Engineering Department and spoke with one of the town engineers; she was informed that the sewers were installed in late 2008 or early 2009. She talked to Mr. Shaw as to why a lien was not placed against the property and Mr. Shaw responded to her that she needed to speak to the Finance Department. Ms. Daugherty talked with the Town Manager as to why anyone isn't taking responsibility on this issue. She reported that she provided the Town Manager and Mr. Shaw with copies of both of the title searches that were previously done on the property and proved that there was no lien put on the property. This house was vacant for four years and the letter was sent in 2009.

For point of information, Chairman Aries stated that members of the Authority have been just informed that there is going to be a law suit to the Town of South Windsor or to the WPCA. With that in mind, he advised members of the Authority that in making a comment to be very careful in whatever they say. He recommended consulting the WPCA Attorney before further discussing this matter. This matter needs to be on the agenda for further discussion.

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Mr. Bill Soucy made a request that this be added to the agenda for the next meeting to discuss this and get rid of the sewer assessment bill completely to its entirety because he will not pay the bill.

Motion was made to add this item to the next meeting agenda for further discussion.

The motion was made by Chairman Richard Aries and seconded by Mr. Erik Dabrowski. Chairman Aries strongly suggested to members of the Authority do no further commenting on the merits of this until they have a chance to do so. The motion carried unanimously.

With no further comments or questions, Mr. Bill Soucy and Ms. Kathy Daugherty left the meeting.

Mr. Patrick Soucy suggested having an executive session to address the underlying issue and to ensure that going forward the residents of South Windsor are better served with a more responsive way.

Motion was made to add an item for executive discussion regarding service levels and how to prevent this from happening in the future.

The motion was made by Mr. Patrick Soucy and seconded by Mr. Erik Dabrowski. A discussion ensued whereby Chairman Aries explained that usually an executive session is done after a legal claim is made; in this particular matter, there has been no specific claim yet made. Mr. Soucy amended his motion as follows:

Motion was made to add to the agenda an item for discussion on service levels.

Chairman Aries asked him to please explain what he meant by "service levels". Mr. Soucy responded that he's just concerned that this is not the first time that someone has complained to the Authority that the Town staff are not been responsive. Chairman Aries responded that that's an issue that can be handled by the staff and he's free to talk to the staff about that. Mr. Chairman does not see any benefit to just simply have a discussion of past complaints and service levels. There was a consensus agreement to put on the agenda an item to review the lien program.

Mr. Patrick Soucy amended his motion as follow:

Motion was made to have an agenda item to review the policy of the lien procedure for discussion next meeting.

The motion was made by Mr. Patrick Soucy and seconded by Mr. Eric Dabrowski. The motion carried unanimously.

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Mr. Donald Antaya expressed that a public hearing was held to present the sewer assessments for Lawrence Road and Cliffwood Drive and a similar situation was discussed whereby the house was sold; the previous owner was aware of the assessment but not the new property owners. Mr. Patrick Soucy asked that those records be available for discussion next meeting.

Motion was made to go back to Item C "New Business".

The motion was made by Donald Antaya and seconded by Ms. Carol Fletterick.  
The motion carried unanimously

Motion was made to take a recess for 5 minutes at 8:55 p.m.

The motion was made by Chairman Aries and seconded by Donald Antaya.  
The motion carried unanimously

Chairman Aries reconvene the meeting to order at 9:00 p.m.

**C. NEW BUSINESS**

**5. Water Pollution Control Budget FY 2017/2018 (Approval)**

Mr. Tony Manfre explained that the original budget been proposed for FY 2017/2018 included funds in the amount of \$100,000 in the Operating Reserve. Mr. Manfre explained that he reduced that number to \$87,000 in order to have a proposed sewer user fee of \$385.

Chairman Aries explained that the proposed sewer fees and the budget have been previously reviewed and discussed by members of the Authority. The sewer fees will increase from \$374 to \$385. This was discussed during the last month WPCA meeting and there was a debate as to whether or not they "could hold the line". There was a compromise agreement among members of the Authority who agreed to increase the sewer fees to \$385. With regards to the proposed budget, Chairman Aries explained that a tour of the treatment facility was held in which some members of the Authority were able to attend and they saw a system that was operating very well.

Chairman Aries reminded members that throughout the year if they have any questions or concerns on the budget they can always make inquiries and ask questions. However, he asked that in discussing this matter that there be some degree of understanding that people make their best efforts and not to put anyone down or

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suggest that there are “outrageous”, “inappropriate” expenses without a better understanding of what the issues are.

Mr. Patrick Soucy asked if the Town of South Windsor utilizes DAS as a whole to perhaps obtain a better discount. “We use everything”, responded Mr. Michael Gantick, Director of Public Works and explained that they use DAS, CROG, CCM and Trans Canada.

There was no further discussion on the budget; the following motion was made:

Motion was made to adopt the Water Pollution Control Budget 2017/2018, as presented this evening during the WPCA Public Hearing.

The motion was made by Mr. Doanld Antaya and seconded by Ms. Carol Fletterick.

For point of information, Mr. Tony Manfre explained that “Capital Improvements” in the budget has increased by approximate 30% over last year budget; this is due to the Chapel Road project of which photos of the condition of the pipe and a video was presented to members of the Authority at the last meeting.

Chairman Richard Aries explained that during the last meeting a spreadsheet was also presented on projection costs for the future; the initial discussion about sewer fees was even higher. “Buckle your seat belts everyone because we have an increase this year that is going into effect”, said Chairman Aries and explained that significant challenges are coming up with some bills that need to be approved for some actions that have to be done to make sure that the town’s sewer system is running well. Mr. Donald Antaya agreed. Chairman Aries explained that it will be much better to increase the sewer user fees gradually than to “hold the line” and then suddenly go to a much higher sewer rate due to unforeseen expenses.

Upon a roll call vote Chairman Aries declared the motion passed with a vote of 4 ayes (Richard Aries, Donald Antaya, Carol Fletterick, William Vees) and 2 opposed (Erik Dabrowski and Patrick Soucy).

**6. Sewer User Charges, Surcharges, Sewer Assessment Schedules and Septic Disposal Fees for Fiscal Year 2017/2018 (Set Rates)**

Chairman Richard Aries explained that the public has been heard this evening during the Public Hearing. There has been discussion and some debate among members of the WPCA regarding the sewer user fees. There has been some explanation as to why it’s been propose to increase the rates from \$374 to \$385. The initial plan was to raise the sewer fees even higher, said Chairman Aries and expressed that personally he was very persuaded by the facts that were presented as to what the needs are going

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to be for the future. The spreadsheet is available for review for those members of the Authority that missed it at the last meeting. This can give everyone an understanding of what's going to be needed down the road and the consequences of not increasing the user fees by "hold the line." With that in mind, Chairman Aries asked members of the Authority for any questions or concerns regarding the proposed sewer user fees in the amount of \$385.

Mr. Donald Antaya commented that any delinquent sewer fees collected and any excess money from projects that are closed out should go in to the reserve funds; these funds could help to cover large future expenses. Chairman Aries responded that Mr. Antaya's suggestion sounds like a great idea, however, it is a matter that needs to be revisited to look at the numbers and determine what exactly the situation is at the time. It will be great if all the delinquent fees can be put in the reserves, said Chairman Aries.

Motion was made to adopt the Sewer User Charges, Surcharges, Sewer Assessment Schedules and Septic Disposal Fees for FY 2017/2018, as presented this evening during the WPCA Public Hearing.

The motion was made by Ms. Carol Fletterick and seconded by Mr. William Vees. Upon a roll call vote, Chairman Aries declared the motion passed with a vote of 4 ayes (Richard Aries, Donald Antaya, Carol Fletterick and William Vees) and 2 opposed (Erik Dabrowski and Patrick Soucy).

7. Set Time and Date for Public Hearing for Qualifying Income Sewer User Charge Discount

This program is available to qualified elderly and totally disabled residential users. A public hearing is required to propose the sewer user charge discount rates.

Motion was made to schedule a Public Hearing for Tuesday, July 11, 2017 at 6:30 p.m. to present the proposed sewer user charge discount rates for qualified income residents for fiscal year 2017/2018.

The motion was made by Mr. Patrick Soucy and seconded by Mr. Erik Dabrowski. The motion carried unanimously.

8. Set Time and Date for July 2017 Regular Meeting

The date for the July meeting is not listed on the WPCA 2017 meeting calendar; a date is set in June.

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Motion was made to schedule the July regular meeting for Tuesday, on July 11, 2017 at 7:00 p.m. in the Sprenkel Room of the Town Hall.

The motion was made by Mr. Patrick Soucy and seconded Mr. Erik Dabrowski. The motion carried unanimously.

9. Legal Notice ad after approvals (Discussion)

Motion was made to approve an advertised legal notice for the July 11, 2017 Public Hearing to present the proposed sewer user charge discount rates for qualified income residents.

The motion was made by Mr. Patrick Soucy and seconded by Mr. Erik Dabrowski

10. TaxServ – Sewer User Charge and Assessment Notice of Delinquency (Approval)

Chairman Richard Aries explained that in reading the “Sewer User Charge and Assessment Notice of Delinquency” (see Exhibit B) presented by TaxServ, he raised a small concern about the idea that the amount of the sewer charges is not negotiable, it must be paid in full. Mr. Patrick Soucy recommended asking TaxServ edit the letter so as to say that any requests for consideration of the bill need to be directed to the Water Pollution Control Authority. Chairman Aries recommended having Clause 9 “Cannot Negotiate” removed and if and when parties asks if the bill is negotiable then they could be informed that they can petition the Water Pollution Control Authority for it.

Motion was made to remove Clause 9 “Cannot Negotiate” from the notice of delinquency and direct TaxServ to provide any debtor inquiring about negotiations to petition the Water Pollution Control Authority directly to seek a reduction in the bill.

The motion was made by Mr. Patrick Soucy and seconded by Mr. Erik Dabrowski. The motion carried unanimously.

**D. COMMUNICATIONS AND REPORTS**

1. Chapel Road Sewer repairs

Mr. Tony Manfre stated that this item was added to the agenda in error. It was discussed at the last WPCA meeting. This project was added to the proposed budget.

2. Vegetative Management Plan Update

Mr. Tony Manfre reported that the contract ended May 31st. However, the contractor is running two or three weeks behind. There are some areas that need more attention



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and the contractor is aware of it. Mr. Manfre is going to give the contractor three or four weeks to complete the project.

**3. TaxServ/Uncollected Sewer User Charges**

Mr. Tony Manfre reported that TaxServ is waiting for the WPCA to approve the "Sewer User Charge and Assessment Notice of Delinquency". The letter has not been sent out yet, however, money has been collected and their response was that the TaxServ Collection Center staff have been speaking with taxpayers and mortgage companies since May 9th. The Finance Department stated that they've collected \$31,000 for the month of April.

**F. BILLS, CHANGE ORDERS, DISBURSEMENTS**

**2. 136 Rye Street**

Mr. Tony Manfre reported that this item is concerning 136 Rye Street and 138 Rye Street which are both owned by the same person. The property located at 136 Rye Street is connected to sewer, however, 138 Rye Street is on septic. The sewer bill was in the amount of \$748. The property owner called the Pollution Control Office asking why his bill increased from \$374 to \$748. After researching this address, it was determined that both accounts were combined in to one bill in error.

Motion was made to adjust the bill from \$748 to \$374 as recommended by Mr. Tony Manfre.

The motion was made by Mr. Patrick Soucy and seconded by Mr. Erik Dabrowski. Upon a roll call vote the motion passed as follows: Aye (Chairman Aries, Erik Dabrowski, Carol Fletterick, Patrick Soucy, and William Vees), Abstained (Donald Antaya).

**E. UNFINISHED BUSINESS**

None

**F. MOTION TO GO INTO EXECUTIVE SESSION TO DISCUSS PENDING CLAIMS**

None

**G. ADJOURNMENT**

Motion was made to adjourn at 9:35 p.m.

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Motion was made by Mr. Patrick Soucy and seconded by Erik Dabrowski.  
Motion carried unanimously

Respectfully Submitted,

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Ether A. Diaz  
Recording Secretary

# SOUTH WINDSOR ENTERTAINMENT LLC

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PO BOX 375  
EAST WINDSOR HILL, CT 06028

100 BIDWELL ROAD  
SOUTH WINDSOR, CT 06074

April 24, 2017

Town of South Windsor WPCA  
1540 Sullivan Avenue  
South Windsor, CT 06074

Re: Private Meter Reports for 60 and 100 Bidwell Road

Dear Sir(s),

We received our Sewer usage billing from our landlord, The J E Shepard Co., however since we had installed irrigation in line meters in May of 2016, it doesn't appear any adjustments were made when the sewer usage was calculated based on MDC water usage. After speaking today with Ether Diaz, we were made aware that letters were sent out in January to Private Meter Customers. However, we never received these letters. Therefore, we never provided the meter reports for our irrigation systems which should have provided a credit against our water consumption information upon which our sewer bill was calculated. Because this was the first year after the installation of our private meters and our financial department was unaware of the deadlines for this information, we were unaware of the new process and timing requirements of the information.

As such, we are now providing the required information and requesting that we are provided relief in the form of a credit against the accounts.

100 Bidwell Road – For the period May 27, 2016 – November 1, 2016

	Units = Gallons
Irrigation Meter Beginning Reading	05540000
Irrigation Meter Ending Reading	<u>06646000</u>
Total:	1106000

60 Bidwell Road – For the period May 27, 2016 – November 1, 2016

	Units = Gallons
Irrigation Meter Beginning Reading	07189000
Irrigation Meter Ending Reading	<u>08137000</u>
Total:	948000

We will make sure going forward the information is collected and provided to the town in a timely manner and we will not need to present you with this type of request again.

Respectfully,

  
Doug Nation, Manager/Member  
South Windsor Entertainment, LLC



**TAXSERV CAPITAL SERVICES, LLC**  
21 Oak Street, Suite 310  
Hartford, CT 06106-8008  
TELEPHONE (860) 724-9100 ♦ FACSIMILE (860) 727-1080  
E-MAIL: [taxserv@taxserv.com](mailto:taxserv@taxserv.com)



Exhibit B

NOTICE DATE: <<current date>>  
REFERENCE NO(s): <<PropSkey>>

**Via USPS**

«owner\_name»

«add1»

«city», «state\_code» «zip»

**<<BARCODE>>**

<<BARCODE DATA>>

## Sewer User Charge and Assessment Notice of Delinquency

Dear «owner\_name»:

This letter is to inform you that you have delinquent Sewer Bills as follows:

Bill #	Tax Yr	Property Location	Principal	Interest	Collection Fee	Other Fee	Total
«cert_no»	«cert_yr»	«Property»	«Principal»	«Interest»	«Collection_Fee»	«Other_Fee»	«Grand_Total_Due»

**Grand Total Due (Amount Good Through «Total\_Date»): «Total»**

*Note: All payments received will be applied first to all Fees and Costs, then to Interest, then to Principal*

The Town of South Windsor Water Pollution Control Authority ("South Windsor WPCA") has placed the above referenced debts to TaxServ Capital Services, LLC ("TaxServ") for collection. TaxServ is a debt collector. Identified above are the amounts you owe. You are personally liable for the amounts assessed in your name and you should take immediate steps to pay your debt. As a result of the delinquency, a **15% collection agency fee** has been added to the debt you owe and **interest will continue to accrue** on the unpaid principal balance **at the rate of 1.5% per month**, until paid in full.

If you feel that you have received this notice in error or that you otherwise dispute the debt, please contact us in writing within thirty (30) days of the date of this notice explaining the basis of your dispute. You must supply documentation to support your dispute. Unless you dispute the validity of the debts, or any portion thereof, within thirty (30) days after receipt of this notice, and supplied all requested information and documentation, the debt will be presumed to be valid. If you notify TaxServ in writing within the thirty (30) day period that you dispute the debt, or any portion thereof, we will obtain verification of the debt from the South Windsor WPCA and send you a copy of the verification.

If you have further questions, please refer to the Sewer and Water Charges Information Sheet on the reverse side of this notice.

To send payment by mail, you must include the payment coupon below. Make your check or money order payable to "**TaxServ Capital Services - SW**". On the check or money order write your **reference number(s)** (including the leading letters) to ensure proper application of payments.

**TAXSERV IS A DEBT COLLECTOR AND  
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE**

PLEASE CUT ALONG THE DOTTED LINE AND MAIL WITH YOUR CHECK

*Please return this portion with your payment.*

«Owner»  
«Owner\_Address»  
«Owner\_City», «Owner\_State» «Owners\_Zip»

*Please indicate any address/phone number changes below:*

New Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Home Phone: (\_\_\_\_) \_\_\_\_\_

MAIL YOUR PAYMENT TO:  
**TAXSERV CAPITAL SERVICES, LLC**  
8895 N. Military Trail, Ste 203-D  
Palm Beach Gardens, FL 33410

«Prop\_Skey\_Barcode\_Data»  
Reference Number(s): «prop\_skey2»  
Payment Due Date: «total\_date»  
(Payments made after this date are subject to additional interest)  
Amount Due: «Total»  
Amount Paid: \_\_\_\_\_  
Check #: \_\_\_\_\_

MAKE YOUR CHECK OR  
MONEY ORDER PAYABLE TO:

**TAXSERV CAPITAL SERVICES - SW**  
PLEASE WRITE YOUR REFERENCE NUMBER(S)  
ON YOUR CHECK OR MONEY ORDER.  
**NO CASH WILL BE ACCEPTED BY MAIL.**

## Sewer and Water Charges Information Sheet

*This Information Sheet is provided to answer questions arising from the collection process for sewer and water charges*

**1. Personal Liability for Sewer and Water Charges and Assessments:** You are personally liable for sewer and water charges and assessments assessed in your name. See CGS Sec. 7-254.

**2. Liable for Sewer and Water Charges and Assessments Assessed in Your Name Even After Transfer, Foreclosure or Forced Sale:** Sewer user charges and assessments are assessed in the name of the then current owner of the serviced real property.

**Sale:** If the property was sold any time after the charges or assessments were assessed you will always remain personally liable for those charges.

**Foreclosure:** If a bank foreclosed and/or sold your property without paying the sewer user charges and assessments, you will remain personally liable for any unpaid balance assessed in your name.

**3. Bankruptcy:** If you base a dispute based on a bankruptcy filing, you must provide evidence that the specific charges and assessments contained in the notice were included in your filing and were discharged of any personal liability. A Chapter 7 bankruptcy does not discharge business entities or have any effect on a lien filed on the land records. Note carefully that a bankruptcy filing may only affect charges due and payable before the filing date. You will owe any and all sewer user charges and assessments that come due after a bankruptcy filing.

**4. Death:** Any sewer and water user charge and assessment outstanding at the time of death remains as a lien on the real estate. The lien filed on the land records is unaffected. If there is a distribution of any amount to heirs or devisees without paying the charges or assessments, the administrator/executor may become personally liable for those charges and assessments up to the amount distributed.

**5. Trustee, Fiduciary or Conservator:** Fiduciaries are liable for sewer and water charges and assessments assessed in the name of a Trust or Trustee. A Fiduciary debt incurred in the administration of a trust is a personal debt of the Trustee (see the legal case at 3 Conn Sup 67; Cited. 4 Conn Sup 239).

**6. Actual Payment:** For a claim of actual payment of the sewer user charges and assessments in question you must provide a receipt showing payment of the specific charges placed into collection and/or a copy of the cancelled check used to make payment.

**7. No Receipt of Charge Bill:** A claim that you did not receive a bill is not a valid dispute to the obligation to pay a sewer user charge and assessment as it has been increased by interest and fees. It is every property owner's duty to understand their obligation to pay sewer and water charges and assessments.

**8. Connecticut Statute of Limitations:** The statute of limitation on the collection of sewer user charges and assessments is fifteen (15) years from the date the charge was first due and payable. No other statute of limitation applies. Claims of delay in collection are not applicable to sewer and water charges and assessments.

**9. Cannot Negotiate:** The amount of the sewer and water charges and assessments as increased by interest, costs, lien fees, collection fees, release fees and attorney fees is not negotiable. If you make a payment that is less than the full amount due, it will be treated as a partial payment and will not stop collection enforcement.

**10. Interest and Collection Fees:** As a result of your delinquency, a fifteen percent (15%) collection agency fee has been added to the sewer user charges and assessments you owe. See CGS Section 36a-805(a)(13). Interest will continue to accrue on the unpaid principal balance of your sewer and water assessment at the rate of 1.5% per month, until paid in full. Interest and fees cannot be separated from the charge or assessment.

**TAXSERV CAPITAL SERVICES, LLC IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE**

*If you wish to discuss a payment plan or the status of your account, contact one of our taxpayer representatives at (860) 724-9100 or (866) 497-2427 between 8:30 AM and 5:00 PM, Eastern Time, Monday thru Friday. Please review this Information Sheet before telephoning. Please also have your reference number ready when you call.*