

From: SimsburyCT Postings December 14, 2009 11:29:49 AM
Subject: Water Pollution Control Authority Minutes 11/12/2009
To: SimsburyCT_WPCAMin
Cc:

WATER POLLUTION CONTROL AUTHORITY
REGULAR MEETING
NOVEMBER 12, 2009

I. CALL TO ORDER

Chairman Philip Richardson called the regular meeting of the Water Pollution Control Authority to order at 7:32 p.m. at the Simsbury Water Pollution Control Facility Conference Room, 36 Drake Hill Road, Simsbury, CT. The following members were present: Philip Burton, Warren Coe, Gary Faraci, Paul Gilmore, Ed Kelly, and Michael Park. Also present were: James Clifton, Superintendent WPCF; Kendra Dahlquist, Clerk; and other interested parties. Richard Sawitzke, Town Engineer arrived at 7:42 pm.

II. MINUTES; OCTOBER 8, 2009

Mr. Kelly moved and Mr. Faraci seconded a motion to accept the minutes from October 8, 2009 as presented. Msrs. Burton and Gilmore abstained. Motion passed.

III. MEETING SCHEDULE FOR 2010

Mr. Faraci moved and Mr. Gilmore seconded a motion to approve the WPCA regular meeting schedule for 2010 as the second Thursday of the month, with November 10, 2010 as an exception. Motion passed.

IV. WATER TREATMENT FACILITY SUPERINTENDENT'S REPORT

Mr. Clifton noted he had begun budget preparation for spring completion, and that the rehab of south Pump Station is relatively complete. Process performance was very stable this month and all NPDES permit requirements were met.

V. PUBLIC HEARING: PHEASANT LANE SEWER EXTENSION

Mr. Richardson opened the public hearing at 7:42 p.m. and read the Legal Notice:

LEGAL NOTICE

TOWN OF SIMSBURY

WATER POLLUTION CONTROL AUTHORITY

The Simsbury Water Pollution Control Authority will hold a public hearing on Thursday, November 12, 2009 at 7:30 p.m. in the conference room at the Water Pollution Control Facility, 36 Drake Hill Road, Simsbury, CT. The purpose of the hearing is to review a proposal for extending sanitary sewers to serve 7, 11, 17, 20 and 24 Pheasant Lane, Simsbury, CT. All interested property owners should appear and be heard.

WATER POLLUTION

CONTROL AUTHORITY

Philip Richardson, Chairman

Mr. Richardson invited Mr. Sawitzke to review details of the Pheasant Lane project, which included how the WPCA proceeds with and funds projects, anticipated construction cost, Facility Connection Charges, annual sewer use fee, and financing options and special funding programs available to property owners. Costs per property for survey and construction of the sewer main by the Town were estimated to be \$13,500 to \$15,000. Property owners of # 11 were present during the hearing and were not in favor of the project. Letters were received from owners at #7, also opposed, and # 17, 20 and 24, all in favor. Given lack of a clear consensus among the potentially affected owners, and some ambiguity about the condition of existing systems, the Authority concluded further investigation was prudent. Mr. Sawitzke will determine specific geologic conditions, the age and size of the systems, any reports on them from Farmington Valley Health District and will report results at the December meeting.

Mr. Burton moved, and Mr. Faraci seconded a motion to close the public hearing: motion passed.

Mr. Richardson closed the public hearing and immediately reconvened the regular meeting at 8:03 pm.

Mr. Gilmore moved and Mr. Faraci seconded a motion to table the decision of proceeding with the project until the December meeting, when additional data can be provided from property owners and the Town Engineer: motion passed.

Mr. Sawitzke noted the importance of timing project design and completion within specific budget year allocations.

VI. 67 LAUREL LANE APPEAL OF WPCA DECISION

The homeowner outlined his reasons for disconnecting from the sewer; the

failure of an over-designed and costly pump system, and why he installed his own septic system; because of significant cost saving and advice that he had "plenty of land". He asserted that he was unaware that he needed a permit to undertake the construction of a septic system on his own property, and summarized his position by saying that he notified the town that he had disconnected, verified the disconnection through an engineer, and doesn't understand why he is being billed for services he is not using. He was notified by the Town Attorney in October, 2009 of the WPCA decision not to recognize the disconnection, and asserts that the meeting at which the decision was made took place without his knowledge. Chairman Richardson noted the start of correspondence on this matter began in 2006, with a notice to the homeowner of his violation of regulatory statutes in that a permit for disconnection was not obtained, nor is it allowed once a connection is made and that the WPCA is bound by these statutes. Therefore, in the absence of a permit to disconnect, the property owner is still considered by the WPCA to be a user of the system. Other members were invited to comment and noted the following: no professional experience by the homeowner in septic system installation, no permit by the local regulatory agency (FVHD) to install such a system, and no inspection of the installation process. The point was also made that FVHD would most probably not have issued a permit, given the availability of public sewer to the site. The suggestion of inspecting the system now, from above ground, was not deemed valid. There followed an extensive discussion of specifics of the site, and alternate choices for the failed pump system that might have been considered. Several members stated the various reasons and values of local permit requirements and disbelief that the homeowner was not aware of them. The discussion concluded with a reiteration that the WPCA is charged to uphold the rules and regulations of local and state public policy regarding water pollution, and cannot uphold disconnection without a permit, installation of a septic system without a certified engineer's design, or a permit or inspection recognized or issued by the FVHD. Homeowner asserts his is a voluntary association with the WPCA, with no violation of anyone's rights, therefore he requests to be left alone. Several members repeated the position that any changes to property have to be done in accordance with town ordinances and state law, and that it is the policy of the WPCA to adhere to the state interest to mitigate water pollution and its resulting harm to the environment. In response to a query from a member of the public in attendance, Mr. Gilmore summarized the reasoning behind the sewer use area master plan as a systematic, long range effort to reduce the use of septic systems and their potential for polluting groundwater, by introducing public sewers. A discussion followed on choice and obligations when connection is made to the sewer system. Several members expressed no interest in imposing monetary penalties but affirmed the previously stated decision as a defensible position and within the guidelines and public policy under which the WPCA operates.

Mr. Gilmore moved and Mr. Burton seconded a motion that the previous decision made by WPCA not to recognize the disconnection of 67 Laurel Lane per their letter to the homeowner of October 16, 2009, be affirmed: motion passed.

VII. STATUS REPORT ON SEWER EXTENSIONS:

Mr. Sawitzke recommended acceptance of High Hill Circle and Bushy Hill Road at Sidney Way.

Mr. Faraci moved and Mr. Burton seconded a motion to accept Project #SP 52-08/09 High Hill Circle, and Project #SP 49-08/09 Bushy Hill Road at Sidney Way into the town system: motion passed.

VIII. HOLIDAY PARTY

After a discussion about a holiday party, it was suggested that a short regular meeting be held at 6:00 on December 10, followed by a gathering at a site to be determined.

Mr Kelly moved and Mr. Burton seconded a motion to adjourn: motion passed.

The meeting was adjourned at 8:48 p.m.

Philip Richardson, Chairman