



SEYMOUR WATER POLLUTION
CONTROL AUTHORITY

P.O. Box 275
Seymour, Connecticut 06483

COPY RECEIVED
DATE: 9/12/07
TIME: 2:10pm
TOWN CLERK'S OFFICE

**The Minutes of the Seymour WPCA Board Meeting
September 5th, 2007.**

Members Present: John Fanotto, Stephen Chucta, Lou DeBarber, Charles Bellavance and Jon Livolsi

Others Present: Tony Bellao, Project Manager Veolia Water Seymour WWTF, Jon Marro, Atty. Richard Bruchal, Jim Galligan and other members of the public.

John Fanotto called the meeting to order at 6:12pm

The Pledge of Allegiance was given.

Stephen Chucta made a motion, Jon Livolsi 2nd, to approve the August 1st, 2007 minutes. Motion passed 4-0.

Lou DeBarber made a motion, Stephen Chucta 2nd, to move Nickelmine to the top of the agenda. Motion passed 4-0.

Nickelmine Brook Subdivision- Mike Horbal representing, this matter is about the pump station in the subdivision. Upon Atty. Bruchal's recommendation, Mr. Horbal is submitting for approval for a new easement. After some discussion about this matter, **Stephen Chucta** made a motion, Jon Livolsi, subject to Atty. Bruchal's approval of the easement description for the land records, 2 Mylar asbuilts (1 for the sewer plant, 1 for the land records), to approve the easement. Motion passed 4-0, 1 abstention (Charles Bellavance; as he just entered the meeting). Mike Horbal also presented final plans for the Nickelmine subdivision- but he was instructed to give Mylar asbuilts to the plant.

Great Oak Ridge- Ted Hart representing. He presented the board with the down flow analysis for approval from Jim Galligan, which he reviewed. Discussion ensued about the "hold harmless" agreement, which was submitted to the attorney. In addition, discussion ensued about the drainage issues and how Jim Galligan would have to inspect and approve their resolution. Ted Hart submitted a letter stating that the client would resolve the drainage issue.

Jon Livolsi made a motion, Stephen Chucta 2nd, subject to engineering inspection of drainage, approval of "hold harmless" agreement, \$2,450 per unit and Mylar Asbuilts of new and existing sewers in the subdivision. Motion passed 5-0.

Highland Meadows- Attorney Welch representing. Atty. Welch did send Atty. Bruchal (who received this on September 5th) correspondence regarding the assessment on the subdivision. Don Smith, Jr. commented on the flow analysis study that was done, and concluded that there was ample flow capacity. Jim Galligan commented that while the individual node points were looked at- there wasn't any in-depth analysis done on the flow.

Then **Charles Bellavance** made a motion by which he read a written statement (see attached) which lists reasons that the WPCA board rejected the application to connect without prejudice. Lou DeBarber 2nd, motion passed 5-0 to reject.

Veolia Water report

Tony Bellao reported that the pumps for the South Derby Pump station have been installed, and at a question from Stephen Chucta, confirmed that Homa not Flygt pumps were installed. Tony Bellao recalled the previous meetings that the decision was made by the board.

The flush truck camera has a one year guarantee, and can't be extended but Tony will look into if the manufacturer can check the camera after one year.

Tony Bellao reported that the roof on a storage area (old plant) was being repaired. Discussion then ensued about a lateral that AT&T put a phone pole through in Ansonia, and their attempts to have Seymour being responsible for this. A visit by a town attorney was discussed.

A manhole at 51 Briarwood was replaced, and Jon Livolsi asked that a manhole at the top of Maple Street be checked.

Paving on several streets has commenced and plant staff is fitting the manhole rings.

Income report- Jon Marro submitted the report to the board.

Financial report- this report was submitted to the board.

Invoices – the following invoices were submitted for approval of payment.

• Atty. Richard Bruchal	\$1,950.00
• PSG	\$3,364.12
• PSG	\$92,337.29
• Nafis & Young	\$100.00
• Nafis & Young	\$468.00
• Nafis & Young	\$2,112.50
• Duke's	\$1,547.07
• Water Resource	\$2,399.60
• Water Resource	\$7,598.40
• Water Resource	\$1,199.80

Charles Bellavance made a motion, Stephen Chucta 2nd, to approve the above invoices for payment. Motion passed 5-0.

Legal report- Atty. Bruchal reported on the status on negotiations with Atty. Studer and City of Derby as regards River's Edge on Roosevelt Drive. Atty. Bruchal reported that he will see the Superintendent of Schools as regards the Plaque for recognition of the WPCA with the new Middle School. He is also working on the Board Policy Statement.

Engineering report-

Jim Galligan is working on the Operation Manual, and will have to get together with Tony Bellao.

Jim Galligan reported that the Selectman board increased Nafis & Young hourly inspection fees (\$78.50), and John Fanotto agreed that the WPCA should be in compliance with this level. In addition Jim Galligan stated that on 2nd and 3rd sewer inspections, his inspectors are collecting the checks directly for the additional inspection fees. He would like this authorized by the board. **Jon Livolsi** made a motion, Lou DeBarber 2nd, to authorize the increase and method of collection for 2nd inspections. Motion passed 5-0.

Public Comment-

Stephen Chucta asked a question if a sewer line could be extended from Oxford to a property near route 34 to route 188. Discussion ensued as to how this could be achieved.

Charles Bellavance made a motion, Stephen Chucta 2nd, to adjourn the meeting. Motion passed 5-0.

Decision of the Seymour Water Pollution
Control Authority

In Re the Application of A.J. Grasso with property located at Highland Meadows off of Sachem Road – 25 Lots 55 and Over Housing.

The Applicant in this matter comes to this Authority with an application which seeks permission to connect a 25 unit condominium development to the sewer system of the Town of Seymour. The condominium project in this matter is one designed for use by persons 55 years of age and over.

In general condominium construction in the Town of Seymour is not permitted except where sewers are available. Without the availability of sewer service the project cannot be constructed. The applicant seeks to avail himself of the use of the Seymour system in order to do higher density construction in order to maximize the number of units and in order to maximize profits.

The Applicant seeks to use the system to achieve maximum benefit to himself. Without the use of the Seymour system the applicant can construct only approximately 10 units more or less of standard individual residential construction.

In addition to the availability of sewer connection the Applicant also needed an additional grant from the Town of Seymour – the granting of a zone change in order to proceed with the project. In this matter there was a substantial connection of one application to the other.

The Planning and Zoning Commission would only consider the application for the zone change if the applicant could present evidence of the availability of sewer service and a plan to provide that service.

It was well known to the applicant that a serious problem existed due to lack of sewers on a nearby street known as Brook Street and the authority had been anxious to solve it for quite some time.

At the hearing concerning the zone change the Applicant through his presentors indicated that he was aware of the Authority's concern. When asked about a sewer route, the Applicant stated that there were two possibilities a Sachem Road route and a Brook Street route. The Applicant through his presentors indicated that he would seek direction from the Authority as to which route to use. This representation at the Planning and Zoning hearing was crucial to the commission's decision to grant the application for the zone change. The granting of the zone change was discretionary and not a matter of right.

The Applicant having achieved the required zone change then proceeded to take up the matter with this Authority.

The Applicant had several meetings with the Authority on the question of the Brook Street route although it was generally accepted that the Brook Street route was slightly more expensive because it was longer. There was no evidence presented that it was cost prohibitive. The Applicant presented no evidence of economic hardship to support the use of the Sachem Road route. After several meetings the applicant and the Authority could not come to a meeting of the minds in spite of many monetary concessions offered by the Authority. The Applicant disregarded its representation to the Planning and Zoning Commission that it would abide by the direction and wishes of the Authority.

The Authority has in the past been liberal in its consideration of the applications of developers but it also must consider the good of the entire system and the effect that its decision would have on the system.

Therefore the Authority denies the application for the following reasons:

- 1) The decision of the Applicant to disregard the Brook Street route disregards representations made to the Planning and Zoning Commission by the Applicant.
- 2) The decision of the applicant to disregard the Brook Street route does not take into consideration the legitimate needs of the Town of Seymour with regard to other parts of the system.
- 3) The Applicant presented no evidence of economic hardship or that the Brook Street route was cost prohibitive.
- 4) The Applicant is not entitled to a granting of this application as a matter of right due to the fact that the Authority has discretion under its regulations and General Statutes of the State of Connecticut which it hereby exercises.

The Authority denies the application without prejudice to the filing of a new application by the Applicant showing the use of the Brook Street Route.

The Seymour Water Pollution
Control Authority

By _____
John Fanotto, Chairman

Motion by: *Chuck Bellavance* Second by: *Lou DeBarber*
Vote: 5 Yes 0 No _____ Abstain _____ Disqualify

September 5, 2007