

**TOWN OF KILLINGLY  
WATER POLLUTION CONTROL AUTHORITY  
SPECIAL MEETING  
Killingly Wastewater Treatment Facility Conference Room  
31 Wauregan Road, Danielson CT  
Wednesday, August 30, 2017  
6:00 PM**

**MINUTES**

1. **Roll Call** – Chairman, Gerard CinqMars called the Meeting to order at 6:03 p.m. and did the roll call.

**Members Present:**

Gerard CinqMars, Chairman  
Patrick McLaughlin  
Arlene Gauthier  
Jason Hoffman

Joseph Higgins was absent with notice.

**Staff Present:**

David Capacchione, Director of Engineering and Facilities

**Also Present:**

Ed Grandelski, Town Council Liaison

2. Citizen Participation (on items not subject to public hearing)

**Ed Grandelski** suggested the following regarding Ordinance revisions:

- Section 15-85 (Page 15-14) Second sentence should read as follows, “The Town shall be included as an additional insured or, in lieu thereof, the drain layer shall file with the Town an owner’s protective liability and property drainage insurance policy in the same limits as aforementioned.”
- There isn’t any reference to responsibility for Call Before You Dig with respect to sewer mains/laterals. He suggested that something be put in Section 15-45 regarding building connection laterals and who is responsible from the main to the curb line/property line. Mr. Capacchione stated that this may be covered under CT General Statutes. There was discussion. Mr. Grandelski stated that he was going to suggest to Council that all infrastructure be located.

**Jason Hoffman**, Buck Street, stated that on September 17 he observed a Suez vehicle on private property (64 Prospect Avenue). It appeared that they were working at a private property and he feels that they (Suez and/or the Town) were working toward the enrichment of a private citizen as it should be a private lateral (not in the center of the road). He stated that it is his understanding that the policy is that anything that is not in the center of the road is the responsibility of the owner to maintain. He feels that it is not a “main” because that “main” run through his property and no one from the Town has approached him. He stated that no one from the Town has acknowledged after the initial request to make a purchase for right-of-way after he provided a price. He has contacted the State’s Attorney’s Office, the Office of Policy and Management (both of whom recommended that he file a complaint with the State of CT Consumer Protection Agency which he has done), and he stated that he will inform Town Council also. The Town Manager’s Office offered set a meeting for the Town Manager to meet with Mr. Hoffman, however, Mr. Hoffman was not available to meet during the available timeframe. There has been no further contact.

Gerard CinqMars asked Mr. Hoffman had sought an explanation from the people involved. Mr. Hoffman stated that Mr. Capacchione's answer was that it is a main. Mr. Hoffman disagrees and stated that he had requested a connection to the main, but the Town has no right-of-way to connect anything to that property.

Mr. Hoffman stated that if one individual has the privilege of having their lateral line maintained, then under the Ordinances, all individuals shall have equal privileges. If that individual has reduced financial obligation and liability, then he is requesting reduced financial obligation and liability also. However, he does not believe it is a main and he assumes that there was a blockage in a private lateral line and that Mr. Capacchione authorized Suez to go there. He stated that it should have been cleaned out by a private contractor. The personnel, resources and time allotted were an enrichment to the person(s) who benefitted from it.

Mr. Capacchione offered to comment, however, the Authority Members felt that, since there is a potential legal issue, it was better that Mr. Capacchione not comment at this time.

Mr. Hoffman stated that he believes that the Town may be researching alternatives in that area. He stated that proposing that the lateral running through his property is a main would save the Town a significant amount of money, but it would be at a significant economic loss to himself. He said that Mr. Capacchione had stated before, in a WPCA meeting, that he would seek to acquire that lateral through eminent domain. He said that the Town has no legal claim to that piece of property and no claim to say that they have been maintaining it.

Patrick McLaughlin stated that a lot of investigative work will need to be done (on private property) to design the sewer system in order to incorporate/accommodate all properties if they are to be re-sewered.

Gerard CinqMars stated that, since it is going to become a legal matter, he ended the discussion.

### 3. Town Council Liaison Participation

Ed Grandelski had nothing to report, but stated that he will have ideas to discuss during the review of Chapter 15 Ordinance.

### 4. Unfinished Business

#### a. Review of Chapter 15 Ordinance

Recommendations by Joseph Higgins (included in packets to the Authority Members):

- Recommendations in e-mail to Dave Capacchione dated August 30, 2017:  
Dave Capacchione explained, and the Authority Members agreed, that 15-47(4)4 already addresses Mr. Higgins' comment regarding adding language for industries that do not have a current or active permit with the CT DEEP.
- Recommendations in e-mail to Dave Capacchione dated August 23, 2017:

#1 – Section 15-22(c) Department of Environmental Protection should be changed to Department of Energy and Environmental Protection. There was discussion and there was agreement with this to change throughout the whole document.

#2 – Section 15-25 Effective date, seems antiquated. There was discussion.  
Gerard CinqMars suggested leaving it as is and draft a list of effective dates for future reference. Mr. Capacchione will consult with the Town Attorney for clarification.

#3 – Section 15-47(5), we should add cleansing wipes to the list. There was discussion and it was decided to add cleansing wipes and feminine hygiene products after "paunch manure" under Section 15-47(d)(5). It was also decided to remove the comma between the words "coarse" and "rubbish." This section to read as follows, "Any ashes, cinders, stones, sand, mud, straw, shavings or sawdust, metal, sticks, coarse rubbish, glass, rags, tar, feathers, plastics, waste rubber, animal guts or tissues, entrails, blood, hair, hides, wood, paunch manure, cleansing wipes, feminine hygiene products or any other substance likely to damage,

destroy or cause an obstruction to the flow in any sewer or which may interfere with the proper operation of the sewage works.”

There was discussion regarding Section 15-24 Violations; penalties.

Recommendations from Joe Couture (included in packets to the Authority Members):

- E-mail to Dave Capacchione dated August 23, 2017.

Section 15-45(a) Building connection laterals (page 15-6).

There was discussion and it was decided to change “inside” to “outside.”

Section 15-69(d) Material (page 15-12) – There was discussion and it was decided that this does allow flexibility, however, it was decided to remove vitrified clay pipe (VCP) and asbestos cement pipe (ACP).

Section 15-69(h) (1, 2, 4) (page 15-12/13) Joints and Connections – There was discussion and it was decided that Section 15-69(h)(3) is to read as follows, “Any jointing materials, other than those described in (1) and (2), and meeting the current ASTM standards, may be used only upon the approval by the superintendent.”

Section 15-69(l) (page 15-13) Maintenance of connection laterals and risers, building sewers. Patrick McLaughlin read the definition for Building Connection Lateral - #7 from page 15-2. There was discussion regarding the WPCA’s responsibility as the definition states, “...to some point at the side of the street...” This is contradictory to current practice of the property owner being responsible to the center of the road. Mr. Hoffman explained that he had hundreds of dollars’ worth of plumbing work done at his house earlier in the day and that the plumber had stated to him that in many towns in the area do not have the citizens’ obligation ceases at the road. Mr. Hoffman said that the plumber stated that, in Killingly, he has encountered tree roots at a junction of the main and the lateral and that the homeowner was obligated to replace the junction at the main. Mr. Hoffman suggested that the Authority make a decision whether it wants to continue with “to the center of the road” or “to outside the curb.” There was discussion whether to modify the Ordinance and continue with the current approach or not to modify the Ordinance and change the approach. To be consistent with current practice, it was decided to modify Section 15-69(l) to read as follows, “The building connection lateral, the building connection riser, and the building sewer shall be maintained by the property owner.”

There was discussion regarding water mains and sidewalks.

Section 15-98(b)(3) (page 15-15) A permit issued by the superintendent for each tank load of waste. There was discussion. Each hauler is registered and they are charged per gallon. It was decided that there is no need to change the current language.

Section 15-98(b)(5) (page 15-15) There was discussion. It was decided to delete Section 15-98(b)(5).

Section 15-98(c) (page 15-15) There was discussion. It was decided to delete the first sentence.

Article III. Water - There was discussion. It was decided to make a recommendation to the Town Council that this be eliminated. If approved to be eliminated, the title for Chapter 15 will need to be changed to Sewers and Sewage Disposal.

Jason Hoffman's recommendations:

- Section 15-22(f) on Page 15-5 – Typo: ...paragraph “©” change to paragraph “(c)”...
- Section 15-47(d)(7) on Page 15-8 make corrections to chemical abbreviations under the title Pollutant (e.g. Boron – BO is incorrect; Arsenic – AS is incorrect; add Phosphorus?). Dave Capacchione has asked the State for an updated list and is waiting for a response. It was decided to make corrections to the symbols but, not to add Phosphorus to the existing list and that, if the State has updated the list, the updated list will be incorporated.

Dave Capacchione's recommendations/comments:

- Section 15-16 – The amended date will need to be included.
- Section 15-17 – Define phosphorus. There was discussion and also about limit. It was decided not to add this definition.
- Section 15-17 - Define Total Suspended Solids. There was discussion and it was decided to add this. Dave Capacchione will come up with a definition.
- Section 15-21 Add (e) As-Built drawings must be submitted to the superintendent in both a hard copy and an electronic version suitable to the Town of Killingly. There was discussion and it was decided to add this.
- Section 15-21 Add (f) – Combined Sewer Overflow Systems (CSO) or introduction of rainwater or groundwater into the sanitary sewer system shall not be allowed. It is already covered in Section 15-47.
- Section 15-47 (d) (2) – Modify to reflect the current FOG (fats, oils and grease) Regulations. There was discussion and it was decided to be consistent with the State regulations. Dave Capacchione will confirm milligrams per liter in the State FOG Regulations. There was discussion regarding Frito-Lay. They are installing a new oil/water separator. Dave Capacchione stated that things have much improved over the past year or so. He read from Page 15-10, Section 15-52 – Special Agreements.
- Section 15-47 (d) (7) – As discussed above.
- Section 15-47 (9) (f) – As discussed above.
- Section 15-47.4 and throughout Chapter 15 change DEP to DEEP. – As discussed above.
- Section 15-69 (f) – Update this and all references to materials meeting current standards as determined by the superintendent. – There was discussion and it was decided to be consistent with the following language, “By a method approved by the superintendent meeting current ASTM Standards.”
- Section 15-69 (g) – Add manholes to changes in direction sentence per superintendent approval. No changes to this Section.
- Section 15-69 (h)(1) – I am not sure hemp is even available anymore. Should it be removed or should we just say approved ASTM and construction methods? This was addressed above.
- Section 15-69 (h)(2) – Remove vitrified clay throughout document and replace with approved methods. This was addressed above.
- Section 15-69(k) – Should we add OSHA standards and approved methods, sheeting shoring, etc.? There was discussion and it was decided to add “and be in compliance with current federal and State safety standards.” There was discussion and it was clarified that this is primarily for public property, but would also apply if work were being done within a sewer easement on private property.
- Section 15-85 – I would suggest that the insurance minimum be increased. – There was discussion and it was decided to increase (liability and property damage) to the Town standard.

There was discussion regarding bonds (Section 15-84). – No change to this Section.

- Article III. Water – Although it does not govern the WPCA it should be removed. This was addressed above.

There was discussion regarding Section 15-86 Workmen's Compensation. No changes to this Section.

Ed Grandelski asked regarding call-before-you-dig and the homeowner being responsible for the maintenance of the laterals, who is responsible to locate the lateral from the main in the street. Dave Capacchione stated that, if someone takes the trouble to call, we would mark out what we have the ability to mark out. They can't mark out what they don't have a record of. There was discussion regarding liability. Dave stated that if you suspect there are utilities in the area and it is not marked, you are supposed to contact the utility company.

Patrick McLaughlin left at 8:33 p.m.

Dave Capacchione will make the revisions and submit to Town Manager, Sean Hendricks.

## 5. Adjournment

Motion was made by Arlene Gauthier to adjourn the WPCA Special Meeting to review Chapter 15 Ordinance at 8:35 p.m. Second by Jason Hoffman. Motion carried unanimously (3-0-0)

Respectfully submitted,

J.S. Perreault  
Recording Secretary