

**TOWN OF KILLINGLY**  
**WATER POLLUTION CONTROL AUTHORITY**  
**REGULAR MEETING**  
**Killingly Wastewater Treatment Facility Conference Room**  
**31 Wauregan Road, Danielson CT**  
**Wednesday, October 18, 2017**  
**6:00 PM**

**MINUTES**

1. **Roll Call** – Chairman, Gerard CinqMars called the Meeting to order at 6:00 p.m. and did the roll call.

**Members Present:**

Gerard CinqMars, Chairman  
Joseph Higgins  
Arlene Gauthier  
Jason Hoffman (seated in the audience) - Left at 6:07 p.m.

Patrick McLaughlin was absent.

**Staff Present:**

David Capacchione, Director of Engineering and Facilities  
Mark Cataldo, Suez, Project Manager  
Joe Couture, Suez, Assistant Project Manager

**Also Present:**

Ed Grandelski, Town Council Liaison  
David Griffiths, Town Council Chairman  
Heather Belanger, Frito-Lay  
Sean Hendricks, Town Manager  
Richard O'Keefe, Belmont Homes LLC (55 Dog Hill Road)  
Mark E. Block, Block, Janney & Sisley LLC

Mr. CinqMars requested that Mr. Hoffman sit at the table with the other Authority Members. Mr. Hoffman refused.

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

**David Griffiths**, 70 Griffiths Road, suggested that if there is a Member with a problem, it could be added to the agenda by a motion so that it could be discussed.

Mr. Griffiths also commented that he had noticed that the odor was really bad on Saturday night near St. James School. The Principal of St. James School has agreed to call Suez every time she notices an odor at the School.

Dave Capacchione noted that the Agenda for tonight's meeting contains an item that will address Mr. Hoffman's topic.

Motion made by Joe Higgins to add an item to the Agenda to allow for discussion of Jason Hoffman's topic. Second by Arlene Gauthier. Motion carried (3-1-0). Jason Hoffman was opposed.

Mr. Hoffman stated that he prefers to speak under Citizens Participation.

Mr. CinqMars asked if there was any other Citizens' Participation.

**Jason Hoffman**, Buck Street, stated that he has already presented his information to the Authority and that they could discuss it.

There were no other comments from citizens.

There was discussion regarding where on the Agenda to place Mr. Hoffman's topic and it was suggested that it would come under Item 9 - New Business. Mr. Hoffman stated that it had not been presented as an item on an agenda in the past.

There was discussion regarding Mr. Hoffman's wishes to sit in the audience rather than at the table. It was expressed that Mr. Hoffman, as a voting Member of the Authority, should sit at the table with the other Members. It was suggested that he recuse himself from voting while not sitting at the table. Mr. Hoffman stated that there is no written protocol that states that he has to sit at the table. He stated that he had already filed a criminal complaint and that he is planning to file a civil complaint. Mr. CinqMars stated that if Mr. Hoffman wishes to vote in this evening's discussions, he must sit at the table. Mr. Hoffman left the meeting at 6:07 p.m.

There were no more comments from citizens.

### 3. Town Council Liaison Participation

Ed Grandelski reported:

- Service plaques were presented to Gerry Marcheterre and Warren Kemp.
- Teacher of the Year Awards: Killingly – Lisa Vance; Ellis Tech – Brook DiFormato; St. James – Stephanie Racicot Arseneault.
- Proclamations: Natchaug Young Marines; October is Breast Cancer Awareness Month.
- End-of-year budgetary transfers.
- Close out of LOCEP projects.
- Resolution for the re-assignment of Fiscal Year Surplus Funds.
- Discussions: Dog Hill Road Sewer Ordinance; NTE Stabilization Agreement and Community Environmental Benefit Agreement; Competitive Bid regarding Electric Generation Rates.
- Public Hearing set for the Sale of Town-owned property at 125 Putnam Pike.
- Code of Ordinances revisions were approved.

### 4. Adoption of Minutes, Regular Meeting September 20, 2017

Motion was made by Arlene Gauthier to accept the Minutes of the Regular Meeting of September 20, 2017. Second by Joseph Higgins. Motion carried unanimously (3-0-0).

### 5. Finance Report

#### a. Monthly Finance Report

Dave Capacchione provided copies of the Report and stated that things are tracking as expected. Septage receiving is down a little lower than expected, but it may be due to dry conditions.

Motion was made by Arlene Gauthier to accept the Financial Report. Second by Joseph Higgins. Motion carried unanimously (3-0-0).

### 6. Report of Project Manager

#### a. Cleaning of Collection System

Mark Cataldo reported:

- In compliance for last month.
- Working with Wright-Pierce on the Plant upgrade.
- Did another ½ mile of sewer jetting.

There was discussion regarding odor.

Mr. Cataldo continued with his report:

- Someone from the DEEP visited the Plant today to do an inspection because someone had filed a complaint to the DEEP stating that Suez is not treating effluent properly. They noted that there was no foam found on the emission tanks or on the River. A report will be issued.

Motion was made by Arlene Gauthier to add an item to the Agenda to allow Mr. Cataldo to present the Annual Report. Second by Joseph Higgins. Motion carried unanimously (3-0-0).

b. Presentation of the Annual Report

Mr. Cataldo did a Power Point presentation of the annual report.

7. Frito-Lay Representation

Heather Belanger reported that there were no operational issues at the facility to report.

- Received finalized (signed) permit in the mail yesterday. Goes into effect November 1, 2017. They will begin testing for parameters.
- Signed Consent Order still has not been received from the State.

8. Unfinished Business

a. Facilities Plan Update

Dave Capacchione reported:

- Waiting on some revisions to the plans to send to the State for the 90-percent review.
- He hopes to be able to go out to bid in February 2018 with construction beginning in the spring.

There was discussion regarding demolition of the incinerator building.

b. Rogers Pump Station Update

Dave Capacchione reported:

- Still on by-pass. The transformer had been ordered, but Eversource has had delays due to the recent hurricanes. They will install it as soon as they get it.

There was discussion regarding when silt fence will be removed. Mr. Capacchione will address this.

c. Killingly NPDES Draft Permit / Consent Order

Dave Capacchione reported:

- Waiting for final signatures on the Consent Order from the State.
- Received Draft Discharge Permit this month (included in packets to Authority Members). It was advertised in the Norwich Bulletin at the end of September for the 30-day comment period.
- He expects that the permit will be issued sometime after the 30-day period if no comments were received.

d. Laurel Point Pump Station

Dave Capacchione reported:

- Received e-mail from NTE today regarding work that needs to be done to handle their anticipated discharge.
- This needs to be revisited and estimated.

e. Sewer Line Replacement, I&I Study, Prospect St Area & Evaluation of Interceptor

Dave Capacchione reported:

- Mr. Capacchione noted that this item has been on the agenda since August and that it addresses Mr. Hoffman's issue. Mr. Capacchione explained that the Prospect Street area has been a problem area for many years and that this year, the WPCA had put money in its budget to carry out an investigation of these problem areas and to correct them. He was working on an RFP to perform that work when the issue arose. Mr. Capacchione explained that, when the issue came to light, it was hoped that conversations would've taken place coming to an understanding and agreement of what was hoped to accomplish. The RFP never went out for bid (regarding the evaluation of this area). He recommends that the evaluation proceed because it is a problem area and it needs to be determined how best to proceed. Information was included in the packets to Authority Members regarding case law from a similar situation. Should an assessment be levied against the property owners for work that was done, or could possibly be done, for these areas?

There was discussion and Mr. Capacchione gave an explanation of the situation that had happened in Mr. Hoffman's area of Town which involved a blockage in which the line crosses Mr. Hoffman's property (Mr. Hoffman is not connected to that line. He is connected to a main line in the street in front of his property.) There is no easement in place for the line that crosses Mr. Hoffman's property. The line needed to be cleared (four houses are connected to the line, two manholes were blocked and getting ready to overflow, septage was backing up into basements). Mr. Capacchione noted that information had been gained as laterals were located for two of the houses. He stated that the only cost to the Town was for time and equipment that was out there. Mr. Capacchione stated that another contractor had been on site and had originally tried to clear the blockage (paid for by a property owner). That contractor disposed of (and paid for) the contents of their vac truck at the Facility. Mr. Capacchione stated that he thought that this project had been approved by the Authority and that he was moving forward in a reasonable and prudent manner. There was discussion.

Sean Hendricks, Town Manager, explained that, initially, Mr. Hoffman felt that there was an issue of unjust enrichment. Mr. Hendricks was unable to speak with Mr. Hoffman at the time that he called the office as he had only one appointment available in his schedule and then he was away on vacation the following week. So, this is perhaps, why Mr. Hoffman feels that the Town was unwilling to talk with him. Mr. Hendricks stated that there is a lack of specific information to know how to help Mr. Hoffman. He recommended that the Authority Members review the information (case law) to come up with a policy to deal with this type of situation in the interim (as it does not fall cleanly under the Ordinance that the Authority operates under). Mr. Hendricks commented that the problem was identified and there is an RFP waiting, so the Authority is doing everything that it can to address this problem with the information that they have. He advised that, if there is a criminal or civil investigation, all public discussion will need to stop. He recommended that no more time be spent speaking about this matter as it is all conjecture at this point.

Mr. Capacchione suggested that the Authority draft a letter outlining the policy on how to proceed with projects in this area, identifying the properties (noting that more may be discovered), and notify the property owners.

Mr. Grandelski suggested proceeding with the RFP first. Mr. Hendricks agreed that they need to keep moving forward with the RFP and he offered to work with Mr. Capacchione to come up with a recommendation for a policy to address these particular situations (using State Statutes) to present to the Authority for review. Once a policy is adopted by the Authority, Mr. Hendricks suggests that a letter go out to the affected property owners to notify them of the change. Mr. Grandelski agreed. Mr. Hendricks stated that the WPCA's Attorney feels that the way that the Authority has been handling these situations is legal (public health is of primary concern).

Mr. CinqMars thanked Mr. Hendricks for his assistance. He stated that the Authority had discussion (before the incident occurred) regarding the problem area where Mr. Hoffman's home is. He stated that, at that time, the Authority had discussed ways to remedy the situation.

Discussion continued. Mr. Cataldo answered questions from Mr. Griffiths regarding how this type of situation is dealt with in other Towns.

There was a question regarding Parliamentary procedure and whether Mr. Hoffman could be required to sit at the table to participate in discussion or to abstain.

Mr. Capacchione recapped that the intent is to go forward with the RFP for the Prospect Street area and develop a policy to implement.

There was discussion and Mr. Capacchione explained why work will be done by a subcontractor. We do not have the cameras.

Mr. Grandelski brought up discussion regarding authority to access private property as stated in the Ordinance.

Mr. Hendricks advised that the WPCA could consider instituting a rule that Members must sit at the table in order to speak.

f. 55 Dog Hill Road

Attorney Mark E. Block represented Richard O'Keefe and explained the sewer situation involving Mr. O'Keefe's 55 Dog Hill Road property. Access to sewer for 55 Dog Hill Road involves a deeded easement to the adjoining property (Kohl's shopping center). The easement gives 55 Dog Hill Road the right to tie-in to the lateral on Kohl's property. However, the Ordinance requires that the property then be dedicated to the public sewer. Kohl's will not allow them to tie-in if they have to dedicate the lateral to the public sewer. They want to maintain their private sewer lateral. Attorney Block explained the solution that they had presented to Town Council. They are asking that an exception be created, in the Ordinance, for this situation (as it may occur in the future at other properties).

Attorney Block referred to his letter to Town Manager, Sean Hendricks, dated October 12, 2017 (included in packets to Authority Members), which contains proposed language for the Sewer Ordinance.

Mr. O'Keefe provided information for review by Authority Members and Mr. Capacchione regarding five other communities that have language in their Ordinances that addresses this type of situation. There was discussion. Mr. O'Keefe referred to a letter from Normand Thibeault of Killingly Engineering, dated October 9, 2017 (included in packets to Authority Members). Mr. O'Keefe explained that they would be using only 5 percent of the capacity of the line (as described in Mr. Thibeault's letter). He feels that pumping to a manhole at 600 feet would be a significant hardship on any buyer and would not be a feasible alternative.

Mr. CinqMars voiced concern as to whether a change in the Ordinance would affect other areas in Town and he feels that the Authority should take time to review the information.

Attorney Block explained that they tried to tailor the language for an amendment to the Ordinance that would limit the circumstances to this one particular circumstance. He offered that the Authority could consider that the right could be only temporary until the access to Route 12 becomes available.

Attorney Block and Mr. O'Keefe left.

There was discussion. It was suggested that the Town Attorney review the information that had been provided. Joseph Higgins stated that he is not in favor of amending the Ordinance.

g. Normandies Park

Dave Capacchione reported:

- Information (map) was included in packets to Authority Members.
- There had been problems with sanitary sewer in the past. A stub (8-inch capacity for multiple connections) had been provided for the Park to connect when the trunk line for the new High School was put in.
- The property is under new ownership and he has requested abatement of past sewer use fees and assessments.
- Mr. Capacchione has requested that a dye test be done to determine who is connected and who is not. Results have not come back yet.
- The new owner plans to add new units in the future, but nothing has been approved.

There was discussion.

h. Hutchinson Precision Plastics

Dave Capacchione reported that he has not heard anything further from Hutchinson Precision Plastics.

i. Frito – Lay Flow Testing

Dave Capacchione reported that he has not heard from DEEP as to whether or not they would allow the use of dye to do a test to determine the time of flow from Frito-Lay to the Facility. There was discussion.

j. Woodward Street Sewer Line Cleaning

Dave Capacchione reported:

- IWWC approved the work.
- Brush has been cleaned up by the Highway Department.
- Still anticipate using excess material from the salt shed and material from the Rogers Pump Station. Some areas will need some trap rock/crushed gravel to make a suitable roadway.
- He suggested crushed gravel to make a roadway (\$2,000 to \$4,000 from Contractual Services).
- There were no written quotes. French River and Desmarais & Sons were mentioned.

There was discussion.

Motion was made by Arlene Gauthier to authorize an amount not to exceed \$4,000.00 from Contractual Services to purchase crushed gravel to make a roadway for the Woodward Street Sewer Project. Second by Joseph Higgins. Motion carried unanimously (3-0-0).

9. New Business

- a. Jason Hoffman's Topic - See above under Item 2 – Citizen Participation, and also under Item 8.e. Sewer Line Replacement, I&I Study, Prospect St Area & Evaluation of Interceptor.

11. Correspondence

- a. email from Kari Olson  
b. Letters from Mark Block

12. Executive Session

- a. Brooklyn Contract Renewal

Motion was made by Arlene Gauthier to enter into Executive Session at 7:32 p.m. Second by Joseph Higgins. Motion carried unanimously (3-0-0).

Included in Executive Session: Gerard CinqMars; Arlene Gauthier; Joseph Higgins; David Capacchione; Sean Hendricks, Town Manager.

Motion was made by Joseph Higgins to come out of Executive Session at 7:51 p.m. Second by Arlene Gauthier. Motion carried unanimously (3-0-0).

13. Other – None.

14. Adjournment

Motion was made by Arlene Gauthier to adjourn at 7:53 p.m. Second by Joseph Higgins. Motion carried unanimously (3-0-0).

Respectfully submitted,

J.S. Perreault  
Recording Secretary