

Town of Montville Water Pollution Control Authority
Thursday, September 9, 2010
Town Council Chambers – Town Hall – 7:00 p.m.

I Water Pollution Control Authority

a. Call to Order

Chairman May called the regular meeting of the Water Pollution Control Authority to order at 7:00 p.m.

b. Pledge of Allegiance

c. Roll Call

Chairman May welcomed Commissioner Thorn back to the meetings, stating he was missed.

Present were Commissioners Hillman, May, Siragusa and Thorn. Absent was Commissioner Schober. Also present was Administrator Lynch, Superintendent Michael Didato, Attorney Ron Ochsner, Mayor Jaskiewicz, Engineer, Richard Kruczek and Attorney Eileen Duggan.

d. Items to be Added to the Agenda

Mayor Jaskiewicz stated he would like to remove agenda items e (2) there was no quorum for this meeting and and agenda item e (3), the joint sub-committee will approve the meeting minutes next time they meet. Motion made by Commissioner Thorn, seconded by Commissioner Siragusa to remove agenda items e (2) and e (3). Discussion, none, voice vote, 4-0, all in favor, motion carried.

e. Approval of the Meeting Minutes of the;

1. August 2, 2010 Regular Meeting.

Motion made by Commissioner Hillman, seconded by Commissioner Siragusa.

Discussion: After review of the recording of the meeting, it was determined an amendment to the meeting minutes is in order regarding agenda item m, Old Business (1) 120 Gay Hill Road, last paragraph should read "It was the consensus of the Commission after discussion to take no action regarding an approval for capacity on this site as it has already been approved and construction is underway".

Motion made by Commissioner Hillman, seconded by Commissioner Siragusa to approve the regular meeting minutes of August 2, 2010 with the recommended amendment as discussed. Discussion, none, voice vote, 4-0, all in favor, motion carried.

2. August 16, 2010 Special Meeting – removed from the agenda.

3. August 26, 2010 Special Joint Meeting – removed from the agenda.

f. Communications

Administrator Lynch stated all communications were included in the packets including the flyer from URS regarding the Public Hearing in October.

Chairman May invited Attorney Eileen Duggan to speak regarding the arbitration and asked if she would give an explanation regarding the collective bargaining agreement between the Town of Montville and the Water Pollution Control Authority employees local 1303 AFLCIO, section 6.4, overtime rules and regulations.

Attorney Eileen Duggan discussed the collective bargaining agreement between the Town and the WPCA employees. Article 6, concerns hours of work and overtime contains a variety of provision regarding when payment of time and one half or double time is required. Section 6.4 references overtime being offered to qualified employees and an explanation of how overtime is disseminated, stating overtime should be allocated as equally as possible among qualified employees. This is an overtime equalization clause, which does not mean individuals all have to get the same amount of overtime, but should get an equal opportunity to work overtime. This means if people are offered overtime and refuse it, it is noted they refused the overtime for equalization purposes so that at the end of the year there is someone who worked 100 hours of overtime and someone who worked twenty hours of overtime, you can look back to see if that person declined the opportunity to work throughout the year but were offered the same amount of time. Implementing this section requires a system of checking overtime offered and overtime refused to ensure there is some general equalization of overtime. The provision indicates that if there is an inadvertent violation of the clause the employer should offer the person who is aggrieved the next available overtime opportunity. Overtime should be offered to qualified employees but is not broken down specifically to classification. Chairman May inquired how other entities handle overtime. Many towns keep a card system or spreadsheet where overtime is easily tracked and depicts overtime offered to each employee.

g. Executive Session

Consider and act on a motion to enter into Executive Session for the purpose of;

b. Discussions regarding litigation regarding the Rand Whitney arbitration. Chairman May stated he would like to go into Executive Session to discuss Rand Whitney first and there were no objections to this request. Discussions in Executive Session to include Commissioners May, Thorn, Siragusa and Hillman, Mayor Jaskiewicz, Superintendent Didato, Administrator Lynch, Ed Heath, Chris Gerard and Attorney Ron Ochsner. Motion made by Commissioner Siragusa, seconded by Commissioner Hillman, Discussion, none, voice vote, 4-0, all in favor. Executive Session began at 7:15 p.m. and ended at 8:13 p.m. Chairman May indicated no votes were taken during Executive Session.

a. Discussions regarding strategy pertaining to collective bargaining related to administrative positions within the WPCA. Motion made by Commissioner Hillman, seconded by Commissioner Siragusa. Discussions to include Commissioners Hillman, May, Siragusa and Thorn, Attorney Eileen Duggan and Mayor Jaskiewicz. Discussion, none, voice vote, 4-0, all in favor. Executive Session began at 8:15 p.m. and ended at 8:30 p.m. Chairman May indicated no formal votes were taken during Executive Session and resumed the meeting.

h. Remarks from the Public Regarding Items on the Agenda – none.

i. Remarks from the Attorney Regarding Items Referred.

Attorney Ochsner addressed the ordinance discussed at the joint meeting between the representatives of the WPCA and Town Council. Discussions were held regarding the effect of the 1995 charter revision. At the conclusion of the meeting it was determined that the best

approach was to draft an ordinance to be adopted for clarification. He distributed the draft ordinance and gave a summary of the document. He stated the document consists of portions of the Town Code and identified areas where the WPCA is looking to obtain autonomy. The primary area is the issue concerning employment and employee salaries. He has made proposed amendments to portions of the code that would consolidate the functions within the Water and Sewer Commission. He reviewed the changes with the Commission. The areas 21-7 and 21-13 states the WPCA will take charge of the water budget, sewer budget and its employees in negotiating contracts with employees and then authorizing the Mayor to sign the contracts. Chairman May stated the sub-committee came to unanimous consensus between the Town Council and WPCA representatives to move in the direction of autonomy for the WPCA. Councilor Hillman suggested a provision in the revision that states the Town Council will be given a copy of all budgets for water and sewer. Chairman May stated there is a liaison from the Town Council on the WPCA that reports to the Town Council. Attorney Ochsner indicated the ordinance is in draft form and encouraged the Commissioners to look it over and to provide him with feed back and/or changes and comments. Chairman May suggested Attorney Ochsner provide the Town Council with a copy for review, and to provide Attorney Chudwick with a copy. Commissioner Hillman stated she will add the draft ordinance to the Administrative Sub-Committee agenda on Tuesday. A discussion was held regarding whether or not the water budget was approved by the Town Council this year.

j. Report from the Operations Division

Superintendent Didato stated his report is in the package and welcomed questions from the Commission. He stated the engineering firm doing the evaluation on the Rand Whitney discharge pipe should be concluded this week and he is waiting for a full report regarding the condition of the pipe and what the evaluation is to date. He discussed fire protection at the request of Chairman May. He summarized his findings, stating he was able to acquire information from going to the Neighborhood Watch meeting with the Mayor. There may have been some delay in the calls to the fire departments and the tanker trucks may not have been dispatched right away but there is now automatic dispatch of tankers to all calls. A hydrant could be located at the Montville Fire House that could benefit the community. Engineering and hydraulic profiles of that area to interconnect is something that can be done in the future with cooperation from the Fire Marshal's office and SCCWA. Prior to interconnection of any kind an engineer would have to look at the hydraulic profile. There has been a second major fire since Chairman May asked Superintendent Didato to look into this matter. Chairman May suggested the WPCA should commission an engineering port to develop a plan to upgrade the fire capacity in town and upgrade the fire system. He discussed insurance rates and how they are impacted by fire suppression. He stated he would like to seriously consider hiring an engineering firm to do a study to determine if the town needs firefighting capacity in town and what it would take to do so. A discussion was held regarding properly marking fire hydrants to depict their volume of flow. A discussion was held regarding expanding the water system and adding additional fire hydrants throughout the town. Chairman May inquired regarding the process used for handling overtime. Superintendent Didato explained the procedure for overtime and practices and protocol for offering overtime to employees. Chairman May stated he would like to see a monthly written record of overtime that shows compliance with overtime equalization broken down by week with and explanation of when and why overtime is needed. Administrator Lynch stated overtime has been reduced from previous years.

k. Report from Administration Division

Administrator Lynch stated his report is included in the packet. The Sterns & Wheeler project went out to bid for the water booster pump station after a year and a half. He hopes to have

the bid opening in early October and construction should start right away. Sterns and Wheeler will stay through the whole project. He discussed the transfer of the finances to the WPCA and billing for town services used by the WPCA. He stated the engineer has scheduled a public hearing and open house for Monday October 4, 2010 at 5:30 p.m. to discuss the Facilities Plan. The legal notices have gone out and the proposed presentation has been included in the Commissioners packet for review. He encouraged the Commission to look it over and make any requests for changes in the next week in order to give Mr. Kruczek the time to make the changes prior to the public hearing. This is the final step before the Facilities Plan goes off to the State of Connecticut for final approval of the plan. Commissioner Hillman inquired regarding changing banks for the WPCA. Administrator Lynch discussed the various benefits to using the Dime Bank for banking services.

I. Report from the Mayor

Mayor Jaskiewicz stated he is glad to see the pump station on Maple Avenue is moving forward. This will enhance the fire hydrants that were put in on Maple Avenue. A discussion was held regarding fire hydrants, maintenance of fire hydrants and color coding the hydrants to better clarify the water flow.

m. Report from Special or Sub-Committees – none.

n. New Business

1. To consider and act on a resolution to approve and authorize the WPCA Administrator to authorize \$18,000 towards the Montville Targeted Industry and Feasibility Analyses.

Marcia Vlaun was present to discuss the proposal and gave a brief summary to the Commission. She stated she has had this study in mind for about a year. The Town Council allocated five thousand dollars toward the study. She hopes the study will target the economic advantages and to give the town the information needed to develop a targeted marketing strategy rather than sitting back and waiting for companies to knock on the door. There are three strategic areas within the water district, the drive in property, the top of Houghton Mountain, and the 340 acres between Rt. 32 and the Thames River currently in the bankruptcy process. She would like the town to be in a strong position to go out and find a private developer that is willing to develop the property and put it on the town tax roll. CIRC is a non profit arm of the State that has access to high priced consultants that the town could not afford. The procedure is to go to the Town Council to waive the bid procedure and sign a contract with CIRC to get the study going.

SAR 2010-025. The Town of Montville Water Pollution Control Authority hereby resolves to authorize \$18,000 toward the Montville Targeted Industry and Feasibility Analysis. Motion made by Commissioner Hillman, seconded by Commissioner Siragusa. Discussion: Administrator Lynch clarified the money is not toward a specific location but for looking at a number of different locations that CIRC may be able to target for industry to attract national commercial chains concentrating on locations throughout town where there is water, sewer, gas, fiber optics and transportation access. There is one hundred and eighty four thousand dollars in the water stiff account, and would suggest the money be authorized to come out of the water side. The money the town will get back in connection fees will exceed the money requested for the study. Marcia Vlaun stated she believes in the philosophy of if you build it they will come and there are anchor stores in place and the town has come a long way since she has been here. She hopes to keep moving in a forward direction for the good of the town. Roll call vote, 4-0, voting in favor were Commissioners Hillman, Thorn, Siragusa and May. Resolution adopted.

2. To consider and act on a resolution to authorize the WPCA Administrator to hire a part time administrative assistant for the WPCA office. Motion made by Commissioner Hillman, seconded by Commissioner Thorn. Discussion: Commissioner Hillman made a motion to amend the as follows "The Town of Montville Water Pollution Control Authority hereby resolves to hire a part time administrative assistant for the WPCA office for nineteen hours per week. Discussion: none, voice vote, 4-0, all in favor, amendment made.

SAR 2010-026. The Town of Montville Water Pollution Control Authority hereby resolves to hire a part time administrative assistant for the WPCA office for nineteen hours per week. Roll call vote, 4-0, voting in favor were Commissioners Hillman, Thorn, Siragusa and May. Resolution adopted.

o. Old Business

1. Discussion Regarding the Water Supply Plan.

Administrator Lynch gave an update, stating Mr. Johnson has sent the comments and changes on and this project is moving forward.

2. Discussion Regarding Joining CT Warn

Superintendent Didato discussed the benefits of joining CT Warn. The DEP would like to see all the water and wastewater agencies get in a collective effort to help one another out. Last month he included in the Commission packets the highlights of the benefits of joining CT Warn. Mr. McNally has attended a seminar regarding the details of the program and benefits of joining the program. Superintendent Didato highly recommends joining CT Warn and stated it comes at no cost to the Town. It is a good program to be involved in, it is a mutual aid agreement in case of emergency.

Motion made by Commissioner Siragusa, seconded by Commissioner Hillman to join CT Warn. Discussion, none. Voice vote, 4-0, all in favor, motion carried.

3. Discussion Regarding Rand Whitney Arbitration Appeal – this discussion was held in Executive Session.

4. Discussion Regarding WPCA Rules and Procedures

Commissioner Hillman stated she went through the rules and procedures and changed some of the outdated numbers and language. She discussed the order of the agenda to include the Executive Session, report from attorney, payment of bills etc. Chairman May requested the Commission secretary type the Rules and Procedures of the Water and Sewer Commission of the Town of Montville to incorporate the changes made by Commissioner Hillman. Chairman May inquired if there are any statutory guidelines that need to be followed with respect to the agenda order of the WPCA. Attorney Ochsner stated he will look into whether or not there are statutory requirements and report back to the Commission with his findings. Chairman May thanked Commissioner Hillman for taking the time to work on the document.

p. New Business

1. To Consider and Act on a Resolution to Approve the Employment Contract between the Town of Montville and WPCA Superintendent Michael Didato and forward the contract to the

Town Council for approval. Motion made by Commissioner Hillman, seconded by Commissioner Siragusa. Discussion: Chairman May stated this issue was discussed at the recent joint committee meeting and it would be in good faith to send this contract to the Town Council since it is unresolved business and to avoid waiting on a decision. It is his opinion to send the contract to the Town Council. He does not see any value in the Commission haggling through the contract only to have the Council change it as they see fit. It was the consensus of the Commission to haggle through the contract then send it to the Town Council once it has been discussed by the Commission. The discussion and amendments to the contract can be made during Executive Session at the next regularly scheduled meeting.

The Town of Montville Water Pollution Control Authority hereby resolves to approve the employment contract between the Town of Montville and WPCA Supervisor, Michael Didato and forward the contract to the Town Council for approval. Motion made by Commissioner Thorn, seconded by Commissioner Hillman. Discussion: Commissioners Hillman and Thorn withdrew their motion and second. Motion made by Commissioner Hillman, seconded by Commissioner Thorn to postpone this discussion until next month under Executive Session. Roll call vote, 4-0, voting in favor were Commissioners Hillman, Thorn, Siragusa and May.

A discussion was held regarding Executive Session prior to the regular meeting to limit the amount of time the public has to wait to speak during the meetings.

2. Update and discussion regarding the transfer of finances to the WPCA.

Administrator Lynch stated this item was discussed earlier in the meeting.

- p. To Consider and Act on Referrals from Planning & Zoning – none.
- q. To Consider and Act on the Payment of Bills.

SAR 2010-027. The Town of Montville Water Pollution Control Authority hereby resolves to pay bills in the amount of \$26,092.00 as described in Schedule A attached. Motion made by Commissioner Siragusa, seconded by Commissioner Thorn. Discussion; none, Roll call vote, 4-0, voting in favor were Commissioners Hillman, Thorn, Siragusa and May. Resolution adopted.

II Water Commission

- a. Report from Special or Sub-Committees – none.
 - b. Report from Engineers – none.
 - c. New Business
1. Discussion regarding hydrant charges on private property.

Administrator Lynch stated Mr. McNally and Superintendent Didato have discovered that some hydrants in the community that are not town owned but are maintained by the town. A discussion was held regarding whether or not the town should start charging individuals for hydrants maintained by the town but that are located on private property. Mr. McNally discussed the liability issues if the hydrants are not maintained and are hooked into the town water system. He stated other towns charge for maintenance of hydrants. Chairman May stated the Fire Marshal can go to the property owners and check their maintenance records. If the town would like to offset the service it is primarily the property owner's responsibility to

maintain the hydrants located on their property. Administrator Lynch asked for direction regarding how the town should proceed with this issue. Chairman May stated it is the property owner's responsibility to maintain the hydrants and the Fire Marshal is responsible for checking the records of hydrant maintenance.

d. Old Business – none.

e. Consider and Act on the Payment of Bills – none.

III Remarks from the Public – none.

IV Remarks from the Commission Members

Commissioner Hillman inquired if hydrants are going to be installed on Gay Hill Road and inquired regarding the preferred contractor's list discussed at the previous meeting. A discussion was held regarding hydrants and the developer's responsibilities regarding their installation. Administrator Lynch stated he has sent out six letters to contractors for the preferred contractor's list and he has not had a reply from any of them as of yet.

Administrator Lynch urged the Commissioners to settle Superintendent Didato's contract as soon as possible.

V Adjournment

Motion made by Commissioner Hillman, seconded by Commissioner Siragusa to adjourn the meeting at 10:15 p.m. Discussion, none, voice vote, 4-0, all in favor, motion carried.

Respectfully Submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville.

Schedule A

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|-----------------|-------------------------------|
| Robinson & Cole | \$1,092.00 |
| Robinson & Cole | \$25,000.00 (partial payment) |