

**LITCHFIELD WATER POLLUTION CONTROL AUTHORITY  
SPECIAL MMEETING MINUTES  
Town Hall Annex, 80 Doyle Road, Bantam, CT 06750  
And Remote Via Live Internet Video Stream and Telephone  
Thursday, September 29, 2022 ~ 7:30 p.m.**

**CALL TO ORDER:** Chairman David R. Wilson called the special meeting to order at 7:33 p.m.

**ROLL CALL**

Present: Members present were David R. Wilson, William Buckley, David Geiger (alternate), Sky Post (alternate), James Koser, Christine Harding and Christian Bratina. Also present were Ted Donoghue, Plant Superintendent, and Ann Combs, Recording Secretary. First Selectman Denise Raap hosted Zoom, with Public Works Director Raz Alexe participating remotely as well as Joe Carey and Eric Delorenzio from the plant.

Absent: None

**SEATING ALTERNATES:** None required

**MINUTES**

**a) 12/9/21 Regular (tabled from 2/10/22):** D. Wilson said there were two sets of minutes posted on the website, with one marked revised. He recorded from A. Combs's digital recorder in order to have an audio file of the meeting. C. Bratina said he listened to the whole recording and edited the minutes in a redline copy with additional information from the recording that was not included in the minutes. D. Wilson asked T. Donoghue if he had the 2/10/22 meeting on his recorder, and Ted said he would check tomorrow. A. Combs said that she was still using her old digital recorder at that point, and although the files are on her computer, it did not allow her to burn a CD or make a USB copy. However, T. Donoghue also records the meetings on his digital recorder and should be able to download the program on his computer to save the audio files there. C. Harding asked if the minutes from 2/10/22 were accurate, and Mr. Wilson said they seem to be somewhat incomplete. When asked to explain by Ms Harding, he said information is disappearing. A. Combs asked if he is looking for more of a verbatim transcription, and he said no, but he would like more detail. A. Combs said she was trying to capture the gist of the conversation and the high points, but she would try to capture more detail if that is what is wanted. D. Raap said he is looking for more of a transcription, not minutes, but he disagreed. He just wants more detail.

**Motion:** W. Buckley moved that that the 12/9/21 minutes as revised with C. Bratina's suggestions be accepted and put on file in the Town Hall. C Bratina seconded. S. Post confirmed clarification on interpretation of the redline marks. C. Harding thanked C. Bratina for his editing of the minutes on a long meeting. She asked that they not fall so far behind again and asked if there was anything in the minutes that was a surprise to them and if they are comfortable with the edits. C. Bratina thought that A. Combs tries to summarize the discussions, but there should be more detail. Upon voting, all voted aye except D. Geiger and J. Koser, who abstained because of absence at the 12/9/21 meeting, and the motion carried. W. Buckley asked through a point of order for clarification on who the voting members were at this meeting. As a full board plus both alternates were present, D. Wilson named the five regular members: D. Wilson, C. Bratina, J. Koser, W. Buckley and C. Harding.

**b) 2/10/22 Regular:** D. Wilson asked about a recording of these minutes, and T. Donoghue reiterated that he would look for them tomorrow. He said he just received the agenda two days ago, and he had a lot of work to do to prepare for this meeting. C. Harding said she would like more time on these minutes.

**b) 5/4/22 Special:** D Wilson noted that under Item 2, fourth sentence, he has since discovered that a subcommittee is also subject to FOI per the State's interpretation. W. Buckley, C. Harding and D. Raap

disagreed, saying two members are not a quorum and can make no decisions. They will look into this. D. Wilson also said that T. Donoghue was erroneously listed in the minutes as part of the subcommittee. T. Donoghue disagreed and said the minutes were correct. D. Wilson said that was not the intent. Since the motion only noted a two-person subcommittee, that was final, and the reference to T. Donoghue being on the subcommittee was struck. **Motion:** W. Buckley moved to accept the minutes as revised and C. Bratina seconded. All voted aye except C. Harding and D. Geiger, who abstained as C. Harding was not on the board at that time and D. Geiger was absent. The motion carried.

## **BUSINESS**

**1) Public Request and/or Comment:** Kate Honan asked if Woodard & Curran is looking at our collection system and I&I as it relates to plant capacity. There was also a disagreement as to what the capacity was. How can W&C perform Task 1 of the scope of work if the collection results in uncertain flows? D. Wilson said we normally do not get into discussions under public requests, but when the scope of work was set, we told all applicants that the collection system was not involved. We have plenty of studies of our own on flows. W&C will not use DPC's studies, as we have more data than they do. We will try to isolate the trouble areas based on our studies. More of our problems are with rain events, quick flow, rather than infiltration. Ms Honan then asked about the 6 major tasks in the scope of work. She is concerned with a standalone analysis that included Woodridge Lake data not broken out. W. Buckley clarified that we need to look at our own plant analysis based on the needs of the Litchfield sewer collection customers regardless of what happens with Woodridge Lake. Speaking for himself, he said only after that will he look at something else. Ms Honan was concerned that we are not getting a standalone analysis, but she was assured we are. C. Bratina agreed we are just looking at Litchfield, but Ms Honan again referred to Task 1 as including flows from Woodridge. She then asked about the NPDES draft renewal from DEEP. D. Wilson said this is on the agenda. She said she is signed up to receive notices from DEEP, but she has not received this, with only 30 days to reply. D. Wilson said the discharge permit will be noticed in the newspaper for at least 30 days. We just got notice of their language, with no major new requirements on our plant. Finally, she referred to the 12/9/21 minutes that went from 4-1/2 pages to 7. There is a paragraph on the top of page 3 regarding the Clean Water Fund application that shows \$6.5 million estimate for solids handling and \$3.5 for other. This is inconsistent with the DEEP's website that shows \$6.5 million for treatment for nutrient removal and resilient project, and \$3.5 for treatment without nutrient removal. D. Wilson said he would have to straighten this out with the people who filled out the application. She said this does not instill confidence, and asked for a tape of the transcript of these 12/9/21 minutes. D. Wilson said he can copy the recording, but she wanted a CD or flash drive. A. Combs offered to let her listen to the audio or record it from her computer. W. Buckley suggested she work with A. Combs.

John Murphy, CSEA Union Rep., asked to speak about the MOU, and D. Wilson said he could speak about items not on the agenda, but the MOU item falls later in the agenda. C. Harding asked if he would be able to speak at that time, and D. Wilson said he would like to take that item off the agenda.

**2) Update on Torrington Intermunicipal Agreement:** We got their bill for last year with no surprises other than their bonding is much less than we thought originally. He has questions for them. T. Donoghue offered to share the breakdown of the bill, but D. Wilson said to wait until he gets his answers.

**3) Woodard & Curran Update:** D. Wilson explained that we have done nothing with them, but we will get ready to bring them on and program their efforts so we can answer the questions. W. Buckley asked if the contract has been signed, and D. Wilson said no. Raz Alexe asked why it has not been signed, and Mr. Wilson said he hasn't set a date for them to come in and sign it yet. R. Alexe said it has been 16-18 months and not acceptable. The concerns should be clearly presented to the Commission and the Town. The dragging of the contract is not acceptable. D. Wilson said W&C are all set, but he is waiting to straighten out the chain of command so we know who they are reporting to. R. Alexe said he is mixing things and not

acting in the best interest of the Town. D. Wilson said that was his opinion, and R. Alexe said he wanted this on the record that D. Wilson is not acting in the best interest of the Town in dragging out this contract.

D. Raap asked what the board members think about this. W. Buckley thought they should sign the contract, and he also thought they should vote the MOU forward and move on. D. Raap said she has not seen the W&C contract, and Mr. Wilson disagreed, but agreed to have Mike Rybak send it to her. He felt whoever signs the contract should be responsible for it. It was determined that both he and the First Selectman would sign, which had not changed. They asked Mr. Wilson what had changed, and he replied that since the December meeting and delving into the meanings of the language of the ordinance, it appears that there are a number of people who think they can run the WPCA. He has polled his members, and he thinks that they could be missing at least three members. D. Raap asked how this relates to signing a contract with W&C. D. Wilson said that executing the contract as it goes along controls the costs. The subcommittee would direct them as to what to work on. D. Raap asked if there has been any pushback from the Town. D. Wilson replied that whoever she appoints in his place might be... D. Raap said that outside of the sarcasm, she only wonders why the contract has not been brought to the Town. D. Wilson said he is ready to go, Christian is ready to go, Buckley is ready to go, his Tax Collector is ready to go, and the reason is they do not agree with what is going on. D. Raap said the Commission has interviewed five engineering firm, agreed on one, and said they would move forward with that one. She asked for input from the Commission. W. Buckley said they set up the subcommittee to oversee the contract, and the contract should be executed and W&C working. They should also vote on the MOU and accept it. D. Wilson said that after meeting with W. Buckley, D. Raap, and J. Zullo in May to clarify the MOU, the more he read it, the more he got confused. And that was one of the reasons for wanting to take it off the agenda. D. Raap asked again how this is related to signing the contract. Raz Alexe said it is not related and is the same mantra. It is necessary to have a consultant unless Christian felt otherwise. C. Bratina felt they need to hire a consulting engineer to review how to improve the plant. The issue is who manages the plant, and the MOU should be discussed. R. Alexe said the plant has to operate in the interest of the residents. If there is trouble, there must be someone to provide advice. W. Buckley felt that Ted should go to Dave if there was an operational problem. He stressed that their job is to protect the environment and not to get bogged down in nonsense. It is frustrating to be on this Committee, and this is one of the worst committees he's ever been on. We need work with W&C and sign the MOU. D. Wilson said he would have the contract sent to D. Raap next week by Oct. 5th. He then added that there have been minor changes to the contract, one being the location for any arbitration is in Connecticut. W. Buckley did not want attorneys changing anything scope-related, only the boilerplate. After it is signed, D. Wilson and C. Bratina will contact them and have the important items, such as the flood study, done first. He would also like to figure out the hydraulic capacity going through the plant.

**4) MOU:** D. Wilson said this is an effort to meet with two members of the Board of Selectmen to clarify the chain of command. He thought they made progress, but the Selectmen did not pass it. He suggested the WPCA approve it. **Motion:** W. Buckley moved to approve this draft of the Memorandum of Understanding (MOU) and J. Koser seconded. C. Bratina saw a couple issues with it. It makes sense that the Union contractual grievance issues are handled by Raz and the operation of the collection system and treatment plant be handled by the WPCA Chairman. But it doesn't really say that. On Sec. 4, it's not clear if he's working for the Chairman or the Director of Public Works because of the word "generally". Then he asked how you resolve a problem if the Chair and Public Works Director don't agree when they must work it out. He felt the Superintendent should have one boss. Union grievance matters could be handled by the Public Works Director, but for the operation of the collection and maintenance system, there should be just one person, either the Director of Public Works or the WPCA Chairman. W. Buckley felt it should be under the WPCA, and if Dave has an issue, he should discuss it with Raz. Ted would not discuss it with Raz. Ted then spoke about who is involved in a catastrophic weather event, as there is a co-reporting system. Protocol of notification is handled by the Superintendent, and he was concerned if Dave Wilson is not available to direct him. They said nothing has changed. Ted said he doesn't agree with the draft, as it doesn't relate to

the real life situations at the treatment plant. W. Buckley said it is just a small treatment plant, and they know how to run it. C. Harding said the “may” and “generally” are scary and ambiguous words. D. Wilson said this is as far as they got in the meeting. It doesn’t make a lot of sense, but they’ve narrowed the lines a little. He said they will take what Denise, Bill, Jeff and he agreed to. The WPCA is going to endorse their half of it, but D. Raap said some of the WPCA don’t seem to endorse it. W. Buckley said they need to get this off the agenda, that it has been holding up these meetings. D. Raap also referred to the meeting they had later with the Union Attorney and the Labor Attorney. She said the Labor Attorney said there is no use for the MOU, as they are already operating in this capacity. It wouldn’t change anything. D. Raap questioned #3 regarding the WPCA being involved in collective bargaining and employment status matters. C. Bratina thought there should always be discussions. W. Buckley cited a shared employee with the Public Works who plows snow. Why should the sewer customers pay for that? D. Wilson said the WPCA should have the ability to discuss salary. R. Alexe said a simple solution is to have the WPCA take over the entire operation with employees, and then they would not have to share. C. Bratina said he just felt the WPCA should have input. R. Alexe agreed with that. **W. Buckley moved to call the question** but there was no second.

John Murphy, Staff rep for CSEA town hall employees was allowed to speak and referred to an hour-long call on Aug. 19<sup>th</sup> with the attorneys, D. Wilson, C. Harding and D. Raap. Everyone started to agree that there was no purpose to the MOU. What they have in place now works, and they should not try to re-invent the wheel. He felt they are proposing a solution that is looking for a problem. The main point is the WPCA is not directly accountable to the voters and residents, while Denise and Christine are because they are elected officials. In the chain of command, you can’t have volunteers supervising public employees. The buck stops with Denise, Raz and Ted. Everyone agreed that at the end of the call, D. Wilson was silent. He did not speak up when they asked why are we doing this. D. Wilson said the purpose is to move forward with the half the WPCA agrees with. They want to start someplace. Ted asked D. Wilson why this unrest never happened before as he approaches his 10<sup>th</sup> anniversary with the Town. Why didn’t they say something 8 years ago. The plant’s never run better than it does now. He’s trained employees to better run the plant. Since he took over in 2013, the plant has continued to get better, regardless of the challenges they meet. D. Wilson said they know he does a good job. C. Bratina said the problem may be that he knows he works for Raz and Denise – he doesn’t follow the direction of the board. He should either work for Raz or the Board, but not both. This is why he disagrees with the MOU. C. Bratina said the whole question is who manages the plant. Ted said it is very frustrating that the Board is slow to make decisions. W. Buckley said they told him to do things he didn’t do, and then he took samples in a way he shouldn’t, they told him it was wrong, he checked with the DEEP to see if it was right, and it wasn’t, but he didn’t bring it back to them. So W. Buckley called the DEEP to check on it. T. Donoghue said that when they deal with the filaments, that’s what impacts the performance of the plant and can lead to effluent noncompliance. W. Buckley **moved the question** again and C. Bratina seconded it. All voted aye and the motion carried. **Voting on the motion**, W. Buckley, J. Koser and D. Wilson voted aye, and C. Bratina and C. Harding voted nay; motion passed.

**5) Rescind the Subcommittee Action for the Engineering Consultant: (motion 12/9/21, Item 3)** D. Raap will clarify if a subcommittee of 2 can operate legally under FOI.

**6) Review 12/9/21 WPCA Minutes:** addressed above

**7) Review Arethusa Surcharge Bill for FY 2022:** Ted said Sandy did send the usage bill for 45.6 EDUs, over \$18,000 just in usage charges. He explained the draft chart showing the surcharge as a little lower than the prior year. Their process flows are consistent and the BOD was slightly lower. They’ve been having supply chain issues, and they’ve had trouble with the process flow meter, which is being used now exclusively for the surcharge. They are removing the non-contract cooling water from the process. The restaurant flow was never deducted from the process flow. The EDU usage is built off the overall water

usage that goes through the Aquarion meter throughout the building. The surcharge is only on what goes through the process meter. This is a partial year, showing about 250 gallons/day.

C. Bratina questioned using a surcharge when it's exceeding 600mg/liter, and Ted said that is the limit on the DEEP miscellaneous permit. C. Bratina said normally he sees use of twice what the plant is designed for. Since our plant is designed for an input BOD/TSS of 150, it would be a maximum of 300mg/liter. Most plants would charge a surcharge for over 300, not 600. T. Donoghue said this is what they've been doing for years, but he is open to whatever they want to do, and C. Bratina said they should discuss it. Also the surcharge should be for not only BOD, but anything that is exceeding, such as TSS and nitrogen. Ted said he needs to keep Chris of Arethusa invited to these meetings, as there is a lot that would have to be changed. He is still waiting for their significant user draft permit, which the WPCA has to approve. C. Bratina felt we really need a discharge permit that would include the surcharge so it is clear to Arethusa the parameters they are expected to meet and the associated penalties. Ted said it would be challenging for them to make some major capital investments, and C. Bratina said they could then do the cost comparison between the surcharge or the capital improvements. D. Wilson said they should talk about this with Chris. S. Post asked if there is a similar business they could compare data against. Ted said Arethusa is an outlier, as it is a much lower flow than say, Hood, in Suffield. Arethusa is under 4,000 gallons/day flow. They have had a consultant to advise them. Ted and Dave will review the data they have and plan to meet with Arethusa.

**8) American Rescue Plan Funds – Next Round – Sewer Infrastructure:** D. Wilson summarized that three projects were approved last year and that the UV System is still in the request for the next round.

**a) Polymer Mixing Station Decision:** T. Donoghue said he has quotes for the approved \$18,000 granted. He has two quotes from USGI. The first for \$12,650 is a similar replacement for what we have now and does not offer two-stage mixing. USGI also offers a Pro Mix unit for \$16,200, which is two-stage mixing, and would be our preference. They saw them being used in Torrington. One drawback is that the drums have to be elevated above the elevation of the pump. The third quote is from Charter Machine Co. for \$22,000, but is out of consideration because it is over the \$20,000 threshold. Ted recommends the Pro Mix two-stage mixing system, which activates more of the liquid polymer for better mixing and is recommended by the treatment plant at the Mohegan Tribal Nation. Now the cost has risen to \$19,100, and he asked the Commission to make a decision.

D. Wilson asked how we know it's operating correctly. T. Donoghue said we are doing much better on our sludge to watering with better yield on the newer polymer. He added these units have a better PLC control than what we have. We can dial in the concentration we want by adjusting the water and the polymer, and that will answer the question. D. Wilson asked if it is doing its job mixing correctly. W. Buckley asked if Ted could wait another month to be able to ask Woodard & Curran's opinion, and Ted said he could wait. C. Bratina said the grade of polymer is important, as well as the process. Ted said this system has something other than a rotometer to control the water and a pressure reducing valve in the system to lower the water pressure to keep it constant. USGI no longer does demos as they did before COVID. Ted said the skill of the operator is the big variable. Ted said the manufacturer will come in and provide support and has great customer service. D. Wilson asked that they find a way to check performance.

**Motion:** C. Bratina moved the purchase of the Pro Mix system, with the difference coming from Capital Nonrecurring, with setup and training conducted before payment is made. C. Harding seconded. All voted aye and the motion carried.

**b) Flood Resiliency Study:** D. Wilson said this portion of the engineering work will be one of the first items for the engineers to do.

**c) Mechanical Bar Screen:** We will have a review by then.

**9) FY 2022 Review:** T. Donoghue referred to the FY 2022 budget for review. On receivables they came in a little under budget. Sandy works very hard with customers to get them up to date. The items under Other Income is where they make more money. Under Assessments, D. Wilson said they get different answers from Finance. We are overpaying everything and we have a big balance. We may be able to take some of our funds to pay off the bonds so we have no indebtedness. Then any interest that comes in is ours, and we can then have access to the \$400,000 balance that is sitting there. He would like to meet with the Auditor and said the answer to some questions should be found while they have no indebtedness. Ted then summarized the expenses and came in tight but just under budget, with \$65,000 transferred from fund balance for FY 2023.

**10) Septage Dumping Fee Increase:** D. Wilson reported that Torrington went up on their dumping rate to 8.5 cents, so we are lower at 8 cents. He recommended we raise our rate to a penny/gal. over theirs, or 9.5 cents. It was suggested to match their rate, but will discuss more. W. Buckley offered a few options but said we should discuss this with Woodard & Curran. Ted said we could aerate the tank but was concerned about releasing phosphorus. They will carry this discussion to the next meeting.

**11) Collection System Work:** Ted said he will be training Eric between now and December. Staffing is down by one. Eric is doing very well and learning a lot and had some training on the jetter today. Broken clay tile that has to be removed is somewhere in the line as a result of the jetting.

**12) Plant Equipment Updates:** Woodard & Curran

a) UV System:

b) Mechanical Bar Screen:

**13) Safety:** Ted reported an employee bee sting. He had to be checked and get a shot, as he is allergic. Fork lift training will be done at Public Works tomorrow.

**14) Commissioners' Requests:** None

## **15) Public Works/Treatment Plant Report**

T. Donoghue said that flows were extremely low. Permit compliance has been maintained since the last report, with one exception for exceeding the monthly average in mg/l for phosphorus. Routine operations and maintenance work continues for the month of August the total flow was 7.207 MG and the daily average flow was 0.232 MGD. We removed 78,000 gallons of biosolids for final disposal during the month of August.

- We processed a total of 233,600 gallons of septage during the month of August a 164% increase over last August. YTD we are up 97%.
- For August effluent BOD removal percent was 99% and TSS removal percent was 98%. The minimal removal rates per our NPDES permit is 85%.
- The daily average of Total Nitrogen lbs. /day discharged into the Bantam River was 3.1 mg/l or 6 lbs. /day. Our daily limit is 24 lbs. /day.

- The daily average for Total Phosphorous discharged in the Bantam River was 4.6 mg/l. or 8.9lbs./day. The monthly average cannot exceed 3.7 mg/l and our daily maximum cannot exceed 7.43 mg/l.
- On 8/1-8/5/22 Ted was on vacation.
- 8/5/22 FST mixer failed. Problem was power cable becoming cut because it was nicked by the impellor. Unit has been repaired.
- 8/7/22 installed 3 new arm valves on aeration tanks. These can be updated to actuating valves in the future. They were not expensive.
- On 8/10/22 BST pump failed. This was the old nitrate return pump that was retro-fitted. Dave approved a replacement pump and it will arrive next week. Jim fabricated a cage.
- On 8/18/22 Kovacs Construction installed new valves on all three blowers.
- Trouble call from Goff's Equipment regarding 623 Torrington Rd. It was determined that the private lateral at 625 Torrington Rd. (Di Capo's) was leaking and had to be replaced. Work occurred on 8/23/22.
- On 8/24/22 there was a 30-minute power outage at the Northfield pump station. No issues to report. All invoices mailed out this day as well.
- On 8/29/22 Katz pump pulled pump #1 due to seal leak. The shaft has become slight bent and needed to be fixed. Pump was put back on line on 9/27/22.

On the comparison report, T. Donoghue reported the Morris flows have been low and very consistent. One day Ted said he was getting a random sample that looked like septage. He tested it and it was TSS 8900 mg and COD 700 mg, and they sent it to EML. Mike Doyle investigated in Morris. They will pop manholes on Deer Island and check for dark flows indicative of illegal dumping and will check lab results.

**a) Draft NPDES:** Ted said Chris Falk sent a draft and asked for comments. He will send it to commissioners with his and C. Bratina's comments. There are no significant changes except for a CBOD test. We can buy a nitrifying inhibitor and test once a month.

**16) Financial Report:** None

**17) Old Business:** None

**18) Adjournment: Motion:** W. Buckley moved to adjourn at 10:21 p.m. and C. Bratina seconded. All voted aye and the motion carried.



Ann D. Combs, Recording Secretary