Approved at 12/8/22 mtg.

LITCHFIELD WATER POLLUTION CONTROL AUTHORITY
REGULAR MEETING
Town Hall Annex, 80 Doyle Road, Bantam, CT 06750
And Remote Via Live Internet Video Stream and by Telephone
Thursday, February 10, 2022—7:30 PM

CALL TO ORDER: Chairman David R. Wilson called the regular meeting to order at 7:30 p.m.

ROLL CALL
Present: Members present were David R. Wilson, William Buckley, David Geiger, Sky Post, James Koser, Christian Bratina, and Christine Harding (Zoom). Also present were Ted Donoghue, Plant Superintendent, Ann Combs, Recording Secretary, Raz Alexe, Public Works Director (Zoom), Denise Raap and Jeff Zullo. Absent: None

SEATING ALTERNATES: None

MINUTES
a) 12/9/21 Regular: Motion: W. Buckley moved to table the approval of these minutes until next month in order to address D. Wilson and C. Bratina’s suggested edits. C. Bratina seconded, all voted aye and the motion carried.

BUSINESS

1) Public Request and or Comment: Cate Honan asked if we’ve been added to the clean water priority list, and D. Wilson said there were some comments on our submission that he will forward to the engineering consultant. They are working on the priority list. Ms. Honan asked about a deadline, and D. Wilson replied that we made the 12/10/21 deadline.

Jeff Zullo then said the ZREC (Zero Removal Energy Credit) for the WPCA solar project is still in place and valid and offsets the cost of the project. This will go to the Board of Selectmen and then go out to bid for approval by the Selectmen. His handout showed the preliminary scope of the 350 KW DC system. The cost estimation is 9.75 – 11.05 cents per KWH. We are now paying 15.7 cents per KWH, just under 8.08 cents for generation and 7.63 cents per KWH for distribution. Distribution is a little under 8 cents as well. The proposed system would use the ground screw process in anticipation of this. D. Wilson said he had trouble reading the drawing and asked for full-size sheets from Ken Hfrica. R. Alexe said he has the PDF he can blow up. The Town holds the ZREC and assigns it to the developer. There will be a lease payment of about $1,000 per year. They would like to start the project in July. T. Donoghue said we could save $20,000 to $22,000 per year. C. Bratina asked if they had sized the system based on the daily power kwh consumption which varies throughout the day and the year. J. Zullo said they had. C. Bratina asked if the system could be expanded after the plant upgrade if the power consumption increased. J. Zullo said it could with a separate contract. Motion: W. Buckley moved and C. Bratina seconded a motion to endorse the use of solar. All voted aye and the motion carried.

2) Update on Torrington Inter-Municipal Agreement: D. Wilson said that the Thomaston IMA is based on their user fee, so it pays for more than we use. They do, however, remove the debt service for us. W. Buckley said perhaps we could adjust Thomaston, but there are more non-sewage treatment line items in the Torrington budget than in Thomaston. We just want to pay for what we use.

3) Scope of Work & Contract Negotiations with Woodard & Curran: D. Wilson said he emailed them after the last meeting regarding issues we’re trying to resolve. If successful tonight, we’ll have them
produce their work. He has given draft language to Attorney Rybak to look at. Woodard & Curran will then give us the formal proposal for our review.

4) **Sewer Rate Study:** D. Wilson said Sandy got half the information on historical water usage done and said she can only get the water numbers in a workable form back to the time Aquarion took over the water system. She will get the gross numbers together for the year and we’ll go from there for next month. W. Buckley explained this is an attempt to compare an EDU **with actual water usage** to finding out the last-water usage per home, and bill them **fairly based on usage** next year accordingly. Now, 70% of food service businesses have meters. D. Rapp asked if this could cause revenue fluctuations. W. Buckley said he envisions a flat rate plus meter use. Many homes have to be billed on EDUs because they don’t have water meters, unless we buy them water meters to put on their wells. D. Wilson said that currently it is mostly food services that we bill based on water meter usage, but not all of them have water meters.

5) **Staffing Discussion:** D. Wilson noted that one employee resigned and asked if we should fill the position now or wait until spring **when we are actually using this position for jetting work.** The position was posted A recruitment has been done, but there are no applicants yet. Another employee was out for a year, so do we need someone now? Ted said he has to work **weekends as part of the crew to get jobs done.** He mentioned vacations in the nice weather also causing short staffing. R. Alexe said it will take a while to recruit, so the process should proceed. The position is funded. Ted said we’ve talked about this before. Things can happen and he won’t put his guys in a position of running the plant. D. Raap said the job market is very tight right now in all industries, so the recruitment should continue. T. Donoghue said that we have the requirement of a CDL license which makes the position even harder to fill. C. Bratina asked if this position needs a CDL. T. Donoghue said the Public Works Department wanted the plant operators to have a CDL so that if they were ever needed to assist the town in snow plowing that they could be utilized. R. Alexe Raz said if two operators had not helped out in December, they would have been forced to outsource the plowing, it is a mandatory requirement for a CDL license. This is also about the whole town per Raz, as CDL operators were also needed to plow snow recently. D. Wilson said the fourth person was added to cover vacation time. C. Bratina asked if the CDL can be required within six months of hiring to make it easier. D. Wilson agreed to keep the search open. W. Buckley suggested that if you drop the CDL, you might be able to hire someone tomorrow. It seems like the WPCA is paying a premium so DPW has someone who can drive a plow, but I am not sure we should be paying for it. T. Donoghue said that DPW does pay for the snow plowing time, but W. Buckley noted that the WPCA has to pay a premium the rest of the time.

6) **American Rescue Plan Funds – Sewer Infrastructure:** We are just waiting now, and D. Raap said she is hoping for a March 3rd Town Meeting date if we can get all the documentation together in time.

S. Post asked about the Litchfield Country Club **sewer pipe** and D. Wilson explained that the language was changed to clarify that they will remove the walkway at their own expense if we need access to our right of way.

7) **Bio-solids Disposal Bid Decision:** D. Wilson said the RFQ was sent out **for biosolids disposal.** T. Donoghue reported that for the past two months wWe’ve been going to Mattabasset in the meantime without a contract with the same hauler. We received only one bid from Synagro with a price slightly cheaper than the one they gave us preliminarily. Ted referred to the work sheet and gave the cost comparisons between the bid and the preliminary figures. They only responded to the second option with a price of $0.06462 per gallon for hauling and $380 per dry ton for disposal, plus a CPI and fuel surcharge index. We will save over $100/truck if we go with Synagro, and we will lock in the price for two years. **Motion:** C. Bratina moved to approve signing the contract with Synagro. W. Buckley seconded. T. Donoghue said Mike Rybak will review the contract, and they agreed to go with any
recommendations he may have. C. Bratina noted on the CPI increase, that it is either CPI or 2%, whichever is greater, which he thought was sleazy. Upon voting all voted aye, and the motion carried.

8) _FY 23 Budget Draft:_ Ted said he sent out the FY 2023 budget. The audit is online. C. Bratina said we should use the _audited expenditures and revenues in the budget_. Ted said the liability insurance went up, but D. Raap said the _budget is a flat LAPliability_ insurance for the Town is flat. There was a 7% _increase in lab testing costs effective January 1st_. There was a significant increase in sludge processing, from a budget this year of $60,000 to a projected $114,000. We expect the Torrington Usage to double from the Actual FY 21, but thought the Torrington Assessment should remain about the same with the rates expected to go up but our reserve going down. Thomaston had a slight rate increase but there is no debt service to Thomaston, as we paid off the bonds. _We don’t need to buy nitrogen credits_. Ted continued to go over remaining line items. _The price for polymer is going up_. Our electrical consumption has increased a little and the distribution cost has increased. The heating and propane costs are increasing. To balance the budget he reduced the contribution to Capital Non-Recurring. Finance has said we pay 28.1% of the town’s Medical and Life Insurance. The Pension costs for this year have gone down. We usually bill Sewer Usage collection at 94% but after talking to Sandy, she was comfortable with 97%. He estimated three connections. _The Housing Trust will have 8 connection fees_, but he doesn’t know if it will be before July. He will get _a small_ credit for nitrogen before the next meeting. _At Mr. Bratina’s suggestion he put in a BOD surcharge this year_, and as a result, the budget is balanced. D. Wilson asked Ted to talk to Stacey about anything she gives us a percentage of and also if they are only spending the money over the entire year, can they refrain from charging all of it in one month. Ted noted they do not charge the WPCA consistently on debt service. A consistent trend would be helpful.

9) _Collection System Work – Jetting and CCTV Work:_ Ted said there was not a lot of collection system work in January. He bought a new jetter hose that they need to put on. The flows have been higher since July with no problems with blockages. _D. Wilson asked why he saw the jetter trailer driving through town with two people_. T. Donoghue said he wanted to weigh it see if it was over 10,000 pounds with 600 gallons of water because only Joe and Jim have a Class A CDL that allows them to tow more than 10,000 pounds. C. Bratina asked how much it weighed; T. Donoghue said it was just under 10,000.

10) _Plant Equipment Updates_
   a) _UV system_ – no report – will be waiting for the Town Meeting
   b) _Mechanical Bar Screen_ – no report

11) _Safety:_ T. Donoghue reported no issues or injuries.

12) _Commissioner’s Requests:_ D. Geiger asked about 28 Russell Street that the Land Trust has acquired. He wanted to confirm that they need to continue to pay the sewer EDU if the sinks and toilets are still in. D. Wilson noted that they can disconnect, but upon reconnection, it will cost $3,500.

13) _Public Works / Treatment Plant Report_
   a) _Easements:_ None
   b) _Operations_ [A1][A2]: Permit compliance has been maintained since the last report. Routine operations and maintenance work continues. For the month of January the total flow was 15,856 MG and the daily average flow was 0.511 MGD and a max of 0.661 MGD. We removed 26,000 gallons of biosolids for final disposal during the month of January.

   • We processed a total of 9,500 gallons of septage during the month of January, a 38% decrease over last January. YTD we are up 22%. _To follow up on what C. Bratina brought up at the last
They will not mix septage with raw influent for before sampling. For January we had no septage mixed in. D. Wilson has also noticed, the influent solids are higher, so we are going to start grabbing samples in the collection system to see where the solids are coming from, including upstream and downstream of Arethusa.

- For January effluent BOD removal percent was 99% and TSS removal percent was 99%. The minimal removal rates per our NPDES permit is 85%. He is doing sampling at Arethusa and getting data from them.

- The daily average of Total Nitrogen lbs/day discharged into the Bantam River was 1.9 mg/l or 8 lbs/day. Our daily limit is 24 lbs/day.

- The daily average for Total Phosphorous discharged in the Bantam River was 1.9 mg/l. The monthly average cannot exceed 3.7 mg/l and our daily maximum cannot exceed 7.43 mg/l.

- On 1/11/22 biosolids bid opening was held at Town Hall - we only had one bidder which was Synagro.

- On 1/12/22 we discovered that pumps set #1 in Northfield could not prime. We had to replace the solenoid and a relay on 1/20/21, the vacuum pump would not shut off thus the pump would not prime properly. He would like to paint the inside of the station this next year.

- On 1/25/22 we installed two refurbished scum pumps - one at the primary tank and one at the secondary tanks.

- On 1/26/22 we discovered a young deer stranding in the secondary settling tank, it was badly injured as it has been attacked by coyotes. Joe had startled it and it then jumped into the tank and we spent 40 minutes trying to get it out. We had called the DEEP and we had just got it out safe and sound, but sadly due to the exposure to the bitter cold and its injuries they had to put it down.

- On 1/27/22 Jim and Joe did an EPA on line training on nutrient removal for 1.5 CEU’s.

B. Buckley asked how he made out with the reporting with DEEP. T. Donoghue said that whatever the detection limit is in the analysis, that is what we should report. So we will no longer report non-detectable, if the detection limit is <0.1 we will report <0.1. Once you put a symbol into a spreadsheet, it will not calculate. HachWIMS uses a database so it will calculate the average. C. Bratina noted that you can do it with a spreadsheet by adding a column for the “<” symbols. T. Donoghue said that in HachWIMS they converted everything to <0.1. D. Wilson noted that some of the detection limits are other than 0.1. T. Donoghue said that he will record the actual number.

- Comparison report shows the influent for January the BOD was 412 mg/l and we got very little septage, and there was no septage in the sample, so we have to check with distillery and bakery to see where the BOD is coming from. Morris only had one month with a flow penalty. Should be a normal transition into spring. Last week we got two inches of rain, the plant did fine but we did have there was a minor burping incident because the trough was frozen, so the bottom of it melted and the solids went found their way into the center tank. This resulted in three hours of burping. Within three days we were back to normal. The SVIs have been so low, it makes things different, but we should be able to mitigate high flow occurrences. We only had three non-compliances over the last year due to high flows.
14) Financial Report: T. Donoghue said we are slightly higher than we were last year in expenses. Revenue is slightly lower, but we will see an improvement next month. Spending is tight as 74% of the budget is used. If we can stay on one truck through March, we can save money.

Sky Post then asked about employee reporting issues as a follow-up to the last meeting. have we resolved that? D. Wilson said D. Raap has a few items to be clarified by Mike Rybak, but in general, Raz Alexe will be responsible for the labor employees, and the WPCA is responsible for the operations of the plant. We should draft a document with our decisions. D. Raap said the Town owns the assets, and D. Wilson disagreed and referred her to CGS Section 7-246, it says you empower the WPCA. D. Raap said to generally oversee the plant operations. D. Wilson noted “generally” is the - He maintained that issue one of the functions of the WPCA is to purchase assets, even though the Town owns it in the end. Our users paid for the plant, the upgrade, and the collection system; the town contributed a percentage of the upgrade cost. D. Raap said that we agreed that the WPCA should oversee plant operations and advise the Superintendent of things you think may benefit the plant, but he holds the license and reports to R. Alexe. T. Donoghue said that his understanding of the meeting was that he and the staff are town of Litchfield employees so the town is responsible for overseeing and supervising us. D. Wilson said that he understood that the operation of the plant, the WPCA would supervise. T. Donoghue said that he, D. Rapp, and R. Alexe spoke with Roland Denney who said that it is the licensed superintendent who is responsible for the operation of the treatment plant. B. Buckley asked who oversees the superintendent. D. Wilson said from the operation of the plant point of view, it was the WPCA. B. Buckley said that T. Donoghue thinks he is independent of the WPCA. C. Bratina noted that at the last meeting he said he reported to R. Alexe and D. Raap and not the WPCA, should advise Ted of things that benefit plant, but he holds the license, operates the plant, and reports to Raz. T. Donoghue said the Superintendent is in charge of the plant operation. He noted that in 2009 the WPCA approved a motion to have Jack Healy (Public Works Director) oversee the staff. W. Buckley said the interpretation of that intent is not the same as Jack’s and Leo’s and yours between the WPCA and the others. T. Donoghue said he was working with the board for the last eight years. D. Raap said that, because it is a volunteer board that meets once a month, the Town is in a better position to oversee the employees on a day to day basis, as the WPCA only meets once a month. W. Buckley said that if you want to assume that role as supervisor, that R. Alexe has said that he has no experience in sewage treatment plant operations and we do. So we need to be in a position where we can direct the Superintendent on what we want done. So if T. Donoghue says he works for the 1st Selectman and Public Works Director, where are we in this picture. D. Raap asked if the Chairman can fire the Superintendent. B. Buckley said we hired him, but he assumes that is part of the Union Contract the DPW Director would implement it if required based on our recommendation because of the WPCA’s engineering expertise, they should direct Ted in plant operations. They would work together so that if they made a recommendation regarding Ted’s performance, they would assume Raz would back it up. R. Alexe said that is correct agreed, that if the performance of the Superintendent is not adequate, the Commission could make a recommendation that the Town and whoever is in charge of the collective bargaining agreement should discuss and take appropriate action. Regarding the collaboration aspect, the WPCA oversees the operation by monitoring the operation from a technical and budgetary viewpoint, and they can make recommendations to the Superintendent to adjust and better the workings of the plant. This should be the role of the Commission.

S. Post thought only one person should direct the Superintendent, but Raz said this is a unique situation where that cannot happen unless the WPCA took over the administrative part. C. Bratina said either the Public Works Director or the Commission should be in charge, and that Ted should not report to two people. D. Raap said the WPCA and Raz D. Raap should work together, and she compared it to the Park and Recreation Commission, where the Park and Recreation Director works with the Commission but reports to the Town. If the commission is not happy with something the Superintendent is doing or not doing, we would sit down and discuss it together. W. Buckley then said he felt the WPCA was left out of the DEEP call where it would have been beneficial to understand what Roland Denney was saying regarding a reporting issue. Ted said the one with the license reports the MOR, and is responsible. W. Buckley said that his point was that if we’re going to be in a partnership, we should have been in on the call to understand
what he was saying he had incorrect reporting. T. Donoghue said that he meets with the board once a month and provides a plant report, and D. Wilson visits the plant three to five times a week and he has conversations with him continuously. His judgement was questioned about a process control decision he made, and his license was on the line. ed said the data speaks for itself. The SVI's have dropped dramatically. W. Buckley said that we had told you that you made it incorrectly. D. Wilson said the SVIs are not impacted by where the septage is actually entering. pointed out a letter in September where Ted felt the Commission wasn’t paying enough attention to the waste stream. R. Alexe said that after 2½ hours the commission is again bringing up a problem about how things are handled and then summarized that the Chairman is initiating a conversation, after they had several meetings, where he is not willing to conclude that the administration can act administratively and together with the WPCA to oversee the operation. We’ve wasted the last three months. D. Wilson responded that in the February Selectmen’s meeting, D. Raap outlined in her words summarized the proposed language with a list of clarifications to be reviewed by Mike Rybak and come up with something to read. D. Raap said that the Town of Litchfield is the employer and owned the property and assets of the plant, the town will continue to oversee the employees with R. Alexe as their direct supervisor and the WPCA will serve to oversee the operation of the plant but not the day to day activities because you are not here day to day. The Plant Superintendent holds the license. W. Buckley said that someone asked whether we had to change anything in the ordinance. D. Raap says yes, the ordinance says the WPCA shall generally oversee the plant including the personnel which she thought should not be in there. R. Alexe said that has to be clarified. D. Raap says the WPCA oversees the operation but not the personnel, the town is the employer. D. Geiger asked if the WPCA thought we should have a PM program and asked T. Donoghue to start it, we don’t want him to say that he needs D. Raap or R. Alexe to tell him that, that he reports to them and you can’t tell me to direct and advise Ted for plant operations without having to defer to Raz. D. Raap said that if he thought it was something that goes against his credibility, he should be able to say I am not comfortable with what you are asking. It does not need to come to us. C. Bratina did not disagree, but said the board has asked him to do different things and sometimes it gets done, sometimes it doesn’t, and sometimes we don’t get feedback. So we are trying to say that we would like to provide more direction to him. Ted but if you want the Public Works Director to supervise him, then he should be in charge of him and review the budget and direct him. It is not right to have two bosses, sometimes he does not follow through with recommendations. D. Wilson said he had stopped to check with D. Raap as to whether she had any feedback from M. Rybak, and she did not. A discussion ensued on Ted’s monthly reporting and Hach WIMS data between Christian and Ted. T. Donoghue said we are getting ready to hire a consultant to address chronic challenges, including high SVIs that have led to numerous non-compliances which he has to try to mitigate. We had a fundamental disagreement about how he addressed it, but you go into Hach/WIMS and look at the data. C. Bratina noted that he had said at the last meeting that the influent data was not accurate, the influent data was contaminated with septage, and he had not noted in the plant reports what he had done. T. Donoghue acknowledged that for September thru December. C. Bratina noted that another issue of disagreement is the Arethusa high strength discharge, it should not just be BOD but also TSS, FOG, low pH, etc. T. Donoghue said that it was for the WPCA to decide and he does not disagree with it. C. Bratina explained that he had rejected it and never presented the options to the board. T. Donoghue said that he wanted Arethusa to be part of the discussion, when we designated them as a Significant Industrial User, we did not invite them to the table. C. Bratina explained that our DEEP permit application required us to identify any Significant Industrial User, and we should have let them know. T. Donoghue noted that when Arethusa and the Distillery came on line there was not a lot of homework that was done to understand the potential future impacts and that was not completely his fault. C. Bratina replied that he did not say it was, and that he had asked to see the data and sit down with them and DEEP to write a permit for their industrial discharge. It is up to the WPCA to work out their pretreatment permit with us. DEEP has delegated it to the towns.

S. Post then said it is very difficult to have 5 bosses. Here There are very talented people on the WPCA, and he doesn’t want to see the talent wasted. Commissioners should go through D. Wilson when giving direction. Ted said we are hiring an expert consultant to give us the advice, and then let the process unfold. He will be participating in the process. W. Buckley disagreed, the consultant is going to spend your money,
you have to control it. You are not the right guy to control it, this board is. What did the DEEP tell you that the function of the WPCA is in this town when you spoke to R. Denney? D. Raap said Roland Denney said the WPCA oversees the plant operation. She was invited to a call with R. Denney, R. Alexe, and T. Donoghue. W. Buckley said his issue was that we, the board, weren’t so he could not ask him a question. He feels like the board was deliberately left out of that discussion. D. Raap reported that R. Denney did say that in his experience this board has the talent of people in greater numbers than most WPCAs, most do not have the expertise that you have to direct the superintendent, this is very unusual. She is concerned that current members could move or leave and we would not have that level of expertise. W. Buckley said that we could say that about the First Selectman’s or the DPW Director’s position, he has relied upon the selectmen to appoint qualified people on these boards who have an understanding of what they oversee, which is what you have done. D. Wilson asked D. Raap to get the checklist items from Mike Rybak on this and bring it to the next meeting so we can discuss it and come to an agreement. After all the time we have spent on this, the description should be documented in a way that we all agree will it works. W. Buckley asked what R. Denny said was the function of the board. T. Donoghue said it was advisory overseer, the licensed Superintendent directly operates the plant. W. Buckley asked if that means he does not need the board or DPW Director. T. Donoghue said no, not at all, he reports to this commission but there are preconceived notions that people have about the process. He agreed that the WPCA needs to be involved in talks with the DEEP.

16) Adjournment: Motion: W. Buckley moved to adjourn at 10:12 p.m. and C. Bratina seconded. All voted aye and the motion carried.

Ann D. Combs
Recording Secretary