

**LITCHFIELD WATER POLLUTION CONTROL AUTHORITY
REGULAR MEETING MINUTES
Town Hall Annex, 80 Doyle Road, Bantam, CT 06750
Thursday, October 12, 2023 ~ 7:30 PM**

CALL TO ORDER: David Wilson called the regular September meeting of the Litchfield WPCA to order at 7:35 PM.

ROLL CALL

Present: Members present were Dave Wilson, Christian Bratina, William Buckley, David Geiger, Also present was Ted Donoghue, Plant Superintendent, Brett Seamans, Public Works Project Manager.

Absent: Christine Harding, James Koser- retired effective 10/6/23, Sky Post, and Raz Alexe, Public Works Director,

SEATING ALTERNATIVES: D. Geiger was seated as a regular member.

MINUTES: Motion: W. Buckley put forth a motion to accept the 9/14/23 minutes, D. Geiger seconded and there was no discussion. All members voted “aye” and the motion passed.

BUSINESS

1) Public Request and or Comment. None presented.

2) Update on Torrington Inter-municipal Agreement: D. Wilson reaffirmed that we will wait until the November election to formally negotiate. W. Buckley requested that when the Torrington bill for FY 23 arrives, it should be sent out to all Commission members for review before payment

3) Woodard & Curran Update: D. Wilson reported that he was not able to speak with Tom Schwartz before the meeting earlier in the day. D. Wilson and W. Buckley had a telephone consultation with T. Schwartz about meeting with the Commission via Zoom before a future meeting. W. Buckley shared that it would be beneficial to share with Commission their updates and also agreed that the way the invoicing was presented put us in an awkward spot and they now understand that, and moving forward they will include a sheet that will detail the percent completed and the dollar amount spent on any giving task on all future invoices, D. Wilson mentioned that the surveyors are scheduled to visit the plant tomorrow to shoot the cross sections of the Bantam River, this is necessary to get the potential flood elevations. One of the major issues is that the policy makers decided to ensure that flood resiliency planning included the 500 year event plus 3 ft. It cost Torrington an additional 25% more for their recent upgrade project. If we had any potential issues, which could include installing a dike, or raising pumps in certain areas, he does not Woodard & Curran to get ahead planning anything before we have this information. D. Wilson mentioned the Memorandum sent out by T. Schwartz the night before details what has been done so far and even has a Gnat like chart included. One point that was discussed at the Zoom meeting was the point that both D. Wilson and W. Buckley believed the extra survey work required and presented as an Amendment, was part of the original contract- and thus we should not had to pay for it to be done. W. Buckley shared that this was a moot point as we did not want to pursue this, and that we wanted to keep the project moving along, as this was presented as an Amendment by Woodard & Curran and approved by the Commission at last month’s meeting. D. Wilson mentioned that Woodard & Curran were informed that there was no FEMA mapping from the outlet of Bantam Lake to the Stoddard Road Bridge. W. Buckley said that T. Schwartz suggested that we pay only one of the two outstanding invoices-which is what T. Donoghue had suggested, but W. Buckley asked did you not do anything on the second invoice. There is also a potential liability issues if were ever to end up in court with Woodard & Curran, and he said they

paying 75% of each outstanding invoice would limit an exposure. W. Buckley feels that they are doing a good job and C. Bratina said they are a good company. T. Donoghue asked if we should pay both outstanding invoices now that the Commission is more satisfied. The answer was no and that we should pay the 75% that was requested by the Commission. T. Donoghue asked fiancé about paying 75% of the two outstanding invoices-which he was requested to do by the Commission at last month's meeting, and was told that we could not do that. The Commission did not agree with that view. W. Buckley stressed that if we feel we were being overcharged, we had every right to dispute that and pay any partial amount on a given invoice. At last month's meeting we calculated out the 75% of each invoice to be paid and it was as simple as that. W. Buckley asked who had stated that, T. Donoghue mentioned the staff in Finance as if we hand write things on the invoice this might be an issue with the Auditor. The Board disagreed with that assessment, and W. Buckley worked for a municipality for 25 years and he would often approve paying partial invoices. D. Wilson said he would follow up with D. Rapp to ensure the direction by the Board was followed. T. Donoghue also mentioned that we had a productive meeting with Woodard & Curran at the plant on 9/27/23, and that the notes from that meeting were emailed out to the Commissioners. This coincided with Craig Motasky and Chris Falk-from CT DEEP, being at the plant that morning to conduct our plant inspection, and they chose not to sit with Woodard & Curran, but T. Donoghue did give a plant tour to C. Falk, since it was his first time visiting the plant. C. Falk is also responsible for drafting our NPDES permit renewal which is close to be completed. D. Wilson mentioned that we filed it 1 ½ years ago. W. Buckley stated won't there be a 30 day period for comments? C. Bratina said yes that was correct and we don't have to accept what they may propose. T. Donoghue shared that C. Motasky did mention that the minimum 5.0 mg/l on the final effluent would be in the final NPDES permit. C. Bratina said that we discharged into a Class AA stream, so this is always required of a WWCF to have over 5.0 mg/l. W. Buckley said that when we formally receive it, we all will review it once again.

- 4) **Distillery and Arethusa Discussion:** D. Wilson mentioned we met with Arethusa and the Distillery and we gave them the draft permit-created by C. Bratina, and we agreed at last month's meeting that we would begin billing them in November. The Distillery have already begun working on their draft permit, but Arethusa is not. Chris Falk-from the CT DEEP said that they are aware that the Distillery may be a Significant Industrial User. (SIU) D. Wilson shared that we have these two businesses that each account for 5% of the plant's daily loading. C. Bratina suggested that we set up a meeting with the CT DEEP about the SIU permits for both Arethusa and the Distillery before we finalize these agreements. D. Wilson mentioned that at the Distillery we do not have a good spot for composite sampling, and that we want good samples. T. Donoghue asked D. Wilson if we should mention that the Distillery had put in a new flow meter, and that their daily production flows are not 1,000 GPD-as previously thought, but more like 420 GPD. And that Mr. Baker has been working on the surcharge sheet that C. Bratina had created and with the lower flow used they have the surcharge down to just over \$33,000 per year now. T. Donoghue also mentioned that the high strength expert from Vermont- Randy Bean will reach out to them and see if they would like to hire him for his expertise in reducing their loading into our system. Mr. Bean that they could implement some best practices that would help reduce their loading without any significant pre-treatment process installed. C. Bratina mentioned that once they see the new billing they will not be motivated to help reduce that additional surcharge cost, as currently they have no incentive to do anything.
- 5) **Solar Project Update:** D. Wilson began that just today they planted their screening material inside the front entrance to the plant. Will these plantings do the job? D. Wilson does not think so,

as they are small and he believes the deer will ravage them. He had ask the sub-contractor earlier where is the site plan, and his was response was” it was in my head.” B. Seamans asked how the project is coming along and D. Wilson said we have no idea and T. Donoghue mentioned that the project has basically come to a complete halt for no apparent reason. D. Wilson also mentioned that the Public Works is the sub-contractor to fix the drainage and install a new culvert at the front gate of the plant, and he does not trust the Town’s equipment operators on part of this job. B. Seamans asked if it was the grading of the site. D. Wilson said no it was the conduit from the building out to the get. He asked if the cost of the installation was part of the overall cost of the project, which it is, and he suggested we hire another sub-contractor ourselves and bill the project. W. Buckley asked who is paying for this and T. Donoghue that is a contract that is similar to a lease to own, and that the generation rate we pay for the life of the contract pays for the project installation. Buckley then asked why the town is helping with this. T. Donoghue said to help fix the drainage issues-as there is a stream that runs on the north side of this site. Also the culvert at the plant gate is in poor condition, and with the last storm a piece of the bottom became dislodged. D. Wilson feels it was Jeff Zullo suggestion to have R. Alexe’s team help control cost, as with the new location the numbers were tight to ensure the best rate for generation. D. Wilson mentioned that the town owns the land, and it is their decision on how to move forward with this project, we will just benefit from the electricity produced by the array, the PPA has the rate of \$0.1107 per kWh. C. Bratina asked if the drainage was part of the original project. It was not as the first site was in a different areas with dozen of legacy trees-which would have costed more to remove, but moving it to a smaller site, with large higher power solar panel, the installation cost has not stayed the same due to inflation and supply chain issues as well as the culvert and the stream. T. Donoghue feels that this was not necessarily looked at when they moved the site. W. Buckley feels that installing the conduit was part of his original contract, so they are responsible for it. B. Seamans said they are only responsible for replacing the culvert. W. Buckley asked if this culvert is independent, it is but the conduit from the array will run over it and thus replacing it ensures there will be no issues with the new conduit, as the issues with flooding over the road has created erosion. D. Wilson said that was not what R. Alexe had stated at the BOS meeting earlier in the week. We will get the clarity on this from R. Alexe.

6) NPDES Permit Update: D. Wilson said we already have covered this earlier in the meeting.

7) WPCA Tax Collector: D. Wilson shared that the WPCA this entire issues has turned into a mess. The tax collector is an elected position, and people are really happy that they can pay their sewer bills at Town Hall, but the majority of our customers have paid and the only people who come in now are he customers who have not paid and are late. D. Rapp and J. Zullo feel that H. Bunnell should not be paid any more to do this work. D. Wilson went on to say that we are replacing both a tax collector and book keeper. Now they have drafted a Memorandum of Agreement (MOA) that the Tax collector would now get some many dollar an hour more to do the job. First we cannot accommodate paying someone with a W2 and a 1099, it is not illegally but the Munis system will not allow it. The tax collector being an elected position, they know up front what the job pays and they do not have a set schedule to get the job done, it is up to that person elected. D. Wilson proposed a number of what the WPCA paid S. Mitchell last year to H. Bunnell and then Helen came back with a number of \$10,000 per year for her to take care of this work, plus \$2,000 for her assistant. D. Geiger asked what we paid S. Mitchel last year, D. Wilson said it was just shy of \$11,000. We will take a majority of mailing cost out and paid for the data conversion fee to use the John “Q” Public software, which handled the conversion of Sandy’s QuickBooks files to the new database. H. Bunnell sent out the first round of invoices. Now that it has been made onerous H. Bunnell may no longer interested in the position , since she has not been paid for any of her services since she started doing the work back in June. D. Wilson is now thinking we should

simply hire a bookkeeper outside of Town Hall and since we paid for the “Q” system this new person could drop into the system to do all the work to interface with the Munis system. W. Buckley asked if there are many people who pay their sewer bills at Town Hall. D. Wilson shared that feedback has been positive so far. His concern is the elected officials try to upend their statutory responsibility to run the WPCA as they see fit. W. Buckley asked wasn’t there another candidate that Tom recommended? D. Wilson said he spoke with numerous candidates, but the person who handles the Tax collection for Morris, Goshen, and Falls Village is willing to do it for the same prices as was proposed for H. Bunnell. D. Wilson looked at other towns and we are only 1,200 bills, which is not that much, and these other towns do it for \$10,000 per year. D. Wilson said the 1st Selectman does not want to do it for \$12,000 per year. D. Rapp suggested we pay H. Bunnell \$25 per hour, up to \$13,000 per year. The tax collector get the job done, and it is not always a 40 hours a week job. That is how it has always been for previous tax collectors in Litchfield, so it is a battle brewing. The money will still be coming in. D. Geiger said he would back D. Wilson’s idea, and asked W. Buckley’s opinion, who was not so sure on the idea. D. Wilson shared that years ago he asked N. Southard about taking over the WPCA tax collector duties, and she wanted to hire another FT person, which would cost upward of \$75,000 including benefits, which D. Wilson thought was ridiculous and soundly rejected that idea. W. Buckley said that they are not asking for new employee, they are just going from \$10,000 to \$13,000. D. Wilson said paying \$25 an hour, he does not want them to track their hours and prefers paying just a flat rate. C. Bratina concurred. W. Buckley said can’t we just give the Town the money and let them figure it out? T. Donoghue mentioned that the Assistant tax collector is a union employee and that is one of the issues, and there are times when the Tax Collector will not be there and the Assistant tax collector would have to help our customer. D. Wilson feels it would be very little time after the main bills go out. The Town Attorney said you could do both a W2 and a 1099 for the tax collector but it is confusing. Bottom line is the Town does not want to do this. C. Bratina asked if the Munis system can do it. T. Donoghue shared that if you are a 1099 you have to take out all of your own deductions, and at a higher rate, so it is a burden to do that. D. Wilson said that was what H. Bunnell was expecting. W. Buckley then said if we are paying \$12,000 to the Town and let them figure it out. There is some part of this discussion he is not getting. He next asked how we pay for R. Alexe’s salary. T. Donoghue said we no longer pay a portion of his salary. W. Buckley asked how we did it in the past with Jack Healy. T. Donoghue stated we just paid 20% of it each year, not tracking any hours what so ever. T. Donoghue shared that we would have to pay our share of FICA, Medical, etc. too, which would be increase costs. D. Wilson said not if she was a 1099, but that is not what the Town is proposing and if H. Bunnell is getting ready to pull the rip cord, she has not even been paid anything yet for her services since June. Now T. Donoghue is doing the monthly septage billing. W. Buckley asked why she isn’t being paid, it is because of this log jam over how it should be done. W. Buckley said we should just give the Town the \$12,000 and they should pay their employee to do the services for the time it takes them, case closed. T. Donoghue agreed and thought that was how it was going to be. W. Buckley asked why it isn’t like that. This was the way it worked for J. Healy, and he never asked “hey where is my 20% for my salary. We budgeted the 20% out of Professional Services each year and the money was moved accordingly. We should not even be having this discussion about this, D. Wilson said he would amend the agreement to say just that and bring it to D. Rapp and feels this situation is very political.

- 8) **Fund Balance Update-Transfer to Fund 66:** D. Wilson wanted to check in and see what we may have available to transfers to Fund 66, and in regards to the solar project we will probably not meeting our FY 24 budget schedule for electricity, as we budgeted six months of the latter half of FY 24 to be on the new lower generation rate. It is clear we may miss that target date. Buckley said we will end up paying more for electricity and we will have to come up with the money, T. Donoghue and C. Bratina said not exactly, we may just be over budget on that specific line item.

T. Donoghue said we only have \$18,000 left on the final bond payment, which normally was \$200,000 and that difference is budgeted to go to Fund 66 already, so there is extra money there that can be tapped if needed. We can revisit this in January and act accordingly. C. Bratina shared that we have a Fund balance, which T. Donoghue agreed which is the surpluses in the Operation budget from underspending and over collection, and that will cover any overages with electrical costs. D. Wilson said we need to find out about this solar array. T. Donoghue surmised it may be an additional \$15,000 or \$0.7 per kWh for the last six months of FY 24 if the solar array is not online by then. D. Wilson said for his home generation rate he is paying \$0.10 per kWh and asked why we are paying \$0.117 per kWh. T. Donoghue said this contract was signed last year when energy costs were much higher-Eversoucre was charging \$0.24 per kWh. W. Buckley stated that C. Bratina is correct and that we should move on, as there is nothing we can do about it. J. Zullo said it would be done by January of FY 24. W. Buckley suggested we invite J. Zullo to the next meeting to update us. T. Donoghue asked if they wanted to review the reported he printed out for the Board. There is \$583,211 in the Fund Balance, since it has been a couple years since they moved any money Fund 66, and the FY 23 audit is almost complete. The number could change slightly but probably not that much since we have not purchased any big ticket items recently. He auditor recommends that we leave \$150,000 in the Fund Balance. D. Wilson asked when the final bond payment is being made.

- 9) **Commissioner's Request:** Ann Combs asked to add on the WPCA member to the Capital Committee to replace J. Koser. D. Wilson feels that we may not need to have someone on that Committee since we rarely ask for any funding. He will flow up on it and get back to the Board.

10) Public Works/Treatment Plant Report

- a) **Easements:** No report.
- b) We processed a total of 138,000 gallons of septage during the month of September a 12% decrease over last September. YTD we are down 11%.
- c) For September effluent BOD removal percent was 99% and TSS removal percent was 98%. The minimal removal rates per our NPDES permit is 85%.
- d) The daily average of Total Nitrogen lbs. /day discharged into the Bantam River was 2.0 mg/l or 9.0 lbs. /day. Our daily limit is 24 lbs. /day.
- e) The daily average for Total Phosphorous discharged in the Bantam River was 1.5 mg/l. or 4.2 lbs. /day. The monthly average cannot exceed 3.7 mg/l and our daily maximum cannot exceed 7.43 mg/l.
- f) On 9/5/23 we began second cutting of sewer right-a-ways, and the first day of Chronic Toxicity Testing.
- g) On 9/6/23 installed new vacuum pump on influent sampler.
- h) On 9/7/23 Day 2 of Chronic Toxicity Testing. Effluent composite sample, the survival rates for *Daphnia pulex* was 100% and *Pimpephales promelas* was 100 %.
- i) On 9/10/23 was the final day of Chronic Toxicity Sampling. RAS pump turned off for no reason, and did not call out an alarm. Minor solids went into the effluent composite sample-which was 144 mg/l. We reported an effluent noncompliance event for this. We will see how it impacts the final day of Chronic Toxicity testing.
- j) On 9/13/23 we reported an effluent noncompliance event. Our flow tripled in 90 minutes, from 550 GPM to 1,600 GPM. We received 1.5" of rain

- k) On 9/19/23 Dave, Christian, and Ted had a follow up meeting with Litchfield Distillery.
 - l) On 9/25/23 we reported an effluent non-compliance event due to high intensity rainfall event, plant flow went from .517 MG the day before to 2.02 MG. We filled up the diversion tank in one hour.
 - m) On 9/26/23 Green Mountain performed one day of grouting and concrete work.
 - n) On 9/27/23 DEEP Inspection with Craig Motasky and Chris Falk, No major issues to address, impressed with lab work and gave a plant tour. We had a meeting separately with Woodard & Curran.
 - o) On 9/28/23 raised the last two remaining manholes on the interceptor through White Woods Memorial wetlands, one day before the big storm.
 - p) On 9/29/23 we received 5.9" of rain and plant flow reached 3,200 GPM at 1:00 PM. We first reported an effluent non-compliance event at 11:00 AM and then the diversion tank spilled over into the secondary tanks, and we had to report a sewage bypass event. Total flow for the day was 2.706MG. Plant rebounded nicely by 7:30 AM the next day.
 - q) For the month of September we received nearly 18" of rain, 9.4" of it in the last eight days of the month.
- c) **Collection System Work:** T. Donoghue shared that they have the last two manholes that were raised on the main interceptor rode out the last storm on the 9/29/23. They even used a drone to inspect them afterward. The issue is that the beavers have moved their dam further south into White Woods, so the area where the main interceptor is no longer has a beaver dam, and is more like a lake. D. Wilson asked about the conditions discovered one of these manholes, and T. Donoghue shared that the concert motor on the cone had crumbled under the frame would allow surface water to flood in. D. Wilson inquired if this was from mowing, and T. Donoghue said probably not as they have not been able to mow out there for four years, plus it is all cattails in this area and no grass. C. Bratina mentioned that sump pumps and illicit connections are still a big part of the high flow issues. T. Donoghue shared that they did discover some roof leaders connected to the sewer system up in the municipal lot. W. Buckley asked if we remove these illicit connections, where will all this storm water end up going. We don't want to create another problem if we remove it. T. Donoghue mentioned a section of the interceptor by the toy store where we have heard water dropping into the interceptor. The area around Patty's Restaurant is always dry. T. Donoghue is hoping that we can utilize Green Mountain to inspect this section after they finish Torrington Road. We have done many manhole inspection and we have seen some return on investment from grouting. Is its sump pumps or footing drains? If their footing drains are failing the sump pump will take over. The water table is very high and that is a major issue for these most recent storms.
- 11) **Financial Report:** T. Donoghue reported that we have no updated revenue report, but expenses are in line and we are taping on the breaks as we enter November. We only removed 6 sludge trucks for September, so we saved some money there. We also have been thickening 3 to 4 days a week now, again saving money. For medical they did a charge of \$75,918 out of \$111,667 that was budgeted for the year.

12) **Old Business:** None presented.

13) **Adjournment:**

Motion: W. Buckley moved to adjourn the meeting at 9:06 PM. D. Geiger seconded and there was no discussion. All members voted “aye” and the motion passed.

Terrence Donoghue
Interim Recording Secretary