

**LITCHFIELD WATER POLLUTION CONTROL AUTHORITY
REGULAR MEETING AMENDED MINUTES
29 Stoddard Road, Bantam, CT 06750
Thursday, February 8 2024 ~ 7:30 PM**

CALL TO ORDER: David Wilson called the regular September meeting of the Litchfield WPCA to order at 7:37 PM.

ROLL CALL

Present: Members present were Dave Wilson, William Buckley, John Bongiorno- BOS liaison, Ken Merz, Sky Post, and David Geiger also present was Ted Donoghue, Plant Superintendent.

Absent: Christian Bratina, Raz Alexe.

SEATING ALTERNATES: David Geiger was seated as a regular member.

MINUTES: Motion: D. Wilson asked that T. Donoghue email out the minutes with the audio recording out to all Bard members before they are posted on the Town website, to ensure that any additional comments or suggestions will still be fresh in the Commissioner's minds.

Motion: W. Buckley put forth a motion to accept the 1/11/24 Meeting Minutes, as amended J. Borgiorno 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 and W. Buckley met with the Treatment Plant Operator- Ed Tousey, over at Torrington and during this meeting he walked through the IMA draft language and how they calculate our annual bill. In do this he caught a minor mistake and corrected it and resent the revised bill out to T. Donoghue. The new invoice total is \$96,634.83- \$318 lower, and is still outstanding. Next week CD. Wilson and W. Buckley will meet with Rau Drew- Publix Works Director for the City of Torrington and discuss where we have questions and go through the language of the proposed IMA that we agree with and mention the areas we have questions on.

One part of the billing is their EDU charge based on the total flow we send to Torrington- divided by 62,500 gallons (Torrington's definition of an EDU) compared to 42,500 gallons per EDU that Litchfield WPCA uses. This prosed EDU would be part of the usage part of the bill, which includes some O & M expenses for the treatment plant. This higher amount will brings down the usage part of the bill to a not bad number. In turn reducing our reserved capacity daily flow from 150,000 GPD to 50,000 GPD will lower future debt services payment by 2/3 of what they are currently. J. Bongiorno asked is we have talked about this yet with Torrington. D. Wilson said yes we had. And we plan to discuss this in the next week and a half with Torrington, and work out with what we agree and don't agree with. One issue is that they are requiring a large amount of testing, which we do not think is necessary to conduct every month. Buckley said they did not object to the 50,000 GPD, and W. Buckley went onto to say that the concern is that the existing bill debt services payment is based on 150,000 GPD. K. Merz asked how much that equates to. W. Buckley said about \$50,000, and this is with a \$93,000 current invoice. W. Buckley said that we would inform Torrington that this would be the last bill we would pay on the \$150,000 GPD and this negotiation completed by the next invoice next year, as we have to give them some incentive to negotiate with us as they get an additional \$50,000 in their pockets for not negotiating with us. D. Wilson said no

that was not an issue. W. Buckley feels if that we can't have them gets this done in a timely manner, that we have the Town attorney send out a letter informing them, that next year we will hold the debt services portion of the invoice in escrow until the new IMA is signed, and when we negotiate we want back the current \$50,000 additional debt services charge on the most recent bill, and the other debt services payments retroactive going back to 2020, to be reimbursed back to the Litchfield WPCA as he feels this would send a clear message that they need to negotiate with us. W. Buckley stressed that we need to meet face to face to have a chat, so that we have a productive relationship. K. Merz asked if the agreement has expired. D. Wilson said yes it has, but W. Buckley corrected him and said no, as it is like a DEEP permit, that it is good until it renewed and the old one is still in effect. J. Bongiorno said that \$50,000 is a lot to be paying, W. Buckley said we have been doing this since 1995 when the IMA went into effect. W. Buckley said this was negotiated by a previous WPCA. K. Merz asked if this was Jim Crampton, D. Wilson said yes it was along with the PW Director at the time. W. Buckley said that even at 50,000 GPD reserved capacity, it will take enormous expansion to reach even that goal, as we currently do about 25,000 GPD. At the time the Litchfield WPCA made an assumption that there would be much more growth in this area of town, which never came to fruition. D. Wilson said we left some capacity for possible future development in the south end of Torrington along Rt.8. The group next reviewed the current invoice. On their proposed IMA they will use 62,500 gallons EDU divided by our usage, W. Buckley explained that they came up with 122 EDU, at \$277.61 per EDU for the O & M portion of the invoice, if the draft IMA was in effect. This would have new potential O & M charge of \$33,868 vs. the \$22,989.57 on the current invoice. K. Merz asked who pays this \$93,000. It is shared by all Litchfield users and the users in this subsystem pay the same EDU rate of \$408 each. T. Donoghue explained that we do not pass all of these costs solely on the users on Torrington Road, Hart Drive and Hunter's Chase. J. Bongiorno said that ultimately we will pay less. T. Donoghue said that would be correct in regards to the debts services payments, but it is expected we will pay more for usage. T. Donoghue had email out the last FY years of billings to show the Commission the cost increases and in what portion of the invoices. The main reason the O & M portion of the bill has increased, is the fact that the Torrington WPCA operating budget has increased significantly since the plant upgrade.

S. Post asked if there was another agreement that had such a large discrepancy in what we had in reserved and what we actually use. W. Buckley explained that we only use 27,000 GPD, but this was decided back in 1995, and starting about five years ago this Commission decided that we don't need 150,000 GPD and that 50,000 GPD would suffice. Then we thought that we could use only 25,000 GPD but if we tripped over that flow amount than we would pay a penalty for the amount we would buy into their plant. So what we are doing now is buying capacity into their plant for 50,000 GDP, which they would need to reserve for us. They can't sell this amount to another community, as it is part of their permitted flow. With the 25,000 GPD we feel we have a nice cushion to carry us into the future. W. Buckley explained that someone could argue that the number should be 40,000 GPD, but if we trip it we pay a penalty for a while. We send sewage to Thomaston. D. Wilson said that IMA is based on unit, or EDUs, and Morris is based on actually flow, which D. Wilson prefers. J. Bongiorno likes the 50,000 GPD. D. Wilson has shared with our engineering consultant that we will see very limited growth, as Litchfield WPCA has a sewer avoidance policy, which will limit expansion of the existing sewer service area. W. Buckley asked if Torrington Road is serviced by Aquarion Water, only Hunter's Chase and a few customers on Hart Drive and Torrington Road, T. Donoghue said that the water line ends at the Tractor Supply business. When you get to the top of Toll gate Hill there was talk about the new Court House being located up there, along with a large parcel of land off Town Farm Road, and if you were to build homes on that land they would only be worth around \$200,000 each., and it would not pay for one kid in school. D. Geiger asked what S. Post's point was. He went on to say that you are paying three times the costs for the shared benefit, which would seem unfair. W. Buckley said that our arm was not twisted and

we signed the contract. S. Post asked when the IMA expires, which it did back in 2015. W. Buckley explained that we are going to negotiate the reserved capacity that we want and have everything cleaned up before the next bill is issued in the next FY.

Motion: W. Buckley put forth a motion to approve for payment the FY 23 Torrington WPCA invoice, in the amount of \$96,637.83. J. Borgiorno seconded, and there was no discussion. All members voted “aye” and the motion passed.

3 & 4) Woodard & Curran Update and Invoices: D. Wilson spoke with T. Schwartz on Monday, and they did email out the Technical Memo # 1 Draft, based on the first task. Half of the report is things we already know, the Flood resilience study, our recent NPDES permit. The meat of the report is about 60 pages long and cover all aspects of the existing plant. D. Wilson reviewed it last night and took his notes and he passed on his copy to W. Buckley who will review it this coming weekend. D. Wilson asked them about the ARPA money that we have coming in for three projects, and he asked them to carve out the flood resiliency study and invoice us \$35,000 for a portion of it so that we can release the ARPA monies against it. This will satisfy the Finance Department, which J. Borgiorno acknowledged that they have been asking him about, so this will be coming in soon. D. Wilson explained that everyone can review it online or T. Donoghue can get copies printed out any if needed. W. Buckley asked what task they are working on. D. Wilson said they are starting onto Task 2, and explained that they cannot go beyond that. T. Donoghue explained her still has to review the report, but that he and D. Wilson have been discussing plant issues that make us such an outlier, specially our historically high SVI's (Sludge Volume Indexes) since the last plant upgrade. The SVI's show how quickly the MLSS settle in the secondary clarifiers, and these valves have always been much higher year around than they should be T. Donoghue can explain more during the Plant Report segment of the meeting. D. Wilson acknowledge that there is plenty to talk about, and within the report there is an analysis of a MLSS sample that they took from the plant back in June of 2023. One question D. Wilson had was is it clear to Woodard & Curran what we do with the Salisbury School waste. He wants to make sure T. Donoghue informs them of how we pump it to the BST and do not treat it. W. Buckley asked do they think they waste enters the primary tanks. D. Wilson said yes, they think it is pumped in as septage. T. Donoghue explained that it is around 3,500 gallon a month, but it is high strength waste so we don't even pretreat it as we simply pump it up to the BST tank and thicken it. W. Buckley stressed we want to make sure they know this fact. D. Wilson said that is how they understand it. . Donoghue was surprised that they emailed it out, since the Commission has really discussed the flood resiliency study with them yet, not that he is complaining about this fact.

W. Buckley asked if we can discuss the invoices. T. Donoghue had emailed out a spreadsheet detailing the five invoice that are still outstanding. D. Wilson explained that the two oldest invoices have been partially paid at 75%, and that leave three with full balances to be still paid. D. Wilson explained that the most recent invoice finally has the breakdown how much of the project costs spend and on what percent of each tasks the invoice covers. T. Donoghue has been emailing all of these out to the Board. J. Borgiorno asked if we can catch up now, and that are we satisfied with how they are presenting the invoice now, as they are now including the flow chart on the newest invoice. T. Donoghue explained how they are detailing in a flow chart the project cost, how much has been completed of each task and the associated charges for their work for each task as a percent of the total budget for the project.. W. Buckley mentioned that the spreadsheet T. Donoghue handed out does not help us.- as it is only has invoice total summary The flow chart is necessary to track the cost or the project, and how much is completed and billed accordingly for each task. W. Buckley mentioned that that paid only 75% of two invoices as a results of not having this proper

breakdown- which is standard in the industry. T. Donoghue explained that the most recent invoice had this flow chart breakdown. They detailed that Task 1 was now 90% complete, but every invoice they are itemizing each Task and billing accordingly. W. Buckley next said that Task 1 was \$90,500, and we gave them an \$11,000 change order for the flood study, and they are now saying they have 8% of that left and that would be \$90,000 of the \$103,000 total billed so far, and they billed us 2% of Task 2 and 20% of Task 4. T. Donoghue said that these totals are year to date since the project started and not the most recent invoice, dated 1/25/24. W. Buckley understood that and was simply explaining these details to the Board, so they would have a better understanding of the billing. D. Wilson agreed with W. Buckley's assessment. J. Borgiorno asked if they are working on multiple tasks, D. Wilson said yes as there is some overflow of the work, so they are not doing it twice. J. Borgiorno had now problem paying an invoice if it was 90% complete, her next asked if they will come to a future meeting. D. Wilson said they have offered to come via Zoom. K. Merz asked where their offices are, D. Wilson said Middletown. T. Donoghue mentioned T. Schwartz lives in western Massachusetts and works out of their Northampton office. V said that the total outstanding owed was \$57,526.32 and T. Donoghue explained the charges on the most recent invoice, and mentioned that next week J.K. Muir will be coming out next week to do a day's worth of work toward the Energy Evaluation, which they billed \$529 toward in this current invoice. In Phase 4, Secondary Treatment Evaluation, with was exclusively T. Schwartz and A. Brennan who had billable hours, part of this was investigating the high SVI issue. J. Borgiorno asked that they have been to the plant as part of this Phase, which they have, and he asked that if they had completed this work, which T. Donoghue answered "yes" since it is detailed on each invoice. J. Borgiorno said that we would paid the \$45,708.90 plus the \$57,526.32 and that would come out of what? T. Donoghue explained that would come out of the total project cost of \$424,270, which is detailed at the top of his summary. As W. Buckley mentioned this also includes the additional charge that was negotiated, he went onto say that this flow chart page was part of the contract. J. Borgiorno said that they are working on multiple phases at the same time, to try to complete this in a reasonable amount of time, which is correct. It was expect that this project would take nice months. D. Wilson mentioned that they are studying the secondary tanks to see if they can do the entire job, without major changes to them. Part of our issues in the SVI's, how the solids settle in these tanks and how the SVI index are high. They have been examining two process, once is a centrifuge to separate solids. T. Donoghue went to New Haven to see that pilot program.

J. Borgiorno asked what we should pay them. T. Donoghue asked that we pay all that is outstanding, as they are not charging us interests or late fees, which the contract might stipulate. D. Wilson said it is in the contract, but W. Buckley said you can't charge us a late fee or delinquencies for work they did not do. We have paid them what we thought they did. They billed us 100 % of the project, and we did not get anything for that at the time, until today-which was the flow chart breakdown. J. Borgiorno said we should have the ability to review all work before we issue payment. Buckley agreed. W. Buckley said that the contract stipulates that they must complete an entire task before they start a new one, and on this most recent invoice they are billing us 20% of Task 4, and maybe we OK them to get going on this. J. Borgiorno said they are trying to do multiple thing and T. Donoghue said we have achieved some efficiencies as he works very closely with them. J. Borgiorno said then what should we pay them, as he is getting pressure from Amaechi at the Finance Department. D. Geigr asked if we have reviewed any of these invoice, T. Donoghue has emailed them out and he had double checked them for any possible errors. W. Buckley said we are ready to pay them, but he will be calling T. Schwartz from Woodard & Curran tomorrow about calling Amaechi, as he should be calling D. Wilson as he works for us. J. Borgiorno asked are we ready to pay them what we owe them. SD. Wilson said we need them to carve out the \$35,000 out of the flood study to use the ARPA funds, and what they are billing us is through the end of December. T. Donoghue asked D. Wilson if they should send out a separate invoice for the \$35,000. D. Wilson said that T. Schwartz will develop something for us that he can read and make sense of.

J. Borgiorno reviewed the flow chart to see what we owe, and D. Wilson said we will get a separate invoice so we can track the ARPA money properly. J. Borgiorno mentioned that the town is concerned that numerous recipients of Town ARPA funds have not allocated the funds properly. This has to be done by 2024 or you risk losing those funds. The WPCA has allocated these funds, but the funds do have to be spent by 2026.

Motion: W, Buckley put forth a motion to approve for payment the five past due Woodard & Curran invoices, totaling 57,526.32 J. Borgiorno seconded, and there was no discussion. All members voted “aye” and the motion passed.

- 3) **Solar Array Update:** D. Wilson spoke with J. Zulu, who said he would provide an update for this meeting, which he was not able to. D. Wilson next mentioned that in clearing the site, and with all the participation we have received, this area has turned into wetlands. The plantings that were planted have now since fallen over for a second time. The grading is another concern as D. Wilson does not want the eye sore that they constructed at the high school. It will be until early spring that anymore work will continue on this site.
- 5) **NPDES Permit Update:** T. Donoghue said there was no update, and explained our previous permit is still in effect. J. Borgiorno asked if the current permit is expired and W. Buckley said it is not expired as we applied before the previous expiration date and that it incorrect to use that term.
- 6) **WPCA Tax Collector:** D. Wilson began by saying that he spoke with two local accounting firms about the work we need done, neither firm are interested due to the customer service requirements and applying dedicated staff. One firm was up in Goshen and the other was one from Watertown, and after speaking with our retired tax collector we really need a bookkeeper. K. Merz said he will find some candidates, and asked D. Wilson what we are willing to pay an hour. K. Merz asked how much are we paying and D. Wilson said around \$10,000 a year or \$25 an hour. K. Merz said you would not find anyone at that price, as we would need to pay more like \$45 an hour. J. Borgiorno said we need to put together o scope of what the job entails, D. Wilson explained the bills only go out one time a year, there are other tasks that have to be completed, including sepatge and surcharge billing. We will see what he can come up wish and we will revisit the issue next month. S. Post suggested that we could pay the Town a lower amount and that money would be a clear saving. J. Borgiorno commented with the money we could save paying to Torrington that could add additional savings, he then commented on how impressed he was with the condition of the treatment plant, as the buildings are well maintain and in great condition for their age, especially compared to other town building. D. Wilson said that is the nature of the sewer business and that a big part is properly maintaining things. K. Merz asked when the plant was built and D. Wilson responded back in 1970.
- 7) **FY 2025 Budget Discussion:** T. Donoghue had sent out an email detailing changes that he made to the draft FY 25 budget. He was informed that Synagro will be passing on a 3.7% price increase across the board starting February 1, 2024. He has allocated \$62,000 for collection system rehab, mainly grouting work. He lowered the estimated Distillery surcharge, based on their latest lab data. Septage is still at \$0.08 per gallon, but in the comment for that cell, he added various rates increases at \$0.05 increments, starting at \$0.085 to \$0.10. At \$0.10 his would create an additional \$26,000 in revenue. After these changes Capitol non-recurring is now down to \$160,136. T. Donoghue used the current FY24 number for the Torrington invoice

and debt service. W. Buckley correctly noted that the \$69,400 would be 2/3 less if we have the new IMA in place by the start of the next FY.

8) Fund Balance Update: No update.

- 9) Commissioner's Request:** D. Wilson said that Arethusa and the Distiller has signed their respective pre-treatment agreements and the new surcharge billing will start as of January 2024, and they will be billed monthly moving forward. In regards to Arethusa the first six months of the current FY they will be billed on the previous BOD surcharge only and starting in January they will be billed monthly per the new pretreatment agreement. D. Wilson suggested that we offer a 4-6 payment agreement for the FY 23 surcharge bill-which still has to be mailed out and the second bill which will cover the first six months of the current FY. This would not apply to the Distillery's pretreatment billing.

Motion: D. Wilson put forth a motion to allow Arethusa to pay two forthcoming- for FY 23 and for 6 months of FY 24, surcharges invoices over a four to six month period.

J. Borgiorno seconded, and there was no discussion. All members voted "aye" and the motion passed

10) Public Works/Treatment Plant Report:

Permit compliance has been maintained since the last report. Routine operations and maintenance work continues, and for the month of January the total flow was 25.985 MG and the daily average flow was 0.838 MGD. This monthly flow put us over 90% of our design capacity of .790 MGD and was the highest flow month since April of 2019. We removed 45,500 gallons of bio-solids for final disposal during the month of January. YTD we are down 65,000 gallons or 10 trucks.

- 11)** We processed a total of 49,500 gallons of septage during the month of January a 2% increase over last January. YTD we are down 4%.
- 12)** For January effluent BOD removal percent was 97% and TSS removal percent was 96%.The minimal removal rates per our NPDES permit is 85%.
- 13)** The daily average of Total Nitrogen lbs. /day discharged into the Bantam River was 2.3 mg/l or 15.0 lbs. /day. Our daily limit is 24 lbs. /day.
- 14)** The daily average for Total Phosphorous discharged in the Bantam River was 1.3mg/l. or 7.4lbs. /day. The monthly average cannot exceed 3.7 mg/l and our daily maximum cannot exceed 7.43 mg/l.
- 15)** On 1/8/2 plant alarm at 11:00 AM, generator run. No issues to report.
- 16)** On 1/10/24 we have a high flow storm event. Rainfall was 3.9 "and plant flow was 2.44 MGD. No issue to report.
- 17)** On 1/16/24 pull testing was performed on solar array site.
- 18)** On 1/22/24 chlorinated RAS flow over the next three days.

19) On 1/26/23 Ted did a site visit with Aaron Brennan- from Woodard & Curran, to see the pilot trail of the iNDENSE system at GNHWPCA plant (60 MGD design capacity.) in New Haven.

20) On 1/29/24 team started filter fabric replacement project on the drum thickener.

21) On 1/30/24 Ted began FOG inspection of area restaurants.

a) Easements: No report.

b) Operations: See above.

b) Collection System Work: No Update, but we are hoping to start some road work soon if we have no snow on the ground over the next few weeks.

22) Financial Report: T. Donoghue provide a quick overview as there was no significant expenses, except what was detailed in the agenda, for the month of January. The team will continue to control expenses rolling through the next four to six weeks of winter.

23) Old Business: None presented.

14) Adjournment:

Motion: W. Buckley moved to adjourn the meeting at 9:09 PM. J. Borgiorno seconded and there was no discussion. All members voted “aye” and the motion passed

Terrence Donoghue
Interim Recording Secretary