

**SEWER AND WATER COMMISSION  
REGULAR MEETING – 02/27/2012  
SEWER AND WATER DEPARTMENT – 7:00 P.M.**

**MEMBERS PRESENT:** Chairman James Paolino, Vice-Chairman Scott Meyers, Walter Tumel, Crystal Caouette, and Jim Natale.

**MEMBERS ABSENT:** Gregory Dandio

**ALSO PRESENT:** Administrator Philip Olmstead and Town Attorney Brian Tynan.

**I. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ATTENDANCE**

The meeting was called to order at 7:10 p.m. with the Pledge of Allegiance. Attendance was taken; a quorum was present.

**II. APPROVAL OF MINUTES**

**1) Organizational Meeting – 01/23/12**

Upon **MOTION** by Scott Meyers, seconded by Crystal Caouette, it was unanimously voted by voice vote to accept the minutes of the Organizational Meeting dated January 23, 2012.

**2) Regular Meeting – 01/23/12**

Upon **MOTION** by Scott Meyers, seconded by Crystal Caouette, it was unanimously voted by voice vote to accept the minutes of the Regular Meeting dated January 23, 2012.

**III. CORRESPONDENCE**

	<u>Date</u>	<u>To</u>	<u>From</u>	<u>Subject</u>
1.	01/31/12	Commission	L. Bosco	Sewer Spreadsheet
2.	01/31/12	Commission	L. Bosco	Water Spreadsheet
3.	02/01/12	Commission	L. Bosco	Water Delinquent Collection Recap
4.	02/02/12	Commission	L. Bosco	Sewer Delinquent Collection Recap
5.	02/14/12	Commission	L. Bosco	Member Listing
6.	02/14/12	Commission	P. Olmstead	Emergency Coverage
7.	02/17/12	Commission	L. Bosco	Delinquent Sewer Report as of 1/31/12
8.	02/17/12	Commission	L. Bosco	Delinquent Water Report as of 1/31/12
9.	02/22/12	To Whom It	L. McQueen	Sewer Hook-up Charge
10.	02/24/12	Commission	S. Pustola	Beach Building LLC

Upon **MOTION** by Scott Meyers, seconded by Crystal Caouette, it was unanimously voted by voice vote to add the following item to the Agenda under New Business:

**Discussion re: Delinquent Sewer and Water Collections.**

IV. **NEW BUSINESS**

1) **Discussion re: Delinquent Sewer and Water Collections**

Reference was made to the information provided in the Delinquent Collection Recap Reports. Discussion was held regarding efforts of collection.

Administrator Philip Olmstead reported he met with the State Marshal this morning and read aloud the current status of each account listed. He suggested the Commission entertain the option of forwarding all delinquent accounts at once to a collection agency.

Discussion followed regarding the Department shutting off water service to non paying customers. The following action was taken:

Upon **MOTION** by Scott Meyers, seconded by Crystal Caouette, it was unanimously voted by voice vote to approve Shut-Off Notices to those on the Top 20 Delinquent List who have exhausted the collection process (with the timetable for the exact shut off date to be based upon State Statute) which will come in certified form from the Sewer and Water Department – if there is nothing in State Statute that dictates a specific timetable, than the shut off date shall be forty-five (45) days from the date on the Notice.

Upon **MOTION** by Scott Meyers, seconded by Crystal Caouette, it was unanimously voted by voice vote to add the following item to the Agenda under New Business:

**Pustola & Associates documents Revised February 24, 2012 - Beach Building LLC.**

2) **Pustola & Associates documents Revised 02/24/12 – Beach Building LLC**

Administrator Philip Olmstead reported this documentation was submitted to the office this afternoon and at this time the applicants are seeking the Commission's answer of whether or not the project can be serviced by public sewer and public water.

Upon **MOTION** by Scott Meyers, seconded by Crystal Caouette, it was unanimously voted by voice vote to send a letter to Pustola & Associates letting them know we have done a preliminary review of their application and that the project can be serviced with public sewer and public water.

V. OLD BUSINESS

1) **Modification of Ordinance Concerning Water Main Extensions and Authority of the Wolcott Sewer and Water Commission**

Attorney Brian Tynan reported that progress had been made with the modification to the Ordinance that included language relating to assessments levied when the town itself wants to extend the water main for the town's benefit. He indicated that it is ready to go with one outstanding issue relating to the Truck Line Assessment. Discussion moved into Old Business Item 2.

2) **Method of Assessment**

Discussion was held regarding the Trunk Line Assessment that is factored and incorporated into all assessments for water main extension projects. It was explained that the Trunk Line Assessments (calculated at \$5.49 per linear foot) was put into place and was to be used for paying back the General Fund for what was paid by all taxpayers at the start to bring water into Wolcott. It was noted that although the principal cost of the installation of the trunk line is or will be at some point paid in full, a fee is still needed for the maintenance and repairs thereof. The suggestion of instituting a "Core Facility Charge" was well received. It was noted that a revision to the Sewer Rules and Regulations would also be required to include the Method of Assessment currently not incorporated therein.

3) **Discussion re: Connection Fees for Lyman Oaks Active Adult Housing**

Steven Bosco, 222 Lyman Road came forward on behalf of Developer RSK Realty, LLC. He referenced the correspondence submitted to the Commission this evening dated February 22, 2012 from Tax Collector Lorraine McQueen regarding sewer hook-up charges in 2002 for New Samaritan Corporation Chestnut Hill Housing. He stated that the developer of the Wolcott Hills Project chose not to assess the Wolcott Road properties benefiting from the water main extension in exchange for the town reducing their connection fees for the homes in their project. He also referenced the previous submittal of correspondence dated April 17, 2001 from Chairman Gary Fox regarding Hamilton Development Corporation reduction in sewer connection fees for the 118 single family homes in their project. He asked that the Commission reduce the connection fees for RSK Realty's Project, the owners of which live in this town, as they have done in the past for Hamilton Development Corporation, a corporation whose owners live out of town. He noted that current Mayor Thomas Dunn did state to him that he was not opposed to a reduction in the connection fees for RSK Realty as long as the Commission was in favor.

James Paolino stated one determination that needs to be made is whether or not the two instances are similar in circumstance.

Administrator Philip Olmstead reported his determination that the correspondence submitted today from Mrs. McQueen pertained only to the sewer connection fees in 2002 for the second senior housing building with the property address of 45 Edgemont Lane. He reported that documentation in the sewer records indicate in 2002 the Tax Collector was requested to bill \$36,000.00 for the sewer connection charge for 45 Edgemont Lane and that documentation in the water records indicate in 2002 that \$625.00 was collected by the Water Department for the water connection charge for 45 Edgemont Lane. Both charges were the full connection fee currently in effect at the time.

James Paolino noted that there is no explanation as to why any of the reductions spoken of earlier were granted. Mr. Bosco provided some history of the Wolcott Hills Project and how it broke down into three parts - the 118 low income single family homes, the 80 senior housing units on Edgemont Lane, and some additional units on Potuccos Ring Road, which were never built by Hamilton Development.

James Paolino requested confirmation that there was litigation involved at some point during the Wolcott Hills Project. Mr. Bosco stated there was a dispute, never a lawsuit, involving the town's contribution to the cost for the upsizing of the water tank.

James Paolino stated he is having trouble understanding why the reduction of connection fees was granted. Mr. Bosco stated it was part of a deal; that basically Hamilton Development agreed not to charge the Wolcott Road residents for the cost of the water line they installed to get water to their project in exchange for a reduction in connection fees. He added that the only charge the Wolcott Road residents received was the Trunk Line Assessment (\$5.49 per assessable linear foot).

James Paolino confirmed that deal was negotiated before the line went in. Mr. Bosco stated that the Trunk Line Assessment was from day one when water came into Wolcott and the purpose of it is to payback the general taxpayers for the loan that had to be paid by the town as a whole for water to come into Wolcott.

James Paolino questioned if the reason for the Wolcott Hills Project was for the town to meet a state requirement for low income/high density housing. Mr. Bosco stated it was exactly that. Also, Mr. Bosco explained the negotiation

history that resulted in project approval of less single family houses, the senior housing on Edgemont Lane, and the offset done in place of the developer assessing the residents the cost for bringing the water line up Wolcott Road.

James Paolino confirmed that Hamilton Development came to town proposing the Wolcott Hills Project, that the Town had to comply with state requirement for particular income style properties and asked them to modify their proposal for a quid pro quo that there would be a reduction in connection fees. He noted therefore that the Town had a stake in giving the Developer a break. Mr. Bosco stated that when the Developer was going to bring water to their project, the town agreed to give the Developer a break on the connection fees in exchange for the Developer not charging the Wolcott Road residents an assessment to recoup the cost of the extending the line.

James Paolino asked how the Hamilton Development Project compares to RSK Realty's Project. Mr. Bosco stated RSK Realty is extending a water line just as Hamilton Development did.

James Paolino asked if the Town requested RSK Realty's Project to be built in order to comply with a state requirement. Mr. Bosco answered by stating that the Town did not request Hamilton Development's Project to be built. For clarification purposes, Mr. Paolino stated the Town at the time had a particular interest in this type of housing. Mr. Bosco stated no, that what actually happened was that Hamilton Development proposed a project and Planning and Zoning, not the Town of Wolcott, negotiated the number of housing. Mr. Paolino stated that his point was that the project was something that the town desired in order to meet a state requirement. Mr. Bosco stated after the project was approved by Planning and Zoning, the Developer went to bring the water line up Wolcott Road and agreed not to assess the residents thereon in exchange for a reduction in connection fee charges. Mr. Bosco noted that what RSK Realty is building is also what the town wants and needs. He stated that RSK Realty is bringing the water line up MacCormack Drive and is asking for a reduction in connection fees in exchange for not assessing those residents on MacCormack Drive.

James Paolino stated he is seeing some similar circumstances between the two projects and also some differences. He noted that the Commission cannot offer a discount to a Developer for any particular reason that is not in the ordinances; however a precedent was created when it was done for Hamilton Development therefore the determination has to be made if this particular instance is similar enough to qualify under a past practice or different enough to follow our current practices and procedures.

Crystal Caouette asked who negotiated the deals with Hamilton Development. Mr. Bosco stated it was done under Mayor Migliaro's administration. He noted again that the reason for the discount on the connection fees was so that Hamilton Development did not charge a water line assessment to the Wolcott Road residents. He noted that RSK Realty has the right to charge everyone along MacCormack Drive an assessment to recoup the cost; however in exchange for a reduction on the connection fees RSK Realty will agree in writing to waive such right.

James Paolino stated a difference here is when RSK Realty came before the Sewer and Water Commission to propose extending the water line, there was no discussion of recouping the costs through an assessment. He noted that if RSK Realty came forward at the beginning stating to either give them a break or they will be assessing the people, the application for water main extension would not have been approved. He asked that the records be searched to determine if permission to install the line was given based on no assessments being charged to the residents.

Robert Onofreo of RSK Realty stated they are looking for a little help, that he does not want to get into an argument because he will be before the Commission again, and that they are running the water line up MacCormack at the request of Mayor Dunn at a cost of over \$100,000 when they could have gone another way. James Paolino stated that the Commission has to apply its rules equally to everyone so if a reduction is given now under different circumstances than it was in the past, everyone that comes before us in the future that does a good thing for the town will be owed the same consideration for fee reductions.

Mr. Onofreo stated that if someone is giving something to the town (in this case a water line) than that person should be a little bit rewarded for it; one hand should wash the other. James Paolino stated that the Department does have the responsibility to maintain the water system and it has to be run like a business so if the Commission started discounting all the potential revenue sources, then it will not be able to maintain the system.

Mr. Bosco noted that RSK Realty had many ways, shorter less expensive ways, to bring water to its project but Mayor Dunn asked them to bring the water line up MacCormack Drive because of the water shortage there. He added that they are now paying more money to help residents of the town and it does again mirror Hamilton Development's Project.

Crystal Caouette stated that it is necessary to have more in writing; that if the past Commission cut deals with Hamilton Development than it should be in the minutes.

James Paolino explained the reason the Commission is harping on this and being very particular in its similarities to Hamilton Development's project is because it does not want to create a new set of criteria by which it offers discounts to those who come forward. He agreed that the Commission needs to take a closer look at the record to see the exact circumstances this discount was offered in the first place to make sure a new precedent is not being created.

The staff was requested to research the archived records for any relative information.

Discussion followed regarding Hampshire Glen Development's Active Adult Housing Project which extended the water line up Potuccos Ring Road to their project and paid the full connection fee throughout. Mr. Onofreo noted that Hampshire Glen is totally different in that that was a condominium project individually sold and his project is rental apartments that are not for sale.

Mr. Bosco stated he would request a letter from Mayor Dunn reaffirming their discussions.

The difference between assessment charges and connection fees was noted at this time. Assessment charges collected go to the town to pay back the bond for the cost of a project; connection fees collected go to the Department to pay operation and maintenance costs of the system.

The staff was requested to provide a copy of the motion the Commission made to approve RSK Realty's application to extend the water main.

Questions and concerns were raised regarding the statement made by Mr. Bosco that the developer has the right to assess residents in order to recoup costs associated with their project.

**4) Final Acceptance – Sewer Main Extension – Eva Terrace**

Upon **MOTION** by Scott Meyers, seconded by Crystal Caouette, it was unanimously voted by voice vote to approve final acceptance of the sewer main extension at Eva Terrace.

5) **Final Acceptance – Water Main Extension – Eva Terrace**

Upon **MOTION** by Scott Meyers, seconded by Crystal Caouette, it was unanimously voted by voice vote to approve final acceptance of the water main extension at Eva Terrace.

VI. **SUB-COMMITTEE REPORTS**

VII. **COMMITTEE OF THE WHOLE PROJECT REPORTS**

1) **Lower Woodtick Rd Water Main Replacement Project**

Administrator Philip Olmstead reported that he met with RHS Consulting to finalize the necessary revision to the bid documents and that the bid packets are currently out to print.

2) **Water Main Extension Project to Wolcott High School**

Administrator Philip Olmstead reported that Milone & MacBroom has provided a scope of services for the formal evaluation necessary for the project.

Upon **MOTION** by Scott Meyers, seconded Crystal Caouette, it was unanimously voted by voice vote to approve the purchase order for Milone & MacBroom in the amount of \$4,000 for consulting services with regard to the water main extension project to Wolcott High School.

VIII. **ADMINISTRATOR'S REPORT**

1) **Water Quality Monitoring and Reporting**

Administrator Philip Olmstead reported that the Wolcott Water Department is in compliance with all water quality monitoring and reporting and results meet US EPA primary and secondary drinking water standards.

IX. **PUBLIC COMMENT**

X. **EXECUTIVE SESSION**

XI. **ITEMS FOR NEXT AGENDA**

- **Modification of Ordinance Concerning Water Main Extensions and Authority of the Wolcott Sewer and Water Commission**
- **Method of Assessment**
- **Lyman Oaks Active Adult Housing – Connection Fees**

XII. **ADJOURNMENT**

Upon **MOTION** by Scott Meyers, seconded by Crystal Caouette, it was unanimously voted by voice vote to adjourn at 9:00 p.m.

**ACCEPTED:**

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Laurie Bosco, Administrative Secretary

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James Paolino, Chairman  
**SEWER AND WATER COMMISSION**