

Waterbury Water-Sewer Commission
Monday April 30, 2018
4:30 p.m.
Minutes

Present: P.H. Flanders, C. Parks, Commissioners; R Finucane, Commissioner-attended by phone; W. Woodruff, W. Shepeluk, Staff; D. Einhorn, A Einhorn, T. Priebe, K. Priebe, R. Holibaugh, P Holibaugh, T. Dacek, D. DiDomenico, P. Arnot, all members of the public.

Flanders called the meeting to order at 4:33 p.m.

The commissioners considered the agenda and made no modifications. By consensus, the commissioners approved the agenda.

There was no comment from the public so the commissioners proceeded with the agenda for the meeting.

The commissioners took up the issue of a request to connect property at 1144 Waterbury-Stowe Rd to the public sewer system. T. Priebe, owner of the property appeared to explain that he had hired an engineer to explore the possibilities of making a connection to the sewer system while the Rt 100 reclamation/repaving project was on-going. Municipal manager Shepeluk explained that the property had been annexed into the village in 2006, but a connection to the sewer system was never made. W. Woodruff, PWD for the village described the two best options for connection. While indicating it was possible to make the connection to the sewer system across Laurel Lane and behind the Chinese restaurant, Woodruff stated the better option was to lay the service line under Rt 100, making the connection on the Crossroad side of the highway. Flanders asked if a sleeve would be installed. Priebe said he'd prefer not to use a sleeve as the service line may have to "bend around" other buried utilities and storm drains and other structures. After some discussion the commissioners agreed that a sleeve should be installed first and that the service line should run through the sleeve. Shepeluk explained that as a water customer, the Priebe's had been charged incorrectly as "a town customer" since 2007 when it was purchased. Using the town rates rather than the village rates cost the owners \$245.72 more than they should have been charged over the 11 year period. Shepeluk and Woodruff recommended that the village should design and construct the sleeve and service line to allow connection of the Priebe's property to the sewer system and recommended that the property owner be required hook up to the new sewer as soon as practicable after its construction. Upon request, T. Priebe agreed to allow the "credit due him" for the improper water billing to be used toward this project. After a lengthy give and take discussion about the project, **C. Parks made a motion to direct staff to design and construct a new sewer service line to the property at 1144 Waterbury-Stowe Rd., preferably through a conduit pipe (sleeve) under Rt 100, provided that the owner of said property agrees to connect his building sewers to the new service line before the end of the construction season in which the new service is constructed. Finucane seconded the motion and the commission voted in favor of the motion on a 3-0 vote.**

The commissioners then turned attention to the on-going issue of the sewer mains at Waterbury Commons that were built by Paul Arnot, but not to standards acceptable to the commissioners. Flanders reminded the board that Municipal Manager Shepeluk had written a letter to Mr. Arnot on April 3rd 2018 requesting, among other things, a mandrel test to determine whether the mains were built in a fashion to allow Arnot to transfer ownership and the operation and maintenance of the mains to the Village of Waterbury. Flanders further explained that Arnot had not completed or even

attempted the mandrel tests, but had his attorney send a letter to Shepeluk that explained why the commissioners could not compel such a test and that the attorney also stated that the village could not withdraw the allocation of sewage capacity for the project as threatened in Shepeluk's letter of April 3rd. Flanders suggested that the village should allow its attorney to review the letters and provide direction. Finucane asked if Shepeluk's letter of April 3rd made mention of filing a notice in the Waterbury Land Records informing interested parties that the sewerage allocation had been revoked by the village. Shepeluk answered "yes" and Finucane suggested that ought to be done. After further discussion with Flanders and Parks, Finucane withdrew that request. **On a motion duly made and seconded (Parks/Finucane), staff was directed to forward the correspondence in question to Paul Giuliani, Esq., in order to allow him to recommend the next steps the commissioners should consider in an effort to resolve this issue. The motion passed unanimously.** D. Einhorn, a resident of Waterbury Commons, thanked the commissioners for taking this action, but also reminded them that the issues preventing the village from taking ownership of sewer mains has been unresolved for years. He stated that those who purchased property in Waterbury Commons had an expectation of public ownership of the water and sewer system when they bought their property. He encouraged the commissioners to move quickly to take the next steps in order to allow the property owners to protect their own interests. The commissioners acknowledged the request and offered to do as best as they can.

After the discussion concerning Waterbury Commons, R. Finucane excused himself from the meeting and disconnected from the phone call. The meeting continued with commissioners Flanders and Parks being present.

Flanders asked for an update on the micro-hydro system. Woodruff explained that production of electricity was still well below expected volumes and that the engineer and the developer/manufacturer of the turbine were continuing to work to resolve the issue. As reported last month, both seemed to agree that a larger pipe was needed to bring water from the transmission main into the turbine. Once designed and fabricated, Kingsbury Construction, the contractor that installed the equipment, would make the necessary alterations. Woodruff and Shepeluk explained that electricity is being generated and that the kW production is being credited to the meter of the Ice Center of Washington West. The electricity being generated in this "test and debugging" phase will not be subject to the Purchase Power Agreement, which will be negotiated with the Ice Center when the anticipated production amounts are "firmed up" after the new pipe is installed at the turbine.

Flanders and Shepeluk reported on the progress in the legislature of the amended charter of the Village of Waterbury. While the process has been slower than hoped and that some unanticipated issues have arisen, Shepeluk reported that the bill was approved and "voted out of committee" by the House Government Operations on Friday April 27th. The expectation is the house will approve it this week, then it will be approved by the senate and signed into law by the governor, all prior to July 1, 2018, when it is to become effective.

The commissioners reviewed the monthly reports that were available. After hearing discussions about the records of water production at the plant, staff offered to find and report on the flows at the sewer plant for the corresponding periods.

Cindy parks made a motion to approve the minutes of the commissioners' meeting held on March 19, 2018. Flanders seconded the motion, which passed on a 2-0 vote.

The next meeting is scheduled for ~~Monday May 28th, 2018~~ beginning at 4:30pm at the Waterbury Municipal Center.

Approved:

Date:

DRAFT