

CROMWELL WATER POLLUTION CONTROL AUTHORITY PUBLIC HEARING/SPECIAL MEETING
THURSDAY, FEBRUARY 18, 2016
MINUTES

1. Call Public Hearing to Order

7:00 – A motion to open the Public Hearing: Timothy Griffin Second: Ken Slade
Motion approved.

2. Introduction of Authority Members

Alice Kelly, Chair, Commissioner Ken Slade, Commissioner Timothy Griffin
Absent: Vice Chair: Eric Zeilor
Staff: Richard Peck, Sewer Administrator; Louis Spina, Director Public Works
Council Liaison: Richard Newton

3. Reading of Call of Hearing – Chairman Kelly read the Public Hearing Notice

Notice is hereby given that a Public Hearing, at which all interested parties desiring to be heard will be afforded the opportunity to be heard, will be held by the Cromwell Water Pollution Control Authority at 7:00 PM on Thursday, February 18, 2016, in Room 224/225 of the Cromwell Town Hall, 41 West Street, Cromwell, Connecticut for the purpose of:

1. Consideration of the Proposed 2016/2017 Sewer Assessment Budget
2. Consideration of the Proposed 2016/2017 Sewer Usage Budget
3. Consideration of the Proposed 2016/2017 Sewer User EDU Rate of \$250

Copies of the Proposed Assessment, Usage Budgets and Sewer User EDU Rate are on file in the office of the Cromwell Town Clerk and will be available for inspection by the public during normal business hours beginning on Monday, February 8, 2016.

In the event the public hearing needs to be canceled, due to inclement weather or unforeseen circumstances, the reschedule date will be Monday, February 22, 2016 at 7:00 PM.

Dated at Cromwell, Connecticut this 3rd day of February 2016.

Alice Kelly, CWPCA Chairman

4. Citizen Comments

Chairman Kelly invited anyone to come forward to speak at this time. None.

5. Read Any Correspondence Into Record

Richard Peck read the email received from Mattabassett Executive Director Art Simonian regarding a change to increase the assessment by \$8,458 over the prior quotes. The increase is primarily driven by the following factors:

1. CWF Loan payments begin this year and continue for the next 18.5 year. FY17 totals about \$5.5Million
2. Other Budget drivers include Electricity, Gas, Chemicals, Labor and Medical which have seen increases.

I don't anticipate another large increase next year unless there are major capital items that are needed. We are however going to build up our reserves again which have been utilized to pay for the Clean Water Fund 1/20th principal payments. Also when Middletown connects this will have a positive financial impact on the remaining constituents. Based on this year's budget if Middletown was connected, Cromwell would see a reduction of about 2% overall but maybe offset with inflation and capital increases.

The original user proposed budget filed has been refiled with the updated increase.

6. Close Hearing – Motion to close public hearing Timothy Griffin; Second Ken Slade at 7:05 p.m.

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Special Meeting

1. Call to Order

Chairman Kelly called the Special Meeting to order at 7:23 pm

2. Roll Call and Seating of Alternates

Present: Alice Kelly, Chair, Commissioner Timothy Griffin, Commissioner Ken Slade

Absent: Vice Chair Eric Zeilor

Staff: Richard Peck, Sewer Administrator; Louis Spina, Director of Public Works

Town Council Liaison: Richard Newton

3. Approve/Amend Minutes

a. January 25, 2016 Special Meeting

Timothy Griffin asked to have January 25, 2016 minutes add Eric Zeilor. The minutes did not have the Vice Chair named.

Motion to approve the amended January 25, 2016 – Timothy Griffin;

Second – Ken Slade **AMENDED MINUTES APPROVED**

4. Report of Chairman

a. Member's Report-None

b. Staff Report-None

5. Citizen Comments-None

6. New Business

a. CWPCA 2016-2017 Proposed Assessment, Usage Budgets and EDU Rate – Review and Action. Commissioner Robert Jahn joined the meeting at 7:10 pm

• **PROPOSED SEWER ASSESSMENT 2016-2017 BUDGET \$58,000.**

Motion to approve Proposed Sewer Assessment Budget as presented –

Kenneth Slade Second: Timothy Griffin

Yes: Kenneth Slade, Timothy Griffin, Robert Jahn, Alice Kelly

MOTION PASSED

• **PROPOSED AMENDED SEWER USAGE 2016-2017 BUDGET \$2,010,198**

Richard Peck read the 2-10-2016 email received from Mattabassett Executive Director Art Simonian regarding a change to increase the assessment by \$8,458 over the prior quotes. The increase is primarily driven by the following factors:

1. CWF Loan payments begin this year and continue for the next 18.5 year. FY17 totals about \$5.5Million

2. Other Budget drivers include Electricity, Gas, Chemicals, Labor and Medical which have seen increases.

I don't anticipate another large increase next year unless there is major capital items that are needed. We are however going to build up our reserves again which have been utilized to pay for the Clean Water Fund 1/20th principal payments. Also when Middletown connects this will have a positive financial impact on the remaining constituents. Based on this year's budget if Middletown was connected, Cromwell would see a reduction of about 2% overall but maybe offset with inflation and capital increases.

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The original user proposed budget filed has been refiled with the updated increase.

**Motion to discuss the Proposed Amended Sewer Usage 2016-2017 Budget
\$2,010,198: Robert Jahn Second: Kenneth Slade**

Commissioner Jahn asked why late fees and liens were not included as separate items under the revenue section on the front sheet of the usage budget. After discussion the 2017-2018 budget presentation will have late fees and liens listed as separate items.

**Motion to approve the proposed Amended Sewer Usage 2016-2017 Budget
\$2,010,198 – Robert Jahn; Second: Kenneth Slade**

Yes: Timothy Griffin, Robert Jahn, Kenneth Slade, Alice Kelly

MOTION PASSED

- **PROPOSED 2016-2017 EDU RATE \$250**

**Motion to approve the Proposed 2016-2017 EDU Rate of \$250
Kenneth Slade; Second: Timothy Griffin**

Yes: Timothy Griffin, Robert Jahn, Kenneth Slade, Alice Kelly

MOTION PASSED

7. Old Business

- a. I/I Program – Draft 3 Sump Pump/Inflow Disconnection Financial Assistance Policy- Table – NO ACTION
- b. Northwoods Estates 2 - Final Release Pending-Table – NO ACTION

8. Bills and Correspondence - None

9. Financial Reports

- a. Receivables/Delinquent Assessment & Usage Account Updates - No Action
- b. Budget Update Revenues/Expenditures – Assessment, Usage & CNR – No Action
- c. Bond & SIF Status – Pending Project Addressed on Meeting Agenda – No Action

10. Miscellaneous

Chairman Kelly reported that she attended the Town Council meeting and gave the commissioners the packet that was handed out to the Council and Town Manager as the Sewer 60 Ordinance is being updated.

Chairman Kelly read the memo accompanying the packet.

Enclosed are the historical legal opinions that the CWPCA requested and paid for.

We did this so that there is a clear understanding of what are the powers and jurisdiction of the CWPCA. These documents show that the CWPCA did due diligence to clearly understand what our jurisdictions are so that all of our decisions are objective and within our legal authority.

We are requesting that these documents be reviewed before any decisions are made regarding Chapter 60 Sewer Commission and the new job description and transfer of our fees to another department.

Included in the packet is the legal opinion regarding staffing which was requested by the Town Manager. This opinion does not agree with previous legal opinions regarding staffing

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from Murtha Cullina which is very troubling as the CWPCA followed their opinions given to our Commission since 2012.

Also the new changes to Chapter 60 Sewer Commission are in conflict with the legal opinions regarding our jurisdictions to conduct our responsibilities for budgeting, User Charges, keeping our sewer system functioning properly.

Unfortunately, tonight we are unable to voice our concerns as well as speak about how well our Sewer Department has functioned for 40+ years under the CWPCA.
Thank you.

Chairman Kelly explained the reason why she went through our previous legal documents as they were very specific in explaining under the General Statutes that they looked at. They said this is what your jurisdiction is and this is what you can do. So I knew that the members on the Council probably did not have our legal opinions starting in 2012. There was one that went to John Sistare, Town Manager, Richard Peck and Alice Kelly from Michael Harrington regarding the Cromwell Water Pollution Control staffing responsibilities and then there is another one that went to Mrs. Mertie Terry and myself from Michael Zizka. These are all from Murtha and Cullina which is the law firm that the Town has to conduct their business. Cromwell Water Pollution Control scope of authority, six pages based on the foregoing, we conclude the following:

1. The CWPCA has the authority to establish its budget and to establish user charges without going through the municipal making process provided that the budget does not require input from the general fund. We do not receive any monies from the Town that is why we do not have to go through the Town budget process.
2. The rules that apply to transfers from the general fund to CNR accounts do not apply to funds derived from benefit assessments or user charges.
3. The CWPCA has the authority to acquire real property that it deems necessary or desirable for use in connection with the sewerage system and must follow the proper statutory procedures when doing so.

From Murtha and Cullina, at that time Attorney Lord was part of the Murtha Cullina law firm, and he gave us – The Cromwell Water Pollution Authority – Establishing Sewer User Rates and that was July 20, 2012.

Chairman Kelly gave Commissioners the packet and as stated she finds it very disturbing that for whatever reason the same law firm including Kari Olson who agreed with it, is on the email that came with the finding that we paid for because we requested it.

The Sewer Authority went ahead and requested we would take some of our legal funds and use it to find out what our legal status was, what our legal jurisdiction was because there is no way that we wish to be outside our legal jurisdiction.

We wanted to do everything legally and if we were not able to do that legally under the Statutes, we would not do it. That's why I think we spent over \$15,000 give or take to find out so we know we are dotting our i's and crossing our t's. That we would not put the Town at risk in any manner what so ever that we were not following because we are under General Statutes that we were doing things correctly. That is why I put this together so that the Council members should have full disclosure of how we conducted our business over the last few years.

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I know Mr. Newton that you are aware of how we have done it over the years and how we sought legal opinions to make sure that we were doing it correctly.

The Chairman distributed the new Assistant Revenue Collectors job description. The only department that the Town Manager is looking to make any changes is the Sewer Department regarding as an Assistant Revenue Collector. There is no other department that is mentioned in this for collecting any type of revenues that come into the Town of Cromwell as far as revenue. That means dog licenses, marriages licenses whatever types of revenues that come to the Town Clerk office, maybe parks and recreation, department of public works that now collects the fees for our transfer station. Those are all revenues. I would think that if they are doing any type of changes and wanting to make a revenue department to collect all of the revenues; all of those revenues should be looked at before anything is done. And that there is a comprehensive plan as far as making changes.

(Mr. Newton left the meeting). First of all, we have a very good system and we have had it for a good 25 years of how we collect our assessment and user fees. We have our own database and our own system. The Town Manager wants to move Sarah down to the Tax Department and under two different people.

Also the Chairman gave copies of the Letter of Agreement from Attorney Lord. The letter of agreement will be revised as the Authority did not ask for his assistance.

The Chairman handed out copies of the proposed changes to the Sewer Ordinance and requested the Commissioners review the proposed changes to the Sewer Ordinance and our legal opinions. There are conflicts in the new ordinance, what is in the General Statutes and our legal opinions that came down from Murtha and Cullina. That is why I asked the Town Council members to go over each one of these sections to see where the conflicts lie because there are conflicts with General Statutes. Review the new section regarding the assignment of a clerk who will be assigned by the Director of Public Work, but subject to approval of the Town Manager.

After discussion, the Commissioners felt that the Chair should contact the attorneys to set up a meeting regarding clarification of past rulings.

11. Adjournment – 8:04 pm

Motion: Robert Jahn; Second: Timothy Griffin

Respectfully Submitted

Alice M Kelly- CWPCA Chair