

**ENFIELD TOWN COUNCIL ACTING AS THE
WATER POLLUTION CONTROL AUTHORITY
MINUTES OF A SPECIAL MEETING
MONDAY, DECEMBER 19, 2022**

Chairman Cressotti called the Special Meeting of the Water Pollution Control Authority to order at 6:51pm on Monday, December 19, 2022 in Council Chambers.

Roll Call – Present were Commissioners Cekala, Cressotti, Despard, Finger, Hopkins, Ludwick, Mangini, Nelson, Pyznar, Santanella and Unghire. Also present were Town Manager, Ellen Zoppo-Sassu; Assistant Town Manager, Steven Bielenda; Town Attorney, James Tallberg; Town Clerk, Sheila Bailey; and Director of Public Works, Donald Nunes.

RESOLUTION #4724 by Commissioner Mangini, seconded by Commissioner Cekala to request a waiver of the \$7,950 sewer connection fee for the proposed farm brewery at 50 Weymouth Road.

Town Manager, Ellen Zoppo-Sassu, explained that there are two issues in play. One is the fee waiver for the sewer connection and the other is CGS 7-255 regarding sewer user fees.

Public Works Director, Donald Nunes, explained how the connection fee was calculated. \$7,950 is calculated based upon equivalent dwelling units. According to Enfield's ordinance, the fee for new sewer connections is \$3,000 for every 200 gallons. JR Russo provided an estimate of 510 gallons per day. Divide 510 by 200 and it equals 2.55. 2.55 x \$3,000 equals \$7,650. Add to that the commercial permit fee of \$200 and the inspection fee of \$100 and the total is \$7,950.

Section §86-181 of the ordinance states that the *WPCA shall establish a one-time connection fee in order to recover a portion of the cost of the sanitary sewer and the person seeking service shall be liable for such charge.* Mr. Nunes has no authority to waive it. The established fee covers the privilege of connecting to our sewer system and is not intended to cover the costs of the actual piping. The sewer for the proposed brewery will be dumping into the pump station at Pheasant Hill which is at capacity. JR Russo designed a system that involves a holding tank that will pump at a slow 10-15 gallons a minute around 2:00am during non-peak hours to not overtax our system.

For comparison, 113 North Maple Street recently connected to our system for \$46,380, 12 Meacham Drive paid \$3,000, 14 Watch Hill paid \$3,000, and 25 Troy Lane will pay \$3,000. He is not aware of any other waivers being granted in the past.

Commissioner Mangini stated that she does not remember granting any sewer connection fee waivers in the past. She inquired why this is before the council now and will granting this waiver put the town in any disadvantage in the future. Ms. Zoppo-Sassu responded that the taxpayer has requested this waiver. This is a unique project in that Mr. Mastroberti installed his own sewer line for the neighboring property that services 54 Weymouth Road. This request is for a new property to connect into this same sewer line.

Attorney Tallberg and his staff are reviewing new state legislation, CGS §7-255, which addresses how a municipality may calculate sewer use fees for a farm brewery specifically, which may also be a benefit to Mr. Mastroberti. Commission Mangini remarked that she feels it would be wise to postpone any decision until we have more information.

Commissioner Nelson stated that the regulations say that to the extent a developer is required by the WPCA to install a trunk or other sewer pipe through or to their property exceeding the size needed to service such property, the excess cost resulting from such requirement as determined by the WPCA may be deducted from the current charge. Mr. Mastroberti spent about \$8,000 to engineer a system because of a Town of Enfield problem. It is not the resident's problem that our water pollution control pump station is way undersized.

The Chairman asked Attorney Tallberg to weighed in and he stated that the answer to the question of whether to grant a waiver for the connection fees is solely at the discretion of the Town Council, acting as commissioners of the WPCA. It has been suggested that council wait on making that decision. In HB 5331, *An Act Concerning the Liquor Control Act*, the language states that sewer charges are not applicable to permittees who held a manufacturer permit for a brew pub issued prior to July 1, 2020. We need to see what kind of permits have been issued, if at all, to this facility. Maybe this legislation is not applicable and there will be sewer use charges, we just don't know right now.

Commissioner Hopkins supports this business and would like to encourage future businesses. He supports waiving this fee as the owner has already invested significant funds and the town will benefit from the improvements he is making on this property.

Director Nunes clarified that the Pheasant Hill pump station was designed to service all the homes on the north and south side of Weymouth Road going easterly and on Pheasant Hill. We do not have a sewer east of Pheasant Hill. There was no intention of extending the line. The house at 54 Weymouth Road pumps almost 1300 feet up the hill and into that manhole. Those properties do not have sewer in front of their homes.

Commissioner Santanella stated that he feels these are charges incurred from starting a business on property not designed for this type of business and are simply a cost of doing business. He is against setting a new precedent and is not going to support this fee waiver.

Commissioner Pyzner asked if the other businesses Mr. Nunes listed paid to install their own sewer lines. Mr. Nunes answered that they installed the lateral lines. Commissioner Nelson added that Mr. Mastroberti paid to install the main line already. It is Mr. Nunes opinion that Mr. Mastroberti's line is a lateral line and not a main line. If a neighbor across the street wanted to connect to Mr. Mastroberti's line, they could not because it is not sized as a main line. It is just for that home and cannot be used by multiple users.

Commissioner Finger suggested they utilize the camera system to inspect the sewer lines to see if ground water is infiltrating them. He is going to support this waiver to show support for small businesses.

Chairman Cressotti likes the idea of a farm brewery on this property. He feels Mr. Mastroberti has done everything asked for on his end and he has no problem supporting this waiver.

Commissioner Ludwick asked what the process was that Mr. Mastroberti went through to receive approval to install the original sewer line. The property across the street is for sale. If they wanted to install a lateral, what is the process? Mr. Nunes stated that they would have to apply for a permit which would be reviewed to make sure it was reasonable, and the owner or developer would pay for a lateral.

Commissioner Cekala wanted confirmation that it is uncertain at this point whether the owner would be paying sewer user fees. Ms. Zoppo-Sassu agreed that this is still uncertain. Commissioner Cekala asked whether there were other exemptions the owner might be eligible for. Ms. Zoppo-Sassu responded that depending upon the results of the Town Attorney's research, if the waiver is approved and the owner doesn't pay a connection fee, there may not be any opportunity in the future to collect any money on the cost of processing waste being generated from this new business. There is still a lot of information to gather, and we can come back to the commissioners once we have more information. At this point, the commission will be setting a precedent for the future. Commissioner Cekala stated that she would be comfortable waiting until the next meeting for answers to the outstanding questions.

MOTION #4725 by Commissioner Santanella, seconded by Commissioner Mangini to table the question until the next meeting.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #4725** failed 4-7-0 with Commissioners Cressotti, Despard, Finger, Ludwick, Nelson, Pyzner and Unghire voting against.

Upon a **ROLL-CALL** vote being taken, the chair declared **RESOLUTION #4724** adopted 8-3-0 with Commissioners Cekala, Mangini and Santanella voting against.

ADJOURNMENT

MOTION #4726 by Commissioner Finger, seconded by Commissioner Unghire to adjourn.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #4726** adopted 11-0-0 and the meeting stood adjourned at 7:30pm.

Respectfully submitted,

Sheila M. Bailey
Clerk to the Council
Town Clerk