



# PUBLIC UTILITIES COMMISSION

Bethel Municipal Center, 1 School Street  
Bethel, Connecticut 06801 Telephone: (203) 794-8501

## MINUTES OF REGULAR MEETING

Monday, February 1, 2010

4:00 p.m.

C.J. Hurgin Municipal Center – Meeting Room “A”

**Present:** First Selectman Matthew Knickerbocker, Selectmen Richard Straiton, Selectman Szatkowski and Commissioners Michael Gribbin and Peter Valenti. Also in attendance were Town Engineer Andrew Morosky, Utility Consultant Len Assard, Utility Supervisor Kelly Curtis and Town Attorney Martin Lawlor.

RECEIVED  
2010 FEB 4 P 12:18  
TOWN OF BETHEL  
TOWN CLERK

**Call to Order:** First Selectman Knickerbocker called the Regular Meeting to order at 4:00 p.m.

**Public Input:** Resident, Billy Michael referenced back to the October 7<sup>th</sup> of 2008 meeting when Mr. Curtis had concerns about Parks and Recreation’s Athletic Fields being treated with chemical pesticides. Mr. Michael indicated that Bethel has twenty seven fields and wondered if any of them are being treated by chemical pesticides and if so the PUC should be aware of any contamination, furthermore the PUC should have the authority especially if the fields are near or on the aquifer for the well fields.

Commissioner Valenti expressed his concerns about the Park and Recreation Building when it was built as to the use or storage of any pesticides or hazardous material in the building and if so what kind of containment was being housed for these pesticides. They should be contained in a proper containment room and units to house these pesticides. Mr. Curtis indicated he did speak to Eileen Earle from Park and Recreation about the pesticides issue and Mrs. Earle did verify that there are no pesticides used on the fields, only all natural material. Mr. Curtis also stated he has never seen any stored pesticides in the Park and Recreation Building. Mr. Morosky and Mr. Curtis will follow up with Parks and Recreation personnel to review the storage of materials in the building.

Mr. Morosky added that runoff from the building and the land surrounding the building is captured in a storm water retention system which allows the runoff to percolate into the earth.

Mr. Assard indicated there is a level “B” mapping that should be consulted when developers want to develop on or near the aquifer. Developers should be given notification as to their responsibility when developing on or near the aquifer area.

**Correspondence:** First Selectman Knickerbocker referred to a letter from Mr. Petlock, owner of 125 Walnut Hill Road. Mr. Petlock is requesting to be included in the Sewer District. This parcel of 4.4 acres, on the south side of Walnut Hill Road between Weed Road and Benedict Road, is outside the Sewer District as it was defined by the Water Pollution Control Plan. Commissioner Valenti noted that the lot has no dwelling and is unbuildable as there is no way to put a septic system and a house on it. Mr. Morosky has advised Mr. Petlock of the parcel’s status and asked that he send a letter to the commission for their input. Commissioners discussed the allocation concerns identified in the study done by Tighe and Bond.

First Selectmen Knickerbocker made a motion which was seconded by Selectman Straiton to add to the agenda, under New Business, item number one: the request from Mr. Petlock of 125 Walnut Hill Road. Vote, all in favor, motion unanimously approved.

**Meeting Minutes from Special Meeting January 12, 2010:** First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to approve the minutes as presented. Vote, all in favor, Commissioner Valenti Abstained, motion approved.

**Meeting Minutes from Regular Meeting January 4, 2010:** First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to approve the minutes as presented. Vote, all in favor, Commissioner Valenti Abstained, motion approved.

### **Old Business:**

**DEP Streamflow Regulations:** First Selectman Knickerbocker distributed to the commission a letter he wrote to the DEP's Hearing Officer regarding the Public Utility Commission's concerns about the proposed Streamflow Regulations. First Selectman Knickerbocker verified that Streamflow Regulations is high on the radar of the Connecticut Conference of Municipalities (CCM) and Connecticut Council of Small Towns (COST). Mr. Assard mentioned that there are no additional Public Hearings scheduled but that the Hearing Officer is accepting written comments until February 4<sup>th</sup>. He believes the State has a few months to respond back to each unique comment. Selectman Knickerbocker will check to see that his letter is logged in correctly.

### **Financial Report:**

**Water and Sewer Financial Status** Reports so noted. First Selectman Knickerbocker spoke with Comptroller Barry Curina and indicated that he was unavailable to attend this meeting due to Budget season. Mr. Morosky indicated he spoke with Mr. Curina regarding the December 22 memo Mr. Assard had written regarding the financial snapshot. Mr. Curina indicated that, because of the time of year, he would not be able to produce the report for today's meeting.

Commissioner Gribbin mentioned the hydrant rates and bills; First Selectman Knickerbocker indicated he did send out letters with the recent hydrant bills regarding the upcoming increase in hydrant rates. Mr. Knickerbocker indicated in the letter the increase would be \$752 per hydrant. The original cost was \$200 increased to \$952.00. This increase is for Private as well as Town Hydrants. Selectman Straiton would like a list from the Tax Collector of all Private users.

Commissioner Gribbin made a motion, which was seconded by Selectmen Szatkowski to present the 2010-2011 Public Utilities Department budget for review at the April 5<sup>th</sup> meeting and for approval on May 3<sup>rd</sup> with all estimated income as well as expenses.

Selectman Szatkowski as well as Commissioner Valenti both commented on how the recommendations in the Woodcock Study are not being implemented. Mr. Assard indicated that Chris Woodcock would possibly be here for the March meeting to update the Commission on his study and advise the Commission on where it should be with the rates. First Selectman Knickerbocker as well as Mr. Assard and Mr. Morosky will be meeting with Chris Woodcock on the 11<sup>th</sup> of this month at 11 a.m. and if Mr. Curina doesn't have the financial snapshot ready for this commission he will ask Chris Woodcock to handle it.

Vote, all in favor, motion unanimously approved.

## **Engineering / Utility Consultant Report:**

**Grants:** Mr. Morosky indicated that Tighe and Bond just recently distributed a study for the whole State of Connecticut that provides a breakdown of rates for each Town in the State including a color coded map showing the rates distribution. Mr. Morosky indicated that the rates and the maps are on line and available to anyone. Mr. Morosky indicated the highest cost water rates are the privately owned water companies.

Commissioner Valenti mentioned some water companies market to their customers a type of insurance from them to insure against a lateral break. Each company charges different amounts for that protection. Mr. Morosky indicated that many people like the peace of mind associated with the insurance option and Mr. Curtis indicated that his former company never lost money on their program. The Commissioners discussed this as an option that may be worth pursuing.

**Eureka Water Storage Tank:** Mr. Morosky indicated he's still in communications with Danbury. Commissioners ask if this is holding the bidding process and Mr. Morosky indicated it is. First Selectman Knickerbocker is in the process of setting up another meeting with Danbury to close the deal. If that fails, the DPUC will be asked to settle the case.

**Stony Hill Sewer Project:** First Selectman Knickerbocker would like to know where the PUC stands with the financials for the balance of the sewer project. Mr. Morosky indicated that, based on the June 30, 2009 financial statement from Mr. Curina and an estimate of remaining work from Ken Kemp of URS, the project will be over the approved amount of \$19.76 million. Mr. Kemp estimates there is approximately \$3.5 million worth of work still pending on Contracts 2, 3 and 4. The June 30, 2009 financial report indicated a remaining balance of \$5.5 million and, based on expenditures since then, the shortfall appears to be close to \$2 million. Mr. Morosky indicated that he will have to take time to sit down and review all the information with Mr. Curina and First Selectman Knickerbocker in order to get a more accurate estimate.

Commissioner Valenti questioned why there is a low pressure main on lower portion of Payne Road and why the lower houses were not directed to pump up to Payne Road. Mr. Morosky indicated that URS was asked to design the low pressure main as an alternative once it became apparent that those houses could not be served by gravity. Commissioner Valenti had concerns about this portion of the project because now the town would be held responsible for that section of the main and it is more expensive to the project than making the houses pump up to Payne Road. Mr. Morosky indicated that easements for a gravity sewer had been negotiated in good faith through the same general area. Mr. Morosky added that the force main was less expensive to install than a gravity sewer and that forcing the houses to run a couple of hundred feet of pressure lateral each was a big change from what was originally negotiated. Commissioner Valenti asked what the financial impact of this decision was and discussion took place between the commissioners as to whether this was the correct way to handle the situation.

**Easements for Phase 3:** Discussion took place regarding the easement for the Adams Drive area and Attorney Hagan is working with the two families. Mr. Lawlor indicated that he needs additional information to fill the gaps between the stories of the homeowners and the paper trail he has received from Attorney Hagan. There is no resolution yet; First Selectman Knickerbocker indicated to Mr. Lawlor to get all the information he can on these two easements and finish the easement agreements as soon as possible.

Commissioner Gribbin remarked about the Assessments and why they haven't gone out. Mr. Morosky indicated that the bond sale was completed in November and, although the last of Contract 2 has yet to be

built, these costs can be estimated and a final number can be derived. Mr. Morosky indicated that Ann Scacco, the Tax Collector, has the list of properties prepared and can generate the assessment list once she is given a number to use. First Selectman Knickerbocker will communicate with Mrs. Scacco to discuss timing.

### **Supervisor's Report**

Utility Supervisor Kelly Curtis reported a service leak in a two areas, one on Whittlesey by Reynolds Ridge and the other on Willow Street. The one on Whittlesey was difficult due to incomplete mapping for the water mains in that area. The missing main was traced and its location noted for future reference.

Mr. Curtis would like the commission to keep the Plumtrees Pump Station on the Agenda until there is a plan in place to address it. Mr. Curtis urgently feels that the Plumtrees Pump Station needs to be fixed sooner than later. The commissioners discussed the situation and whether to use URS as an engineer on this project as they have designed most of the pump stations in Town. The cost of this project would be in the ball park of \$500,000. The last administration, in the September 14 2009 meeting made a motion to request a proposal from URS. URS submitted a proposal and the Commission did not act to move forward because of the impending change in administration. Discussion took place about cost and bonding and approval from the Town.

Selectman Straiton made a motion which was seconded by First Selectman Knickerbocker to advertise a Request For Proposal (RFP) for the design and bidding for the renovation of the Plumtrees Pump Station. Vote, all in favor, motion unanimously approved.

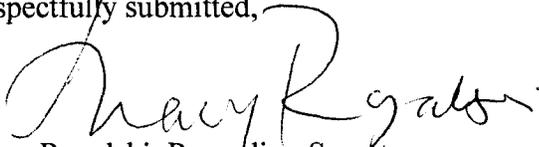
### **New Business:**

#### **125 Walnut Hill Road, Mr. Petlock:**

First Selectman Knickerbocker made a motion, which was second by, Selectman Szatkowski to deny the application for sewers to 125 Walnut Hill Road at this time. Vote, all in favor, motion unanimously approved.

**Adjourn:** As there was no further business on the agenda First Selectman Knickerbocker made a motion, which was seconded by, Selectman Szatkowski, to adjourn the meeting at 5:40 p.m. Vote, all in favor, motion unanimously approved.

Respectfully submitted,



Tracy Rogalski, Recording Secretary

**William Petlock**

420 Burma Road Castle Rock, WA 98611  
360-772-1388  
[bill@petlock.com](mailto:bill@petlock.com)

**January 23, 2010**

**Town of Bethel  
Public Utilities Commission  
1 School Street  
Bethel, CT 06810**

**Commissioners,**

**I own a 4.4 acre parcel at 125 Walnut Hill Road. I am looking to either sell this parcel or return to Bethel and build on it.**

**I know there is a sewer line on Walnut Hill Road but at present my side of the road is not included in this district. Is there some way that I can be included in this district?**

**I would appreciate hearing from you and I will be happy to answer any questions you may have.**

**Thank you for your consideration.**

**Regards,**

**Bill Petlock**



# FIRST SELECTMAN'S OFFICE

Clifford J. Hurgin Municipal Center, 1 School Street, Bethel, CT 06801

Telephone: 203-794-8501 – Fax: 203-794-8552

*Matthew S. Knickerbocker, First Selectman*

*Richard C. Straton, Selectman*

*Paul R. Szatkowski, Selectman*

*Martin J. Lawler, Town Counsel*

*Wendy Smith, Office Administrator*

*Jean Gregg Bradley, Office Assistant*

*Layna Palumbo, Office Assistant*

*Phyllis Kausky, HR/Grants Administrator*

January 19, 2009

Mr. Paul Stacey, Hearing Officer  
Department of Environmental Protection  
79 Elm Street  
Hartford, CT 06106

Dear Mr. Stacey:

Thank you for the opportunity to respond regarding the proposed Streamflow Standards & Regulations. While the intention of the regulations is admirable, in that the regulations are intended to protect the state's aquatic life; the regulations are fraught with problems for local municipalities and water companies, particularly since they will also impose strict limits on groundwater withdrawals. Unfortunately, the regulations fail to provide the balance needed to protect the state's public health, safety, economic development and agricultural needs. Although less than 1% of the streams in Connecticut have documented flow impairment issues, the regulations will impact every river and stream in Connecticut, at a staggering cost.

Additionally, the impact on local municipalities is quite troublesome for the following reasons:

The stream flow regulations will require municipal water departments and other water companies to release water from their reservoirs into streams during various periods of the year. The regulations will also impose strict limits on groundwater withdrawals.

## ■ Stream flow concerns:

- New regulations could potentially create water supply shortages in certain areas, undermining public health, fire safety and economic development;
- Result in moratoriums on new water service connections which will slow or halt economic development projects and construction in many communities;
- Require costly changes to dams and infrastructure in order to make the required releases, fueling significant increases in water rates and municipal fire protection costs.
- Impose yet another unfunded mandate on towns and cities that are struggling during these difficult economic times.

## ■ Jeopardize Public Health & Safety in our Communities:

By requiring public water suppliers to release significant quantities of water during certain periods of the year, the proposed regulations will jeopardize the ability of public water suppliers to meet the public health and safety needs, i.e. sanitation and fire suppression, of our communities.

■ **Undermine Connecticut's Economic Recovery and Job Growth:**

A safe, reliable water supply is critical to the day-to-day operations of existing businesses and to the viability of new commercial enterprises and residential developments. Unfortunately, in some communities, the draft streamflow regulations may result in a moratorium on water service connections, halting or slowing economic development and construction.

■ **Impose Costly Burdens on Towns and Cities:**

Compliance with the draft regulations will impose significant costs on municipal water departments. Although the brunt of these costs must be reflected in water rates, some costs will be passed on to towns and cities and their taxpayers. In addition, communities facing a moratorium on new home construction and business growth will not be able to generate sufficient tax revenues to address expected cuts in state aid and lower property tax revenues.

■ **Significantly Increase Customer Rates:**

In order to comply with the regulations, water utilities and other large diverters will have to modify their dams and infrastructure to modulate the volume of water flow and release the range of flows required by the regulations. In addition, many utilities may be forced to develop new sources of supply and incur significant increases in operational costs. *The magnitude of these costs is likely to be several hundred million dollars.*

■ **Require Municipalities to Assist in Enforcing Frequent and Lengthy Water Use Restrictions on Customers:**

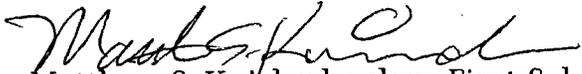
Customers will be faced with more frequent and longer periods of water use restrictions under the draft regulations. Utilities will have to rely upon towns to enforce these water use restrictions, which can be burdensome. In addition, restrictions may disrupt certain activities and impose burdens on businesses that depend heavily upon water, such as manufacturers and hospitals.

■ **Divert Resources Away from Needed Infrastructure Improvements**

Water utilities are replacing aging infrastructure in order to provide reliable, safe water supplies to businesses and consumers but financing infrastructure replacement has been a significant challenge for utilities. Unfortunately, streamflow regulations will force utilities to divert scarce resources away from needed infrastructure replacement to regulatory compliance.

In summary, it is our belief that adoption of the regulations is premature and the concerns posed by municipalities and water companies should be carefully reviewed and incorporated into the regulations prior to adoption.

Very truly yours,

A handwritten signature in black ink, appearing to read "Matthew S. Knickerbocker". The signature is fluid and cursive, with a long horizontal stroke at the end.

Matthew S. Knickerbocker, First Selectman  
Town of Bethel

Cc: Public Utilities Commission  
Town Engineer Andrew Morosky  
Utility Supervisor Kelly Curtis