

# Housatonic Water Utility Coordinating Committee

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## **DRAFT** Minutes of June 4, 2010 Meeting. Brookfield Town Hall

- **Call to Order at 12:40PM by Co-Chair Russ Posthauer.**

### **Attendance: As recorded on Attendance Sign-In Sheet:**

Russ Posthauer:	Candlewood Springs, WUCC Co-Chair
Kevin Moran:	United Water CT, WUCC Co-Chair
Casey Fleming:	State of CT – DPH, DWS
Greg Simones:	State of CT – DPH, DWS
Steve Messer:	State of CT – DPH, DWS
John Telesco:	United Water CT
Steven Houst:	United Water CT
Erik Bernard:	Aquarion Water Co.
Ron Black:	WSSD Inc, Olmstead Water Supply Co.
Donna M. Culbert :	Newtown Health District
Steve Polizzi:	Rural Water Co.
Bruce Wittchen:	CPM
William Davidson:	FS, Town of Brookfield
Thomas Fisher:	Indian Fields Homeowners Association, Brookfield
John Scott Matthews:	Laurel Ridge Estates
Chris Matthews:	Triple 3 Builders, LLC
Jeff Chipokas:	Naugatuck Valley Savings & Loan
Steve Sullivan:	CCA, LLC

- **Public Participation**

Donna Culbert raised several issues for comment:

- 1] Suggested scheduled annual and/or quarterly meetings of the WUCC
- 2] Suggested that membership be more clearly defined, could include municipalities. Consideration could be given to membership dues, as dues could also help define membership, could aid in administrative support.
- 3] 2009 annual report comments discussed, re – timelines, how to improve the WUCC..
- 4] Procedures /Regulations discussed, re – suggest municipalities and the associated ESA providers could meet annually.

Steve Messer commented that some of the info in the recent annual report may have originated from “previous personnel” at the DPH. He also commented on other WUCCs, possible realignment of WUCC areas.

A brief discussion followed, re – current status of other WUCCs, boundaries, participation and lack there-of, why the NE and NW WUCCs have potentially more WUCC related issues.

- **Approval of minutes from 11/02/2009 meeting.**
- **Request by West Shore Owners Association (WSOA) to realign the ESA of United Water CT to exclude the WSOA.**

After a brief discussion, Steve M. indicated that the DPH will need a letter from WSOA stating that they are aware of the requirement to follow all steps in the Certificate process, and also understand and are prepared to be in compliance with all future/ongoing responsibilities associated with Owning/Operating a community PWS.

Russ P. suggested that the WSOA also provide a letter authorizing Ron Black to represent them.

Moved:

*United Water CT ESA be modified to exclude the WSOA project, subject to DPH approval, and subject to a letter from the WSOA that authorizes Ron Black to represent them, and that states that the WSOA understands that they will become a DPH-regulated Public Water System, that they will need to adhere to the Certificate Process Phases 1B and 2, and that they will need to maintain compliance with the regulations and statutes pertaining to owning and operating a CWS.*

Motion was voted on and approved unanimously with contingencies as stated.

- **Discussion: Request of Triple 3 Builders, LLC and Laurel View Associates, LLC to discuss what options and remedies are available regarding their application for a Certificate of Public Convenience and Necessity.**

Kevin M. and Russ P. stepped down as chairs for conflict of interest reasons. Steve P. presided.

Scott Matthews stated there were conflicts with United regarding the Laurel Ridge project. Steve H. stated there were no more conflicts that he was aware of. Scott M. indicated there were specific issues that Triple 3 felt were still unresolved. Steve P. asked for clarification re – what issues were being raised here that applied to the HWUCC?

Scott M. read from the 01/27/2010 letter from UW to Triple 3 that stated that UW “has not entered into any ownership Agreement with Laurel View Associates...” (copy of this letter as well as other supporting documents was received from Scott M., attached hereto) He went on to indicate Triple 3 displeasure with UW CT regarding pumphouse overdesign, delays in submittals and approvals, high costs, repeat engineering fees.

A discussion followed. Ron B. stated his interpretation of what the dispute was about, based on the information he had been provided with, including over-design of facilities and obligations of payment from the builder vs. the ESA provider. The question was discussed re – responsibility of the Builder or the ESA provider to pay costs of design and engineering required by the ESA provider but above and beyond the Certificate Process and Regulations requirements. It was asked when the Developer has the option to pull back and become its own PWS if an Agreement cannot be reached with the ESA provider.

Steve P. asked that Triple 3 specify the complaint(s) in writing and in a format that could be properly addressed by the HWUCC, requesting a letter to the DPH and Co-Chairs detailing specific project unresolved issues and complaints regarding UW CT.

Chris M. stated that to date there have been 3 agreements proposed, none of which have been honored by UW CT, and that Triple 3 is now hesitant to enter into another agreement.

Steve H. stated the UW CT has given approvals and entered into an agreement, and that UW CT is presently working on a new Agreement. Steve M. asked – “do we have a signed Ownership Agreement?” Steve H. stated that all issues raised at this meeting today have already been discussed and resolved by both parties. Scott M. responded that this was not the case, and that UW does not meet deadlines. A back and forth discussion ensued, re – perceived delays, costs, agreements.

Steve P. asked what would go differently if UW CT ceded the area to Triple 3. Further discussion continued between all parties. Steve H. stated that he would call UW CT attorneys today to expedite the process and asked that Triple 3 attorney get in touch with UW CT. Steve H. stated the proposed contract/Agreement is no different than any other UW CT contract in the past to other developers. R. Black stated that perhaps the contract was not equitable in the first place, in that the developer should not be required to pay for plant above and beyond that which is required in the Certificate Process.

Steve P. concluded the discussion, and directed Triple 3 Builders to go back and attempt to get resolution with UW CT, but, if resolution cannot be reached to the satisfaction of both parties, that Triple 3 should come back to the HWUCC with specific requests and issues as stated earlier.

- **Discussion of Rules and Procedures Sub-Committee Findings**

Erik B. indicated that he was putting together minutes and comments from the sub committee, and that he would be providing these minutes when completed.

- **Old Business:**

ESA maps and updating/revising was discussed. Steve P. asked whether the WUCC could get maps from the DPH first, with up to date information according to the DPH, then the WUCC members could mark up these maps as appropriate and enter such additional data as can be collected. Casey F. stated that yes, the DPH would do this, getting their GIS software to create the maps and get them distributed to the HWUCC before the next meeting. Steve P. and Russ P. discussed getting additional information from towns and municipalities, indicating that 'the goal is to get accurate, up to date ESA information'.

- **New Business:**

Ron Black was informed that he had been elected Secretary of the HWUCC.

- **Meeting adjourned**

The meeting was adjourned at 1:57PM.

Respectfully submitted,

**Ron W. Black**  
Secretary, HWUCC

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