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**CITY OF NORWALK
WATER POLLUTION CONTROL AUTHORITY VIA ZOOM VIRTUAL
VIDEOCONFERENCE AND TELECONFERENCE
SPECIAL MEETING
July 7, 2021**

Attendance: Darren Oustafine, Chairman
Lewis Clark, Vice Chairman
John Igneri
John Bove
Tom Keegan
John Flynn

Staff: Anthony Carr, Chief of Operations and Public Works
Ralph Kolb, WPCA Senior Environmental Engineer
Vanessa Valadares, DPW Principal Engineer
Wilber Giron, DPW Junior Engineer
Attorney Regina Flaherty, Verrill Law

1. CALL TO ORDER

Mr. Oustafine called the meeting to order at 5:31PM.

2. APPROVE SEWER PERMIT PROCESS AND SANITARY SEWER MAIN EXTENSION POLICY (COPY TO BE EMAILED BEFORE MEETING)

Mr. Carr provided a brief overview related to the policy and said that staff felt the sanitary sewer extensions policy best benefits not only staff but also the applicant as well as other professionals, and there is a departmental guideline in place but no policy as to how to get a sanitary sewer extension approved and was not very clear but there was also not a need for the policy at the time because the number of applications that the department was receiving on an annual basis was sometimes less than one. He said we have now received several applications and staff thought this would be the best time to create a policy to guide an applicant through the process to extend the sanitary sewer from start to finish. He said it clearly explains where the applicant begins which will be with the WPCA and DPW and then would go to the WPCA board for review and consideration and depending if the application is for a public or private sewer a public hearing would be scheduled. He said following WPCA board approval it will go the Public Works Committee concurrently with the Planning Commission for review and consideration prior to going to the Common Council for their review and consideration.

Mr. Oustafine said this is long overdue and thanked staff for all of the effort. He said that he believes the Connecticut General Statutes gives the authority of a sewer extension exclusively to the WPCA and that he believes that no one is allowed to extend a sewer except the WPCA inside the municipal subdivision and he thinks it's an important distinction that a private sewer will require a public hearing and have WPCA approval before moving forward. Attorney Flaherty said the State Statute states that a WPCA has to have a public hearing to acquire or construct any part of a sewage system so if it is an extension of a public sanitary sewer main the city would be acquiring that from the developer who constructs it pursuant to city standards, but if it is a private sewer collection system that is tying into an existing sewer main that private sewer collection system would not be something the city is acquiring or constructing. Mr. Oustafine said he believes the statute states that only the WPCA has the authority to extend a sanitary sewer and the DEEP will not deal with any private entity and will only deal with the city.

Mr. Flynn said the key word is "extend" and if a private entity is attaching to the city sewer and will be using the city facilities to dispose of the waste product they are extending the city sewer and have to be in compliance or they can't be connected.

Ms. Valadares said even on the private sewer extensions the WPCA board is required so it is not only approved by staff so the only difference that will be done between the public and the private is to hold a public hearing, and the WPCA will have the right to request a public hearing for cases they feel are necessary.

Mr. Carr agreed and said the WPCA board approval is still required but there is an option that a public hearing is not required by State Statute because it is private although the Public Works Committee and the Common Council board approvals are required as well as the Planning Commission because it is an extension of a city utility and requested that Attorney Flaherty confirm that there is that flexibility. Mr. Oustafine said he disagrees and believes a public hearing is required anytime there is any sewer extension but he refers to the Attorneys. Attorney Flaherty said in both cases it will be presented to the Public Works Committee, the Planning Commission and the Common Council so there are opportunities for the

public to become aware of this and have also implemented notices being published in the newspaper so that people are aware, and part of the policy is that once someone makes an application to the WPCA the DPW will make sure that all of the materials are going to be available online so that people who have an interest can access that material and make a determination if they choose to make a comment to the WPCA.

Mr. Oustafine said that he maintains that a public hearing is required for every extension within a municipal subdivision and requested that the Attorney follow up on that.

Mr. Oustafine asked if a developer puts in a sewer is there a mechanism for them to recoup their money for installing the sewer for the benefit of others and if not suggested that it be stated in the policy. Attorney Flaherty said based on Mr. Oustafine's previous comments we have added that provision and presented the proposed language to address the connection fees.

Mr. Oustafine asked if the city installs a sewer if there will be an assessment fee charged or if just there will just be a sewer connection fee. Attorney Flaherty said that questions goes to the Freeholders Process and if the city decided to extend the sewer system and any sewer mains and the city came out of pocket for it they can make an assessment of benefits under the Connecticut General Statutes. Mr. Carr added that until there is an evaluation from a consultant of the non-sewered areas there is not a clear defined answer so currently if anyone wants to extend the sewer they can at their cost unless it is determined from the administration to go through the Freeholders Process. He also said that if a developer requests to extend the sanitary sewer it is defined in the policy they are required to provide hydraulic calculations and staff would review. He said it is the department's position to not extend the sanitary sewer mains unless it is a previously planned sanitary sewer project, a developed project internally or a private developer or entity is paying for the sanitary sewer extension.

Mr. Igneri said thanked Mr. Carr for his explanation and said it was wonderful.

**** MR. IGNERI MOVED TO APPROVE THE ITEM.**

**** THE ITEM PASSED UNANIMOUSLY.**

3. ADJOURNMENT

**** MR. IGNERI MOVED TO ADJOURN**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 6:12PM.

Respectfully submitted,

Dilene Byrd