



**MIDDLEBURY WATER  
POLLUTION CONTROL AUTHORITY**  
1212 Whittemore Road · Middlebury, CT 06762

RECEIVED FOR FILING  
*Oct 19 2023 at 2:15 pm*  
TOWN CLERK'S OFFICE  
MIDDLEBURY, CT  
*Brian M. Henebry*  
TOWN CLERK

**MINUTES**

**Meeting of the Water Pollution Control Authority  
Tuesday, October 17, 2023 – 7:30 p.m.  
Shepardson Community Center – Room 26**

**Present:** Robert Smith -Chairman  
Dan Civitello  
Ted Mannello  
Michael Angieri, P.E.  
Mark Petrucci  
Paul Phillips

**Also Present:** Attorney – Brian Henebry – Carmody Law  
Attorney – Edward Fitzpatrick -Fitzpatrick  
Ari Baftijar & Enver Omeragic  
WPCA Employee – Edward Bailly  
Kyle Richards – Metro Realty  
Recording Clerk – Jennifer Atkinson

**Absent:** None

**Call to Order**

The meeting was called to order by the chairman, Robert Smith, at 7:28 p.m.

**Approval of September 19, 2023, Meeting Minutes**

Corrections were made to the draft minutes to reflect this.

Attorney Brian Henebry states that he will read into the record the following changes:

Under Granite Woods sewer use agreement subsection C of the sentence reading:

"Brian Henebry says this is a housekeeping matter, and no action is needed by the board." It should read, "Brian Henebry reported that the Granite Woods sewer use agreement was finalized and executed."

Under Metro Realty re: update on inter-municipal and developer agreement subsection E of the sentence reading:

"Attorney Edward Fitzpatrick states Waterbury gave the capacity determination with the property determination, and the agreements were drafted between Waterbury and Middlebury." It should

read, "Attorney Edward Fitzpatrick states Waterbury will allow Metro to connect to the Waterbury system if Middlebury executes an inter-municipal agreement with Waterbury." And the sentence reading, "Brian asks for an explanation of the map." It should read Brian Henebry asks for an explanation of the map.

Chairman Robert Smith asked if anyone had any other corrections, and all stated no. Paul Phillips **MOTIONED** to accept the corrections to be added to the September 19, 2023 minutes, **SECONDED** by Dan Civitello. Unanimous approval.

### **Old and New Business**

#### **a.) Ari Baftijar & Enver Omeragic re Lot 5-02-014 South Street, is sewer available for this lot?**

Chairman Smith states this is continued from last month's meeting. Mike Angeri states that the sewer is in front of the property, and there are no issues with wetlands. The lot is already clear where the single-family home is to be built. Mark Petrucci **MOTIONED** to approve the application **SECONDED** by Paul Phillips. Unanimous approval

#### **b.) Metro Realty re: update on inter-municipal and developer agreement**

Attorney Brian Henebry reviewed the documents that were submitted, and he also reviewed the WPCA regulations from 2004 and the 2007 amendments. The property is located between Kelly Rd & Straits Turnpike in a sewer avoidance area. Metro Realty came before the board in April 2023 with an application to make a sewer available and a capacity application. The WPCA had denied these applications at that meeting. Following that meeting, Metro had discussions with the City of Waterbury. The City of Waterbury indicated it would allow Metro to connect its system from Waterbury to Joann Drive in Middlebury, proceed along Straits Turnpike, and then turn onto the Metro property off Straits Turnpike. The City of Waterbury indicated that conditions for this connection would be that an agreement be entered between the Town of Middlebury and the City of Waterbury to approve the extension to the Waterbury system. Metro would own and maintain it from their property to the Waterbury line, but if the system was not being maintained properly or if issues resulted, WPCA would have to step in. It would require easements from the State of Connecticut for the part on Route 63 from the Town of Middlebury to Joann Dr. Attorney Brian Henebry stated two different actions would require two different votes. One would be a renewed vote to change these parcels from sewer avoidance to sewer available, and the second vote would be a vote to authorize the board chair to execute these documents on behalf of the WPCA. Mike Angeri states the site is declared sewer avoidance, and the WPCA is compliant with EPA and State of CT regulations. The operations and maintenance require a significant flow due to it being a sizeable project of 240 units consisting of one and two bedrooms. This would require a contract with a company with licensed 24-hour operators. There would need to be some investigation of the system to see if it can handle the flow on Joann Drive. Attorney Edward Fitzpatrick states that in the agreement, they are offering bond agreements and

capital. He requested that the matter be continued until next month's meeting so SLR can attend and answer the members' questions. Chairman Smith agreed for this matter to continue for November.

**c.) 472 Middlebury Road re: renewal of Capacity Application – plans for an office building were approved by Mike Angeri on 10/3/2011**

Mike Angeri states this was previously approved in 2011 for a commercial facility and that everything is the same. Chairman Smith **MOTIONED** to approve the application extension for another 6-month period, **SECONDED** by Paul Phillips. Unanimous approval

**d.) Monthly Expenses**

Chairman Smith signs invoices

**Staff Discussion**

Ed Bailly states the following updates at the pump stations and collections systems. Country Club Rd: new pumps and controls are in. Glen Eagle: There was a soft start failure, which controls the power of the pumps. Those pumps were done three years ago, and we received a quote of \$2,700.00 to repair. He is currently waiting for the purchase order. Avalon Farms: the control panel is to be replaced. The pumps were changed, and the wiring has been done. At Long Meadow Rd: The pumps run on a 24-hour design. One of the three pumps has more hours than the others, and he believes the impeller is getting weak. He does have a new spare impeller to have it replaced.

**Adjournment**

Chairman Robert Smith **MOTIONED** to adjourn at 8:22 pm; **SECONDED** by Ted Mannello. Unanimous approval.

These minutes are submitted subject to approval.

Respectfully Submitted,

*Jennifer Atkinson*

Recording Clerk

