

THESE MINUTES ARE SUBJECT TO APPROVAL AT THE NEXT WPCA

TOWN OF CHESTER CONNECTICUT

WPCA

REGULAR MEETING

Tuesday, October 15, 2019

Town Hall Lobby

203 Middlesex Avenue

CALL TO ORDER

Chairman Ward called the meeting to order at 7:01 p.m. In attendance included: Ed Ward, Sam Chorches, Ian MacLachlan (arrived at 7:05 p.m.), Ed Meehan, Mark Riggio, David Campbell, Jacobson and Associates, Pete Lewis, Deep River and 3 Audience Members.

APPROVAL OF MEETING MINUTES - Tabled

AUDIENCE OF CITIZENS

Mr. Peter Kehayias, 33 Main Street, was present to discuss a second Notice of Violation (NOV) he received dated 10/8/19. Mr. Kehayias reported that "Clayton", owner of the Pattaconk Restaurant requested a breakdown of the costs associated with the NOV and any "proof" that the 3/28/19 – 3/29/19 incident was caused by the Pattaconk.

After review, the overflow was determined to be caused by a grease blockage from the lateral serving the Pattaconk restaurant. An inspection of the AGRU showed that the unit was not being properly operated and maintained in accordance with stipulated regulations which resulted in the clogged sanitary line.

Chairman Ward reported that Mr. Kehayias was present during the incident in March and observed the overflow event. At that time, Mr. Kehayias "took ownership" for the incident. Pictures and video of the incident are available.

Ed Ward continued that the original NOV, 6/14/19 provided detailed information including \$1,488.38 (Deep River charges for response, containment and clean-up of the overflow), \$1,800 (Hometown Sanitation Services charge to respond to emergency call, etc.) and \$811.30 (for WPCA engineer inspection and related costs). Total costs associated with the incident totaled \$4,949.68 and are the responsibility of the Pattaconk.

Mr. Kehayias commented that in subsequent conversations with Mr. Finkeldey, he reported that there is no way to prove that the Pattaconk caused the back-up/overflow. Sam Chorches responded that unless Mr. Finkeldey provided a written statement to Mr. Kehayias regarding the incident, comments would be considered as "heresay".

Ed Ward reported that a similar incident occurred in 2016 and “Clayton” paid the fine related to it. Regarding the March 2019 incident, Ed Ward reported that no other users flowing into that manhole generate grease (the only other users of that manhole are residences). No grease from the Pattaconk should be in the system.

Ed Meehan provided the service map that outlined how the Pattaconk is the only restaurant dumping into that manhole.

Ian MacLachlan reported that the WPCA has a 15 day appeal protocol from the date of the NOV. In this instance, the original NOV was dated 6/14/19 and no response/appeal was received from the Pattaconk until the week of 10/14/19. Ian also commented that it is not fair to pass the costs associated with the Pattaconk’s actions on to the other users of the system.

Mr. Kehayias again requested that the WPCA provide proof that the Pattaconk caused the incident. WPCA members reiterated that Mr. Kehayias was at the scene at the time of the incident and the NOV outlined, in detail, the incident and costs associated with same.

Ed Meehan read into the record, excerpts from the original NOV dated 6/14/19 as follows:

“This letter is served upon as a Notice of Violation under Section 5 Article 5-3 of Town of Chester Water Pollution Control Authority Sewer Use and Pollution Control Regulations. On March 28-29, 2019 Deep River received an emergency call out due to reported overflow at Manhole 20 and 22A. That overflow was determined to be caused by Grease blockage from the lateral serving Pattaconk Restaurant 1850. An inspection of the AGRU showed that the unit was not being properly operated and maintained in accordance with stipulated regulations which resulted in the clogged sanitary line.

Pattaconk Restaurant 1850 is hereby required to reimburse the Town of Chester WPCA \$4,949.68 based on:

- \$1,488.38 – The charge for Deep River responding and coordinating containment and cleanup of the overflow,
- \$1,800 – The charge for Hometown Sanitation Services, LLC to respond to emergency service call, clean Septic and Grease off lawn that overflowed out of manholes,
- \$811.30 – Responsible portion for WPCA engineer inspection and reporting of jetting and lateral line, for initial grease trap inspection, subsequent follow-up compliance grease trap inspections due to non-conformance operation, review of AGRU specifications for proper operating conditions, preparation of inspection forms for use by user.

As a result you are responsible for reimbursing the Town of Chester WPCA (make out check to WPCA) for costs associated with Violation of Section 7 – Fats, Oils, and Grease Pretreatment, Article 7-4 Management Equipment Requirements in the amount of \$4,949.68 and submit within 30 days of the date of this letter to avoid any fines under Section 5 Article 5-5 Penalties.”

The letter was dated 6/14/19 and the WPCA received no response to the letter. The second NOV was issued in October 2019.

Ed Ward reiterated that Mr. Kehayias was at the incident in March and, at that time, took responsibility for it. Also, Mr. Kehayias did not respond in a timely manner to the NOV. At this time, the WPCA has not issued additional penalties for non-compliance and wishes to move forward. Ed continued that FOG regulations were passed by the State and the WPCA must enforce those regulations.

After extensive discussion, the WPCA determined that the regulations will be followed, payment is expected from the Pattaconk and the Pattaconk may appeal after payment has been received.

Ed Meehan made a motion to direct the Pattaconk to pay a fine in the amount of \$4,949.68 by noon, October 18, 2019. Ian MacLachlan seconded the motion. The motion passed unanimously.

Mr. Mike Jordan, 89 Main Street, reported that for a second year in a row, he received a \$1,550 sewer bill. He reported that the property has been unoccupied since May as it is being converted into a single-family home. Water Company usage reports were available for WPCA review. The reports show that this year’s usage was drastically reduced yet the owner was still charged for 2 EDUs.

The WPCA members agreed that, at this time, the property should be assessed at 1 EDU. The appropriate EDU rate will be revisited upon completion of the construction/re-modeling project.

Ed Meehan made a motion to adjust the bill for 87/89 Main Street to reflect 1 EDU until a CO is issued or a zoning permit is taken out to state otherwise. Sam Chorches seconded the motion. The motion passed unanimously.

#### OLD BUSINESS

##### Review and Discuss 2019/20 Budget, EDU Rate Determination Structure

Ed Ward reported that the WPCA, at a future meeting and with input from Deep River, will discuss how EDU rates are determined and applied to property owners.

The WPCA briefly discussed the potential of a subsidy/tax incentive to users of the system. Also the status of Aaron Manor was briefly discussed. It was agreed that Sam and Ian will speak to a representative of Aaron Manor.

#### Update – Restaurant Compliance – Viloation Notices

Ed Ward reported that the second round of NOVs was mailed to the Pattaconk, Simons and River Tavern. A Cease and Desist Order was sent to the River Tavern. As a result, the manager of River Tavern did contact Chairman Ward.

#### Update – Chesterfields Health Care Center

Ed Ward reported that he sent an email to Megan Nonamaker, the new administrator at Chesterfields requesting a meeting as soon as possible to review the status of the sump (disconnection) and related matters. To date, he has not had a response. He will follow-up with Ms. Nonamaker and issue another C&D Order. Attorney Bennet has been contacted to discuss appropriate steps that the WPCA may initiate to address non-payment of fines.

#### NEW BUSINESS

##### Department of Health – Potential Involvement in Conducting Fats, Oils, and Grease (FOG) Inspections

Ed Ward will contact First Selectwoman Gister relative to a request that the Health District also inspect for FOG requirements while they are doing their restaurant/food inspections.

##### Update Sewer Line Drawings

Dave Campbell reported that the current maps are inaccurate and updated the WPCA on the Water Company's project. Camera footage will be used to map the laterals and the information will be incorporated into the Main Street maps. Dave will follow up with the Water Company for as-builts from their recent project.

Ed Meehan reported that while 44 Main Street is connected to the sewer line, they have not been billed. Ed Ward will follow up with the property owner relative to appropriate billing for the property.

Pete Lewis suggested that the WPCA may wish to update the Ordinance to charge everyone in the sewer service area even if they are not on the system. They should also consider allowing properties to "hook up" to the system at no cost.

Pete reported on upcoming Capital items including a pick-up truck and data control systems. Chester would be expected to contribute to these capital costs.

Dave Campbell will forward a copy of the agreement with 4 Water Street to Chairman Ward for review.

Dave Campbell provided a copy of the Grease Compliance Log to Chairman Ward.

#### ADJOURNMENT

Ian MacLachlan made a motion to adjourn the meeting at 9:00p.m. Mark Riggio seconded the motion. The motion passed unanimously.

Respectfully Submitted,

Suzanne Helchowski  
Clerk