

~AD HOC REPORT~
Renewal of Sewer & Water Extension – 100 Saw Mill Road
Wednesday, July 27, 2023

Chairman Levy called the meeting to order at 7:05p.m. Present were Committee Members Emile Buzaid and Paul Rotello. From the City were Les Pinter, Deputy Corporation Counsel; Sharon Calitro, Planning Director; David Day, Superintendent of Public Utilities. Ex-Officio members present were Councilmen Ben Chianese, Duane Perkins and Vinny DiGilio. Present from the public was Dainius Virbickas, Engineer at Artel Engineering Group, representing the petitioner.

Mr. Levy explained the purpose of the committee is to review the renewal of a sewer and water extension at 100 Saw Mill Road and noted that the request has received a positive recommendation for an additional 18-month extension. Attorney Pinter noted that Sec. 48-47 provides the council with jurisdiction over sewer and water service requests. Mr. Rotello asked about the council's discretion to deny a request. Attorney Pinter noted that a request can be denied only due to the impact on sewer and water capacity on a municipality.

Mr. Virbickas explained that he is present to represent the property owner, he discussed the size of the property and existing approvals. He noted that water and sewer are imperative for the infrastructure of the planned facilities. He confirmed that the City Engineer and Planning Commission both approved the renewal request.

Mr. Levy noted that the Engineer is working for Mulvaney Mechanical who was hired by the property owner, Dynamics Energy. Mr. Rotello asked about the status of the project. Mr. Virbickas noted that the existing 20,000 sq ft building has been renovated and is on well water and a city sewer connection, two additional structures plan to be built. Mr. Levy noted that he received a letter from resident Frank Destefano expressing concerns with the planned project, and asked Mr. Day about the occupancy and water capacity. Mr. Day explained that the previously approved plan allocates 42,000 gallons per day which is consist with the size of the lot, (the city uses a standard of 2,000 gallons per day per acre).

Mr. Rotello asked about water tanks and their current use by residents of The Reserve. Mr. Buzaid asked about plans for facility usage. Mr. Virbickas noted that there are currently offices in the existing building, and that they may build for manufacturing, storage, and additional office space, as well as a regional power generator that will be regulated and only run for limited use.

Ms. Calitro discussed the approved project consisting of 2 parcels, office space and manufacturing, and the power generator. (Mr. Virbickas provided a copy of the project map). She noted that large building projects can often be delayed, and renewals are common practice. Mr. Day noted that the capacity will not change based on who owns or uses the property.

Mr. Rotello noted that when this project was first approved, several years ago, the area was different and now non-residential structures are beginning to be built in the area. He noted that by approving the renewal, utilities will be on hold from other potential projects that would bring in more tax revenue; he prefers that the applicant reapply when they are ready to build. Mr. Virbickas noted that communication from individuals involved in the project has increased recently and he noted that the property owner is entitled to the allocation. Mr. Rotello inquired about a renewal limit; Attorney Pinter confirmed that there is no limit as long as the project has not changed.

Mr. Levy again noted that the project has been approved by all departments, therefore there is no reason for a denial. Mr. DiGilio reiterated that all departments have approved the renewal, that the property owner has made renovations to the existing building, and that the additional buildings can be built at any time at the owner's discretion. He noted that legal recourse could be taken if there is no real reason for the denial.

Mr. Chianese noted that his concern is with the power generator and the effect on the water quality in the area and for the city. Mr. Virbicka clarified that the generator would be fully enclosed and encapsulated and there will be no contaminates in city water. He confirmed that the DEEP has fully vetted the health concerns. Mr. Buzaid asked if a Board of Health reviewed the project. Ms. Calitro confirmed that the EIC approved the project. Mr. Buzaid expressed his concerns with the watershed, existing tanks, and water quality issues. To clarify a reason for a denial, Mr. Pinter asked if there has been a change to the original plan? Mr. Rotello said yes based on the possible manufacturing of electrical car parts that he had not been made aware of. Mr. Virbicka clarified that this type of manufacturing is part of the original plan. Mr. Pinter clarified that the change in manufacturing would only be a reason for denial if the manufacturing has a direct effect on the sewer and

water capacity. Mr. Perkins asked for clarification of the voting requirements by the council. Attorney Pinter noted that a super majority is not needed.

Mr. Day discussed black slush in the water at The Reserve. He clarified that the substance was mold and did not come from the city's water system. He clarified that there are no existing water complaints in the area that he is aware of. He also explained that irrigation systems draws on the water system which some may interpret as a supply problem, however, his department has resolved these issues by communicating requirements and restrictions with the irrigation systems. He also noted sewer quality parameters and monitoring.

A motion was made by Councilman Levy to extend the current permits for another 18 months as requested.

There was no second. The motion failed.

Mr. Buzaid noted his continued concerns with the watershed area and a possible health concern.

A motion was made by Councilman Rotello, seconded by Councilman Buzaid, to table the item.

Mr. Pinter noted that the motion is out of order. Mr. Levy explained that if there is no set date to reconvene then you cannot table the item.

Mr. Rotello amended the motion: **to table the item, with a return at the discretion of the chair.**

Mr. Levy expressed concern over not having a specific requirement for the ad hoc to be continued.

Mr. Buzaid withdrew his second. Mr. Rotello withdrew his motion.

A motion was made by Councilman Rotello, seconded by Councilman Buzaid, to take no action on this petition.

2 Yes, 1 No (Levy). Motion carried.

A motion was made by Councilman Rotello, and seconded by Councilman Buzaid, to adjourn. The motion passed unanimously. The meeting adjourned at 8:31 p.m.

Respectfully submitted,
Warren Levy, Chair
Emile Buzaid
Paul Rotello