

~AD HOC REPORT~
Danbury – Brookfield Sewer Renewal
Monday, November 3, 2014

Chairman Andrew Wetmore called the meeting to order at 5:55 p.m. on Monday, November 3, 2014, in the Caucus Room, 3rd Floor, Danbury City Hall, 155 Deer Hill Avenue. Present were Committee members Vinny Digilio, Duane Perkins, and Ex Officio Member Jack Knapp. Also present were Wayne Shepperd, Mayors Office Representative; Les Pinter, Corporation Counsel; David Day, Superintendent of Public Utilities; and Jeff Sienkiewicz, Attorney.

Mr. Pinter reviewed a brief history the agreement. Approximately a year ago, Brookfield expressed a desire to extend the agreement which commenced in 1974, was renewed with changes in 1992, and expired in 2012. Brookfield has approved extending that agreement, with no material changes, for twenty years to 2032. Details were laid out in a letter with attachments for the Council at their September meeting and if in favor, a Resolution for adoption in November.

Mr. Day noted the agreement is based on an average daily flow is 500,000 per day; there is plenty of capacity; and billing will not change.

Mr. Perkins inquired whether the City would be covered in case of Federal or State rule changes. Mr. Day noted that in 1992 there was a major overhaul of the system and if there was another change, there would be another negotiation with the other communities.

Mr. Digilio inquired regarding the 500,000 gallon rate per day figure. Mr. Day responded that the current rate is approximately 270,000 gallons per day overall. He also responded to Mr. Wetmore's questions regarding current and future capacity.

Mr. Sienkiewicz noted four years ago, WPCA separated into an enterprise fund, and they want to extend the agreement. Regarding capacity, Brookfield has experienced growth, yet the sewer gallonage has remained stable.

A motion was made by Councilman Digilio and seconded by Councilman Perkins, to adopt the Resolution. The motion passed unanimously.

A motion was made by Councilman Perkins and seconded by Councilman DiGilio, that the Ad Hoc Committee be adjourned. The motion passed unanimously at 6:10 p.m.

Respectfully Submitted,

Andrew Wetmore, Chairman

Vinny Digilio

Duane Perkins

12-1



RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A.D. 2014

RESOLVED BY THE CITY COUNCIL OF THE CITY OF DANBURY

WHEREAS, on April 3, 1974, the City of Danbury and the Town of Brookfield entered into an Agreement establishing the terms and conditions under which Danbury agreed to provide sewage treatment capacity within its existing treatment facilities thereby allowing Brookfield an average daily flow to Danbury of 500,000 gallons; and

WHEREAS, on April 9, 1992, the aforesaid Agreement was amended to address issues relating primarily to wastewater treatment plant upgrades and associated improvements, which the city was required to construct in order to meet newly imposed state and federal effluent standards; and

WHEREAS, the Agreement, as amended, ran for a period of twenty (20) years and gave the Town of Brookfield the option to extend the Agreement for an additional twenty (20) years upon such terms and conditions as the City of Danbury and the Town of Brookfield agreed; and

WHEREAS, the Town of Brookfield, acting through its Water Pollution Control Authority, now wishes to extend the term of the Agreement, as amended, upon the same terms and conditions, for a period of twenty (20) years, or until April 9, 2032.

NOW THEREFORE BE IT RESOLVED THAT the City Council of the City of Danbury, acting as the Danbury Water Pollution Control Authority, does hereby authorize Mayor Mark D. Boughton to execute an Extension Agreement with the Town of Brookfield, acting through its Water Pollution Control Authority, extending the term of the underlying Agreement, as amended, through April 9, 2032.

A-2

**EXTENSION AGREEMENT
DANBURY – BROOKFIELD
INTERLOCAL SEWER SERVICE AGREEMENT**

THIS AGREEMENT is made this ___ day of _____, 2014, by and between the City of Danbury (“Danbury”), a municipal corporation organized and existing under the laws of the State of Connecticut and having an office and place of business at 155 Deer Hill Avenue, Danbury, Connecticut 06810, acting herein by Mark D. Boughton, its Mayor, hereunto duly authorized by action of the City Council acting as the Danbury Water Pollution Control Authority, and the Town of Brookfield (“Brookfield”), a municipal corporation organized and existing under the laws of the State of Connecticut and having an office and place of business at 100 Pocono Road, Brookfield, Connecticut 06804, acting herein by Nelson Malwitz, Chairman of its Water Pollution Control Authority, hereunto duly authorized;

WITNESSETH:

WHEREAS, the City of Danbury and the Town of Brookfield entered into an Interlocal Agreement dated April 3, 1974, hereinafter designated as the “Interlocal Agreement”, which defined the rights and responsibilities of the City of Danbury and the Town of Brookfield with respect to the treatment by Danbury of an annualized average daily flow of sewage generated in Brookfield of up to 500,000 gallons per day; and

WHEREAS, the City of Danbury and the Town of Brookfield amended said Interlocal Agreement by an agreement entitled, “Amendment to Danbury – Brookfield Interlocal Sewer Service Agreement,” dated April 9, 1992; and

WHEREAS, the Interlocal Agreement, as amended by Section 5 of said Amendment to Danbury – Brookfield Interlocal Sewer Service Agreement, ran for a term of twenty (20) years from April 9, 1992, and provided further, that at the end of said twenty (20) year term, the Town of Brookfield had the option to renew said Interlocal Agreement, as amended, for an additional term of twenty (20) years; and

WHEREAS, the Brookfield Water Pollution Control Authority, acting on behalf of the Town of Brookfield pursuant to its statutory powers under Section 7-247 of the Connecticut General Statutes, desires to exercise said option and to extend said Interlocal Agreement, as amended, for an additional term of twenty (20) years, or until April 9, 2032, and has authorized Chairman Nelson Malwitz to execute this Extension Agreement with Danbury, and

WHEREAS, the Danbury City Council acting as the Danbury Water Pollution Control Authority on behalf of the City of Danbury pursuant to its statutory powers under Section 7-247 of the Connecticut General Statutes, has authorized Mayor Mark D Boughton to execute this Extension Agreement with Brookfield.

NOW THEREFORE, in consideration of the covenants therein contained and for a good and valuable consideration, the City of Danbury and the Town of Brookfield, acting by approval of their Water Pollution Control Authorities, agree that said Interlocal Agreement, dated April 3, 1974, as amended by said Amendment to Danbury - Brookfield Interlocal Sewer Service Agreement, dated April 9, 1992, shall continue in force for an additional term of twenty (20) years to April 9, 2032, upon the same terms and conditions as contained in said Interlocal Agreement, as amended by said Amendment to Danbury - Brookfield Interlocal Sewer Service Agreement.

IN WITNESS WHEREOF, the Municipalities have caused this Extension Agreement to be executed by their duly authorized officers as of the date first above written.

Signed, sealed and delivered
in the presence of:

CITY OF DANBURY acting by
authority of its WATER
POLLUTION CONTROL
AUTHORITY

By: _____
Mark D. Boughton, Mayor

TOWN OF BROOKFIELD,
acting by its WATER
POLLUTION CONTROL
AUTHORITY

By: _____
Nelson Malwitz, Chairman