



MEETING MINUTES

SWPCA Subcommittee on SWPCA Operational Policies and Procedures

Tuesday April 12, 2016

2nd Floor Conference Room

Building 11, 111 Harbor View Avenue

Stamford CT 06902

4:30 p.m.

Attendees

Daniel Capano	Chairman, Technical & Policy Committee
Ernest Orgera	Director of Operations, Committee Member (Absent)
Edward Kelly	Committee Member
Merritt Nesin	Committee Member (Absent)
William Brink	Executive Director, WPCA
William Degnan	Plant Supervisor, WPCA
Stephen Pietrzyk	Collection System Supervisor, WPCA
Prakash Chakravarti	Supervising Engineer, WPCA

1. Call to Order and Roll Call:

D Capano called the meeting to order at 4:30 pm, and announced the above list of attendees. Call to Order and Roll Call

2. Approval of the December 16, 2015 subcommittee meeting minutes

E Kelly made the motion to approve the Dec 16, 2015 subcommittee meeting minutes, seconded by D Capano, motion was carried 2-0-0.

3. Review of Assistant Corporation Counsel, Michael Toma's legal opinion regarding maintenance and repair of building laterals within the street ROW

W Brink handed out Assistant Corporation Counsel, Michael Toma's legal opinion on the above issue. (Legal opinion being made part of the meeting minutes.) W Brink stated that a survey found that forty seven (47) out of fifty seven (57) wastewater departments or municipalities do not take responsibility for maintaining or repairing the building lateral under the street ROW. He noted that the MDC (Hartford) and Greater New Haven WPCA assume responsibility. S Pietrzyk said that the WPCA cannot assess the condition of the building lateral. D Capano asked what would be the ramifications if the WPCA were to assume responsibility. To which S Pietrzyk replied that he would have to devote significant staff resources to investigate the sewer laterals. E Kelly expressed his concern on the costs involved in paying for road repair, traffic control and permit fees which he felt is an imposition on the building owner. P Chakravarti suggested a fixed fee reimbursement to lessen the cost burden when the repair to the lateral necessitates open cut excavation in the right-of way. D Capano asked P Chakravarti to estimate a reasonable cost for the fixed amount of reimbursement and suggest the language for adoption as a policy at the committee's next month's meeting

4. Review and discuss the draft of the new proposed SWPCA operational policies and procedures

W. Brink provided a draft of the introduction and an outline of the Operational Policies. D Capano asked if there exists a manual of operational policies and procedures. W Brink said that the policies that relate to WPCA employee personnel issues are the same as those for City of Stamford employees which is maintained by the Human Resources Department for the City. Operational polices as it relates to SWPCA staff that are unique to the SWPCA 's day to day standard operating procedures have been developed and are maintainedand revised as necessary. D Capano asked that a section on Security be added to the Operational Policies and he volunteered to develop the policy for cyber security and communicate to all.

5. Old Business

There on old Business to be discussed

6. New Business

There on new Business to be discussed

E Kelly made the motion to adjourn the meeting, seconded by D Capano, motion was carried 2-0-0. The meeting was adjourned at 5:20 pm.

MAYOR
DAVID R. MARTIN



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MICHAEL S. TOMA

TO: Michael Handler, WPCA Chair, and Ernie Orgera, WPCA Member
FROM: Michael S. Toma, Assistant Corporation Counsel *MST*
DATE: February 2, 2016
RE: Sewer Lateral in Public Right of Way – Party Responsible for Repair

You have asked for an opinion on whether the owner of property serviced by a sewer lateral is responsible for repairing the portion of the lateral that is located below the public right of way. No direct answer to this precise question is found in state statutes, regulations, or caselaw. However, based upon the history of Stamford's ordinance provisions relating to sewers, my opinion is that at the present time a property owner is not responsible for the cost of such repairs.

State statute, at C.G.S. 7-257, authorizes a WPCA to order the owner of any building to which a sewerage system is available to connect such building with the system at the owner's expense. If the owner fails to do so, the WPCA can "cause the connection to be made and shall assess the expense thereof against such owner." This statute suggests that the owner owns the lateral. However, the statutes are silent on the question of whether the property owner is legally responsible for repairing the lateral.

While Stamford's sewer ordinance tracks the above statute and provides, at 200-32(A), that the property owner "shall, at the option of the WPCA and at the owner's expense, be required to install a building lateral to connect their building drain to the public sewer," it too is silent on the question of repairs. However, in the past, the ordinance did directly answer the question. Until October of 1997, Stamford's sewer ordinance contained the following paragraph: "All operating and maintenance costs for building sewers and laterals are the responsibility of the building owner, not the City of Stamford nor the WPCA, even if the lateral goes under city property." This paragraph was removed from the ordinance in October of 1997. No reason was given for the change. The removal of this paragraph is evidence that the City no longer wanted

property owners to be financially responsible for maintenance of laterals under the right of way. However, the existence of this paragraph is evidence that the City had the legal authority to make property owners responsible for the lateral, even under the right of way.

I was informed by Bill Brink that most, but not all, surrounding towns place responsibility for repairs in the right of way on the property owner. This lack of consistency among surrounding towns supports the conclusion that each municipality can decide for itself by local ordinance where the responsibility for repairs will lie. If it becomes the position of the WPCA Board that a property owner should be responsible for repairs to laterals within the public right of way, the WPCA Board can submit to the Board of Representatives a request for an ordinance change which would reinstate the provision that was removed in 1997.

Cc: Bill Brink, Executive Director, WPCA