



BOARD OF ALDERMEN  
SHELTON, CONNECTICUT  
Public Hearing on Ordinances  
June 22, 2010

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**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Aldermanic President John Anglace opened the Public Hearing at approximately 7 p.m. All those present rose and pledged allegiance to the Flag of the United States of America.

**ROLL CALL**

Aldermanic President John F. Anglace, Jr. – present  
Alderman Lynne Farrell – excused  
Alderman John “Jack” Finn - present  
Alderman Stanley Kudej - present  
Alderman Eric McPherson – present  
Alderman Noreen McGorty - present  
Alderman John P. Papa – present  
Alderman Anthony Simonetti – excused

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1. PROPOSED F.O.G. ORDINANCE PROVIDING - DISCHARGE OF FATS, OILS, AND GREASE
2. AMENDMENT TO ORDINANCE #215 PROVIDING FOR REQUIRED USE OF PUBLIC SEWERS
3. AMENDMENT TO ORDINANCE #266 PERTAINING TO SEWAGE USE CHARGE POLICY
4. AMENDMENT TO ORDINANCE #336 USE AND DISCHARGE OF SUBSTANCES INTO PUBLIC SEWERS
5. AMENDMENT TO ORDINANCE #839 – PROCEDURE TO SELL CITY PROPERTY

1. PROPOSED F.O.G. ORDINANCE PROVIDING – DISCHARGE OF FATS, OILS AND GREASE

Mike DeAngelis, Chairman, WPCA

Mr. DeAngelis stated, we’re here tonight to give a quick presentation with our consultant, Kathryn Scott, and Steve Morse, one of the Commissioners. The FOG program is a product of the consent decree, which is a DEP mandated act that we need to start taking care of. FOG is an acronym for Fats, Oils and Grease. I don't know if you

realize how bad the situation is at the plant. We can spend \$17 million on the plant and \$8 million on the pump stations and it still won't take care of it. FOG is an issue we have to deal with every single day and we can't change that. What we can change is the attitudes of the commercial establishments in Shelton and the residents within Shelton. I know in my own household I have an issue with my wife and kids putting fats, oils and grease down the drain and not realizing what the end effect is down at the plant, which is we can't maintain proper nitrogen levels, we have all kinds of issues with grease building up. It's costly to get rid of it. There are many steps we need to do, and we're making the first initial step.

We have a two-part contract with McGuire Group and Hadlyme Environmental Engineers to take care of this FOG issue. Of course we have other things going on at the plant. There are problems every day because it's a biological system and the biology of the systems changes every day. It's not as easy as it might sound.

We are going to start asking for fees from the food establishments. We've established a rate schedule for the fees for the food establishments. We requested of the Mayor to hire an Assistant Sewer Administrator to help Tom Sym out; he is still considering that. We also spoke about having a consultant – a part-time person to help us strictly with the FOG issue. There are other things in the consent decree we need to take care of.

We are going to do newspaper articles and different types of publications to let the general public know how to deal with FOG and how we can attempt to eliminate FOG through the residential. We'll never eliminate it; we'll never really be able to find its source because you can't pinpoint where it is coming from. Our biggest contributors of FOG, believe it or not, are residences. They're hard to find and hard to establish what's going on. The easier part is the commercial establishments. There are 180 food establishments in town and we'll be charging each one of those.

Alderman Papa asked, what about people who have septic? Do the people who clean the septic bring the waste to our plant?

Mr. DeAngelis replied, no. We are working on town residents being able to bring their waste and dump it at the plant. The problem right now is we're having other smaller issues at the plant. We can't accept that waste, because that waste is very high in ammonia and it affects the biological process of the system. McGuire is helping us design a way to change the piping so we can accept this residential waste. Hopefully there will some kind of result for that in the next month or two.

Kathryn Scott of Hadlyme Environmental Engineers

I am a professional environmental engineer, a consultant to the WPCA for about the past year and I helped the Connecticut DEP develop the Statewide FOG Program.

To get out from under the consent order, they have to have 12 consecutive months with no overflows in the collection system. That is one of the areas that FOG collects in the

collection system and causes those overflows. Part of the FOG program is to prevent that.

The DEP originally set the regulations in September of 2005, and restaurants throughout the state have been notified of this in various different ways. I know the WPCA has already sent out notifications to all of the Class 3 and 4 food service establishments. Those would be the regulated community under this ordinance.

DEP's statewide program is a mandate for all municipalities within Connecticut that have public sewer systems. Facilities that are not on public sewer system but on septic systems are exempt from this program because the DEP has no authority over what they discharge – that is under the jurisdiction of the Health Department.

[Ms. Scott referenced a PowerPoint printout she distributed to the Aldermen]

The first couple of slides have to do with the problems that grease causes. The third slide says Program Goals – you see a manhole that should be empty and you should be able to see the brick on the bottom; instead you see a collection of grease, water, trash and other things that are found in sewage.

DEP adopted in September 2005 the Fats, Oils and Grease general permit – that is the requirement for all municipalities to come up with a grease permitting program for food preparation establishments – class 3 and 4 facilities that are regulated by the Health Department. Those are facilities that use more extensive cooking techniques – they do frying and baking.

It wouldn't be a Class 1 or 2 facility that does minimal cooking onsite. Those, because they don't use techniques that generate a lot of grease, are exempt from the program. The Health Department can provide to us a list of those Class 3 and 4 businesses that would be regulated under this program.

The DEP's program has a compliance date of July 1, 2011. Facilities that are new in Shelton or have changed ownerships have to come into compliance before the July 1, 2011 date. That's part of the Connecticut DEP statewide program. We're not setting those dates; those are DEP dates. The DEP has set requirements for the types of equipment that could be used to keep the grease that is coming from these facilities out of the collection system. They can go with an outdoor grease trap and the DEP has set a minimum size for that, or an automatic grease recovery unit that is an automated unit, it's a lot easier to clean.

The DEP is mandating either the outdoor large grease trap, it's like a thousand gallon tank buried in the ground, or an automatic grease recovery which is an easier to clean unit because you can maintain those two types of units. The DEP has said you will have one of these two types because you can clean them and keep the grease out of the collection system.

Alderman Papa asked, what happens to the customer or the person who has a restaurant, what do they do with that particular product to get rid of it?

Ms. Scott replied, there are usually septage haulers, some of them will take grease, just like if you went to pump out a septic tank, they'll come and pump out a grease trap. They can take that grease to New Haven or Torrington. The systems generally start at about \$3 thousand in cost for just the unit, then it has to be installed by a plumber and an electrician; if there's not already an electrical outlet available.

One of the things that the DEP has done in their job permit that's different is the requirement for maintenance. Outdoor traps have to be cleaned quarterly and indoor traps, the AGRU's have to be cleaned daily. Daily is really easy, you just take the container off the front of the unit and pour it in your container out back behind the restaurant.

I want to go over what the Shelton program does and how it follows the State program. First of all, the regulated community is the same for the Shelton program as for the DEP's general permit. The compliance dates are all the same as for the DEP program. Maintenance requirements are the same as well as the best management practices. The DEP program said that you can install either the outdoor unit or the automatic grease trap. The Shelton program favors the outdoor grease trap, because it's easier to maintain, there are no mechanical parts, nothing really to break unless you have some sort of structural failure - concrete erodes, that sort of thing - and actually it's easier to get a septage hauler to come in and remove that type of grease as well. However AGRU's are allowed.

The DEP requires a permitting program. It doesn't specify what the time limit for the permits are, and we have set our program up for a two-year permit and a two-year variance. Variances are allowed because you will find facilities that qualify as a food preparation establishment, they're either class 3 or 4 establishment, they might fry potatoes but they might be in like a truck - they don't have an actual sewer connection. Those types of facilities would be exempt from the program. There are other types of variances, it might be the facility is very small, it doesn't generate a lot of water, those sorts of things. We've made provisions to exclude those facilities.

There are different types of violations under the Shelton program. It could be things like failure to clean your grease trap. It's very important that the trap is maintained or it doesn't really matter what you have installed; everything needs maintenance. If a facility has been cited for a violation of failure to clean their grease trap, the inspector would go out and re-inspect the facility, make sure that they were in compliance 30-45 days after the original failed inspection. If they continue to violate the ordinance, I should say the proposed ordinance, there are fines for failing the inspection and then additional fines for failure to continue.

Alderman Papa asked, if the fines are imposed on a particular vendor, where does the money go? Does it go to the state?

Ms. Scott replied, no, the State program has no fines, no fees, and no registration. All of that is left to the local municipality so that they can have fees and fines to support their own program. It was specifically written that way so that you wouldn't be stuck with the bill.

Mr. DeAngelis stated, keep in mind we've been very cognizant about the fees and what we've been charging for fees and what we charge for somebody that's not obliging by the ordinance. We know it's a small town, 39,000 population, 180 people depending on being able to keep on running their business. We had this huge discussion on what the fees should be. We were at \$50 and we were up at \$1,000 and we had large fees and we decided to bring it down and keep it low because we were cognizant of the people here in town and we didn't want, especially in these hard economic times, to be burdening them with these high fees.

Alderman Papa stated, I was just curious because usually the State would tell you what the maximum fee is that you can charge. That's why I'm surprised that this is being controlled by the City itself.

Ms. Scott stated, Actually the fees that are proposed with this ordinance are fairly close to what the other towns are charging. We had discussed how much time would be needed for the WPCA or some person employed by the WPCA to maintain this program, our oversee the program and we decided it was approximately one person and that's kind of factored into what the fees are as well, to cover that person's salary.

Alderman Papa asked, so you think one person would be able to handle this particular city?

Ms. Scott replied, yes, we hope so; unless there are a lot of violations.

That's really the high points of what the permit involves.

Alderman Anglace stated, we're looking for an overview of the whole picture. So then we'll get into each ordinance with your comment from the public on each ordinance and then you may have to participate in those questions then. So just give us a quick overview.

Ms. Scott stated, as a quick overview, the DEP has mandated a general permit or through a general permit that towns have to come up with some sort of permitting program to regulate the discharge of grease from restaurants in their town; the ones that discharge to their collection system. We've come up with these ordinances that you have in front of you and an effort to meet the requirements of that DEP general permit and reduce the sewer overflows in the town that are caused by grease. That's it. I think Steve Morse also wants to speak.

Commissioner Steve Morse, WPCA

I'd just like to make some general comments and reinforce what Mike and Kathy had said. For example, the Class 3 and 4 restaurants; here are some names: of course restaurants, hospitals, bars, clubs, commercial bakeries, hotel kitchens, school kitchens, factory cafeterias, butchers, and nursing homes. All those people, if they prepare food, will fall under this FOG program.

The other comment I'd like to make is, the handout that I'd given the Clerk, you'll see in the back few pages, there will be a picture of one of the pump stations that I personally took. I show you down on the bottom of the pump station what a grease accumulation looks like in the wet well. The last picture is what the guys scoop out in a ladle, it's like a sieve, it's all full of grease. If you can picture that clogging up the system, that's what we want to avoid by this ordinance.

For example, how are we impacted today? As Mike mentioned we do see some oil and grease on top of the SBR's at the plant. At four of the five pump stations, they collect twice a day, skim off the grease and the accumulation is approximately 300 to 400 pounds per month at four of those pump stations. So, we do have a problem and the enactment of this ordinance I think will take care of a big share of that issue.

The other thing I'd like to mention, there are three ordinances on the table. All three of the ordinances have been adjusted to reflect the impact of FOG - in which we took out the requirements on three of the ordinances and the last one is a big FOG ordinance, that's the new ordinance that initiates the FOG program. So, the Clerk does have the pictures, you should look at them. I think a picture is worth ten thousand words.

Alderman Anglace stated, let me just summarize this thing here. If you look at the call of the meeting, the agenda, item number one - the Proposed Fats, Oil, and Grease Ordinance Providing Discharge of Fats, Oil, and Grease - that's a proposed ordinance. Item number two - the Amendment to Ordinance Number 215, item number three - Amendment to Ordinance Number 266, and item number four - Amendment to Ordinance 336 are all amendments to existing ordinances; they're modified for various reasons. When we get to each one of these, let's just summarize what the changes are incorporated, and maybe we can do that; if I don't do it completely, just help me.

The first one is the Ordinance Providing for the Discharge of Fats, Oil, and Grease. It isn't until section 13.05 that you get your first modification that reflects Shelton's approach, which is a change versus what's suggested by DEP, is that correct? That's item 13.05, it reads, "Where outdoor grease traps are in use, separate wastewater lines shall be provided through conveyed sanitary wastewater directed to the public sanitary collection system. Wastewater from the kitchen and clean up areas shall be conveyed through the grease trap then to the public sanitary collection system. In no case shall sanitary wastewater be allowed to enter the grease trap. Is that correct? That's changed?

Ms. Scott replied, that has changed. Previously that section read that each structure will have one sewer line exiting the building. We wanted to clarify that sanitary waste is

not to go into the grease trap, but is to go around the grease trap; restroom waste can't go in there.

Alderman Anglace stated, there are many, many pages here so I'm not reading the DEP's voluminous ordinance. But the second modification that impacts Shelton, would be under item number 13, number 13 item "L" – Food Preparation Establishments. Food Preparation Establishments is the definition; so it means the establishments that engage in cooking methods that have the potential to produce fats, oils, grease including facilities that are regulated by the local Health District and are classified as class three or class four food service establishments defined by State Health Code or are regulated by the Connecticut Department of Consumer Protection. These facilities include but are not limited to restaurants, hotel kitchens, hospitals, school kitchens, bars, factory cafeterias, clubs, prisons, butchers, and commercial [inaudible]. Residences and industrial food processing facilities cannot be regulated by this ordinance.

Ms. Scott stated, that very closely follows the DEP's definition of food preparation establishments from their general permit.

Alderman Anglace stated, and then go on to appendix "A" - the next change, looks to be, just two words are inserted in there, where they're talking about hazardous or injurious wastes; under "A"- fats, food-related oils, or greases. "Food-related" is the change.

Ms. Scott replied, yes. That's to clarify that we mean food-related grease rather than petroleum hydrocarbons.

Alderman Anglace stated, okay, under Appendix A, item E, it added "Grinding of garbage from food preparation establishments is prohibited."

Ms. Scott stated, that follows from the general permit that the DEP has that prohibits those in commercial kitchens but not in residential.

Alderman Anglace stated, that summarizes the changes that you're proposing to the DEP standard ordinance.

Ms. Scott replied, no, those came from the DEP's general permit.

Alderman Anglace stated, All right. So now let's stop at this point and take public comment on that, on the ordinance. I don't know how we can prepare any better to take comments, so if anyone would like to comment on item number 1 - Proposed Fats, Oil, and Grease Ordinance Providing for the Discharge of Fats, Oil, and Grease, you may do so.

Being none, Alderman Anglace stated, we'll go to item number two. Let's not close anything because if somebody comes up with thoughts and wants to get up and talk about anything at the end they may do so.

Irving Steiner, 23 Partridge Lane

I have a few questions that were not covered so far in the description and that is, this fee that, I think there are 216 businesses, some of which, all of which do not create grease, but how is this fee going to be set and also where is the, are the actual people receiving this indebtedness, are they going to have, be alerted to this fact and be able to say something about it? Is it a one-time fee? I understand that, I think it's a one-time fee and the fee is for the initial application that the businessman has to apply for? Is that the case or is it a repetitive fee on a yearly basis?

The other thing, I'm surprised to hear that our sewage treatment plant cannot handle private septic systems; the original one, the one previously handled it, why wouldn't the new design have been designed exactly the same way to handle septic removal and I can't understand why we're suffering this problem.

Alderman Anglace stated, If you recall, a few minutes ago Mr. DeAngelis said that that wasn't something we were going to cover tonight. You can take the question up and respond to Mr. Steiner directly outside this hearing, but it's not part of the hearing tonight so we don't really want to get into it, so I don't think we should get into it. There is no reason why you can't get an answer to it and like respond to Mr. Steiner directly.

Mr. Steiner asked, does anybody have any idea how big the fines will be on the...

Alderman Anglace stated, will somebody pass this down to Mr. Steiner? This sheet, you don't have this. It's a sheet and I think it has some information that might answer your questions.

Mr. Steiner stated, thank you very much. I'm a little surprised that there isn't more attention to this since it's affecting a lot of business owners and they apparently didn't know about it.

Alderman Anglace asked, were the business owners made aware of it?

Mr. DeAngelis replied, through this public hearing, yes, and they will be through mailings.

Alderman Anglace stated, Mr. Steiner's point is that if they were made aware prior to tonight they'd have a chance to come and comment on it.

Mr. Steiner stated, yes, to be here.

Alderman Anglace stated, and if they weren't, then they don't have a chance to comment on it.

Mr. Steiner stated, thank you.



Mr. DeAngelis stated, thank you, President Anglace. Yes, we're not going to talk about the accepting waste down at the Treatment Plant. We're not here tonight to discuss that; it's the FOG ordinances. That's why we have public hearings. When we have public hearings at WPCA, much as you do here right now, you don't send out notices to anybody that's being affected. There are 180, there are not 260 food establishments that we're dealing with; it's 180. Of those 180, I don't remember the exact numbers, Katherine's got them, all 180 aren't affected because of the different classes involved. So, no, Mr. Steiner, we do not send out notices about that prior to this public hearing because at no public hearing do you have to do that, so I didn't, we didn't see the need.

We do see the need to make sure that the food establishments do get recognized and to realize that we spent three months establishing this new ordinance as the first one on your list because it takes three months to do these types of things because it affects not only you as Aldermen, but us as a WPCA and obviously everybody sitting here. So, we don't take this type of thing lightly. Like I said we were at fees of \$1,000 and we're down to maybe \$300 or \$350 dollars. We've followed other towns, we had very frank discussions and pounding fists on the table without spending everybody's money and you know, let's face it, we're in a tough economy right now we didn't want to do that to Amici's Restaurant, my favorite restaurant, or anybody else. So we're very cognizant of the fees that we are charging. The fees will, it will be a first time sign up fee and we've staggered the fees. We also have them renew once a year and the renewal fee is very inexpensive, I believe \$50 to renew. We were, again, very cognizant of these fees for starter fees and once a year renewal fees. The renewal fees are done, because there's 180, we stagger them on how they come renewed because we didn't want to have all 180 people coming at one time on December 1st and flooding his office saying "I need to renew my permit" so we were very cognizant of that. And I don't remember any of your other questions but did that answer all the questions?

Alderman Anglace stated, let's go back a bit. The fee schedule, I gave Mr. Steiner a copy of the one I have. This fee schedule, is this incorporated in the ordinance and when we adopt the ordinance are we adopting the fee schedule as well?

Mr. DeAngelis replied, yes, you are.

Ms. Scott stated, Ray Sous advised us that we should include this by reference and say that it is a set fee that is in the Office of the WPCA and that's how it's phrased in the ordinance.

Alderman Anglace stated, so the Board needs to know that if we adopt this ordinance, we adopt the fee schedule that's proposed with it.

Ms. Scott asked, no, do you want that that way? We can change it but...

Alderman Anglace stated, that's what I'm trying to clarify. If that's not the case, then will the WPCA adopt this fee schedule, and they have the authority to change it as they see fit?

Ms. Scott stated, that was my understanding.

Mr. DeAngelis replied, yes.

Ms. Scott stated, based on your counsel, that's the way we set it up.

Alderman Anglace stated, I think that would be more consistent with what WPCA now does in setting the sewer use charges, etc. You are an autonomous body by State law and the Board of Aldermen can adopt the ordinance. But setting the fee schedules has always been separate and left up to the WCPA because you manage your own finances and you manage your own monies.

Mr. DeAngelis stated, that's correct, Mr. Anglace. Attorney Sous advised us and think Steven reminded me that we originally had it in the ordinance, but because we are autonomous, and we have it with our sewer use fee now or our other connection fees, they're not associated with anything else. So that's correct. They're separate.

Alderman Anglace stated, that helps me, and I'm sure it helps Mr. Steiner and others. But I want to get it out because, if anybody wants to comment on it, now is the time to do it.

Mr. DeAngelis stated, right now these are the fees we plan on charging.

Alderman Anglace stated, if anybody wants to know anything further about that before we proceed, we can...

Mr. Steiner stated, a fee is for work done by the administration, I would say, to get involved and generate the paperwork, but what would the second year and third year fourth year, this fee is continuing and what is the, what are the later fees for, what involvement does the administration have to require an additional fee after the first fee?

Alderman Anglace stated, I think if the WPCA is putting the set fees, then they should hold a public hearing on those fees before you set them. Suggested for the very purpose that Mr. Steiner is raising here - that the public wants the answers and the Board of Aldermen is not the body that's going to provide those answers so we can't answer those. We would hope that you would hold a public hearing prior to setting your fees so, for this very reason.

Mr. Steiner stated, the public also, who's suffering these fees and will suffer the fines, should be here also. They are the ones most affected. I'm not affected personally, but I think it's strange that they are not involved right up front because they're the ones spending the money and have to have knowledge of why they would be fined. I think they have to be involved in the very beginning. Thank you.

Alderman Anglace stated, so doing it on a basis that you hold a public hearing would give especially the public, but especially the public that's impacted by this, an opportunity to be heard and that, that would be very good.

Mr. DeAngelis stated, yes, Mr. Anglace, no problem. We'll have a public hearing and take your good advice. There's 19,000 units in this City of Shelton who we call EDU's. We had a public hearing for user fees last month to decide on whether we were going to have user fees at \$197 or \$195. Mr. Steiner, if we were to e-mail out, mail out 19,000 EDU's, everybody that's on the system, we'd have a heck of a time doing it. Guess how many people showed up to a public hearing for that? None, and you weren't there either. So, 19,000 people didn't show up for a public hearing, we don't have an obligation, and I'm not saying this in a sarcastic or bad way, we don't have an obligation to notify them prior to a public hearing - much as when we do our own public hearings for WPCA do we have the responsibility of notifying them prior to the public hearing so we are following the exact protocol we follow every single time as far as notifying, whether it's a residence or if it's a commercial use. We are very cognizant of the commercial industry, of the industry in this town. We do not and we did not take it light-heartedly about how we are going to charge these fees and it took us three months to establish this. We were, every time we spoke about it we spoke about how the difficult times we're in right now and Catherine has other towns she's doing this with me. Try to follow her take on this, so we do not and did not take it lightly so we're not going to now and in the future, notify the public before there's a public hearing other than what we're required to do by State law and put in the newspaper. Let's make that one clear; please don't ask that one again.

Alderman Anglace asked if there were any other comments.

Mr. Morse stated, one more comment, maybe I can help Mr. Steiner out. As this program starts, there'll be an application fee. That's \$100 dollars and once a permit is granted to the permittee, that's good for two years; that's pretty reasonable. About 90 days prior to that permit expiring, we will go out to that permittee with another letter saying, by the way, here's the renewal application please fill it out and send us a fee of \$50 for the next two years. It's pretty reasonable and it's all here. And there are late fees in here, there are trouble fees for people that run into trouble. It's pretty well spelled out; I agree with Mike, we will hold, to your suggestion John, a public hearing before we put the ordinance in affect. Does that help?

Alderman Anglace asked if there are any other comments on item number 1.

Let's keep it open until the end of the meeting so if anybody comes up with any other thoughts they can get them in.

## 2. AMENDMENT TO ORDINANCE #215 – PROVIDING FOR REQUIRED USE OF PUBLIC SEWERS

Alderman Anglace stated, item number 2 is Amendment to Ordinance Number 215 providing for required use of public sewers. This is a modification of one paragraph only to an existing ordinance number 215, all right? Is that correct?

Ms. Scott replied, yes, it is correct. It's just a clarification of that language to make sure that it's in complete agreement with the proposed FOG ordinance.

Alderman Anglace asked, would anyone like to comment on that? On that change to existing ordinance, amendment number 215.

No comments were received.

## 3. AMENDMENT TO ORDINANCE #266 – PERTAINING TO SEWAGE USE CHARGE POLICY

Alderman Anglace stated, we'll go on to number 3 - Amendment to Ordinance Number 266 and that change... that change is the one that I read is paragraph "L" Food Preparation Establishments; and it's just a definition of food preparation establishments, is that correct?

Ms. Scott stated, it is, actually I think there was another change somewhere in that ordinance that says... actually I don't have it with me so I'm not quite sure what it says, but the definition was added just so you have definition for the use of that term someplace else in the ordinance.

Alderman Anglace asked, the other change is with the addition of the words "food-related" in the paragraph that says "fats, food related oils, and greases."

Ms. Scott looked at it and stated, because of the addition of the phrase that "garbage grinders were prohibited at food service establishments" then we had to add the definition of what a food preparation establishment was; so it's just those two things probably.

Alderman Anglace asked, and then, grinding of garbage from food preparation establishments is prohibited, that's all?

Ms. Scott replied, right, that's from the DEP's general permit.

Alderman Anglace stated, okay, I just want to try to establish what the changes are so that the public understands. Maybe, you know, it's hard to picture the whole thing but at least to know the changes and comment on those; would anyone like to comment on item number 3 - Amendment to Ordinance number 266 changes as just enumerated?

No comment was received.

#### 4. AMENDMENT TO ORDINANCE #336 – USE AND DISCHARGE OF SUBSTANCES INTO PUBLIC SEWERS

Alderman Anglace stated, Amendment to Ordinance Number 336, use and discharge of substances at the public sewers, and that received a modification of the paragraph 2.27 in that food preparation establishments shall mean, and this is a definition, that engage in cooking methods that have the potential to produce fats, oils, and grease including facilities that are regulated by local Health District and are classified as class 3 or class 4 food service establishments as defined by the State Health Code or are regulated by the Connecticut Department of Consumer Protection. These facilities include but are not limited to restaurants, hotels, kitchens, hospitals, school kitchens, bars, factory cafeterias, clubs, prisons, butchers, and commercial bakeries. Residences and industrial food processing facilities shall not be regulated by this ordinance.

I believe there's another change in paragraph 3.04c, which adds the sentence, "Grinding of garbage from food preparation establishments is prohibited." I believe that's paragraph 3.06, interceptors for treatment of petroleum based grease and oil and road sand shall be provided when, in the opinion of the authority necessary for the proper handling of liquid waste containing petroleum-based grease in excessive amounts. This change incorporates the petroleum based approach.

Ms. Scott stated, previously that section did not say petroleum based, it just said grease. We wanted to clarify.

Alderman Anglace stated, those are the changes. Would anyone like to comment on those?

No comments were received.

Alderman Anglace stated, that's the last one. All right. We've gone through them all as best as we could go through and provide explanation. Let's just ask if anyone wants to make comment on any of them or anything they want to get into the record on this whole matter before we close the hearing.

#### Tim Foley, 34 Newcastle Drive

I just want to get clarification for myself. I'm not quite sure what I'm hearing here. The fees they're charging business for discharge of fats, oils and grease. Is the fee for that or is it more for a license to handle it?

Alderman Anglace stated, the Board of Aldermen can't answer the question, but I want to remind you – I don't know whether you heard this or not. The fee schedule they're going to develop – the WPCA is going to hold a separate public hearing on that before adopting that fee schedule.

Ms. Scott stated, the fees that we're establishing are to discharge to the public collection system. The fees are actually to cover the administrative paperwork of keeping track of the facilities, going out and doing inspections – there are inspections three or four times a year to make sure that everyone's in compliance, and covering the inspection costs.

To throw out the fees again, the initial application is \$100 – it's good for two years. At the beginning of the third year you have to reapply and it's \$50 after that. To come out and inspect a facility three or four times a year - \$50 for two years is actually a pretty good rate.

Mr. Foley stated, thank you. As far as the schedule of the fees – I really have no question about that. But are we allowing for fats and oils to be dumped in our sewers?

Ms. Scott stated, it's actually a pre-treatment program. The wastewater goes into a grease pre-treatment device. The wastewater is discharged to the collection system. The grease is retained in the pre-treatment system. Once the treatment system, the grease trap, is cleaned, that material will go to a grease receiving facility. The grease receiving facility is a term that the general permit uses to designate State approved facilities for grease treatment. Not every treatment plant is designed for grease treatment.

Alderman Anglace stated, if you wish to be notified of the public hearing, give your name to Mr. DeAngelis.

Alderman Anglace asked if anyone else wishes to make comment. Being none, Alderman McPherson MOVED to close the hearing on Items 1 through 4; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 6-0.

#### 5. AMENDMENT TO ORDINANCE #839 – PROCEDURE TO SELL CITY PROPERTY

Alderman Anglace asked if anyone would like to make comment on this item.

#### Dave Goiello, 65 Walnut Tree Hill Road

Basically reading the changes that you've proposed, it gives the Board of Aldermen the authority to bypass the process and sell the City property in any method that you deem fit. It allows you to decide what property you're going to bypass the normal process by and how you're going to sell it. And as far as transparency in government goes, there isn't any in this process. While I'm certain that the current Board of Aldermen are all honest people, and would not use this to facilitate their own economic advantage, we can't say that for the next Board of Aldermen that might be coming in. I personally think that this is a very poor amendment and change to the current process. Thank you.

Alderman Finn stated, since this didn't go through committee and it just went back to the full Board and back here again with the amendments, can you give us your thoughts on the proposed changes to the Procedure to Sell City Property? I understand you were

one of the authors of the proposed changes. I'm asking for your thought process as to why those changes are reflected in the ordinance.

Alderman Anglace stated, we put this in and made a change as in the note. Specifically excluded from this process is the sale of real property located within the redevelopment plan for the municipal development plan, and as designated by the Board of Aldermen. That was already in. And, "any other parcel of real estate not within said plan but determined by the Board of Aldermen to be within the City's best interest to exclude such parcel from said process." We have seen parcels that are just not conforming parcels that are unique in their manner and they probably would be better handled by being excluded from the process. We want to bring it back to the Board of Aldermen to let the Board of Aldermen, in full public domain, say why this is a unique parcel and why it should be excluded and handled differently.

Alderman Finn asked, are you referring to Middle Avenue?

Alderman Anglace stated, that's one that fits the bill. It does fit the bill. There are probably other parcels just the same way. You can't foresee everything; you just have to take them as they come up.

Alderman Finn stated, 279 Soundview Avenue and the Howe Avenue property, they would not fit that?

Alderman Anglace stated, I'm sure that if they are then we'll bring them up, we'll talk about it, and we'll exclude them from the process. But I'm not defining which parcels are and are not.

Alderman Finn stated, those are the only three parcels that we have in front of us.

Alderman Anglace stated, I don't think there's anything. I'm not so sure - we have to look at each one independently. I would probably not agree on some and would agree on others. I thought that your objection at the time was the same as mine, and we decided that we would amend this and bring it back so that we had it in front of us to put it before the Aldermen specific exclusion, have it publicly discussed and public action taken on it, and not just say. I think the concern was for transparency and I think that's what we try to incorporate.

Alderman Finn stated, I can see excluding Middle Avenue due to the fact it's a 50x50 lot. I cannot see excluding 279 Soundview Avenue, and I cannot see excluding the property on Howe Avenue.

Alderman Anglace stated, and our action tonight would not be to pick and choose what we're going to exclude. That process would take place if the Aldermen felt that something should be excluded had reason to be, then it would have to come up before the body whether it's this board, the next board or some future board. It would have to be done in open session and have to be done in full public view. You have to state your reasons. I think the earlier approach to this that you and I felt the same way about,

needed to be revised and that's why we took it off the table without prejudice and brought it back to a second public hearing.

Alderman Finn stated, yes, the earlier approach was to have the Board of Aldermen deem necessary would not open the bids in public. I thought that was improper. You don't have that in the ordinance. The other thing that was in the ordinance that I didn't particularly care for was for the hiring of a real estate agent to sell the property. We have to be careful with the real estate agents because a lot of them contribute to political campaigns. You have to end up excluding most of the agencies here in the City of Shelton. Those two have been omitted from the ordinance and I'm happy to see that.

Alderman Anglace asked if anyone else wished to speak. Being none, Aldermen Kudej MOVED to close the hearing on this item; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 6-0.

**ADJOURNMENT**

At approximately 8:05 p.m., Alderman McGorty MOVED to adjourn; SECONDED by Alderman McPherson. A voice vote was taken and the MOTION PASSED 6-0.

This hearing was immediately followed by a meeting of the Finance Committee of the Board of Aldermen.

Respectfully submitted,

Patricia M. Bruder  
Clerk, Board of Aldermen

Date Submitted: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

BY: \_\_\_\_\_

Mark A. Lauretti  
Mayor, City of Shelton