

**TOWN OF EAST WINDSOR
WATER POLLUTION CONTROL AUTHORITY**

Minutes of Meeting of October 27, 2021

Members Present: Paul Anderson, Jim Richards and Steve Smith

Others Present: WPCA Superintendent E. Arthur Enderle III, Chief Operator Edward Alibozek, WPCA Attorney Michael Lanza and Recording Secretary Laura Michael

Participating via Zoom: Steve Bednarz Jr

The on-site meeting was restricted to vaccinated commissioners and staff. The public may participate via the remote video conferencing platform Zoom.

Time and Place

Paul Anderson, Chairman, called the meeting to order at 7:00 p.m. at the WPCA Admin Building, 192 South Water St, East Windsor, CT

I. Pledge of Allegiance

The Pledge of Allegiance was recited.

II. Added Agenda Items

There were no added items.

III. Acceptance of Minutes of September 29, 2021

Motion: To accept the minutes of September 29, 2021 as submitted.
Smith/Richards
Passed unanimously

IV. Communications

Mr. Anderson had a letter from UE Local 222 asking to bargain regarding the Covid vaccine mandate. Mr. Alibozek, Union President, knew nothing of this letter. He had spoken with the Union Representative regarding the vaccine. Although she agrees with the vaccine mandate, she can't let her personal feelings come into this. Mr. Anderson will call the union representative and invite her to the November meeting. Mr. Smith explained that the Board made a decision at the last meeting and if there isn't anything in the contract, there is nothing to negotiate. Attorney Lanza explained that the proper protocol would have been to go through the Union President, Mr. Alibozek. Mr. Alibozek explained that a poll was taken and 6 of the union employees would feel safer if all employees were vaccinated.

Mr. Anderson had a legal notice from the Town of South Windsor. There will be a public hearing regarding a miscellaneous general permit fee. There would be a \$100 permit fee and a \$100 annual renewal fee. The public hearing will be held November 3, 2021.

Mr. Anderson had a legal notice from the Town of East Windsor Zoning Board of Appeals. The applicant/owner is the Town of East Windsor. The Town is looking for 12 variances for homes on South Rd and Phelps Rd. These are all non-conforming lots and have major sewer issues. The public hearing will be held on November 8, 2021. Mr. Smith asked if he should recuse himself as he is a member of the ZBA and the WPCA. Since he is not profiting from this, he does not need to recuse himself.

V. Visitors

There were no scheduled visitors.

VI. Public Participation

There was no public participation.

VII. Receipt of Applications

John H. Bass, 148 North Rd, COM2021-010

Mr. Enderle explained this is the rear building with the doctor and dentist offices. They will tie into the existing connection at the front of the parking lot. This application will be subject to a three-year review.

Motion: To receive the application of John H. Bass, 148 North Rd, COM2021-010.
Richards/Smith
Passed unanimously

VIII. Approval of Applications

Laird Building LLC, 5 Shoham Rd, COM2021-008

Mr. Enderle explained this is an existing building that is part of USA Hauling. They are re-purposing it as a training room for their drivers. Mr. Anderson stated they could approve this application without the title block since this is already connected and the plans are for interior changes. This application is subject to a three-year review.

Motion: To approve the application of Laird Building LLC, 5 Shoham Rd, COM2021-008.
Smith/Richards
Passed unanimously

Newberry Group LLC, 124 Newberry Rd, COM2021-009

Mr. Enderle explained this is Scott Cota's new 4,500 sq ft building. Cota Construction will occupy one unit and there will be three rental bays. When the application was submitted it listed a maximum of 8 employees but didn't provide an estimate of flow. Mr. Enderle used the public health code which estimated 7 EDU's. Mr. Enderle doesn't think the use will be that high. He used an estimate of 250 gpd which equates to 2 EDU's. Town Engineer Len Norton agreed with Mr. Enderle's calculation. Mr. Richards thanked Mr. Enderle for doing the extra work. This application will be subject to a three-year review.

Motion: To approve the application of Newberry Group LLC, 124 Newberry Rd, COM2021-009, Map 104/Block 19/Lot 015B/Zone M1, Revision 02/21/2021.
Richards/Smith
Passed unanimously

John H. Bass, 148 North Rd, COM2021-010

Mr. Enderle explained this is the rear building. They are putting in a manhole for future connections. The plans were done exactly as Mr. Enderle and Mr. Alibozek wanted.

Motion: To approve the application of John H. Bass, 148 North Rd, COM2021-010, plan approval date of 08/29/2021 by EAE III, alternate #2.
Richards/Smith
Passed unanimously

IX. Legal

Bass, 55 Winkler Rd

Mr. Enderle explained this was the project known as McClellan Way. A developer is interested in the property. Mr. Alibozek explained that he has had a few conversations with the developer.

The project's approval is near the end and the developer asked if it could be extended. Mr. Anderson stated if what was submitted and approved is what the developer is going forward with, the approval could be extended.

Motion: To extend the approval for McClellan Way, 55 Winkler Rd for an additional five (5) years as long as there are no changes and they are going forward with the plans that were approved.
Richards/Smith
Passed unanimously

Refer Accounts to Attorney Lanza for Collection

It was explained that the accounts being referred to Attorney Lanza for collection met the criteria of the delinquent sewer use policy. These accounts would have been referred to Attorney Lanza last fall but were held off because of Covid-19.

Motion: To refer the accounts per the delinquent sewer use policy to Attorney Lanza for collection.
Richards/Smith
Passed unanimously

Covid-19 Vaccination Requirement

It was explained that a poll was taken among the 6 union employees who have been vaccinated. All 6 responded they would feel safer if all employees were vaccinated. Attorney Lanza asked why they were discussing this. A date had been set last month to receive the vaccine. Mr. Anderson responded that they set the date to start the process but they didn't state a penalty if they didn't get the vaccine. Attorney Lanza explained that he is getting calls weekly from clients whose companies have instituted a vaccine policy. If they don't comply, it is a voluntary termination. Mr. Anderson stated we are different than a typical company. Attorney Lanza recommended voluntary termination if employees don't comply. Mr. Smith felt they should give the employees until December 31st to get their second shot. Attorney Lanza suggested if the employee got the 1st shot by December 1st and for some reason couldn't get the 2nd by December 31st it could be discussed. These are good employees that should be given a chance. Mr. Enderle explained he has mixed emotions which he made clear in the beginning. In the 11 years he has been here, this is the hardest thing he has had to deal with. He respects how Mr. Alibozek feels. These are two very good employees and he wouldn't want to lose them. Mr. Enderle doesn't want to put anyone in harm's way. He doesn't feel he is qualified or able to make a decision. Mr. Richards asked what other plants are instituting. Mr. Enderle responded nothing to the extent of this facility. Mr. Richards explained he feels the same as Mr. Enderle but he needs to take into consideration the 6 union employees who would feel safer if all were vaccinated. It was explained that the State of CT is giving a verbal warning, then a written warning and then termination to employees not complying with the mandate. Attorney Lanza asked what the Town's policy is. Mr. Enderle replied the town just rescinded the mask policy and isn't requiring vaccinations. Mr. Enderle asked if he loses two good operators, where does that leave us? Attorney Lanza asked Mr. Enderle if the plant could operate without the 2 operators? Mr. Enderle replied they could for a time. Mr. Alibozek asked what if you decide to do nothing and all of a sudden, we, the 6 vaccinated employees, don't feel secure coming to work? Mr. Smith stated that a percentage of the Department of Corrections officers and police officers wouldn't comply. They were put on unpaid leave and then terminated. Mr. Enderle said there isn't anything in the contract that says employees have to get any vaccines. Mr. Richards felt they need to pick a date and make it clear to the 2 employees. Mr. Enderle explained the employees are here 8 hours a day, less than a third of the week. There are no restrictions on what they do outside of work. As we have seen, vaccinated people get sick. Mr. Richards stated they need to move forward. They need to be clear with the 2 employees they are not trying to

hurt anyone. Mr. Smith explained he doesn't like forcing this on anyone but he hates kicking the can down the road. Attorney Lanza thought they could set time frames and give the superintendent the authority to extend the time. Mr. Anderson has a problem with the union's input. The wording of the questions can determine the outcome. Mr. Anderson asked if all employees were given a ballot. Only the 6 vaccinated. Mr. Alibozek thought Mr. Karolczuk spoke to the 2 unvaccinated employees. Mr. Bednarz stated that he hadn't been spoken to. He didn't know anything about this. Mr. Alibozek pointed out that Mr. Anderson suggested getting a feel for how the employees felt. Mr. Anderson wants to make sure people understand the impact, employees could be terminated. Mr. Richards stated he was waiting for Mr. Smith to make a motion with a date and he will second it. The employees need to know what's coming. Mr. Anderson wants input from the union, do they want people terminated? Mr. Alibozek felt that was asking a lot of each union member. That's a little harsh to put on us. Mr. Smith said that is management's responsibility. Mr. Richards feels they as a board should have a clear answer. Mr. Enderle likes to deal with absolutes but things are changing weekly. Mr. Smith explained that life is a series of probabilities. Mr. Richards felt the best thing to do was put dates on this. He doesn't want anyone to lose their job but the unvaccinated employees are not understanding the concerns of their fellow employees. This is simple to solve, get vaccinated. Attorney Lanza explained they have the authority to do what they want to do. They might be short sighted if they do not consider the impact on the facility. Mr. Enderle doesn't feel it any of his business who's vaccinated or not. Mr. Richards said he is reacting to what the vaccinated staff wants. Mr. Enderle explained he needs to focus on getting the job done and he needs qualified people to do the job. Mr. Richards feels this is common sense; there are some things you have to do in life and this is one of them. He feels they need to follow through with December 1st and set an end date. People need to know what happens. Attorney Lanza strongly suggested they do another ballot and let Mr. Enderle participate. Mr. Anderson said everyone at the plant should participate, union or not. Attorney Lanza asked if there was any middle ground. He suggested the unvaccinated employees could be required to wear N95 masks. Mr. Alibozek said every employee is wearing a mask. Vendors are required to be vaccinated and wear a mask. If employees aren't vaccinated, how can you require vendors to be vaccinated. Mr. Richards replied we are paying the vendors; we can require they be vaccinated. Mr. Anderson can't support putting people in a position to be fired. Mr. Richards feels they need to have a discussion with the union and have a plan for the future.

Motion: Employees must have their 2nd vaccine by December 31st or be put on two weeks unpaid leave and then terminated.

Smith/Richards

Discussion: Mr. Richards explained he wants to eliminate the December 1st and 31st dates. Mr. Anderson said he would vote no, Mr. Smith said he would vote yes. Mr. Alibozek explained he has watched over this facility for more than 30 years; compromise is in his makeup. Perhaps during the upcoming winter months/flu season (November, December, January) they could split into two groups. They could put their thinking caps together. Nobody wants to see somebody lose their job. During the winter months, they could break into groups. The non-vaccinated employees in one group perhaps a couple of the vaccinated employees would be willing to work with them. Mr. Alibozek stated that problem solving is his strength. Attorney Lanza thinks they should see if it is possible and try to make it work. Mr. Alibozek said he and Mr. Enderle could try to agree to work out a schedule. Mr. Smith tabled the motion. Mr. Anderson stated it is the obligation of the plant to operate. DEEP has rules. The number one issue is functionality. Mr. Richards said they need to find a middle ground for next month. Mr. Anderson feels they need to proceed with an attempt to compromise. Mr. Richards feels that Mr. Alibozek as union president needs to discuss this with the

union for future contracts. Mr. Alibozek thanked Mr. Richards for acknowledging this and trying to make this work.
Attorney Lanza left the meeting at this time.

X. Unfinished Business

IT Status

This was not discussed.

Paving Contracts

This was not discussed.

Benefit Assessment Policy

This was not discussed.

XI. New Business

2022 Meeting Schedule

Motion: To adopt the 2022 Meeting Schedule as presented.
Smith/Richards
Passed unanimously

Bill Sheet Review

Mr. Anderson reported the budget is on track.

Superintendent's Report

Mr. Enderle reported that everything is running fine.

Transfers

No transfers were made.

XII. Adjournment

Motion: To adjourn the meeting at 8:59 p.m.
Smith/Richards
Passed unanimously

Respectfully submitted,

Laura Michael

Laura Michael
Recording Secretary