

WATER POLLUTION CONTROL AUTHORITY
Town of Trumbull
CONNECTICUT

TOWN HALL
(203) 452-5048



5866 MAIN STREET
TRUMBULL, CT 06611

JUNE 25, 2014
7:00 p.m. Long Hill Room

PUBLIC HEARING
JUNE 25, 2014
2014 ASSESSMENTS
TRUMBULL, CONNECTICUT

Pursuant to section 7-255 of the Connecticut General Statutes, the Trumbull Water Pollution Control Authority will hold a Public Hearing, on Wednesday, June 25, 2014 at 7:00 p.m. in the Long Hill Room, Town Hall, 5866 Main Street, Trumbull, Connecticut in accordance with the provisions of an Ordinance of the Town entitled, "Sewer Ordinance of the Town of Trumbull" adopted by the Town Council of the Town of Trumbull effective July 1, 1969 and Section 7-249 and Section 7-249A of the Connecticut General Statutes, Revision of 1958 as amended. Notice is hereby given that a Sewer Assessment is proposed to be levied by the Town of Trumbull on the following properties:

<u>NAME</u>	<u>LOCATION</u>	<u>NUMBER</u>	<u>MAP</u>	<u>PARCEL</u>
Baywest Construction LLC (or current owner)	Tashua Lane	11	D/04	00268
Cullina, Joseph C. Jr. & Karen M.	Old Dike Road	74	I/07	00162
Faraldi, Timothy J.	Old Dike Road	72	I/07	00066

MEETING AGENDA

1. Minutes to previous meeting
2. Contract 4:
 - Progress Report
3. Wright-Pierce Update
 - Phase 3
 - Phase 4
 - I/I Study
4. Old Business:
5. New Business:
 - Owens, Schine & Nicola: monthly invoices
 - Ury & Moskow: monthly invoice
 - Law Offices of Benjamin S. Proto, Jr: invoice
 - Proposed Bill 5581
 - Discussions for Town of Trumbull proposed 2014-15 user rates
 - Tighe & Bond
 - Wright-Pierce

6. Executive Session:

- It is anticipated that the WPCA will vote to go into executive session to discuss preliminary drafts and/or notes as set forth by C.G.S. 1-210 (b)(1) and/or discuss with the Town Attorney strategy and negotiations with respect to pending litigation as defined by 1-200(6) and/or to discuss attorney client-privileged information as set forth by 1-210 relating to the following:
 - Mark IV – Contract 3 and Contract 4
 - Regionalization and/or re-negotiation of Bridgeport sewer treatment contract

7. Any other business that may come before the Authority.

WATER POLLUTION CONTROL AUTHORITY
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5866 MAIN STREET
TRUMBULL, CT 06611

MINUTES
Water Pollution Control Authority Meeting
May 28, 2014

Members Present:

Jeffrey Wright, Chairman
Fred Palmieri, Vice Chairman
Laura Pulie
John Gray, Alternate (voting)
Paul Whetstone, Alternate (voting)

Members Absent:

Timothy Hampford, Secretary

Also Present:

Frank M. Smeriglio, PE, Town Engineer
Dennis Kokenos, Esq. Town Attorney
Christine Kurtz, Wright-Pierce

Chairman Wright called the May 28, 2014 WPCA meeting to order at 7:00 p.m.

1. Minutes to previous meetings.

MOTION made Palmieri seconded Pulie to accept the April 23, 2014 Minutes as presented. No discussion.
MOTION CARRIED UNANIMOUSLY.

2. Contract 4.

Progress report.

Frank Smeriglio said the 4 remaining roads in contract 4 have been paved and there are just a few punch list items for curbing and touch up grass work left. Last year we planted grass late in the season and now we are going back to touch up some of those spots. We worked on punch list items that the owners wanted done on 2 easement properties, we have work left on a third easement property and then there is a fourth easement that we have to completely restore. Brief discussion followed including types of restoration work, grass planting areas and curbing. In response to the chairman's inquiry concerning the completion of the project Frank said there are 2 properties where the homeowners are in disagreement with Mark IV's insurance company regarding cracks from blasting and/or vibrations and then the last thing is the remaining injector pumps that are being installed. Frank explained the installation process, costs and maintenance for injector pumps. The chairman moved to accept the progress report.

MOTION made Wright seconded Pulie to accept the progress report. No discussion. MOTION CARRIED UNANIMOUSLY.

3. Wright-Pierce Update.

Phase 3. Christine Kurtz said she will lump Phase 3 with Phase 2 and 1 because those reports are being copied and sent to DEEP for their review.

Phase 4. The subcontractor just finished TVing the pipes in the study area for Phase 4. Wright-Pierce will get the video logs and one of their engineers will look at it identify the defects that were logged in by the person who

videoed it and will agree or disagree with it and start categorizing whether it is worth fixing those defects or not. That will ultimately become the Phase 4 report. Over the last month or so because of some rain events there were events that had to be reported to DEEP. As part of that Frank called Wright-Pierce and one of their engineers came down and looked at the interceptor with the Marc and Tom from our sewer department. She will review the draft memo and get it to Frank. Because of the excessive amount of water that was coming to the pump station they used a pole camera inside manholes to investigate right in the vicinity of the manholes to try to find sources within those vicinities. Ultimately no smoking gun was discovered. Also, as part of the town's work on Putting Green Drive Tighe & Bond had their contractor video the pipes in that area. Wright-Pierce took those videos and looked at the results to see what defects could be repaired using trenchless technology and not having to disrupt or dig up the roads. She also has that summarized and will get that information to Frank. She noted those 2 pieces of work are I/I related that were tagged on to the Phase 4 work. Brief discussion followed regarding paving program, ground water infiltration, older sewer areas, overall plan, repair and cost options, pipe types and future studies.

I/I Study - Rehab. Christine Kurtz said that project has also been copied and sent to the State in case we can get funding on the new clean water fund reserve program. This is the actual fixes of what were identified in Phase 2 and that work is scheduled to start as soon as it is sent out to bid.

4. Old Business.

None.

5. New Business.

Owens, Schine & Nicola Monthly Invoices:

Invoice 13683: Bridgeport Regionalization Sewer Agreement - \$34,361.40. Attorney Kokenos said this is for the litigation for drafting the declaratory injunction action and the response that we had to bring to court to the attended tax warrant. Also for the full injunction hearing that we had and respond to their motion to dismiss our declaratory judgment action. There was a lot of work done in response to Bridgeport's actions and he will go into more detail in executive session.

Invoice 13684: Mark IV – Contract 4 Litigation - \$540.00. Attorney Kokenos will give update in executive session.

Ury & Moskow Invoice: Invoice 62130: Contract Dispute – Town of Trumbull v. Mark IV Construction, et al - \$3,130.00. Attorney Kokenos will give update in executive session.

The commission will come back to the above invoices after executive session.

Town of Fairfield Sewer Department: bypass invoice - \$233.61. Frank Smeriglio explained there was a force main break by the Park Avenue pump station and we had to spend a day mobilizing and a day fixing the force main break. There is an interconnecting pipe between the pump station and Fairfield's sanitary sewer system. When we had to shut the pump station down we connected into the Fairfield sanitary sewer system and for 2 days the gravity flow was going into Fairfield. This invoice is the usage charge for the 2 days to discharge into Fairfield. The chairman moved to accept the invoice for payment.

MOTION made Wright seconded Palmieri to approve payment of the Town of Fairfield Sewer Department bypass invoice in the amount of \$233.61. No discussion. MOTION CARRIED UNANIMOUSLY.

Discussions for Town of Trumbull proposed 2014-15 user rates. Frank explained we have to start thinking about the user rates for next year. He is going to e-mail the commission members an excel spreadsheet with a few different scenarios of different options to come up with our revenue to support our budget. Bridgeport has not set their rate and will be discussed in executive session. Forthcoming this week is a spreadsheet with potential revenues, different options for rates and maintenance fees for the commission members to think about. If the rates do change then we would have to set up a public hearing to get input from residents and then set our rate.

Operating budget – “extraordinary item” account 20100000 578805. Frank Smeriglio said this is the account in our budget for any unforeseen emergencies such as a force main break and pump repairs. There are 13 pump stations and there are hundreds of different parts in each pump station. In the current budget we allocated \$60,000.00 for that line item to deal with any unforeseen emergencies throughout our whole system. He explained in the last 6 weeks we had a bunch of pumps that needed repairs. He handed out a memo listing the emergency repairs we had to take action on and these items will put the budget line item into the negative. He is requesting approval to request a transfer from 3 other accounts to cover these expenses. Frank said there were 3 main problems we had at different pump stations which included pumps that needed repairs, problems with control panels and a force main repair. Discussion followed regarding repairs, budgets and requested budget amounts, future budgets, user fees, maintenance fees and operating expenses. Frank went over the 3 accounts the funds will be transferred from and explained the available funds in each account. The WPCA has 3 separate line items for projects and they are emergencies, projects that we need to do that do not have a 20 year life, and projects that we do that have a 20 year life. Those are the 3 different categories that we spend against that the different projects fall under. The commission needs to vote on the transfers so Frank can go to the Board of Finance and also vote to pay these invoices as they come in.

MOTION made Wright seconded Pulie to accept and secure the funds to pay the invoices. No discussion. MOTION CARRIED UNANIMOUSLY.

The commission approved the 3 account transfers listed on the memo that were reviewed and discussed. MOTION made Wright seconded Palmieri to make the following transfers of funds to pay the extraordinary expenses: transfer \$15,632.00 from account 20100000 522202 to account 20100000 578805; transfer \$20,000.00 from account 20100000 581888 to account 20100000 578805; and transfer \$26,600.00 from account 20100000 597888 to account 20100000 578805 for a grand total of \$61,632.00. No discussion. MOTION CARRIED UNANIMOUSLY.

6. Executive Session.

MOTION made Palmieri seconded Gray to move into executive session to discuss preliminary drafts and/or notes as set forth by C.G.S. 1-210(b)(1) and/or discuss with the Town Attorney strategy and negotiations with respect to pending litigation as defined by 1-200(6) and/or to discuss attorney client-privileged information as set forth by 1-210 relating to the following:

- Mark IV – Contract 3 and Contract 4
- Regionalization and/or re-negotiation of Bridgeport Sewer Treatment Contract

No discussion. MOTION CARRIED UNANIMOUSLY.

Remaining in the executive session will be commissioners Jeffrey Wright, Fred Palmieri, Laura Pulie, John Gray and Paul Whetstone, Frank Smeriglio, Attorney Dennis Kokenos and Christine Kurtz.

At 7:35 p.m. the tape recorder was turned off, the clerk left the room and the commission went into executive session.

At 9:00 p.m. the clerk was called back into the room and the recorder was turned on.

MOTION made Wright seconded Palmieri to move out of executive session at 9:00 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

5. New Business.

Owens, Schine & Nicola Monthly Invoices:

Invoice 13684: Mark IV – Contract 4 Litigation - \$540.00.

Attorney Kokenos said this invoice is for Contract 3 litigation. There being no comments or questions the chairman called for a motion to approve the invoice.

MOTION made Pulie seconded Palmieri to approve and pay Owens, Schine & Nicola invoice 13684 in the amount of \$540.00. No Discussion. MOTION CARRIED UNANIMOUSLY.

Invoice 13683: Bridgeport Regionalization Sewer Agreement - \$34,361.40.

Chairman Wright noted this invoice is for the litigation proceedings with the City of Bridgeport. Attorney Kokenos said they drafted a declaratory judgment action, the injunction which was the response of the City of Bridgeport's Alics tax warrant which we were successful and enjoin in. There being no comments or questions the chairman called for a motion to approve the invoice.

MOTION made Palmieri seconded Pulie to approve and pay Owens, Schine & Nicola invoice 13683 in the amount of \$34,361.40. No discussion. MOTION CARRIED UNANIMOUSLY.

Ury & Moskow Invoice: Invoice 62130: Contract Dispute – Town of Trumbull v. Mark IV Construction, et al - \$3,130.00. Attorney Kokenos confirmed the outstanding balance. There being no further comments or questions the chairman called for a motion to approve the invoice.

MOTION made Pulie seconded Palmieri to approve and pay Ury and Moskow invoice 62130 in the amount of \$3,130.00. No discussion. MOTION CARRIED UNANIMOUSLY.

7. Any other business that may come before the Authority.

There being no other business before the Authority, Chairman Wright adjourned the May 28, 2014 WPCA meeting at 9:05 p.m.

Submitted by,

Joyce Augustinsky
Clerk of the Commission

Law Offices of Benjamin S. Proto, Jr.

2090 Cutspring Road
Stratford, CT 06614

Ph:203-378-9595

Fax:203-378-7765

Dennis Kokenos
799 Silver Lane
Trumbull, CT 06611

June 10, 2014

File #: trumbullwpca

Inv #: 834

Attention:

RE: Represent Trumbull WPCA interests in regards to Stratford WPCA

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Mar-12-14	Call w D Kokenos	0.30	67.50	BSP
Mar-26-14	Meeting with client	1.25	281.25	BSP
Mar-31-14	Review list of information need by C Kurtz	0.75	168.75	BSP
Apr-02-14	Review Stratford WPCA final study at Town Engineer office	1.00	225.00	BSP
Apr-16-14	Meeting w/ M Dillion	1.00	225.00	BSP
May-14-14	Meeting w/ C Kurtz & J Cassiey Stratford Town Engineer	1.25	281.25	BSP
	Draft letter to M Dilion re Trumbull's interest and proposed alternatives to entry	0.75	168.75	BSP
May-22-14	Review edits to draft letter to M Dillion	0.30	67.50	BSP
Jun-09-14	Review matierals prepare for meeting	0.75	168.75	BSP
Jun-10-14	Meeting w/ D Kokenos, Mayor Harkins, S Nocero, M Dillion	1.25	281.25	BSP
	Totals	8.60	\$1,935.00	
	Total Fee & Disbursements			\$1,935.00
	Balance Now Due			\$1,935.00

Connecticut
Association of
Water
Pollution
Control
Authorities, Inc.

P.O. Box 230172
Hartford, CT 06123-0172



**CONNECTICUT ASSOCIATION OF
WATER POLLUTION CONTROL AUTHORITIES**

March 21, 2014

Connecticut General Assembly
Planning and Development Committee
Legislative Office Building
Hartford, Connecticut 06106

Attention: Chairwoman Senator Osten, Chairman Rojas, Senator Cassano, Representative Fox,
Ranking Member Senator Fasano, and Representative Aman

Subject: OPPOSITION OF RAISED BILL-5581; *An Act Authorizing Sewer Assessment Appeals To
Be Made To The Board of Assessment Appeals*

The Connecticut Association of Water Pollution Control Authorities is a statewide association open to WPCAs and public entities authorized to own or operate wastewater systems. With over 40 active members providing wastewater services to nearly 1,000,000 citizens in the state, we are pleased to submit comments on their behalf regarding Senate Bill-5581; *An Act Authorizing Sewer Assessment Appeals To Be Made To The Board of Assessment Appeals*

Pursuant to Connecticut General Statutes Chapter 103 Section 7-249, Water Pollution Control Authorities may levy benefit assessments upon properties that benefit from the work of their WPCA. In accordance with Section 7-250, no assessment shall be made until a duly called public hearing at which time the owner of the property to be assessed shall have the opportunity to be heard. When the water pollution control authority has determined the amount and has duly notified the property owner of that amount any person aggrieved by any assessment may appeal to the superior court in the judicial district wherein the property is located.

As drafted, the proposed legislation would effectively create veto authority for elected officials whose interests may not be consistent with the efficient operation of a wastewater treatment system. This veto authority would circumvent the establishment of fair and reasonable assessments. This legislation, if adopted, would effectively give veto power to the Board of Assessment Appeals who may represent minority interests and risk the ability of a WPCA to meet discharge requirements. This may result in causing environmental pollution and put the WPCA at risk of permit violations and fines. Such legislation would require every WPCA to seriously consider if it would be economically feasible or prudent to continue to serve the future sewer needs of customers within its own city/town limits.

The current State Statutes defining the powers of the Water Pollution Control Authorities were drafted to insulate the operations of WPCA's from general government. This would insure that wastewater facilities were operated, funded and managed without local political or governmental interference. This insured that the environmental aspects of the sewer works would have primacy in all decision making.

To amend statutes and cloud this clear separation of powers that the WPCA statutes envisioned, would diminish the authority of the WPCA's, and put into conflict the WPCA's decisions with judgments of a publically elected Board of Assessment Appeals.

Finally, this bill authorizes sewer assessment appeals "by local option" creating a very unfair platform between WPCA's especially when one considers many adopted assessment formulas do not rely on the assessed value of a property when determining the sewer assessment.

Given there are already many opportunities for all impacted property owners to participate in the assessment process and appeal the charges should they feel aggrieved, there is no reason to create the veto authority proposed by this legislation. The proposed bill is an example of the burdensome regulatory requirements that this legislation and Governor are attempting to eliminate. Therefore, we strongly encourage you to oppose this legislation. Thank you for this opportunity to comment.

Vincent F. Susco, Jr
President, CAWPCA
PO Box 230172
Hartford, CT 06123-0172

OLR Bill Analysis

sHB 5581

AN ACT CONCERNING SEWER ASSESSMENT APPEALS AND THE APPROVAL OF CERTAIN PROPERTY TAX EXEMPTIONS.

SUMMARY:

This bill allows municipalities to adopt an ordinance authorizing their boards of assessment appeals to hear appeals of municipal sewer system benefit assessments (i.e., sewer charges not related to a customer's usage). Under current law, anyone contesting a sewer benefit assessment must appeal directly to the Superior Court.

The bill requires owners claiming the property tax exemption for manufacturing or biotechnology machinery and equipment (MME) to annually file a request for the exemption by November 1. Current law for other machinery and equipment-related tax exemptions allows for filing deadline extensions and retroactive exemption approval. The bill extends these provisions to include the MME exemption. It also allows the board of selectman to grant retroactive exemptions if the local legislative body is a town meeting.

EFFECTIVE DATE: October 1, 2014. The MME exemption filing requirement is applicable to assessment years starting on or after October 1, 2014.

SEWER BENEFIT ASSESSMENT APPEALS

The bill allows municipalities to adopt ordinances authorizing their boards of assessment appeals to hear benefit assessment appeals related to a municipal sewer system. An appeal to the board must be made within 21 days after the assessment is filed in the town clerk's office. The ordinance must specify the process for filing, hearing, and deciding an appeal. Within 21 days after the board renders its decision, an aggrieved party may appeal the board's decision to the Superior Court under the same process the court must otherwise use for these appeals.

In municipalities that do not adopt such an ordinance, anyone aggrieved by a sewer benefit assessment must appeal to the Superior Court, as under current law.

CLAIMING THE MME EXEMPTION

The bill requires owners claiming the MME exemption to apply to local assessors, on a form they prescribe, by November 1 annually.

Filing Extension

For certain other machinery and equipment-related tax exemptions with November 1 application deadlines, the law allows an assessor or board of assessors to extend the deadline to December 15, if an applicant requests it and pays a late fee. The bill extends this

provision to also allow extensions for MME exemptions. Unless waived, the late fee is as follows:

<i>Assessed Value of Property</i>	<i>Fee</i>
\$100,000 or less	\$50
\$100,001 - \$249,999	\$150
\$250,000 - \$499,999	\$250
\$500,000 or more	\$500

Retroactive Exemption

The bill also extends to the MME exemption a law allowing a municipality, by vote of its legislative body, to grant certain retroactive machinery and equipment-related exemptions to an applicant who misses both the regular and extended filing deadlines. As is the case for these other exemptions, a municipality may set criteria for granting a retroactive MME exemption, including consideration of (1) a hardship that may account for the applicant's failure to meet the deadlines and (2) whether the exemption provides a net benefit to the municipality's economic development.

The bill additionally specifies that if the legislative body is a town meeting, the board of selectman can grant the retroactive exemption. This provision is applicable to MME exemptions and exemptions for:

1. manufacturing or service facilities in distressed municipalities, targeted investment communities, enterprise zones, or airport development zones (CGS § 12-81(59));
2. machinery and equipment in such facilities (CGS § 12-81(60));
3. machinery and equipment used to upgrade a manufacturing process (CGS § 12-81(70));
4. machinery and equipment used in manufacturing, recycling, and biotechnology facilities (CGS § 12-81(72)); and
5. large commercial trucks (CGS § 12-81(74)).

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 20 Nay 0 (03/25/2014)

29-0201-0-035
June 18, 2014



Mr. Frank Smeriglio
Town Engineer
Town of Trumbull
5866 Main Street
Trumbull, CT 06611

Re: **Engineering Services Proposal
Contract IV Project Closeout and Settlement Assistance**

Dear Mr. Smeriglio:

Tighe & Bond is pleased to submit our proposal to provide engineering services to support the Town's effort in regards to Phase 4, Part B, Contract IV (North Nichlos Area) project. The following is a summary of anticipated services:

1. Services that may be requested by the Town for assistance in the project close-out.
2. Attendance at meetings and participation in telephone conferences with the Town and/or the Town's attorney to discuss possible negotiations conditions.

Based on our current understanding of the project needs, we anticipate the need for a budget of \$25,000. Please indicate your authorization of these additional services and the additional budget by signing the acceptance statement and returning it.

Services will be invoiced in accordance with RFP #5936. Reimbursable expenses performed by other than Tighe & Bond employees, such as subcontractors and materials purchased directly for this project will be invoiced at cost plus ten percent. In the event that the scope of work of any phase is modified for any reason, the fee to complete the work shall be mutually revised by written amendment. The Terms and Conditions of our current on-call contract is part of this letter agreement.

Please provide your signed authorization. If you have any questions, please do not hesitate to contact us at 203-712-1100.

Sincerely,

TIGHE & BOND, INC.

Alfred J. Mascia, Jr, P.E.
Project Manager

Dana C. Huff, P.E.
Vice President

Acceptance:

On behalf of Town of Trumbull, the scope, fee, and terms of this proposal are hereby accepted.

Authorized Representative

Date

PO No.

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29-0204-0-035
June 18, 2014

Mr. Frank Smeriglio
Town Engineer
Town of Trumbull
5866 Main Street
Trumbull, CT 06611

Re: **Engineering Services Proposal
Contract III Settlement Assistance**

Dear Mr. Smeriglio:

Tighe & Bond is pleased to submit our proposal to provide engineering services to support the Town's effort in regards to Phase 4, Part B, Contract III (Jog Hill Area) project. The following is a summary of anticipated services:

The following are anticipated services that include:

1. Attendance at meetings and participation in telephone conferences with the Town and/or the Town's attorney to discuss possible negotiations conditions.

Based on our current understanding of the project needs, we anticipate the need for a budget of \$25,000. Please indicate your authorization of these additional services and the additional budget by signing the acceptance statement and returning it.

Services will be invoiced in accordance with RFP #5936. Reimbursable expenses performed by other than Tighe & Bond employees, such as subcontractors and materials purchased directly for this project will be invoiced at cost plus ten percent. In the event that the scope of work of any phase is modified for any reason, the fee to complete the work shall be mutually revised by written amendment. The Terms and Conditions of our current on-call contract is part of this letter agreement.

Please provide your signed authorization. If you have any questions, please do not hesitate to contact us at 203-712-1100.

Sincerely,

TIGHE & BOND, INC.

Alfred J. Mascia, Jr., P.E.
Project Manager

Dana C. Huff, P.E.
Vice President

Acceptance:

On behalf of Town of Trumbull, the scope, fee, and terms of this proposal are hereby accepted.

Authorized Representative

Date

PO No.

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