WATER POLLUTION CONTROL AUTHORITY

Town of Trumbull

CONNECTICUT

TOWN HALL

(203) 452-5048

5866 MAIN STREET

TRUMBULL, CT 06611

FEBRUARY 25, 2015
7:00 p.m. Long Hill Room

MEETING AGENDA

1. Minutes to previous meeting

2. Wright-Pierce Update:
   - I/I Rehab Design

3. Old Business:
   - 6448 Main Street: St. Joseph's Manor

4. New Business:
   - Owens, Schine & Nicola: monthly invoices
   - Ury & Moskow: monthly invoices
   - Meadow Wood Road: sub-division sewer connection

5. 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
     - 25 Dogwood Lane
     - VonStein v. Town of Trumbull
     - Mihaly v. Trumbull WPCA, et al

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

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MINUTES
Water Pollution Control Authority Meeting
February 4, 2015

The Trumbull Water Pollution Control Authority held their monthly meeting, postponed from January 28, 2015, on Wednesday, February 4, 2015 at 7:00 p.m. in the Nichols Room, Town Hall, 5866 Main Street, Trumbull, Connecticut.

Members Present:
Jeffrey Wright, Chairman
Fred Palmieri, Vice Chairman
John Gray
Timothy Hampford (left 9:00)
Paul Whetstone, Alternate
Members Absent:
Laura Pulie

Also Present:
Frank M. Smeriglio, PE, Town Engineer
Dennis Kokenos, Esq. Town Attorney (arrived 7:20, left 9:30)
Christine Kurtz, Wright-Pierce

Chairman Wright welcomed everyone to the February 4, 2015 meeting of the Trumbull WPCA at 7:07 p.m. and acknowledged Commissioners and staff in attendance. It was noted Attorney Kokenos would be arriving around 7:30.
MOTION made Wright seconded Palmieri to open the meeting at 7:09 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

1. Minutes to previous meetings.
Chairman Wright asked if anyone had any questions pertaining to the Minutes of the December 10, 2014 meeting. There being no questions, comments or modifications
MOTION made Wright seconded Palmieri to approve the December 10, 2014 Minutes as presented. No discussion. MOTION CARRIED UNANIMOUSLY.

Chairman Wright suggested moving Agenda item 2 New Business and item 3 Old Business out of order.
MOTION made Wright seconded Palmieri to take Agenda item number 3 first and move Agenda item number 2 behind it. No discussion. MOTION CARRIED UNANIMOUSLY.

3. Old Business.
699 Booth Hill Road. Sharon Rentz the owner of 699 Booth Hill Road and her realtor Pat Walker were present. Frank Smeriglio said this matter was on the November Agenda where he presented that she would like to stay on her septic system because the cost associated with connecting to the road is very expensive. This house is approximately 400 feet back from the roadway and the Commissioners reviewed a sketch of the property location. She was issued an extension of time to connect which means she could stay on her septic system, still pay the maintenance fee of $33.00 and as part of the condition of that is that when she sells her house the new owner has

to connect. He pointed out the only path is there is a culvert she has to cross, a driveway she would have to go through and replace and apply for a wetlands permit because there are wetlands on both sides of the driveway. The house is currently on the market and this request is to give her the allowance that when she sells her house that we would issue an extension of time to the new owners. Chairman Wright inquired about the time frame under the new ownership and Frank said it would be limited to as long as the new owners own the house. Mrs. Rentz said because of the complexity of this matter she had several sewer people come out and look and they could only ballpark a cost because they would have to know what the town's parameters are because of the culvert, pond, wetlands, etc. She also informed the Commission that the septic system is about eighteen years old. Frank explained anyone who applies for an extension to connect has to pay a fee to have the health department inspect the septic system. In November the Commission asked her to coordinate with the health district to have the septic system inspected and she paid the fee and the inspection was done for this property and they said there is no apparent problem with the property and they have nothing on the records that indicates that. Commissioner Hampford summarized the septic system is working, she is on three acres so there is plenty of land if there is a problem in the future and Frank said if there is a problem in the future then she connects. Chairman Wright said he doesn't have a problem and suggested that there be maybe a periodic assessment from the health department as to the efficiency of the system. Commission Hampford noted if it fails a hook up is required. Brief discussion followed. Frank further explained what's in the extension of time is that we have the right to revoke it and so what would trigger that is a septic failure. Mrs. Rentz questioned if there is a septic failure could it be repaired or replaced. Frank said we can't put that as a condition that they could fix the septic system because the health district gets involved and what would happen is if there is a failure, if there are complaints to the health district then at that time the owner would have to come up with a plan and go through the proper procedures. Probably what would happen if there is a failure the health department would say there is a lateral in the front of the property you would connect or they may entertain repairs to the septic system, but we can't say okay you can repair your septic system because septic systems are not under our jurisdiction. Mrs. Rentz had questions relating what happens in neighborhoods that don't have sewers if there is a septic failure. Frank explained for properties where sewers are not available on their street they still fall under the jurisdiction of the health department to come up with a remedy on their site to repair the septic system. She said she had one potential buyer who was nervous about the costs and the unknown. She wanted to know if the new buyer would have to go through this again when they go to sell. Frank said they would have to go through again, yes. Comments followed regarding future owners, septic systems, availability for sewer connections and wetland issues. Frank noted our standard extension of time to connect specifically says it is for the current owner. So, if this request is approved he would do a letter that we would grant the extension of time to the new owner. After the house is sold we would prepare the document that gets filed on the land records, but our standard document says it is for the current owners so it would be for the new current owners whoever she sells the house to. Mrs. Rentz had additional questions pertaining to life span of a septic tank and Frank said the two parts to a septic system are the tank and fields and he gave a brief description of a septic system and he noted that we cannot give an opinion as to how long it lasts. She also wanted to know if the next owners wanted to avoid the system failing if the aging system could be replaced before there is a problem and she was told yes, but they would still have to go through the sanitarian. It was noted that it would not be automatic, but it is an option. Frank said if there was a septic failure and the health department says you can do a reserve area there is a whole septic design that they would have to follow but it would be first the health department's jurisdiction to say you can stay on septic or no and then it's us. The lateral is there so if something happens or if they decide they want to connect they can connect. Commissioner Hampford said to not make promises to interested buyers because it is the health department's jurisdiction. Mrs. Rentz said they now have an understanding and Frank reiterated that you always have the right to connect and what they are really asking is for the right not to connect and that is what this is all about. Chairman Wright inquired about taking a vote to approve the application to be extended to new owners.

MOTION made Wright seconded Palmieri to approve the application for an extension of time to be extended to the new owners for 699 Booth Hill Road. No discussion. MOTION CARRIED UNANIMOUSLY.

31 Ceil Road. Gerald and Harriett Busker were present. Frank Smeriglio said they came before the Commission in November, 2014. They had a leak in their pool and because we bill by Aquarion usage the sewer bill is based on the Aquarian numbers. The issue was we couldn't just say yes at that time because we have to get a waiver from Bridgeport. Since the last meeting we wrote a correspondence to Bridgeport saying this is the situation, they came before us we couldn't give them an answer and here are the numbers of what they were asking for, what their bill was relative to others. What they said to us was basically they would honor a reasonable credit that they would leave it up to us to decide and what we do at the end of the year is we just make sure the credit that we gave them would be reflected in our final true-up numbers that we do with Bridgeport. Two weeks ago Frank prepared a summary of what their water usage was going back eight quarters. On the November, 2014 bill which showed 191 ccf's he is making the recommendation to go down to 24 ccf's which is very close to what the other summer month usage was. He sent an e-mail to Bridgeport saying these are our final numbers that he's going to present to the WPCA Commission and if you have any objections let us know and they have not. Chairman Wright said he would caveat that with pay attention because it will work once, but not twice. Mr. Busker said the leaks have been fixed as of September when they closed the pool. Frank's recommendation is to vote on going from 191 ccf's down to 24 ccf's, but there should be a caveat that says in the event that Bridgeport rejects this we should put this back on the agenda and inform the Buskers of the status.
MOTION made Wright seconded Palmieri to approve the adjustment request for 31 Ceil Road as recommended by Frank Smeriglio and subject to the caveat of Bridgeport also honoring the reimbursement. No discussion. MOTION CARRIED UNANIMOUSLY.

23 East Lake Road. Frank Smeriglio explained the property owner was granted an extension of time to connect years ago, they sold their house and we sent the new owners a letter that said you have to connect. The new owner brought to our attention, he referred to the property sketch, that there is a lateral provided for that property on East Lake Road, but that property does not have frontage to East Lake Road. The Commissioners questioned why the address is East Lake Road and not West Lake Road where there's frontage? Frank said even though the frontage is on West Lake it makes sense that their address is East Lake just because of emergency purposes because the driveway is from East Lake Road. West Lake does not have a lateral for that property but there is a main on that road. Frank said our letter says they have to connect to the lateral on East Lake Road and he believes we cannot force him to connect into East Lake Road because he doesn't have an easement. We certainly can grant him the extension of time because he cannot connect to East Lake Road. We would have to investigate if the WPCA could install a lateral from the main on West Lake Road to his property line on the back side of the house. Frank said he would have to question that because it seems so simple and he doesn't know why they didn't do that before. Comments and discussion included elevations, 15 foot drop between West Lake Road and the back of the house, no frontage, no easement for East Lake Road, sewer main located in the road, and procedure to provide lateral on West Lake Road. We would have to either obtain an easement on one side or install the lateral on the other side. The decision for today is we have to continue to grant him the extension to connect because he believes work was not complete by the town to allow him to tie in on any side. Commissioner Palmieri noted we can't force somebody to grant an easement and Attorney Kokenos said there are condemnation proceedings that we can take that the Town undertook initially when they had the project. It really was prior to when the contract gets bid before the contractor starts the Town would get all the easements and would obtain an appraiser to value the easement. It is a pretty streamline process and the person accepts the value of the easement or they don't and then we file a proceeding in superior court and actually deposit that money in court until the resident comes and either disputes the value or accepts. He would have to research whether or not we could use the condemnation procedure to allow for a lateral for one property versus the other reasons because most of the condemnations were for the system rather than to provide laterals. The short answer is there is a procedure that would allow the town to do a condemnation action, but it will also cost the Town money because you have to compensate properly for the easement and you won't know what that cost is until you get an appraisal for the value of the easement. It was the consensus of the commission to explore the West Lake Road option. Frank noted the vote today is to add time to the extension of time until there is a solution. Frank will investigate

the path from West Lake Road to the house, he doesn't know if it is all ledge or what because it seems so simple to go this way that he doesn't know why they didn't do it from day one. If there is a reason why they didn't do it from day one then he has to figure out why. Discussion followed for setting a time frame for the extension of time to connect. Frank explained the Commission is not approving time for him, but what they are approving today is that the extension is good until we are able to give him a lateral to his property line. Suggestions from the Commissioners were revisit this in six months, finding out what condition the septic system is in, determine if it is functioning, if we have issues trying to provide a lateral why not extend it until it sells again. The only other thing Attorney Kokenos would add to this is for the benefit of the homeowner and any subsequent purchaser, that if there is due diligence on behalf of the Town to determine whether or not it is feasible to connect to the sewer system yes or no, then that could avoid issues in the future with the health department if in fact the septic system fails. Because we've been constantly been told by the health department that if there is any need for a variance whatsoever for a septic system and there is access to public sewers they will not give you the variance. So if there is an investigation, this is for the benefit of the homeowner as well, that if it turns out that there is no way to do it, ledge, costs, etc. it's something that the homeowner could then look back to so they can have some paperwork for the health department if they need it in the future.
MOTION made Hampford seconded Palmieri that we extend the requirement to not have to hook up a sewer on 23 East Lake Road until such a time that the town engineer can determine what the cost, consequence of a lateral and feasibility study for the lateral to that property from West Lake Road. No discussion. MOTION CARRIED UNANIMOUSLY.

2. Wright-Pierce Update.
Phase 3, Phase 4 & I/I Study. Christine Kurtz said Phase 3 and 4 can be taken off the Agenda in the future. Phase 3 and 4 reports and recommendations. As to what the I/I study is referring to is actually the I/I design and they have just been authorized to design in the fixes for Phase 3 into Phase 2. Phase 2 designs was already complete for rehab of sewers and manholes. They are working on completing the recommendations for Phase 3 into that and it will be a biddable project this year. Frank said we have submitted the plans to the State for any potential grants that they may have, but is there a point at which time we should say go ahead and bid or do we not pursue the grants for either Phase 2 or Phase 3? Christine thought they decided we weren't going for the design on Phase 3, but we can look into the construction costs of Phases 2 and 3 and it is already in next year's budget. Frank said we have 2 and 3 budgeted currently and we have Phase 4 in the capital plan for this year. He questioned at what point to we say forget about the grant because it is taking forever to get approvals from the grants and just start doing something on our own. Christine said the new reserve for this type of work is going quickly so we need to apply for it and she doesn't think that process will take that long to get the 20% grant and then you deal with the two percent loan on the remainder of it and as soon as they approve the application we will be set. Chairman Wright wanted to know if we can initiate before then and Christine said we only have the ability to initiate construction process for 2, 3 and 4 at this point. For Phase 2 we have the I/I rehab design done and ready. Frank noted we either say we're going to pursue a grant or do it ourselves and Christine commented that she thought we made that decision already. Frank said we are set up to do it ourselves, we have the money and we were going to it ourselves until the State said we have grant money. Chairman Wright asked if you do pursue State grant money does it come with different requirements or restrictions? Frank said there are always more restrictions. Christine said their design and how they do projects is consistent with DEEP requirements so she doesn't see it being a burden at all. Christine said they just need to approve the fact that we're asking for it and then we'll go out to bid and then we'll put an application in afterwards and we won't let it hold things up. Chairman Wright wanted to know if we initiate the construction phase and apply for the grant what happens if we are in the middle of the construction phase and the State says yes we are awarding you the twenty percent but you need to change this, this and this. Frank said we can bid it, we can get the real numbers and say to the State these are the real numbers do you approve it or not. Christine said then they give you the money and it's like a mortgage and our design specs generally follow State guidelines. Commissioner Hampford said think of it as the clean water fund has been around for 25 years so any of the designs were done with that in mind.

5. New Business.

Owens, Schine & Nicola Monthly Invoices:

The commissioners reviewed the invoices. Attorney Kokenos provided a brief synopsis relating to each bill.

Invoice 13923: Mark IV – Contract 4 - $1,260.00. This is regarding Mark IV litigation of Contract 4 and has been budgeted for. There being no comments or questions,

MOTION made Hampford seconded Palmieri to approve and pay Owens, Schine & Nicola invoice 13923 in the amount of $1,260.00. No discussion. MOTION CARRIED UNANIMOUSLY.

Invoice 13924: VonStein v. Town of Trumbull - $220.00. This is an issue concerning a sewer assessment appeal and he will go into it in more detail in executive session. There being no comments or questions,

MOTION made Wright seconded Hampford approve and pay Owens, Schine & Nicola invoice 13924 in the amount of $220.00. No discussion. MOTION CARRIED UNANIMOUSLY.

Invoice 13925: Mihaley – sewer assessment appeal - $660.00. This is dealing with a sewer assessment appeal. There are actually two law suits in this matter, one is being handled by insurance counsel and the sewer assessment appeal is being handled by his office. He does not want to go too much more into it outside of executive session. There being no comments or questions,

MOTION made Hampford seconded Palmieri to approve and pay Owens, Schine & Nicola invoice 13925 in the amount of $660.00. No discussion. MOTION CARRIED UNANIMOUSLY.

Invoice 13926: Bridgeport Regionalization sewer agreement - $9,847.50. This deals with four separate law suits involving the sewer agreement with the City of Bridgeport. There was a mediation session that was held in December and along with that there was a lot of work done in December and January. Actually January is a little bit less because the mediation was postponed. It was supposed to happen in January but Bridgeport needed additional time so the next mediation session is Friday. He will go into more detail in executive session. There being no comments or questions,

MOTION made Hampford seconded Palmieri to approve and pay Owens, Schine & Nicola invoice 13926 in the amount of $9,847.50. No discussion. MOTION CARRIED UNANIMOUSLY.

Chairman Wright made the following statement for the record: "As someone who did attend that particular meeting I would like to relate to the rest of the board that I had the opportunity to watch Attorney Kokenos and his partner and the rest of our staff working on that date and I can tell you from my standpoint we are more than ably served. Dennis, I thank you for that and we are absolutely in the best of hands."

CCR LLP - Invoice #37224: $3,150.00. Chairman Wright asked Attorney Kokenos to explain this invoice. Attorney Kokenos said CCR was a successor agency that performed an audit with regards to the Mark IV Contract 3. There was a forensic audit that was commissioned and there was a contract that was entered into when we hired them. One of their requirements in their contract, understandably so, is that if they are ever required to be deposed or attendance in court as it relates to the forensic audit that they are to be compensated. That is something that is actually pretty standard in forensic audits because many times they do result in some type of litigation. It turned out that they did need to be deposed through litigation and this is their invoice for their time for their deposition preparation and travel time. He worked with attorney Moskow to confirm that we are contractually obligated to make that payment and we are in fact obligated to do so. After brief comments,

MOTION made Hampford seconded Palmieri to accept and pay CCR LLP invoice 37224 in the amount of $3,150.00. No discussion. MOTION CARRIED UNAMINOUSLY.

Ury and Moskow Monthly Invoice: None.

2015-2016 Budget. Chairman Wright turned budget discussion over to Frank Smeriglio.
The Commissioners reviewed the accounts printout and budget summary.
Budget Discussion – Frank Smeriglio:
Frank said he tried to keep everything in line with last year's and he will go over each line item with a short description.
5011101 – Salaries-FT/Permanent - $281,750.00. In the middle of this year we added a civil engineering position and because we added in the middle of the year that salary was only a portion of the year's worth for that salary. So the $281,750.00 reflects the positions that we currently have. We have an employee who is still currently out on sick leave.
501105 – Salaries-Overtime - $18,000.00. Adjusted down from last year's $20,000 and Chairman Wright questioned the change. Currently we are understaffed and using more overtime, but next year we should have our full staff and that is why he dropped it. With the job that was approved there are four applicants and human resources is waiting for five qualified applicants before they turn it over to him. Comments and discussion followed regarding timeframes and not processing applications already submitted and the chance of losing applicants because of the long wait. Chairman Wright wants to be advised if an applicant is no longer interested. Frank said over the last few years the overtime was just under the $18,000.00.
501106 – Salaries-Longevity - $925.00. Union requirement.
501888 – Uniform Allowance - $1,560.00. Union allowance and OSHA required shirts and pants.
522201 – Services Clerical - $2,600.00. Clerical for WPCA meetings.
522202 – Services Professional - $488,000.00. Worked on numbers with Attorney Kokenos for ongoing litigation.
Attorney Kokenos: With regards to the Contract 3 and Contract 4 litigation he anticipates that both will be going to trial during the 2015/2016 fiscal year and consultant fees are also provided for. The $150,000 for Bridgeport contract extension and regionalization is being reduced to $100,000. They are working with the Town as best they can and they understand that the professional services budget because of litigation is higher than it ever had to be and they are trying to stay in line with what it was for last year. If it turns out that the litigation turns into something more then maybe they would have to talk about supplemental which is something he never had to do before and he does not anticipate it. The rest of the increase is Mark IV and it's difficult to anticipate because he is dealing with outside counsel and it is going to start heating up quickly because of trials which will happen in the 15/16 budget. He will go into a little bit more detail on Contract 4 in executive session. He noted we are currently in this year's budget so if we were lucky enough to get something resolved prior to July we would be in great shape.
Chairman Wright suggested coming back to this after executive session.
522204 – Service Contract - $6,938,850. Included in this line item are the contracts we have with the City of Bridgeport, QDS our billing service and EnerGov our building permit software desktop support. We have estimated a flow for what we pay Bridgeport. We have a unit price there, which we are contesting, and we are carrying a potential rate increase from Bridgeport. We don't know what their rates are going to be in May, although we don't agree with any rate increase, it is a possibility. We are just carrying a number in the event that there is an increase but we don't agree with any increase at all.
At this point, Chairman Wright suggested to break away from this now and go into executive session and come back and revisit the budget.

6. Executive Session.
MOTION made Wright seconded Palmieri to table further budget discussion and come back after executive session and revisit the budget and remaining line items and at this time 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

- 25 Dogwood Lane
- VonStein v. Town of Trumbull

No discussion. MOTION CARRIED UNANIMOUSLY.

Remaining in the executive session will be Jeff Wright, Fred Palmieri, Paul Whetstone, John Gray, Tim Hampford, Frank Smeriglio, Attorney Dennis Kokenos, and Christine Kurtz.

At 7:57 p.m. the tape recorder was turned off, the clerk left the room and the Commission went into executive session.
At 9:21 p.m. the clerk was called back into the room and the recorder was turned on.
Commissioner Hampford left executive session at 8:00 p.m. and returned at 8:40 and left executive session and the meeting at 9:00.

MOTION made Wright seconded Palmieri to close executive session at 9:22 p.m. and state that no vote was taken. No discussion. MOTION CARRIED UNANIMOUSLY.

MOTION made Wright seconded Palmieri to reopen the regular meeting at 9:23 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

Attorney Kokenos left the meeting at the end of the executive session and after the regular meeting was reopened.

2015-2016 Budget - CONTINUED. Chairman Wright turned budget discussion over to Frank Smeriglio.
The first six items have already been discussed.
522202 – Services Professional – we originally had $488,000.00 – reducing that by $50,000 by reducing the sub-item amount for Bridgeport contract negotiations from $150,000 to $100,000. So that total number for approval is $438,000.00.
522204 – Service Contract - $6,938,850.00. This is for a fee amount for Bridgeport. Noted for the record: There are many disagreements we have with their rates. There is fee in here for QDS which is our sewer usage billing. The two other items are a software maintenance for QDS and an EnerGov building permit software program that we have so that we can review building permits from the building department.
522210 – Reimbursement General Fund - $512,093.00. Our reimbursement to the general fund for expenses the Town incurs on our behalf.
534402 – Materials Program - $20,000.00. Janitorial supplies for our pump stations.
545501 – Legal Notices - $3,500.00. This is for legal notices for any assessments and any other notices that we have to post in the newspaper.
567701 – Transportation-Gas - $8,700.00. Gas for our vehicles and pump stations - this number is a plug in from the Finance Department.
567702 – Transportation-Vehicles - $6,600.00. Maintenance of our vehicles. (Vac-truck [1/2 with highway], sewer inspector vehicle, sewer administrator vehicle)
508801 – Maintenance-Service - $60,000.00. Maintenance we have to do on our pump station like generator or sewer mainline cleaning same as last year.
578803 – Maintenance Program Related - $31,800.00. Unforeseen maintenance with our pump stations like electrical panel or pump issues which are not scheduled maintenance.
578805 – Extraordinary Items - $80,000.00. Deals with unforeseen repairs to our sewer mains like a force main break.

581888 – Capital Outlay. This is broken down into 2 subsections.
Subsection 1 - $277,500.00
$ 20,000 – GIS updates for infrastructure inventory assessment management program
$ 32,500 – Jet Vac Truck lease – 4th year of 5 years
$ 35,000 – Adjust manholes on various paving roads
$ 30,000 – Maintenance on various sewer easements areas
$ 40,000 – Sanitary sewer inspection 2016/17 paving roads
$120,000 – I/I Study – continue town wide smoke testing, video inspection, etc.
These are tasks that we plan to do for this year that we want to pay for and not bond because they only have a one year life. Frank gave brief descriptions of the above items.

Subsection 2 - $1,120,000
$500,000 – various roads – town wide repairs
$350,000 – I/I Phase 4 – leak repairs
$ 70,000 – Contract V – opinion of probable cost/assessment determination
$200,000 – Contract V – borings
Frank gave brief descriptions of the above 4 items. He said these 4 projects are what he proposes we bond for 20 years. Two months ago the Commission approved these 4 tasks would be part of our 5 year capital plan and this is what we would work on in year 1 of that 5 year capital plan. Chairman Wright questioned the bonding for $350,000 for leak repairs and Frank said there are 2 ways to look at it: 1) we can pay for it; 2) fixing the leaks in the main - that repair lasts for 20 years. Christine Kurtz noted some repairs could last 20 to 50 years. In reference to the $70,000 and the $200,000 Frank explained in November we put a capital plan together and these two tasks have to do with the Contract 5 sewer project. There are roughly 460 houses in the south Nichols area that are on smaller properties and have started to have septic failure. What was done in the past is they would just initiate and start the project. In his opinion because there is a bunch of residents having septic failures and some are on water restrictions we have to start investigating the area. We have to start doing borings in the area and coming up with a probable estimate for: trying to see how we can make the project smaller because right now there are 460 properties; see how it can be broken up into different phases; try to see how much it will cost, do borings so we can see how much ledge there is; come up with estimates and have a meeting with the residents to say these are numbers we've come up with do you want to proceed with the design. Commissioner Palmieri said he doesn't think the Chairman is questioning the feasibility of doing it he thinks he's questioning how we pay for it. Frank explained the $500,000 various roads item are roads that are on the paving program and they are roads that Wright-Pierce has investigated through video inspections of sewer lines that need to be fixed. We have to do our video inspections of our sewer lines on roads the highway department is projecting to be paved. Frank pointed out we are not paving the roads we are just fixing the sewer pipes and paving our patches.
Chairman Wright briefly left the meeting and asked Vice Chairman Palmieri to take over.

Vice Chairman Palmieri questioned bonding for the $70,000 and $200,000 for studies and borings. Frank said these two items are technically a project cost towards a sewer project. Comments included rolling it into the cost of the project, initiating the first phase of the project and Frank broke down a sewer project into the following steps: 1) do boings; 2) come up with an estimate; 3) sitting down with residents; 4) doing the design; 5) going out to bid and all those tasks would be bonded for 20 years. We need to do these two steps. We don't have to bond it and we could pay for it. Vice Chairman Palmieri said the problem is with bonding the second two items and he recommends we pay them out of the budget if possible. Brief discussion followed. With these two changes the $277,500.00 changes to $547,500.00. Frank suggested the $120,000 for I/I study can be reduced into two little phases and bring the $120,000 down to $60,000 to help bring that cost down. We would break it into two phases one phase this year and one phase next year or keep it at $120,000. Discussion followed and changing it to $90,000.00 was suggested.

Chairman Wright returned to the meeting. He said he has a problem with bonding for 20 years and suggested having a 5 year bond. Vice Chairman reiterated and summarized what was previously discussed. Frank said he cannot give an answer as to whether it could be a five year bond. The last two items on the budget printout are interest and bonds accounts and the Finance Director does not anticipate any principal or interest costs for this year so right now we are carrying zero because the first 3 years have not been bonded because a lot of the projects haven't been finished. Last year $100,000 was budgeted but it was not used. The proposed amount for next year is zero.
It was decided for what is being bonded to keep it at $850,000.00 ($500,000 and $300,000) and the $200,000 and $70,000 will get moved to what we are going to pay for and the $120,000 is being changed to $90,000.00. The $277,500.00 changes to $517,500.00.
589901 – Rentals - $12,000.00. Payments for the two vehicles that we still have payments for. One is in the 4th year out of 5 and the other one is in the 3rd year out of 5.
590011 – Utility-Heat - $7,922.00. That gets plugged in by Finance.
590012 – Utilities-Electric - $165,556.71. That gets plugged in by Finance.
590013 – Utilities-Water. This is at 0 because Finance has not put it in yet – will be approximately $2,000.00
590014 – Utilities Phone. This is at 0 because Finance has not put it in yet.
595888 – Interest Bonds – Projected to be 0
597888 – Principal Bonds – Projected to be 0

The total number is going to change and tonight the Commission will approve each of the line items with the changes that were made. Frank said then it gets reviewed at the First Selectman level and he reviews it and he makes his recommended changes. Chairman Wright asked Vice Chairman Palmieri to make the motion. MOTION made Palmieri seconded Wright that the following proposed budget items be amended to read as follows:

- Account 522202:
  - Reduce $150,000.00 (legal) to $100,000.00
- ➢ **$438,000.00** Amended total for Account 522202
- Account 581888:
  - Change $120,000.00 for I/I study to $90,000.00.
  - $500,000.00 - Various Roads – Town wide repairs
    $350,000.00 - I/I – Phase 4 - Leak repairs
    $850,000.00 - aggregate to be bonded with a bond term to be determined at a later date.
  - $ 70,000.00 – Contract V – Opinion of probable cost/assessment determination
    $200,000.00 – Contract V - Borings
    $270,000.00 – moved from potentially being bonded into the operating budget which would leave an operating budget request for account 581888 of $517,500.00
- ➢ **$517,500.00** amended total for Account 581888. No discussion. MOTION CARRIED UNANIMOUSLY.

MOTION made Wright seconded Palmieri to approve the budget as amended. No discussion. MOTION CARRIED UNANIMOUSLY.

7. Any other business that may come before the Authority.
Wright-Pierce – consulting services. As part of Wright-Pierce's assistance to Attorney Kokenos they are providing consulting services for Bridgeport Trumbull Contract negotiations. Their current purchase order is for $40,000.00 and the commission needs to approve to increase that for an additional $70,000.00. The $40,000.00 carried us through November and we do have money budgeted for this. $420,000.00 was budgeted and we have $180,000.00 left for the remainder of the year until June 30, 2015. Frank is requesting authorization to increase

the existing purchase order by $70,000.00. Christine Kurtz explained a lot of the work done in the last couple of months was not anticipated.
MOTION made Wright seconded Palmieri to approve the request to increase the existing Purchase Order $70,000.00 for Wright-Pierce. No discussion. MOTION CARRIED UNANIMOUSLY.

Frank Smeriglio informed the Commission Dave Rutigliano has proposed a bill for sewer rates. What he has proposed is because of the summer months' water sprinkling usage issue where residents water lawns and that consumption is on the water bills which we use to charge for sewer usage. What he has proposed is a bill to average three-quarters excluding the summer usage months and use the average of the three quarters to project the fourth quarter usage. Commissioner Whetstone commented that it will not help Bridgeport and the WPCA charges and Frank said that is our issue. This bill would be state wide. About three years ago Trumbull changed the billing to actual consumption so residents are charged for whatever their water bill is. Chairman Wright described Trumbull's situation as Bridgeport needs a certain amount of money to run their operating budget so if this bill does pass they will increase their rates to make up their shortfall. Frank explained we are in a tough position unless Bridgeport honors that. Our issue is different because we have a contract with Bridgeport. Brief discussion followed. The Commission understands the concept and would be open to hearing a presentation and perhaps Representative Rutigliano could be invited to a meeting. Frank will keep the Commission apprised of any developments on this bill.

There being no other business before the Authority,
MOTION made Palmieri seconded Whetstone to adjourn the meeting of February 4, 2015 at 10:08 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

Submitted by,

Joyce Augustinsky
Clerk of the Commission

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Town of Trumbull
5866 Main Street
Trumbull, CT 06611

February 12, 2015

Attention: Maria Pires

File #: 14010-04035
Inv #: 13980

RE: Mark IV - Contract 4 Litigation

DATE	DESCRIPTION	HOURS	LAWYER
Jan-23-15	Telephone call with Attorney Moskow; call to client.	0.30	DJK
Jan-24-15	Review Legislative Record, Review case decision, Memo to DK and DC	4.00	RN
Jan-29-15	Telephone call with Joe Coleman; call to Attorney Moskow.	0.20	DJK
	Totals	4.50	$900.00
	Total Fee & Disbursements		**$900.00**
	Previous Balance		1,260.00
	Previous Payments		1,260.00
	Balance Now Due		**$900.00**

TIMEKEEPER SUMMARY

RN	4.00	$800.00
DJK	0.50	$100.00

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Town of Trumbull

5866 Main Street
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February 12, 2015

Attention: Maria Pires

File #: 14010-04039
Inv #: 13981

RE: Mark IV Construction v. Town of Trumbull - Defense

DATE	DESCRIPTION	HOURS	LAWYER
Jan-04-15	Finalize written Discovery Responses / Call to Frank Smeriglio.	3.50	DJK
Jan-05-15	Attendance of Status Conference - Waterbury.	2.00	DJK
Jan-07-15	Call to Attorney Cohane / Review ROGS	1.00	DJK
Jan-08-15	Finalize ROGS; call to Attorney Cohane	1.00	DJK
	Draft notice of objections; preform legal research regarding same; review, draft production answer and revise.	2.50	DLC
Jan-14-15	Telephone call with J. Cohan regarding Amending Pleading; preform legal research regarding government immunity; draft amended pleadings and motion to amend.	2.10	DLC
	Review pleadings and perform legal research regarding motion to strike special defenses; begin drafting motion to strike.	3.30	DLC
Feb-05-15	Conference call with Attorney Botelho.	0.50	DJK
	Call to Fred Mascia.	0.20	DJK
Feb-06-15	Call from T & B; call to Attorney Bothelo.	0.20	DJK
Feb-10-15	Call to client; call to Attorney Moskow	0.20	DJK

	Meeting with client.	1.00	DJK
	Drafting re-notice of deposition and Schedule A for the Plaintiff, Plaintiff expert; legal research regarding disqualification and standing; call from/to Attorney Gulliazzo.	3.50	DJK
Feb-11-15	Call from/to client regarding Extension to Correct; review Extension and application; call to Attorney Gulliazo.	0.70	DJK
	Drafting Disclosure of Expert; telephone call with Expert; call to/from client regarding sewer assessments on account of fees and disbursements comps; call to/from expert.	4.50	DJK
	Totals	26.20	$5,240.00
	Total Fee & Disbursements		**$5,240.00**
	Balance Now Due		**$5,240.00**

TIMEKEEPER SUMMARY

DJK	18.30	$3,660.00
DLC	7.90	$1,580.00

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Town of Trumbull
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February 12, 2015

Attention: Maria Pires

File #: 14010-04015
Inv #: 13982

RE: BRIDGEPORT REGIONALIZATION SEWER AGREEMENT

DATE	DESCRIPTION	HOURS	LAWYER
Jan-16-15	Telephone call from/to Case Flow	0.20	DJK
	Correspondence to Christine Kurtz	0.20	DJK
	Correspondence from/to Christine Kurtz	0.20	DJK
Jan-20-15	Call from/call to First selectman; Public Works Directory; Town Engineer; Experts.	1.20	DJK
Jan-30-15	Call from W & P	0.10	DJK
Feb-02-15	Call to Attorney Hug.	0.20	DJK
Feb-03-15	Call to Attorney Santoro.	0.20	DJK
Feb-04-15	Preparation for mediation / review EPA & CT DEEP case study regarding rate structures for potential settlement options regarding mediation.	2.00	DJK
	Call from/to client and W & P.	0.30	DJK
	Conference all with W & P.	0.60	DJK
	Review motion to intervene; preform legal research and draft objection	1.50	DLC
Feb-05-15	Preparation for mediation.	2.00	DJK

Feb-06-15	Mediation with Judge Bellas	3.00	RN
	Attendance of mediation.	3.00	DJK
	Call to client.	0.20	DJK
	Call to Frank Meriglio/Joseph Massillio.	0.20	DJK
Feb-08-15	Draft Deal Points	2.00	RN
Feb-09-15	Call from/to Attorney Hug.	0.10	DJK
	Telephone call with client.	0.40	DJK
	Telephone call with W & P	0.30	DJK
Feb-10-15	Compile and expand deal points.	1.50	RN
	Call from W & P	0.20	DJK
	Meeting with Attorney Donofrio	1.00	DJK
	Totals	20.60	$4,445.00

Total Fee & Disbursements	**$4,445.00**
Previous Balance	9,847.50
Previous Payments	9,847.50
Balance Now Due	**$4,445.00**

TIMEKEEPER SUMMARY

RN	6.50	$1,625.00
DJK	12.60	$2,520.00
DLC	1.50	$300.00

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February 12, 2015

Attention: Maria Pires

File #: 14010-04038
Inv #: 13983

RE: Mihaley - Town of Trumbull WPCA Sewer Assessment Appeal

DATE	DESCRIPTION	HOURS	LAWYER
Jan-05-15	Review revised complaint; preform research regarding pleadings; draft answer and special defense.	1.00	DLC
Jan-23-15	Telephone call with Attorney Reilly	0.30	DJK
Feb-05-15	Call with Attorney Reilly regarding potential settlement.	0.70	DJK
	Call from/to Attorney Tollberg.	0.20	DJK
Feb-06-15	Telephone call from Attorney Rielly.	0.10	DJK
	File caseflow request; telephone call with Attorney Rielly; call to Attorney Rielly.	0.80	DJK
	Totals	3.10	$620.00

Total Fee & Disbursements	**$620.00**
Previous Balance	660.00
Previous Payments	660.00
Balance Now Due	**$620.00**

TIMEKEEPER SUMMARY

DJK	2.10	$420.00
DLC	1.00	$200.00

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Town of Trumbull

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February 12, 2015

Attention: Maria Pires

File #: 14010-04037
Inv #: 13984

RE: Von Stein - Town of Trumbull WPCA

DATE	DESCRIPTION	HOURS	LAWYER
Jan-19-15	Review Expert Disclosure and Appraisal/Correspondence to Attorney Gulliaza	3.00	DJK
	Call from/to Attorney Gulliazo regarding expert deposition.	0.20	DJK
Jan-26-15	Draft Notice of Deposition of Plaintiff expert; draft Schedule A; call to Plaintiff and Court Reporter.	1.70	DJK
Feb-02-15	Call from Attorney Gulliozo regarding demand.	0.80	DJK
Feb-03-15	Call from/to Attorney Gulliazo.	0.20	DJK
Feb-04-15	Call to Attorney Gulliazzo	0.20	DJK
Feb-05-15	Call to Attorney Guliazzo	0.20	DJK
Feb-10-15	Call to Commissioner Palmiri	0.10	DJK
	Totals	6.40	$1,280.00

Total Fee & Disbursements	**$1,280.00**
Previous Balance	220.00
Previous Payments	220.00
Balance Now Due	**$1,280.00**

TIMEKEEPER SUMMARY

DJK	6.40	$1,280.00