

WATER POLLUTION CONTROL AUTHORITY
Town of Trumbull
CONNECTICUT

TOWN HALL
(203) 452-5048



5866 MAIN STREET
TRUMBULL, CT 06611

March 23, 2016
7:00 p.m. at Trumbull Town Hall

MEETING AGENDA

1. Minutes to previous meeting(s):
 - February 24, 2016 regular meeting
 - March 15, 2016 special meeting
2. Old Business:
3. New Business:
 - Owens, Schine & Nicola monthly invoices
 - Ury & Moskow monthly invoices
4. 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
5. Any other business that may come before the Authority.

WATER POLLUTION CONTROL AUTHORITY
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5866 MAIN STREET
TRUMBULL, CT 06611

FEBRUARY 24, 2016
MINUTES

CALL TO ORDER: Chairman Wright called the regular meeting of the Trumbull Water Pollution Control Authority to order at 7:08 p.m.

MEMBERS PRESENT:

Jeffrey Wright, Chairman
Timothy Hampford,
Paul Whetstone, Alternate
Richard Boggs, Alternate

ALSO PRESENT:

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

MEMBERS ABSENT:

Fred Palmieri, Vice Chairman
John Gray
Laura Pulie

1. Minutes to Previous Meeting:

Motion made by Whetstone, seconded by Boggs to approve the January 20, 2016 meeting minutes as submitted. VOTE: Motion CARRIED unanimously.

2. Old Business: None

3. New Business:

- Owens, Schine & Nicola Monthly Invoices: Motion made by Wright, seconded by Whetstone to approve payment of Invoice #14353 dated February 17, 2016 in the amount of \$6,557.50. VOTE: Motion CARRIED unanimously.

The Chair stated invoice #14354 represents the mediation statement and the attendance. Motion made by Wright, seconded by Whetstone to approve payment of Invoice #14354 dated February 17, 2016 in the amount of \$10,280.00 (Commissioner Hampford arrived at the meeting at 7:10 p.m.) VOTE: Motion CARRIED unanimously.

- Carmody Invoice: Motion made by Wright, seconded by Whetstone to approve payment of Invoice #294040 dated January 27, 2016 in the amount of \$2,250.00.

This invoice represents the attorney who acted as the mediator for the Mark IV mediation. This bill is also partially paid for by Mark IV. VOTE: Motion CARRIED unanimously.

- Ury & Moskow Monthly Invoices – None
- Professional Services Account/Consulting Summary: Mr. Smeriglio reviewed the professional services account/consulting summary spreadsheet with the commission as follows:
 - Consultant Services for Contract 3 Sewer Project* - This item was originally budgeted for \$50,000. \$29,745 has been spent year to date. This item represents issues with the Contract 3 sewer project. The fiscal year ends June 30th. The purchase order was issued for \$35,000, of the \$35,000, \$29,745 has been spent. There is \$15,000 remaining of the total budgeted amount.
 - Contract IV Closeout Assistance* - This item was originally budgeted at \$50,000 and \$1,636 has been expended this fiscal year. Atty. Kokenos stated if the trial does move forward it will be in June 2016 and these funds will be used within this fiscal year.
 - Contract Negotiations with Bridgeport* - This item was originally budgeted at \$75,000 and \$14,978.64. The purchase order amount was \$40,000.
- Plumb Tree Lane - Sewer Connection:

Mr. Smeriglio stated the Plum Tree Lane property is currently vacant land. A resident wants to develop the property and is seeking permission to connect to the sanitary sewer system. This property is unique because the Trumbull/Easton town line runs through the property. Atty. Kokenos explained if the house is built and has an Easton address, based on Trumbull's old contract with Bridgeport if a property was in another town the developer needed to go to the Bridgeport WPCA first for permission to connect to the sewer system. Once the developer obtained the approval from Bridgeport they would then come back to the Trumbull WPCA for their approval. After the approvals are in place the Trumbull WPCA assesses the connection.

Mr. Smeriglio explained what makes this property further unique is if the house is put on the Trumbull side of the property the developer will need to go to the Trumbull ZBA due to a zoning issue and if the house is built on the Easton side there is also a zoning issue and they will need a zoning variance from the town of Easton. If the house is put on the Trumbull side, only approval by this commission is required, but if the house is on the Easton side the approval of this commission and the Bridgeport WPCA is necessary. Atty. Kokenos agreed, but further explained he would need to review both the Trumbull ordinance and Bridgeport's ordinance because currently Trumbull does not have a contract with Bridgeport.

Mr. Smeriglio explained the proposal is to build the house in Trumbull. The motion at this meeting is if the house was built in Trumbull would this commission approve the connection to Trumbull's sanitary sewer system? Design/plans were not done to date because the owner is seeking permission to connect first before incurring that cost. Mr.

Smeriglio explained the next critical path for the owner is how to place the house on the lot so whoever purchases the house would be able to send their children to Trumbull schools. The commission questioned what percentage of the house has to be on the Trumbull portion of the property to be considered a Trumbull address. A general discussion took place of what the address of the proposed house would be based on the drawing submitted. Atty. Kokenos explained when the house is built they would have two tax bills, one to Easton and one to Trumbull.

Mr. Smeriglio explained there are two parts of this process, permission to connect and a zoning variance are required. There are approximately 30 houses bordering other towns where the town line goes through the property. Atty. Kokenos stated the address of those properties is a critical element, if the address is in another town, based on previous dealings with Bridgeport, permission from the Bridgeport WPCA to connect is required first. If it is a Trumbull address an approval and assessment per Trumbull's ordinance from the Trumbull WPCA and the Town Engineer's review of the design/plan would be required just as any other connection in town.

Mr. Smeriglio recommended approval subject to the following conditions:

- A zoning variance is granted by ZBA if the house is built on the Trumbull side and the house has a Trumbull address.
- The design/plans would be subject to the Town Engineer's approval.
- If the house is built on the Easton side of the property a zoning variance would also be necessary and the owner would need to come back to this commission for approval.

Atty. Kokenos confirmed for the commission. If the house is in Trumbull the connection could be approved by Trumbull only, they would not need to go to Bridgeport. This would be the same as any other sewer connection in Trumbull.

Moved by Hampford, seconded by Whetstone to approve the proposed sewer connection on Plum Tree Lane conditionally upon the Town Engineer's discussion (recommendation) at this meeting and review of the address of the property.

VOTE: Motion CARRIED unanimously.

- Executive Session:

MOTION made by Wright, seconded by Boggs the WPCA to close the regular session and enter into Executive Session to discuss 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

VOTE: Motion CARRIED unanimously.

The WPCA entered into Executive Session at 7:25 p.m. with WPCA members, Chairman Jeffrey Wright, Paul Whetstone, Alternate, Timothy Hampford, Richard Boggs, Alternate,

Town Engineer/Sewer Administrator Frank Smeriglio, P.E., Dennis Kokenos, Esq. Town Attorney, Vincent Marino, Esq., Town Attorney and Christine Kurtz of Wright Pierce present.

At 7:26 p.m. the tape recorder was turned off, the clerk left the room and the Commission entered into Executive Session.

At 8:53 p.m. the clerk was called back into the room and the recorder was turned on.

Moved by Wright, seconded by Hampford to end Executive Session. The Chair noted for the record that no vote was taken.

VOTE: MOTION CARRIED unanimously.

Executive Session ended at 8:54 p.m.

Motion made by Wright, seconded by Boggs to open the regular meeting session.

VOTE: Motion CARRIED unanimously.

The regular session was reopened at 8:55p.m.

Motion made by Hampford, seconded by Boggs to direct the Town Attorneys to reject the proposed wastewater contract presented by the City of Bridgeport. After discussion with the attorney and this commission the Trumbull WPCA believes the contract does not represent a reasonable rate and does not provide the proper savings to the users. If there is any change from the City of Bridgeport that the attorneys are aware of they should bring it back to the Trumbull WPCA.

VOTE: Motion CARRIED unanimously.

4. Any other business that may come before the Authority - None

There being no further business to discuss and upon motion made by Wright, seconded by Whetstone the Trumbull WPCA adjourned by unanimous consent at 8:56 p.m.

Respectfully Submitted,

Margaret D. Mastroni, Clerk

WATER POLLUTION CONTROL AUTHORITY
Town of Trumbull
CONNECTICUT

TOWN HALL
(203) 452-5048



5866 MAIN STREET
TRUMBULL, CT 06611

MARCH 15, 2016
MINUTES

CALL TO ORDER: Chairman Wright called the special meeting of the Trumbull Water Pollution Control Authority to order at 7:00 p.m.

MEMBERS PRESENT:

Jeffrey Wright, Chairman
Timothy Hampford
Paul Whetstone, Alternate
Richard Boggs, Alternate
Fred Palmieri, Vice Chairman

ALSO PRESENT:

Frank M. Smeriglio, PE, Town Engineer
Dennis Kokenos, Esq. Town Attorney
John Marsilio, Director of Public Works

MEMBERS ABSENT:

John Gray
Laura Pulie

Executive Session:

MOTION made by Palmieri, seconded by Hampford the WPCA to close the regular session and enter into Executive Session to discuss 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:

- o Regionalization and/or re-negotiation of Bridgeport sewer treatment contract

VOTE: Motion CARRIED unanimously.

The WPCA entered into Executive Session at 7:03 p.m. with WPCA members, Chairman Jeffrey Wright, Vice-Chairman Fred Palmieri, Paul Whetstone, Alternate, Timothy Hampford, Richard Boggs, Alternate, Town Engineer/Sewer Administrator Frank Smeriglio, P.E., Dennis Kokenos, Esq., Town Council Chairman Carl A. Massaro, Jr., and BOF member Andrew Palo

At 7:03 p.m. the tape recorder was turned off, the clerk left the room and the Commission entered into Executive Session.

At 7:37 p.m. the clerk was called back into the room and the recorder was turned on.

Moved by Palmieri, seconded by Hampford to end Executive Session. The Chair noted for the record that no vote was taken.

VOTE: MOTION CARRIED unanimously.

Executive Session ended at 7:37 p.m.

Motion made by Palmieri, seconded by Hampford to open the regular meeting session.

VOTE: Motion CARRIED unanimously.

The regular session was reopened at 7:38 p.m.

Motion made by Hampford, seconded by Palmieri to approve the draft confidential inter-municipal agreement between the City of Bridgeport WPCA and the Town of Trumbull WPCA detailing the payment for wastewater transport and treatment services contingent upon approval by the Bridgeport WPCA within sixty (60) days and subsequent approvals by the appropriate governing bodies of Trumbull and Bridgeport.

VOTE: Motion CARRIED unanimously.

Town Attorney Kokenos stated for the record the agreement is still in confidential and draft form because it requires additional approvals from not only the Bridgeport WPCA but the City of Bridgeport Council and our Town Council and Board of Finance. The draft agreement will be presented to the Board of Finance and the Town Council after it is approved by the City of Bridgeport and WPCA. Once it goes through the approval process it will then become part of the minutes of any subsequent meetings. At this time it is still a contract being negotiated, this was just the first phase of approvals necessary for Trumbull. It has to remain confidential and not part of the minutes until such time it has been fully negotiated.

There being no further business to discuss and upon motion made by Palmieri, seconded by Hampford the Trumbull WPCA adjourned by unanimous consent at 7:39 p.m.

Respectfully Submitted,

Margaret D. Mastroni, Clerk

Owens, Schine & Nicola, P.C.

799 Silver Lane
P.O. Box 753
Trumbull, CT 06611

Ph:203-375-0600

Fax:203-375-5003

Town of Trumbull
5866 Main Street
Trumbull, CT 06611

March 21, 2016

Attention: Maria Pires

File #: 14010-04015

Inv #: 14371

RE: BRIDGEPORT REGIONALIZATION SEWER AGREEMENT

DATE	DESCRIPTION	HOURS	LAWYER
Feb-17-16	Letter from Attorney Santoro; review settlement agreement on Mendel; letter from Attorney Glenn Santoro regarding coverage payment; conference with Dennis Kokenos	1.25	RN
	Review/revise Agreement; correspondence to Town Engineer	2.50	DJK
Feb-18-16	Finalize Trumbull Revisions regarding WW Agreement	2.50	DJK
	Meeting with First Selectman; public works director, Attorney Marino and Bloom	2.50	DJK
Feb-19-16	Correspondence to Bridgeport Attorneys regarding final revisions to WW Agreement	0.80	DJK
	Correspondence to First Selectman regarding Final WW Agreement	0.20	DJK
	Correspondence to Mike Giggey regarding meeting	0.20	DJK
	Drafting. e-file case flow request; correspondence to all parties.	0.50	DJK
Feb-22-16	Telephone call to caseflow regarding continuance of hearing	0.10	DJK
	Telephone call with caseflow regarding hearing; correspondence to all parties regarding continuance	0.20	DJK

	Review revisions by Bridgeport Attorney	0.50	DJK
	Correspondence to client regarding Final Agreement revisions; meeting regarding approvals/provisions in dispute.	1.00	DJK
	Telephone call with Public Works Director	0.10	DJK
Feb-23-16	Review Attorney Dennis Kokeno's memo; review amended agreement; meeting with John Marsilio, Attorney Dennis K. Kokenos and Attorney Robert J. Nicola.	1.00	RN
	Meeting with Public Works Director; Town Engineer; conference call with First Selectman and chairman regarding final revision to contract	1.50	DJK
	Revisions to WW Treatment contract; correspondence to Bridgeport Attorneys; correspondence to client.	3.00	DJK
Feb-25-16	Contract revisions; correspondence to Bridgeport Attorney's; memo to file.	1.50	DJK
Feb-29-16	Review file; attend status hearing with Judge Bellis; review Attorney Dennis Kokenos letter.	1.50	RN
	Attendance of Status Conference	2.00	DJK
	Correspondence to client regarding status conference.	0.80	DJK
Mar-01-16	Revise agreement; correspondence to Bridgeport Attorney's	3.50	DJK
Mar-03-16	Correspondence to Bridgeport Attorney regarding contract; correspondence to Attorney Liskow; correspondence to client.	0.50	DJK
Mar-07-16	Attendance of Court; correspondence to client regarding status conference and special meeting.	2.00	DJK
Mar-09-16	Review appellate docket; draft e-mail to case manager regarding pre-argument conference date	0.30	DLC
Mar-15-16	Finalize revisions to Contract; correspondence to Bridgeport Attorneys regarding final version	1.50	DJK
	Meeting with client; attendance of Special meeting of WPCA	0.80	DJK
Mar-16-16	E-mail correspondence to all members of Commission	0.50	DJK

regarding Approved Agreement; correspondence to Bridgeport Attorneys regarding approval.

Correspondence from Attorney Santoro; review revision to Agreement; correspondence to Bridgeport Attorneys regarding meetings, approval and continuance; correspondence regarding continuance of pre argument conference

1.50

DJK

Totals 34.25 \$7,037.50

Total Fee & Disbursements **\$7,037.50**

Previous Balance 6,557.50

Previous Payments 6,557.50

Balance Now Due **\$7,037.50**

**TIMEKEEPER
SUMMARY**

RN	3.75	\$937.50
DJK	30.20	\$6,040.00
DLC	0.30	\$60.00

Owens, Schine & Nicola, P.C.

799 Silver Lane
P.O. Box 753
Trumbull, CT 06611

Ph:203-375-0600

Fax:203-375-5003

Town of Trumbull
5866 Main Street
Trumbull, CT 06611

March 21, 2016

Attention: Maria Pires

File #: 14010-04035

Inv #: 14372

RE: Mark IV - Contract 4 Litigation

DATE	DESCRIPTION	HOURS	LAWYER
Feb-22-16	Telephone call with Attorney Cohane	0.20	DJK
	Correspondence to client regarding mediation; correspondence to/from Attorney Moskow; correspondence to Mediator	0.50	DJK
	Totals	<hr/> 0.70	\$140.00
	Total Fee & Disbursements		<hr/> \$140.00
	Previous Balance		10,280.00
	Previous Payments		10,280.00
	Balance Now Due		<hr/> \$140.00

**TIMEKEEPER
SUMMARY**

DJK	0.70	\$140.00
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URY & MOSKOW, L.L.C.
883 Black Rock Turnpike
Fairfield, CT 06825

Ph:(203) 610-6393

Fax:(203) 610-6399

Town of Trumbull

Mar 01, 2016

Owens Shine & Nicola
799 Silver Lane
Trumbull, CT 06611

Attention: Robert Nicola

File #: 10408
Inv #: 64799

RE: Contract Dispute- Town of Trumbull v Mark 4 Construction, et al

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Jan-26-16	Preparation for and attendance at mediation	11.50	3,737.50	NLM
Feb-23-16	Preparation for and attendance at status conference	1.00	325.00	NLM
	Total Fees	12.50	\$4,062.50	

Total Invoice

\$4,062.50

Previous Balance
Previous Payments

\$630.00

\$630.00

Balance Due Now

\$4,062.50