

WATER POLLUTION CONTROL AUTHORITY
Town of Trumbull
CONNECTICUT

TOWN HALL
(203) 452-5048



5866 MAIN STREET
TRUMBULL, CT 06611

MINUTES
Water Pollution Control Authority Special Meeting
Thursday, January 5, 2012

Members Present:

Jeanine Maietta Lynch, Chairman
Ennio DeVita
Laura Pulie
Karen Egri, Alternate (voting)
Timothy Hampford, Alternate (voting)

Also Present:

Joseph Solemene, Assistant WPCA Administrator
John Marsilio, Public Works Director
Dennis Kokenos, Esq., Town Attorney (arrived 6:45)
Fred Mascia, Tighe & Bond, Project Manager
Daniel Nelson, Chief of Staff (Budget discussion)

The Chairman called to order the special meeting of the Trumbull WPCA for January 5, 2012 in the Nichols Room at 6:30 p.m.

MOTION made (Lynch) 2nd (Egri) to take out of order Agenda item number 2 Matthew Mihaly, 116 Jerusalem Hill. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

2. Matthew Mihaly, 116 Jerusalem Hill.

The Commission reviewed and discussed the two proposals that were presented at the December WPCA regular meeting. Discussion included pitch, 1/4 inch per foot flow rate, velocity, volume, blockages, elevations and finished floor elevation 1 foot above the invert. It was noted even with the design change 116 Jerusalem Hill will not be serviced by the change because it is the lowest house and cannot get a gravity flow and will still have to pump. The Commissioners agreed to stay with the original design because they cannot support the proposed pitch, there are 45 other houses that are on pumps, and by lowering this line it would be going against the engineering changes that were previously implemented. Commissioner Pulie explained that the flow rate of four tenths of a percent is when pipes are flowing full that you can use that pitch and this is not going to be flowing full so solids will collect in it and there will be blockage problems. The Commission also agreed that at least 10 feet by 10 feet is needed to set up the pump station and there is not adequate room here to put it. Discussion also included the approximate added costs for the pump station being about \$150,000.00 to \$200,000.00 and there is no justification to increase the cost of the project for that. It was also noted that all these houses were shown to be pumped originally when it went to the public hearing. It was recommended to continue with the original design and reject the two proposals.

MOTION made (Lynch) 2nd (Hampford) to continue with the original design and reject the two proposals for 116 Jerusalem Hill. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

1. Owens, Schine & Nicola – Retainer Agreements.

Two Retainer Agreements need to be executed to allow Owens, Schine & Nicola to represent the WPCA with respect to the Bridgeport Sewer Contract Negotiations/ Arbitration of Bridgeport Sewage Treatment Agreement and/or Regionalization and also with any potential litigation with respect to Mark IV on Contract 4. The

Retainers are exactly the same as previous Retainer Agreement the WPCA signed with respect to the mediation for Contract 4 for Mark IV. Attorney Kokenos explained since there hasn't been a resolution in the Mark IV issue he wants to make sure he is prepared. The retainer agreements give Owens, Schine & Nicola the authority to hire experts and other counsel if it is deemed necessary. He also said both of which will not be done unless the Commission okays them to do it and the Retainers allow them to get experts if needed for litigation or negotiations, but other than that it is pretty much verbatim the Mark IV Penny Items Retainer Agreement.

MOTION made (Lynch) 2nd (Egri) that the WPCA approve and enter into the two Retainer Agreements that were submitted by Owens, Schine & Nicola: one with respect to the Bridgeport Sewer Contract Negotiations and Arbitration of the Bridgeport Sewer Treatment Agreement and/or Regionalization; and the other one with respect to Mark IV Construction and any Contract 4 Litigation. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

3. Laurie Coscia Quatrella, 50 Red Fox Lane.

This is a follow up with respect to what was presented at the regularly scheduled meeting last month and information that was requested from the Town Engineer regarding reviewing GIS photos and visiting the site. The consensus of the Commission, Fred Mascia and Joe Solemene is that the sandbar has been accumulating over a period of years and is not just from the sewer project and a few storms. Fred and Joe described the appearance of just a few cubic yards of silt and how it looks worse than it is and they believe this is an accumulation over years. Commissioner DeVita pointed out a blocked pipe in one of the photos that is about three quarters filled in. Fred said it has been filling in over a period of time and was filled in prior to the sewer project. Also, for this amount of fill to fill in this part of the pond it had to come from somewhere and it would be evident if it was from a wash out in the road. Fred also said they did not take out that much material out of the trench, there was ledge blasting on Red Fox, a couple yards of material in there makes the appearance that the whole area is covered but it settles out, and there is gravel in there that did not come through the pipes. For the next meeting the Commission wants a review of the GIS aerials that were taken before construction began to determine if there is evidence of this type of erosion and to have someone go out to the site and report back with what he observed and recommendations. This matter is tabled for discussion until the Commission gets some further information.

MOTION made (Lynch) 2nd (Pulie) to move up Agenda item number 5 Executive Session. No Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

5. Executive Session.

MOTION made (Lynch) 2nd (Pulie) to close the special meeting of the WPCA for January 5, 2012 in the Nichols Room at 6:50 p.m. and to go into executive session to 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 Invoice Approval – Application #28

No Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Remaining in the executive session meeting will be all the Commission members, Fred Mascia, John Marsilio, Joe Solemene and Dennis Kokenos. No Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

At 6:50 p.m. the tape recorder was turned off, the Clerk left the room and the Commission went into executive session.

The Clerk was called back into the room at 7:35 p.m. and the recorder was turned on.

MOTION made (Lynch) 2nd (Egri) to close the executive session at 7:35 p.m. and to reopen the special meeting for the WPCA for January 5, 2012 and to state for the record that no vote was taken. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2nd (Hampford) to table the invoice number 28 from Mark IV in the amount of \$378,671.68 to the next regularly scheduled meeting of the WPCA. After discussion, with respect to counsel there appears to continue several defaults under Contract 4 which have not been adequately resolved to both the WPCA's and our counsel's satisfaction. We're hopeful that that will change within the next week or so when mutual representatives of both Mark IV and the WPCA meet to discuss the defects and the delays causing both defaults. When they report back to us at the next meeting we will address the invoice number 28. No Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2nd (Pulie) to authorize the WPCA counsel, Owens, Schine & Nicola, to send a letter to Mark IV asking for a list of subcontractors that have been utilized on both Contract 4 and on Contract 3. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

4. WPCA 2012-2013 Budget:

501101 – Salaries-FT/Permanent (249,268 + contractual obligations [2.5% 6,231.70])	\$ 311,599.70
501102 – Salaries-PT/Permanent	\$ -0-
501103 – Salaries-Seasonal/Temp	\$ -0-
501105 – Salaries-Overtime	\$ 20,000.00
501106 – Salaries-Longevity	\$ 1,100.00
501888 – Uniform Allowance	\$ 1,490.00
511159 – Fringe Benefits-Clerical fees	\$ -0-
522201 – Services & Fees Clerical	\$ 2,500.00
522202 – Services & Fees Professional (2011/2012 budget \$105,000.00)	\$ tabled to 1/25 meeting
• \$35,000.00 – attorneys – fees (2011/2012 budget)	
• \$35,000.00 – engineers – fees (2011/2012 budget)	
• \$35,000.00 – accounting – fees (2011/2012 budget)	
522204 – Services & Fees Contractual	\$ tabled to 1/25 meeting
• \$ 4,675,582 Projected Bridgeport WPCA (3% increase)	
• \$ + 86,520 Computil (3% increase)	
522205 – Program Expenses	\$ -0-
522210 – Reimbursable Services to GF – no change – comes from Maria	\$ 321,463.00
534402 – Program Supplies	\$ 20,000.00
545501 – Communications – Legal Notices	5,000.00
567701 – Transportation-Gas, Oil, Grease	\$ 6,500.00
• Changed from \$4,000.00	
567702 – Transportation – Vehicle Repairs	\$ 8,000.00
578801 – Mntnce/Repair Service Contract	\$ 60,000.00
578802 – Mntnce/Rep – Equipment/Building	-0-
578803 – Mntnce/Rep – Program Related	\$ 30,000.00
578805 – Extraordinary Items (changed from \$60,000.00)	\$ 50,000.00
581888 – Capital Outlay	\$ 20,000.00
• Reservoir Avenue pump	
589901 – Rentals-Annual Rentals/Lease - proposed purchases of	\$ 155,000.00
• Jeep \$ 30,000.00	
• Jet rodder \$250,000 (½ \$125,000 WPCA & ½ \$125,000 Public Works)	

590011 – Utilities-Heat	\$ 16,000.00
590012 – Utilities – Electricity (previously)	\$ tabled to 1/25 meeting
590013 – Utilities – Water	\$ 1,880.00
590014 – Utilities – Telephone	\$ 11,647.00
590017 – Sewer Fees	-0-
593888 – Depreciation Expense	-0-
595888 – Interest on G/Oblig Bonds	-0-
597888 – Principal – G/Oblig Bonds	\$ -0-

Account 522202 – Services and Fees Professional:

Discussion included increasing the budget for attorneys’ fees and engineers’ fees to support arbitration and/or litigation and the accounting budget for regionalization/negotiations and audit.

Scenarios include:

- funds for attorneys, engineers and accountants with respect to the contract negotiations with Bridgeport
- with respect to all our options for regionalization
- Contract 4 with respect to engineers and legal
- Contract 3 with respect to legal, engineers and expert witnesses.
- Audit

Christine Kurtz’s January 5, 2012 e-mail regarding appropriating \$915,000.00 for 2012-2013 and Wright-Pierce’s Phase 1 and Phase 2 recommendations were also discussed. To date the WPCA has budgeted for studies and not for improvements. More discussion is needed on WPCA’s working budget, the capital improvement budget, phases and previously recommended phases. It was suggested to meet with Christine before the budget gets submitted. The Commission wants more detailed information and a plan from Wright-Pierce.

Joe Solemene explained we did not budget any of the costs that we paid to Wright-Pierce those costs are outside of the department’s annual budget. The actual costs for the study was paid from the 20 or 59 account separately from this budget because it is not a standard operating cost. Joe also said the WPCA previously never budgeted for capital improvements.

The WPCA needs to draft a complete capital program including a schedule for when the money is needed. Additional discussion needs to take place regarding items that should be earmarked for capital budget and not working budget and might belong under capital budget.

The Commission revisited Account 522202 – later in the meeting focusing on legal and engineering fees. Attorney Kokenos briefly summarized expected future legal and engineering work and costs. The Chairman again discussed and listed the five items where this could apply to: regionalization; contract negotiations with Bridgeport; litigation on Contract 3; Mark IV settlement of defects and default on Contract 4; and audit.

Based on additional information that is needed further discussion will take place at the next meeting.

Account 522204 – Services and Fees Contractual

Bridgeport WPCA – 3% increase

Computil – 3% increase

\$282,700 Reservoir Pump station FS – tabled – need additional information

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Joe Solemene said we're contemplating purchasing two vehicles – we need a new inspector jeep and we're looking at a new jet rodder. More information, prices and accounts for financing are needed. John Marsilio said if the Commission agrees the public works department would share the cost of the new vactor / jet rodder because they would also use it. So, if it costs \$250,000.00 the WPCA would put \$125,000.00 in its budget and public works would put \$125,000.00 in its budget. He also said Joe needs to check with the Director of Finance to find out what account should be used for this type of purchase.

Joe Solemene gave brief synopsis on accounts 578801, 578801, 578803, 578805, 581888, 589901, 590012, 590013, 590014.

The Commission has three line items it needs to come back to: 522202, 522204, 590012 plus one line item based on Maria Pires' designation of where the vehicle purchases should go.

MOTION made (Lynch) 2nd (Pulie) to adjourn the special meeting for January 5, 2012 at 8:40 p.m. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Submitted by,

Joyce Augustinsky
Clerk of the Commission