

WATER POLLUTION CONTROL AUTHORITY
Town of Trumbull
CONNECTICUT

TOWN HALL
(203) 452-5048



5866 MAIN STREET
TRUMBULL, CT 06611

MINUTES
Water Pollution Control Authority Meeting

Members Present:

Jeanine Maietta Lynch, Chairman
Ennio DeVita
Karen Egri
Timothy Hampford (arrived at 8:51)

Members Absent:

Laura Pulie
Kenneth Skov, Alternate

Also Present:

Joseph Solemene, Assistant WPCA Administrator
John Marsilio, Public Works Director (7:55 to 8:45)
Frank M. Smeriglio, PE, Town Engineer
Dennis Kokenos, Esq., Town Attorney (arrived 7:35)
Fred Mascia, Tighe & Bond, Project Manager
Christine Pierce, Wright-Pierce

The Trumbull Water Pollution Control Authority held their monthly meeting Wednesday, May 23, 2012, 7:30 p.m. in the Long Hill Room, Trumbull Town Hall.

MOTION made (Lynch) 2nd (Egri) to move up Agenda item number 6 Old Business, Joe Vohl, 6523 Main Street, requesting permission to extend sewer lateral. No Discussion. MOTION CARRIED UNANIMOUSLY.

6. Old Business.

Joe Vohl, 6523 Main Street. Requesting permission to extend sewer lateral. Joseph Vohl, 17 Colonial Drive, Monroe, Connecticut was present. He submitted detailed Plans showing the proposed lateral from the existing building to the new building with the design of the manhole. Frank Smeriglio explained they will be installing a manhole over the existing lateral right where the new lateral is going to meet the existing one. The manhole will provide easy access just in case there ever is a clogging problem. Joe Solemene stated because it is developer installed he would be required to pay a \$2,500.00 unit charge. The Commission reviewed the Plans and discussion followed on the size and location of the easement. Changes the Commission requested and Commissioner DeVita described regarding invert elevations and easement location and size were noted on the Plans. Further discussion included invert elevations, slopes, and piping. Chairman Lynch's summary of conditions, if this is approved, included revised plans to be reviewed and approved by Joe Solemene and the Town Engineer, execution and recording of the twenty foot easement and payment of the \$2,500.00 unit charge all prior to Mr. Vohl obtaining a sewer permit.

MOTION made (Lynch) 2nd (Egri) to approve permission to extend the sewer lateral for 6523 Main Street based upon the Plans that were submitted tonight and the following conditions before a sewer permit will be issued:

- The owner submit revised Plans showing invert elevations and easement location as described by Commissioner DeVita;
- The owner execute and record the twenty foot easement as discussed;
- The owner pay the unit charge connection fee of \$2,500.00.

Discussion. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2nd (Egri) to move up Agenda item number 7 New Business, Thomas Gasparri, 5541 Main Street requesting permission to connect. No Discussion. MOTION CARRIED UNANIMOUSLY.

7. New Business.

Thomas Gasparri, 5541 Main Street requesting permission to connect. Thomas Gasparri was present and said he and his wife want to put in a pool. He went over the Plans and submitted them into the record. They are on septic and where they want to put the pool is where the septic is located. They are requesting permission to get an easement and go through their backyard to connect into the sewer lateral on his parents' property directly behind his property. Sewers are not available on Main Street where his house is located and Mr. Gasparri presented photos of the two properties. Discussion included Frank Smeriglio's comments regarding his review of the Plans, location and size of the easement, manhole requirements and the main line and assessment information relating to the original sewer project. Joe Solemene explained they would have to pay the \$1,100.00 sewer assessment from 1979 and the unit connecting charge of \$2,500.00 for a total of \$3,600.00, plus the sewer user fees. Frank said if this is approved there would be conditions and he explained the process that would have to be followed to obtain a sewer permit. Markings were made on the Plans depicting where the easement should be located and invert elevations were also requested to be included on the revised Plans. Chairman Lynch's summary of conditions, assuming this get approved, included revising the Plans, having the easement executed and recorded and payment of the \$1,100.00 assessment plus the \$2,500.00 connection charge all prior to a sewer permit being issued.

MOTION made (Lynch) 2nd (Egri) to approve Thomas Gasparri's permission to connect 5541 Main Street subject to the following conditions to be done before the sewer permit will be issued:

- Payment of the assessment fee of \$1,100.00 and payment of the unit connection fee of \$2,500.00;
- Revising the Plans to show:
 - A manhole with the diameter of at least four feet as discussed;
 - Easement area as discussed;
 - Invert elevation along the pipe line as discussed.

Discussion. MOTION CARRIED UNANIMOUSLY.

9. Executive Session.

MOTION made (Lynch) 2nd (Egri) to move up Agenda item number 8 Executive Session and to close the regularly scheduled meeting of the WPCA for May 23, 2012 at 7:55 p.m. and move 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 Litigation – Contract 3 and Contract 4
- Tighe & Bond consultation and support invoices
- Regionalization and/or Re-Negotiation of Bridgeport Sewer Treatment Contract

Remaining in the executive session meeting will be the Commission members present, Fred Mascia, Frank Smeriglio, Joe Solemene, Attorney Dennis Kokenos and John Marsilio. If Christine Kurtz is needed she will be called in. No Discussion. MOTION CARRIED UNANIMOUSLY.

At 7:55 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 8:45 p.m. and the recorder was turned on.

MOTION made (Lynch) 2nd (Egri) to come out of the executive session and reopen the regular scheduled meeting at 8:45 p.m. and to confirm that no vote was taken. No discussion. MOTION CARRIED UNANIMOUSLY.

1. Minutes to previous meeting.

April 25, 2012. The following corrections and/or additions were requested:

Page 3 - 5. Wright-Pier4ce Update - should be "Wright Pierce"

Page 4 - Alternate Commissioner: "WPVA" should be "WPCA"

Page 1 - 7. New Business: 4th line "property door" should be "property next door", 12th line "so far in amenable" should be "so far is amenable".

MOTION made (Lynch) 2nd (Egri) to approve the April 25, 2012 meeting Minutes with amendments that were proposed. Discussion. MOTION CARRIED UNANIMOUSLY.

2. Tighe & Bond.

Progress report. Fred Mascia said since the last meeting:

- The contractor has not been laying main line pipe;
- Per the agreement a few laterals were put in for residents that were ready to be hooked up;
- Some restoration work and some chimney repairs have been done; and
- No work was done on Dogwood Pond.

The Chairman noted despite their agreement and resolution several weeks ago no work has been done on Dogwood Pond and hopefully they will re-evaluate and honor their agreement and move forward with Dogwood Pond.

Change Orders.

No change orders this month.

Fred explained under the contract Mark IV is responsible for hooking up several homes on the easements and they have been doing that work. A while back there was discussion on a lot of easement work that was not part of the bid which included plantings and hooking up laterals. Because they were not in the bid they were directed to proceed with the work and Tighe & Bond kept track on a time and material basis and now they want to get paid for the lateral work based on item 8 in the specs for \$60.00 a foot for lateral. As a result each of the laterals will end up being double in price. Discussion included resulting cost increase, the contract, reasons why it is not covered under item 8 and why we are not agreeing with the charges. The Chairman requested Fred send a letter to Mark IV reiterating the Commission's desire and position that it is required under the contract.

Commissioner Tim Hampford arrived at 8:51.

3. Invoice Approval.

Application #33 - \$13,188.47. Fred said the invoice includes police details for chimney work.

MOTION made (Lynch) 2nd (Egri) to approve application number 33 in the amount of \$13,188.47. Discussion. MOTION CARRIED UNANIMOUSLY.

Application #33A- \$168,000.00. This is with respect to some repairs of defects to the chimneys that was negotiated several weeks ago. Chairman Lynch said since we had the bond there was a warranty under the bond. Fred said the agreement for the chimney replacements included a clause that retainage will not be held on the chimney work. Discussion included previous change order requests, previous replacements, and the agreement. MOTION made (Lynch) 2nd (Egri) to approve application number 33A in the amount of \$168,000.00. Discussion. MOTION CARRIED UNANIMOUSLY.

4. Billing Statements – Tighe & Bond and Wright-Pierce.

The Commissioners reviewed the spreadsheets. The Chairman noted there is \$147,644.21 with respect to Tighe and Bond which is coming to a close and the Commission will have a discussion next meeting with respect to that.

5. Wright-Pierce Update and I/I Actions.

Frank Smeriglio passed out his Initial Implementation of Corrective Actions Outline he prepared regarding Wright-Pierce's Infiltration and Inflow Study (I/I) and Sewer System Evaluation Survey (SSES). He said the first page is the four phases that were proposed for the survey evaluation survey. The second page is for him to come up with a plan to start implementing the different phases and the third sheet is a sketch that shows where the different phases are. His comments and summarization included:

- Phase One: Study of Beardsley pump station and the Reservoir Avenue pump station. There are many suggestions, but until we're close to regionalizing or other options we can't take action on the Beardsley pump station. At this point we are doing a good job and need to continue going through the flow meters and cleaning every day until we are close to a solution.
- Phase Two: Study of the Reservoir pump station drainage area. There are about 1,000 properties in that area and out of the 1,000 there are about 280 inspections completed. Out of that 280 there are probably about 40 properties that have some sort of inflow source. Examples of inflow sources are sump pumps and roof leaders connected into the sanitary line and should not be connected into the sanitary system. Frank said there is a Charter that prohibits that and discussion followed regarding authority, ordinance, enforcement, inspections and the need for further research.
- Page 2 - Corrective Actions: Private Inflow Source Removal Program. He said the Ordinance is clear and it lists the connections that are prohibited into the sewer system, but does not say how to enforce it. Procedures used by other towns/cities to deal with violations, how to inform and reach residents, rectifying the violation, inspections and ways to implement the ordinance were discussed.
- The report also identified about 145 areas in the drainage pipe system that need to be addressed. Further research is needed and a program needs to be set up so we can move forward.
- Phase Three: Christine Kurtz said the flow meters were taken out last week and she explained the meters were put in to find out where they need to concentrate their efforts. She went over her Flow Meter Location handout and said the red area is the highest priority area. The magnitude of the work is about the same as Phase 2 and the amount of field items are the same but are spread out over these sub-drainage basins. She said they will be starting with manhole inspections next month and they will again inform the public, fire department and police of the testing before they start. The tentative testing schedule is June/July manhole inspections, July/August smoke testing, August/September/October house to house inspections, and early Fall CCTV inspection work.

6. Old Business.

Update: SSEC. Commissioner Hampford said essentially the SSEC is dead because less than half of the people that were on it are left. He is waiting to hear how it will proceed and is hoping another group will be assembled. He assumes they are trying to get a strategy together for regionalization.

Up-date: Audit of the 59 and 20 accounts. Commissioner Egri said she has finished reworking the bid and is meeting with Maria Pires this Wednesday and it should be out to bid shortly after that.

Woodland Hills unit charges. Attorney Kokenos said he sent an e-mail to the Tax Collector, the First Selectman, and Donna in the tax office and essentially we can't lien a majority of these properties, including buildings 1 through 5 and there are 12 buildings. He explained the other ones have the ability to lien them, but the developer is the one who is obligated to make this payment. The obligation can run with the land and there is the ability to lien for this connection fee, but we would essentially be liening the successors in title not the developer. The developer is the person who came before the Commission and agreed to make payment for the connections. Dennis summarized available options, research that is needed, information regarding tax warrants, allowable liens that can be filed on the property, current owners and dealing with title insurance companies and he raised the question if there is any benefit in writing this off. He will also look into potentially going after the

individual. The Chairman requested it be put on the Agenda for next month. She said it is a lot of money but it is going to be a lot of effort and money to move forward with this, implement this and get a judgment. Then there is the question, how are we going to collect? Attorney Kokenos said he will get prices from people who do asset searches and discuss that with Maria Pires and the Tax Collector to see if maybe they want to put that through the revenue account and he will follow up on this for the next meeting.

7. New Business.

Owens, Schine & Nicola, P.C. - Invoices: Mark IV litigation; Regionalization; Baker v Town of Trumbull; and Esteves v Town of Trumbull.

Mark IV litigation invoice number 12628 dated May 8, 2012 in the amount of \$9,295.00 in respect to the discussions and settlement with Mark IV with regard to their numerous and many defaults. Payment will come out of the 59 account as it is related to Contract 4.

MOTION made (Lynch) 2nd (Egri) to approve payment of Owens, Schine & Nicola's invoice number 12628 dated May 8, 2012 in the amount of \$9,295.00 from the 59 account. Discussion. MOTION CARRIED UNANIMOUSLY.

Regionalization invoice number 12632 dated May 14, 2012 in the amount of \$6,420.00. This is not a construction item so it does not come out of the 59 account it will come out of the 20 account. Chairman Lynch said it has been confirmed with the Finance Director that we have sufficient monies allocated for professional services that will cover this invoice and it will come out of the 20 account.

MOTION made (Lynch) 2nd (Egri) to approve payment of Owens, Schine & Nicola's invoice number 12632 dated May 14, 2012 in the amount of \$6,420.00 from the 20 account. Discussion. MOTION CARRIED UNANIMOUSLY.

Attorney Kokenos said both the Baker and Esteves bills are final bills and the Stipulations are being complied. Baker v Town of Trumbull – WPCA Tax Appeal invoice number 12630 dated May 11, 2012 in the amount of \$527.00 with respect to their tax appeal and resolution also to come out of the 20 account. Chairman Lynch stated she will have to recuse herself from voting and there is a quorum without her vote.

MOTION made (Egri) 2nd (Hampford) to approve payment of Owens, Schine & Nicola's invoice number 12630 dated May 11, 2012 in the amount of \$527.00 from the 20 account. Discussion. THREE IN FAVOR (Egri, Hampford, DeVita) ONE ABSTENSION (Lynch). MOTION CARRIED.

Esteves v Town of Trumbull – WPCA Tax Appeal invoice number 12631 dated May 11, 2012 in the amount of \$527.00 with respect to their tax appeal and resolution also to come out of the 20 account.

MOTION made (Lynch) 2nd (Hampford) to approve payment of Owens, Schine & Nicola's invoice number 12631 dated May 11, 2012 in the amount of \$527.00 from the 20 account. Discussion. MOTION CARRIED UNANIMOUSLY.

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

Chairman Lynch said she is making a motion to add to the Agenda items which were not specifically put on and should have been put into item number 4 billing statements with respect to Tighe & Bond. The four Tighe & Bond invoices from the executive session need to be added to the Agenda so they can be voted on.

MOTION made (Lynch) 2nd (Hampford) pursuant to Connecticut General Statutes Section 1-224 to add to the Agenda four Tighe & Bond invoices. No Discussion. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2nd (Egri) to approve Tighe & Bond invoice dated 4/25/2012 in the amount of \$11,432.38 with respect to Contract 3 sewer evaluation-litigation support. This will come out of the 20 account as well not the 59 it is not a project cost for the North Nichols Project. No Discussion. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2nd (Hampford) to approve Tighe & Bond invoice dated 12/12/2011 in the amount of \$187.50 also for Contract 3 sewer evaluation-litigation support, again it comes out of the 20 account. No Discussion. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2nd (Hampford) to approve Tighe & Bond invoice dated 11/30/2011 in the amount of \$1,275.00 again for Contract 3 sewer evaluation-litigation support to come out of the 20 account. No Discussion. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2nd (Hampford) to approve Tighe & Bond invoice dated 10/31/2011 in the amount of \$4,460.65 also for Contract 3 sewer evaluation-litigation support also to come out of the 20 account. No Discussion. MOTION CARRIED UNANIMOUSLY.

There being no other business before the Authority,

MOTION made (Lynch) 2nd (Egri) to adjourn the regularly scheduled meeting for May 23, 2012 at 9:30 p.m. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Submitted by,

Joyce Augustinsky
Clerk of the Commission