

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**  
**Wednesday, October 24, 2012**

Members Present:

Jeanine Maietta Lynch, Chairman  
Laura Pulic  
Ennio DeVita  
Timothy Hampford

Members Absent:

Karen Egri, Vice Chairman

Also Present:

Joseph Solemene, Assistant WPCA Administrator  
John Marsilio, Public Works Director  
Frank M. Smeriglio, PE, Town Engineer  
Fred Mascia, Tighe & Bond, Project Manager

**PUBLIC HEARING**  
**SEWER USER RATE INCREASE**

Chairman Lynch called the public hearing to order at 7:00 p.m.

Pursuant to section 7-255 of the Connecticut General Statutes, the Trumbull Water Pollution Control Authority hereby gives notice of a Public Hearing, Wednesday, October 24, 2012 at 7:00 p.m. in the Long Hill Room, Town Hall, 5866 Main Street, Trumbull, Connecticut. A 1.6% increase in the Sewage Treatment fee will be proposed.

Residential Sewage Treatment per CCF, currently \$4.36	Proposed \$ 4.43
Industrial Sewage Treatment per CCF, currently \$4.74	Proposed \$ 4.82
Flat Rate (well water) Treatment per quarter, currently \$128.63	Proposed \$130.26

The increase is necessary to offset the City of Bridgeport's proposed 1.6% increase in Sewage Treatment costs. The Trumbull WPCA is co-dependent with Bridgeport's West Side Treatment Plant for wastewater disposal and must pass on the increase it inherited.

The new rates will be reflected on the next billing cycle mailed in November, 2012.

MOTION made Lynch seconded Pulic to open the Public Hearing scheduled for October 24, 2012 for 7:00 p.m. in the Long Hill Room for the sewer user rate increase. No Discussion. MOTION CARRIED UNANIMOUSLY.

The Chairman asked if there were any residents in attendance who would like to speak. No one came forward and there were no questions or comments. Joe Solemene explained this is an annual increase cost from Bridgeport and the increase is seven cents a CCF. That increase amount is consistent with the rate of increase for the last three years which has been eight cents, nine cents and this one of seven cents. It is based on the fiscal year and not a calendar year so the increase has been in effect since July 1. He also gave a brief history of past practices using estimated increases and now waiting until the actual increase is determined. There were no further comments or questions.

MOTION made Lynch to approve the increase and close the public hearing at 7:09 p.m. No Discussion.  
MOTION CARRIED UNANIMOUSLY.

The Chairman asked the two residents in attendance if there was anything specific on the Agenda that either one would like addressed so it could be moved up. She stated they are more than welcome to stay and she asked if they had specific issues and the response was they had nothing specific and noted channel 17 doesn't really work anymore so he came to the meeting.

### **REGULAR MEETING**

The Chairman called to order the regularly scheduled meeting of the Trumbull WPCA scheduled for October 24, 2012 at 7:10 p.m. in the Long Hill Room.

#### **1. Minutes to previous meetings.**

There were no questions, comments or additions regarding the July 25, 2012 Minutes.

MOTION made Hampford seconded Lynch to approve the July 25, 2012 Minutes as written. No Discussion.  
MOTION CARRIED UNANIMOUSLY.

There were no questions, comments or additions regarding the September 11, 2012 Special Meeting Minutes.

MOTION made Lynch seconded Pulie to approve the September 11, 2012 Special Meeting Minutes as presented. No Discussion. MOTION CARRIED UNANIMOUSLY.

There were no questions, comments or additions regarding the October 2, 2012 Special Meeting Minutes.

MOTION made Lynch seconded Hampford to approve the October 2, 2012 Special Meeting Minutes as presented. No Discussion. ONE ABSTENSION (DeVita). MOTION CARRIED.

#### **8. Executive Session.**

MOTION made Lynch seconded Pulie to move up on the Agenda item number 8 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 – Contract 3 and Contract 4
- Regionalization and/or re-negotiation of Bridgeport Sewer Treatment Contract
- Mihaly v Trumbull WPCA, et al

No Discussion. MOTION CARRIED UNANIMOUSLY.

Staying in executive session will be the current Commission members that are present, John Marsilio, Fred Mascia, Joe Solemene and Frank Smeriglio.

At 7:10 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 7:55 p.m. and the recorder was turned on.

The Chairman pointed out that she made a motion to move up the executive session on the Agenda, but failed to make a motion to go into execution session. So at this point just for correcting the record the following motion was made:

MOTION made Lynch seconded Hampford to go into executive session which we already did. No Discussion.  
MOTION CARRIED UNANIMOUSLY.

MOTION made Lynch seconded Pulie to come out of executive session and to confirm that no vote was taken with respect to any items on the Agenda in the Executive Session. No. Discussion. MOTION CARRIED UNANIMOUSLY.

MOTION made Lynch seconded Pulie to continue and reopen the regularly scheduled meeting at 7:55 p.m. No Discussion. MOTION CARRIED UNANIMOUSLY.

MOTION made Lynch seconded Pulie to move up on the Agenda item number 4 Wright-Pierce update. No Discussion. MOTION CARRIED UNANIMOUSLY.

**4. Wright-Pierce Update.** Christine Kurtz stated most of the house to house work, manhole inspections and smoke testing have been completed. The Town helped locate manholes in easement areas that could not be found and are being inspected and investigated now. The CCTV work is about sixty percent complete and they found some of the usual things such as crack, fractures and infiltration points. They found nothing alarming and nothing they did not expect and CD's of the videos will be given to the Town. They will continue televising work over the next several weeks and also continue working on revising the drafts of the two previous evaluations and will wrap that up and get it into the DEEP.

## **2. Tighe & Bond.**

**Progress report.** Fred Mascia said since the last meeting:

- The Contractor has completed the installation of the dewatering system on Dogwood Lane;
- Resumed laying pipe in the easement between Shelton road and Dogwood Lane and that has been completed;
- Manhole in between Dogwood Lane at that intersection has been completed and is continuing to lay sewer pipe across the road and will move to work on a section from that intersection point up to Powder Mill;
- Also working on items on some punch lists;

We are at about probably about 97 percent complete. There is roughly 1500 linier feet of pipe left to be installed. Questions and discussion included anticipated completion date, condition of trenches, and an estimated date of mid December for when the main pipe line may be completed. It was also noted the dewatering system has been working. The Chairman noted this is very encouraging news given the last meeting where we were at a standstill and we are very pleased that they are continuing with Dogwood Pond and moving towards completion.

**Additional sewer project work summarized by Frank Smeriglio:**

Guerra Construction is working on Shelton Road and two-thirds of the roadway has a fresh layer of asphalt, curbing and grass restoration has started. They are working on the last third now between North Street and the Town line and are looking to do the first layer of asphalt next week. In the middle of November they will do the second layer of asphalt on the whole road which will finish that part of the work. He also said another thing we are working on is the easement restoration areas. There are probably about ten areas that need to be worked on and the work in the first easement between Huntington Road and Merritt Boulevard is just about done.

## **Change Orders.**

**Change Order R95 modified.** Fred Mascia handed out one new change order which is for the permanent trench patch in Route 108 for work that was done prior to the permanent paving. Route 108 is a State road and had to be paved in accordance with State standards which is nine inches of asphalt.

Fred explained we originally estimated the quantity of patch for the project and the contractor's estimate was based on that quantity and permit requirements which included a reduced schedule. However, during construction the State did allow an eight hour plus day. The contractor used a reduced work schedule in the original estimate which came out to about \$80.00 a square yard to that work. The DOT increased the square yardage to be replaced from about 5,000 square yards to about 6,900 square yards so instead of it taking 11 days

it took 19 days. The contractor's unit prices were prorated for 19 days for equipment, material and labor. Under pay requisitions 26 and 27 the Commission previously approved payment of about \$405,000.00. Fred said a letter was sent to the contractor telling him based on the actual conditions we want to revisit his assumptions and renegotiate the square yard price. The contractor rejected that because the Commission approved the square yard price and believes it doesn't matter how it was assumed it is what they are entitled to.

Fred used the following to show what he recommends based on a revised unit price:

- o \$505,276.76 total cost for permanent patch
- o - 95,204.76 Paid #26
- o -309,776.41 Paid #27
- o \$100,295.59 Net balance – recommended

This figure is the actual cost for the contractor to do his work which includes his equipment, his material, his labor and his 15% profit. Contractor may not accept this as final but he is being paid for what his effort was and is being treated fairly.

MOTION made Lynch seconded Hampford to approve change order R95 modified in the amount of \$100,295.59. Discussion. MOTION CARRIED UNANIMOUSLY.

**3. Invoice Approval - Application 36, Application 36A, Application 37, Application 37A, Application 38. Application 36 - \$199,347.39.** Questions and discussion included drainage, changing catch basins, videoing storm lines, damage found, repair to storm lines, types of repair needed, Mark IV and/or Town of Trumbull doing repair work and rates for repairs.

MOTION made Lynch seconded Pulie to approve Application 36 in the amount of \$199,347.39. Discussion. MOTION CARRIED UNANIMOUSLY.

Application 36A - \$269,347.25. It was noted this application was reviewed at the last meeting and was for the chimney repairs.

MOTION made Lynch seconded Hampford to approve Application 36A in the amount of \$269,347.25. No Discussion. MOTION CARRIED UNANIMOUSLY.

Application 37 - \$445,957.98. After review there were no questions or discussion.

MOTION made Lynch seconded Pulie to approve Application 37 in the amount of \$445,957.98. No Discussion. MOTION CARRIED UNANIMOUSLY.

Application 37A - \$150,544.00. It was noted this application is also for the chimney repairs.

MOTION made Lynch seconded Hampford to approve Application 37A in the amount of \$150,544.00. No Discussion. MOTION CARRIED UNANIMOUSLY.

Application 38 - \$113,121.13. After review there were no questions or discussion.

MOTION made Lynch seconded Pulie to approve Application 38 in the amount of \$113,121.13. No Discussion. MOTION CARRIED UNANIMOUSLY.

Application 38S - \$95,280.81.

MOTION made Lynch seconded Pulie to add to the Agenda under section 3 Invoice Approval Application 38S in the amount of \$95,280.81. To approve Application 38S in the amount of \$95,280.81 which is in payment of the change order R95 modified that was just approved in the amount of \$100,295.59 less retainage and subject to the contractor's submitting the appropriate paperwork to support that for the file. Discussion. MOTION CARRIED UNANIMOUSLY.

Fred said this is for payment of change order R95 modified the Commission just approved in the amount \$100,295.59 so the contractor will not be held up until the next meeting. Fred will have him submit an actual

pay requisition for the next meeting. Fred explained the five percent retainage subtracted from the \$100,295.59 equals \$95,280.81. Chairman Lynch reiterated this is based on the change order the Commission just did and a supplemental pay requisition will be prepared and submitted.

Guerrera Construction Company, Inc. - Application 1 - \$352,161.02.

Frank Smeriglio said this is for the restoration work for Shelton Road where they installed the first layer of asphalt on two thirds of the road, did the curbing on two thirds of road and started putting down top soil and seed where they installed the curbs. This is part of the paving portion for Shelton Road where concrete under the existing road had to be removed. Questions regarding how this is related to Contract 4 were addressed and discussed. It was noted the Commission wants the contractor to revise this invoice to reflect it refers to Contract 4.

MOTION made Lynch seconded Pulie to approve the Application and Certificate for Payment to Guerrera Construction Company, Inc. in the amount of \$352,161.02 subject to the contractor just revising the project heading to reflect Contract 4. Discussion. MOTION CARRIED UNANIMOUSLY.

LJF Outdoor Maintenance - \$29,726.25.

The Commission would like a reference to Contract 4 also reflected on the front of LJF's invoice.

Frank Smeriglio explained this is work to fix up the easement and wetland areas through the cross countries. Fred reminded the Commission that when the project went out to bid there were about 40 easements and some had conditions including restoration plantings and driveways that were not included in the Contract. This is work the Commission is responsible for. Instead of having this work done as a change order a bid package went out separately for this work and no bids were received. Discussion followed regarding subsequent bills, areas for restoration, on call list contractors, no retainage, time and material job, and supplying plantings.

MOTION made Lynch seconded Hampford to approve the Application for payment from LJF Outdoor Maintenance in the amount of \$29,726.25. Discussion. MOTION CARRIED UNANIMOUSLY.

**4. Billing Statements.**

Tighe & Bond and Wright-Pierce. The Commissioners reviewed the spreadsheets and there were no new entries to discuss.

**6. Old Business.**

Up-date: Audit of the 59 and 20 accounts. Chairman Lynch updated the audit in Commissioner Egri's absence. Commissioner Egri met with Maria Pires and Blum Shapiro representatives about a week ago. The engagement letter from Blum Shapiro with respect to the 59 and 20 accounts the Chairman got today was handed out because it wasn't in time to get into the packets. Chairman Lynch said Dennis Kokenos has looked at it already and she has also looked at it. They are going to update everything from beyond 2004 through June 30, 2012 and once the agreement is executed they are going to start work on October 22, 2012 and their fee for the services to do both the 59 and the 20 is \$15,000.00. It is based upon the RFP revised scope that was submitted last meeting and was made available to the public.

MOTION made Hampford seconded Pulie to authorize the Chairwoman to execute the Blum Shapiro Agreed-Upon Services Contract. Discussion. MOTION CARRIED UNANIMOUSLY

Woodland Hills – Delinquent Sewer Connection/Use Charges. Due to illness Attorney Kokenos was not present and in his absence Chairman Lynch provided the following update. She received a memo from Attorney Kokenos stating he has no other further update on this issue at this point. Joe Solemene said the developer was in the WPCA office regarding CO's for the project and had also gone to the building department for copies of the CO's. It was noted it isn't known if that has anything to do with Attorney Kokenos because he is trying to work something out and maybe next meeting there will be some good news on this.

Update as to Current Sewer Use Delinquencies/Collection. Chairman Lynch said it is not only sewer use but also sewer assessment delinquencies. She had a meeting with the tax collector's office and John Ponzio just like we did last year and the year before to try to get a handle on the delinquencies and to figure out a method and a means to start collecting. In 2010 we allocated \$4,000.00 to have the part time tax collector employee Kathy dedicate some time to try to recoup sewer use and assessment delinquencies. That was very successful and at the end of 2010 through 2011 she had collected about \$115,000.00. An additional \$4,000.00 was allocated and that investment recouped over \$400,000.00 of delinquent sewer use and sewer assessment. So, for an allocation of \$8,000.00 we had well over \$500,000.00 of revenue being collected. Again, they are asking us to readdress this issue and see if the Commission could do another allocation. Discussion included estimated outstanding delinquencies of \$1,000,000.00, allocations and budget balances, procedures and process for collecting delinquencies. The allocation from the WPCA professional services budget account 20100000-522202 would be \$8,778.40 to allow Kathy extra time for collection efforts. MOTION made Hampford seconded Pulie to allocate the additional \$8,778.40 from account 20100000-522202. Discussion. MOTION CARRIED UNANIMOUSLY.

### **7. New Business.**

Discussion of Contract 4 sewer assessments. Chairman Lynch made the following comments. Based upon tonight's update and good news that we are proceeding we are at the point where hopefully we are closing out this Contract and have to start thinking about setting the assessments. We are hopeful that Mark IV continues with Dogwood Pond and continue to abide by their Contract obligations and terms and move forward and successfully complete the remaining portion of that. Based on that we are looking to see if we could try to set some of the assessment numbers in the end of November. That is our goal on the assumption that things continue and look favorably in terms of completion. We are hopeful that we are on target not to exceed the bonding cap which is extremely good news. We've worked very hard and tirelessly to keep the project costs under control and I think we are at that point where we've accomplished that. It has been a very difficult feat, but I think we are almost there. She said she just wanted to point this out and we will keep everyone updated in the next couple of weeks and see if we can come up with a mutual date that works for everyone. It was noted the regular November meeting is early because of Thanksgiving and is scheduled for November 14<sup>th</sup> and this meeting will probably be after that. Even though the Contract may not be complete until December the Commission knows what the costs are. Frank Smeriglio said because it is unit prices we have the costs associated with the work around Dogwood Pond.

There being no other business before the Authority,

MOTION made Lynch seconded Hampford to adjourn the regularly scheduled meeting for October 24, 2012 at 8:43 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

Submitted by,

*Joyce Augustinsky*  
Clerk of the Commission