

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, December 12, 2012

Members Present:

Karen Egri, Vice, Chairman
Laura Pulie
Ennio DeVita
Timothy Hampford

Members Absent:

Jeanine Maietta, Chairman

Also Present:

Joseph Solemene, Assistant WPCA Administrator
John Marsilio, Public Works Director (left at 9:40)
Frank M. Smeriglio, PE, Town Engineer
Dennis Kokenos, Esq., Town Attorney (left at 9:40)
Fred Mascia, Tighe & Bond, Project Manager
Dana Huff, Tighe & Bond
Christine Pierce, Wright-Pierce
Mary Moran, Tax Collector (left after assessment vote)
Roberta Rubenstein, Assistant Tax Collector (left after assessment vote)
Donna Pellitteri, Delinquent Tax/Deferral Admin. (left after assessment vote)

The Vice Chairman called to order the regularly scheduled meeting of the Trumbull WPCA for December 12, 2012 at 7:35 p.m. in the Town Hall Council Chambers.

The Vice Chairman asked for a motion to move Agenda item 7 up on the Agenda.

MOTION made Pulie seconded DeVita to move up on the Agenda item number 7 Discussion and vote Contract 4 sewer assessments. No Discussion. MOTION CARRIED UNANIMOUSLY.

7. Discussion and vote Contract 4 sewer assessments.

The Vice Chairman asked Frank Smeriglio to address the board. He said notification letters went out to the residents on November 7th. We had a public hearing and meeting on November 20th, we heard from the residents and were able to answer some of the questions. After that meeting we issued an assessment summary report that talks about the costs of the project, the WPCA obligations, Town obligations, and the methodology of the sewer assessments. Also on the summary were 22 or 23 typical questions that were asked by the residents with our responses and it was posted on the website. After that we had three informational work sessions with the residents. We tried to break it up into smaller groups so there was a better dialog between the residents and us. Some of the biggest concerns the residents' had are why we use the area frontage and not simply divide the project cost by the number of houses. Another concern was there are some properties that only have about 30 feet of pipe in front of the house and the charge based on frontage was questioned. We answered those questions and explained basically it comes down to the methodology that has been used since the 1970's and you can't just divide the cost by the number of houses. He summarized the principles used in the methodology of creating the assessment formula and of paying for the sewer project as a whole and sharing that cost among the residents. He went over the revised assessment spreadsheet. He noted the price per foot stayed the same at \$162.26 per assessed footage of the frontage property. He also explained the \$3,500.00 listed in the grinder pump column are for

properties we project are going to receive pumps and some of those may come off the list as we investigate the properties. In the agreement for the grinder pumps that were sent to those residents it is noted that there may be additional costs depending on their electrical panel, the existing condition of their septic tank. As we install those grinder pumps we'll know which properties may need an additional charge. Vice Chairman Egri said she attended all three meetings and Commissioner Pulie attended two of the three and there were more questions and those were all reviewed and the answers to the questions is posted on the website.

Frank informed the Commission that there were three revisions that had to be made today, but the revisions are not in the package and three line items need to be amended prior to a vote. The line item addresses are: 104 Booth Hill Road and 106 Booth Hill Road – delete \$3,500.00 grinder pump fees. The \$3,500.00 grinder pump was added in to these two properties for a pump but, we have to further investigate whether there's going to be a pump or not; 412 Shelton Road – delete \$3,500.00 grinder pump charge. They were able to have their lateral work without a grinder pump. Commissioner Pulie asked Frank if we have to send them separate notice. For 104 Booth Hill Road and 106 Booth Hill Road we have to do some investigative work on the property. If it is determined a grinder pump is needed then we would have to send them a letter stating this is part of the project and these are what the charges would be and invite them to come in.

Relating to the informational workshop sessions there were a couple questions that came up that we indicated we would get back to residents with answers. So, Frank Smeriglio prepared a supplemental sewer assessment summary with six more questions and answers for the residents. One of the issues that came up is the \$500.00 initial charge and the questions were: Can we eliminate it? Can we spread the payment over the first year in four quarterly payments? We did research with the tax department and found what we can do is instead of having the \$500.00 in a one time payment in the first year we can divide the payment into four quarters with zero interest as long as they make the quarterly payments. Vice Chairman Egri wanted to verify if the vote regarding the initial \$500.00 needs to be made first and Attorney Kokenos confirmed it did.

The Vice Chairman asked for a motion.

MOTION made Pulie seconded Hampford that the \$500.00 initial fee payment can be made over the first full year in quarterly payments at 0.0 percent. The \$500.00 would be subject to delinquent interest if the payment is not made by the quarterly due date. Discussion. MOTION CARRIED UNANIMOUSLY.

The Vice Chairman made a motion for approval of the Contract 4 North Nichols Project sewer assessments with the exception of removing the pump fee for 412 Shelton Road, 104 Booth Hill Road and 106 Booth Hill Road. Discussion followed regarding voting on the revised list and subtracting out the \$3,500.00 fee for those three properties and to reference the total assessment, costs, and spreadsheet in the vote. Commissioner Egri amended her motion on the table.

MOTION made Egri seconded Hampford to approve the Contract 4 North Nichols Project sewer assessments. WPCA cost of \$26,311,992.36, less the 25% equals \$19,733,994.27, total footage revised of 120,913 and price per foot of \$162.26 as shown on the spreadsheet entitled North Nicholas Project revised December 12, 2012 with the exception of removing the pumps for 412 Shelton Road, 104 Booth Hill Road and 106 Booth Hill Road. Discussion. MOTION CARRIED UNANIMOUSLY.

1. Minutes to previous meetings.

There were no questions, comments or additions regarding the October 24, 2012 Minutes.

MOTION made Hampford seconded Pulie to accept the October 24, 2012 Minutes as written. No Discussion. ONE ABSTENSION (Egri). MOTION CARRIED.

There were no questions, comments or additions regarding the November 14, 2012 Minutes.

MOTION made Hampford seconded DeVita to accept the November 14, 2012 Minutes as written. No Discussion. ONE ABSTENSION (Pulie). MOTION CARRIED.

There were no questions, comments or additions regarding the November 20, 2012 public hearing Minutes. MOTION made Pulie seconded DeVita to accept the November 20, 2012 public hearing Minutes as written. No Discussion. MOTION CARRIED UNANIMOUSLY.

There were no questions, comments or additions regarding the November 20, 2012 special meeting Minutes. MOTION made DeVita seconded Pulie to accept the November 20, 2012 special meeting Minutes as written. No Discussion. MOTION CARRIED UNANIMOUSLY.

2. Tighe & Bond.

Progress report. Fred Mascia said since the last meeting:

- The Contractor has completed the section of sewer in Dogwood Lane from the easement to Shelton Road up to Powder Mill
- As of today they've completed the first manhole in the easement from Dogwood Lane to Teeter Rock
- As of today there is roughly 650 feet of main line sewers to be installed
- It looks like 3 to 4 weeks to complete main line sewer
- Also doing some laterals
- Temporary patch paving on Dogwood Lane tomorrow
- Looks like it is within a month's worth of work to complete the sewer work
- It is going smoothly.

There will probably be a claim for additional fees because they've run across a few more buried trees and stumps that were buried during construction of the subdivision. That material has to be hauled out and gravel brought back in and some areas will need backfill and there will also be a claim for disposing of that material.

Additional sewer project work summarized by Frank Smeriglio:

Frank said the trench has been dry and we are watching every day and checking the bottom of the trench. He is comfortable that it has been dry and solid.

Change Orders.

No new change orders to present tonight. Attorney Kokenos explained the Commission needs to address the tabled change orders prior to the meeting with the contractor to discuss change orders. He went over the procedures regarding reviewing and recommendation categories including approved, partially approved or denied relating to the change orders. Attorney Kokenos suggested Frank state the quantity, the contract price and the total price.

Fred Mascia summarized each of the following change orders:

Dated 11/22/2011 in the amount of \$4,795.00 for rock removal during the excavation of the sewer trench on Shelton Road, Tamarack Circle, Columbine Road and other roads. It is 47.95 cubic yards and the contract rate is \$100.00 a yard. This was presented to the commission and was tabled for further evaluation. The rock was removed to repair the trench. Fred said they recommend the quantity of 47.95 get added to the standard items. Because this was brought before the commission as a tabled item they can't have the contractor add it without a discussion with the commission. Fred stated if the commission agrees he will not prepare a change order it will be added to the next requisition.

MOTION made Pulie seconded Hampford to approve tabled change order dated 11/22/2011 in the amount of \$4,795.00 for rock removal at \$100 per cubic yard and the quantity of 47.95 cubic yards. Discussion. ONE ABSTENSION (DeVita). MOTION CARRIED.

Dated 11/2/9/11 for furnco couplings on Kingsbury Drive. This is for 2 furnco couplings for 2 locations on Kingsbury Drive to make a clean connection and the amount was \$830.00. Payment is recommend.

MOTION made Hampford seconded Pulie to approve tabled change order dated 11/29/2011 for furnace couplings on Kingsbury Drive in the amount of \$830.00. Discussion. MOTION CARRIED UNANIMOUSLY.

4/5/2012 for excavation on Carrousel Drive for non defective sewer repair. The contractor is looking for his cost for making the excavation and going down and verifying that it was not a defective joint. We requested they dig it up, we looked at it and the joint was not bad. The cost is \$1,737.00 and the contractor is entitled to get paid. MOTION made Pulie seconded Hampford to approve tabled change order dated 4/5/2012 for \$1,737.00. Discussion. MOTION CARRIED UNANIMOUSLY.

Change Order 132 dated 6/5/2012 in the amount of \$661.25 for saw cutting the concrete pavement that was in Shelton for the lateral at 449 Shelton Road. The lateral was missed and was not installed at the time the sewer went through. Payment is recommended.

MOTION made Hampford seconded Pulie to approve table change order dated 6/5/2012 in the amount of \$661.25 for saw cutting concrete pavement on Shelton Road. Discussion. MOTION CARRIED UNANIMOUSLY.

Change Order 140 dated 7/9/2012 in the amount of \$457.52 to realign a cross culvert that was in direct conflict with the sanitary sewer line on Old Green Road. Payment is recommended.

MOTION made DeVita seconded Pulie to approve tabled change order 140 dated 7/9/2012 in the amount of \$457.52. Discussion. MOTION CARRIED UNANIMOUSLY.

9/28/12 in the amount of \$1,078.75 for mandrel re-testing in areas after the replacement of some of the chimneys on Booth Hill Road. Payment is recommended because we directed them to do it.

MOTION made Hampford seconded DeVita to approve tabled change order dated 9/28/2012 for mandrel re-testing in the amount of \$1,078.75. Discussion. MOTION CARRIED UNANIMOUSLY.

Change Orders 117 & 93 dated 10/14/2011 to install lateral at 49 Old Green Road. The commission did approve the change order for around \$16,000.00 to do this lateral that was shown on the original design plans and the homeowner wanted gravity and it cost more than we estimated. Contractor submitted a request for \$28,814.56 and included items we believed were covered under other units and contract prices. The Contractor's claims include changes for additional drilling, costs for blasting, mobilization, and time and materials for rock removal. Payment in the lower amount of \$20,944.13 is recommended.

Commissioner DeVita questioned if there have been conversations with the contractor about making a change and what would the consequences be if they vote? Attorney Kokenos said we sent a letter to Mark IV's attorney explaining that this was our position and the tabled change order will most likely be treated in this manner by the commission and that letter was sent on December 7, 2012. He has received no response from their attorney to date. He explained to them again that these tabled change orders will be on the Agenda and this is how we anticipated the recommendations to be and to contact us with any questions or concerns and we have received nothing in response. A brief discussion followed regarding litigation and extra money. Attorney Kokenos stated this was a tabled change order where Tighe & Bond reviewed it and felt partial payment should be made based on his analysis and he is making a recommendation on what payment they feel is valid pursuant to the contract. Work was done and the way the work should be paid for is how they are recommending it today which is how they've gotten to the \$20,944.13 number. They have been put on notice of it and we explained that is how we reached our number and we received no response. He noted this is not going to end the change order discussions because a meeting is going to be set up with the contractor regarding the denied change orders and it is his guess that the remainder of the ones here that are partially approved here, if they are partially approved, would be lumped into that denial change order meeting so this dispute over the \$8,000.00 he doesn't think will disappear. We will be

making payment of what we thought was proper given the work and given the contract terms. Payment in the amount of \$20,944.13 is recommended.

MOTION made Pulie seconded Hampford to approve tabled change orders 93 and 117 dated 10/14/11 in the amount of \$20,944.13. ONE ABSTENSION (DeVita). MOTION CARRIED.

Change Order 118 dated 10/14/2011 to install lateral at 2373 Huntington Turnpike. The contractor submitted a request for \$22,082.27. They went through it and pulled out the items they thought were part of the standard contract price and came up with the price of \$16,910.46. The contractor submitted time and materials to do all this work. They went through his time and materials as follows:

- Cost for drilling – cost and drilling is part of the rock removal and he was claiming almost \$3,000.00 to drill the rock separately. The only thing the commission previously paid for is when he had to go back to move a lateral and the commission had approved \$250.00 mobilization fee. The contract is very clear that \$100.00 a cubic yard is to remove the rock for any method the contractor sees fit because you can't excavate with a back hoe. Because this lateral was not installed when the main lateral crews went by the commission agreed that he was entitled to some mobilization costs. All the cost of removing the rock should be the contract cubic yard.
- Cost for blasting – should be included in the cost for cubic yard for rock. But because this lot was not identified as a lateral initially they could not include the cost for the seismic testing. The rest of the items were standard contract pay items.

Basically on both of these the contractor was claiming time and materials to drill and remove the rock and we believe it should be paid for as rock removal contracted price and also remove the \$250.00 for mobilization. The first should be reduced by \$8,000.00 and the second one reduced by \$3,000.00. In the past the commission has approved re-mobilization to do work in areas the contractor has already completed. If the contract's unit prices are relevant to that work, they are going to be applied and not do the job on time and materials. That has been the position of the commission regarding change orders requests. So if it could be paid under contract pay items that is what we recommend.

Commissioner Pulie asked if this was left off the original design plan? Fred said this was one of the residents where the lateral was shown, but because they could obtain gravity feed and eliminate the pump the lateral was installed slightly deeper which was a field call by the inspector to provide gravity service to this house.

Payment in the amount of \$16,910.46 is recommended.

MOTION made Hampford seconded Pulie to approve partial payment of original tabled change order 118 dated 10/14/2011 in the amount of \$16,910.46 in reference to 2373 Huntington Turnpike. ONE ABSTENSION (DeVita). MOTION CARRIED.

Change order 127 dated 5/21/2012 for lawn restoration at 2447 Huntington Road. Fred noted there are four that are similar to this change order for easement areas that were not included in the original bid documents. Part of the easement agreements for these homes were to be connected to the sewer by the contractor. On Huntington Road the restoration for the sewer easement was included in the lump sum and the contractor had to install the lateral from the main to the tank. We assumed that work area should have been around 30 feet wide. In this case he probably used the entire front yard in his proposal and he made a claim for \$8,154.77 which is way beyond the area he should have disturbed to put the lateral in. Twenty five percent of the cost he is claiming was the actual 20 or 30 foot width for the lateral installation. He restored the whole front yard but, the rest of it should have been his cost. Payment in the amount of \$2,138.69 is recommended.

MOTION made Pulie seconded Hampford to approve tabled change order 127 dated 5/21/2012 in the amount of \$2,138.69. Discussion. MOTION CARRIED UNANIMOUSLY.

Change order 128 dated 5/21/12 for lawn restoration at 20 MacDonald Road. Same set of circumstances as change order 127. Payment in the amount of \$1,338.56 is recommended.

MOTION made Hampford seconded Pulie to approve partial payment on tabled change order 128 dated 5/21/2012 in the amount of \$1,338.56 for 20 MacDonald Road lawn restoration. Discussion. MOTION CARRIED UNANIMOUSLY.

5/21/2012 for lawn restoration at 37 Partridge Lane. Same set of circumstances as change orders 127 and 128. Payment in the amount of \$2,289.32 is recommended.

MOTION made Pulie seconded Hampford to approve tabled change order dated 5/21/2012 for 37 Partridge Lane in the amount of \$2,289.32. Discussion. MOTION CARRIED UNANIMOUSLY.

5/21/2012 for lawn restoration at 126 Hilltop Drive. Same set of circumstances as change orders 127, 128 and the previous 5/21/2012 change order. Payment in the amount of \$673.30 is recommended.

MOTION made DeVita seconded Pulie to approve pavement for change order dated 5/21/2012 for 126 Hilltop Drive in the amount \$673.30. Discussion. MOTION CARRIED UNANIMOUSLY.

11/23/2011 in the amount of \$19,134.00 for rock removal at pre-cast chimneys at multiple locations. This is for chimneys that were replaced for ones that were installed from August, 2010 through November, 2011. Fred stated when Tighe & Bond started they directed Mark IV to discontinue use of the stone chimney and to use the detail that is on the plan which is a cast-in-place chimney. They requested to use a precast unit in lieu of that and because it is slightly larger they are claiming there was more rock to remove. Tighe & Bond disagrees because it was the contractor's choice and they could have used the cast-in-chimney that was on the details and they chose to use the precast. They went through 56 locations and calculated what the additional rock should have been to be removed. Fred said the rock was already removed at the time the chimney was installed. They do not feel this is a valid claim and do not recommend it be approved.

MOTION made Hampford seconded Pulie to deny tabled change order dated 11/23/2011 for the removal of rock at various pre-cast concrete chimney locations in the amount of \$19,134.00. Discussion. MOTION CARRIED UNANIMOUSLY.

Dated 7/9/2012 in the amount of \$5,750.00 for extension of the DOT bond to do work in Route 108, Huntington Turnpike. The permit Mark IV was looking to extend expired March 31, 2012 and actually was in place from March 31, 2011 to March 31, 2012. They installed the sewer between May, 2011 and September, 2011 which was the main line sewer with temporary patch. Then between October, 2011 and November, 2011 they installed the permanent patch. The permit expired the following March, 2012 before the paving season opened again so they could not do the permanent overlay on the road until after March 12th and the permit had to be extended so they could complete the work. It is a scheduling issue and the permit is the contractor's responsibility. Payment is not recommended.

Vice Chairman Egri asked if there is a motion to deny this change order.

MOTION made Pulie seconded DeVita to deny tabled change order dated 7/9/2012 in the amount of \$5,750.00. Discussion. MOTION CARRIED UNANIMOUSLY.

Vice Chairman Egri asked for a motion to move up Agenda item number 8 Executive Session.

8. Executive Session.

MOTION made Pulie seconded Hampford to move up on the Agenda item number 8 Executive Session and to 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 – Contract 3 and Contract 4
- Regionalization and/or re-negotiation of Bridgeport Sewer Treatment Contract

- Mihaly v Trumbull WPCA, et al

Staying for the executive session is the WPCA Commission, Joe Solemene, Attorney Dennis Kokenos, Frank Smeriglio, Fred Mascia from Tighe & Bond, Christine Kurtz from Wright Pierce and Dana Huff from Tighe & Bond. No Discussion. MOTION CARRIED UNANIMOUSLY.

At 8:40 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 and the recorder was turned on.

Vice Chairman reopened the December 12, 2012 regular meeting and to state the executive session ended at 9:30 p.m. no vote was taken and then the Commission took a short recess.

MOTION made DeVito seconded Hampford to reopen the regular scheduled meeting at 9:40 p.m. and to confirm that no vote was taken in the executive session. No discussion. MOTION CARRIED UNANIMOUSLY.

3. Invoice Approval:

Mark IV Application 40 - \$127,959.75. It reflects that they put in almost 500 feet of pipe for the month. MOTION made Pulie seconded Hampford to approve Application 40 in the amount of \$127,959.75. No Discussion. MOTION CARRIED UNANIMOUSLY.

Guerrera Construction Company, Inc. Application 3 - \$250,571.75. Fred said this application is about 95% percent complete. There's still some items that the contract did not include and there will be probably one more application in January. Shelton Road is complete and there are still a couple small punch list items. They will come back and touch up landscaping in the springtime. It was noted that we have a retainage.

MOTION made Pulie seconded Hampford to approve Application 3 from Guerrera Construction Company in the amount of \$250,571.75. Discussion. MOTION CARRIED UNANIMOUSLY.

LJF Outdoor Maintenance Application 3-1 - \$13,764.75. Frank said this is the invoice for the easement restoration and he explained the reason there are 3 separate invoices is because as we are scoping out different easement areas to restore and there are 3 different purchase orders. Overall there are 12 easement areas and these 3 invoices reflect completion of 5 areas and there are 2 more areas that at 99% complete, but have not been invoiced. That leaves 5 easement areas to restore overall, 3 are at Dogwood Pond and 2 which are just about ready to start, but now because of the weather we are going to wait until the spring to complete those. All areas are stabilized and Mark IV is working in 3 of the areas and 2 are stabilized. Fred noted a couple of the areas Frank just talked about were restored by Mark IV when they completed the sewer and in the areas of wetlands they are doing additional plantings as part of the corps permit. The Vice Chairman asked for a motion to approve application 3-1. MOTION made Hampford seconded Pulie to approve Application 3-1 for LJF Outdoor Maintenance in the amount of \$13,764.00. Discussion. MOTION CARRIED UNANIMOUSLY.

LJF Outdoor Maintenance Application 3-2 - \$20,890.50.

The Vice Chairman asked for a motion to approve application 3-2.

MOTION made Pulie seconded Hampford to approve Application 3-2 for LJF Outdoor Maintenance in the amount of \$20,890.50. Discussion. MOTION CARRIED UNANIMOUSLY.

LJF Outdoor Maintenance Application 3-3 - \$11,446.00.

The Vice Chairman asked for a motion to application 3-3.

MOTION made Hampford seconded Pulie to approve Application 3-3 for LJF Outdoor Maintenance in the amount of \$11,446.00. Discussion. MOTION CARRIED UNANIMOUSLY.

4. Wright-Pierce Update. Christine Kurtz stated the CCTV work continues and it should be complete in the next couple of weeks. Hopefully this week they will be finishing up on White Plains Road and then easement work next week. She referenced an inaccuracy with the Town getting invoiced incorrectly from Green Mountain Pipeline. They found there is close to 8,000 feet of pipe more than what was originally planned for so their invoice to Wright-Pierce will address this. She said they anticipate it to be in around \$12,000.00 more plus traffic costs. There is more footage of piping than what the GIS mapping showed.

5. Billing Statements.

Tighe & Bond and Wright-Pierce. The Commissioners reviewed the spreadsheets and there were no questions or comments.

6. Old Business.

Up-date: Audit of the 59 and 20 accounts. Vice Chairman Egri stated she has no update for this month.

8. New Business.

2013 WPCA meeting dates. The Commission reviewed the dates and requested the November meeting date be changed to November 20, 2013 the second Wednesday of November.

The Vice Chairman asked for a motion to approve the 2013 meeting schedule with one revision that that the November 20th meeting be changed to November 13th.

MOTION made Pulie seconded Hampford to approve the scheduled 2013 meeting dates as submitted with one revision that the November 20th meeting be changed to November 13th. Discussion. MOTION CARRIED UNANIMOUSLY.

Election of Officers. The Vice Chairman suggested the commission table this for this evening and set up a special meeting on Wednesday, December 19th with one agenda item only which is to have the election of officers. The Commission agreed to schedule a special meeting for December 19, 2012 at 5:00 p.m.

2013-2014 budget discussion. Vice Chairman Egri referenced the preliminary budget worksheet and a copy of the current budget that were included in the packets. Joe Solemene provided a worksheet showing last year's figures and a printout of current balances. Frank said we have all the I&I studies that Wright-Piece has been doing so recommendations for next years' budget have to be made. Also, we funded video inspections of existing lines on some of the roads that we've been paving and we might have to incorporate those improvements as part of the paving program. He told the commissioners if anyone has any suggestions or inputs not to hesitate to come into the office. Frank will go through the budget schedule and if necessary a special meeting will be scheduled in January.

There being no other business before the Authority, the Vice Chairman asked for a motion to adjourn. MOTION made Pulie seconded DeVita to adjourn the regularly scheduled meeting for December 12, 2012 at 9:55 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

Submitted by,

Joyce Augustinsky
Clerk of the Commission