

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, February 27, 2013

Members Present:

Karen Egri, Chairman
Laura Pulie, Vice Chairman
Ennio DeVita

Members Absent:

Timothy Hampford

Also Present:

Joseph Solemene, Assistant WPCA Administrator
Frank M. Smeriglio, PE, Town Engineer
Dennis Kokenos, Esq., Town Attorney
Fred Mascia, Tighe & Bond, Project Manager

The Chairman called to order the regularly scheduled meeting of the Trumbull WPCA for February 27, 2013 at 7:30 p.m. in the Long Hill Room.

1. Minutes to previous meetings.

The following corrections and/or additions were requested:

Page 1 – first sentence – “The Vice Chairman....” should be “The Chairman....”

Page 1 – 7. New Business – 4th line “She said....” should be “He said....”

MOTION made Pulie seconded DeVita to approve the Minutes of the January 23, 2013 meeting. Discussion.
MOTION CARRIED UNANIMOUSLY.

2. Tighe & Bond.

Progress report. Fred Mascia said since the last meeting:

- All the base work of the contract main line and laterals that Mark IV was responsible for connecting have been completed.
- Not doing any active work and the only work Mark IV did recently is temporary re-patch.
- The punch list has been submitted to Mark IV.
- Mark IV is basically shut down for the winter until the weather gets better.

Fred said the punch list includes drainage that still needs to be completed. Frank Smeriglio said the drainage is part of the mediation and there is 5000 feet of pipe to install and they have completed 1500 feet of it. He explained we created a package of plans and pictures of the storm lines and gave them a list of areas to do that total about 3600 feet of pipe we want to address. We also gave them the order of which streets to start with that is in conjunction with the highway department. This information was given to Mark IV on Monday. They need to review it and respond to us. Frank explained we videoed all the storm lines and found defects in lines that crossed the sewer trenches and these are all storm lines that are associated with sanitary crossings. Mark IV was informed anywhere there is a large defect in the line like a major settlement we will pay for the crossing minus the 10 feet where it crosses the trench. All the lines that are on the list have to do with damage within the trench limits of the sanitary line. If there are repairs that cross the trench then those will be done by the highway department. Discussion followed. Commissioner DeVita noted the job is not complete until it is accepted.

Change Orders. Fred Mascia said some change orders have been coming in and he is working with Dennis' office. Attorney Kokenos said he has requested and is still looking for verification that we have all change orders that are related to the sewer project and then there will be a meeting to discuss it with Mark IV. At this time he has not gotten the final 'that is everything and that's all the change order requests that we have' and until we get that we can't sit down and have the meeting. Brief discussion followed.

3. Invoice Approval:

Mark IV Application 42 - \$21,618.43. Fred Mascia said all the laterals that were part of the agreement are hooked up, all the chimneys that were slated for repair have been completed and all the pipe line has been inspected. Fred said there was one area that we were concerned with so we had our TV crew out there and they verified everything is okay. Chairman Egri asked for a motion to approve Application 42 in the amount of \$21,618.43. MOTION made DeVita seconded Pulie to approve Application 42 in the amount of \$21,618.43. Discussion. MOTION CARRIED UNANIMOUSLY.

4. Wright-Pierce Update. Christine Kurtz was not present so Frank Smeriglio gave the update and he passed out information he received from Wright-Pierce.

February 21, 2013 Wright-Pierce letter regarding Phase 3 and Phase 4:

Phase 3.

- Wright-Pierce paid for police patrol which was not part of their contract so they are asking for \$20,000.00 to pay for traffic control for Phase 3;
- Their estimate included 70,000 feet of pipe in this Phase, but they are now claiming there is almost 90,000 feet of pipe.

Frank wrote a summary on the back of the letter of what they are asking for under Phase 3:

- \$20,000.00 - for police
+30,000.00 – for extra pipe
-9,000.00 – credit for flow meters
\$41,000.00 - amount requested

Frank recommended to only approve the \$20,000.00 for the police because it is clearly in the contract that police is not included and not approve the \$30,000.00 for the extra pipe because he needs more information.

Phase 4. The letter is also asking to initiate Phase 4 of the I&I study for \$211,000.00. It is part of their contract that was approved and we never gave them authorization to proceed with Phase 4. He recommends that we initiate this Phase because we have to put in the well monitors in the Spring. He explained when the Commission approves to initiate Phase 4 we have 45% match in our budget this current year and then the finance department will work with Wright-Pierce to get authorization from the State for the other 55%.

February 21, 2013 Wright Piece letter regarding Regionalization Support Negotiations:

Frank recapped the letter and notes he added to the back of the letter:

- \$90,704.63 – WPCA authorized
\$83,401.02 – cost of work to date
\$ 7,303.61 – balance

Wright-Pierce is asking for an additional \$102,600.00 which is based on time and material on what we ask them to do. Frank recommended to only approve an extra \$60,000.00 to carry us for the next couple months and see where we stand again around April. He explained he is not recommending the \$102,600.00 now because we have the next fiscal year coming so there is more money available that we have in the budget for next fiscal year. Attorney Kokenos said he and Frank have discussed this and Wright-Pierce is doing their work based on what we think is the best way we can use them. He noted Wright-Pierce currently owes us a pretty significant piece of what we are looking for and what to do next will be based on what we receive and we were very specific as to what is

needed. Attorney Kokenos said what we will be getting will be useful in either the regionalization discussions or the arbitration. When we receive this work we will know if it can carry us for a while and then we may not need their work as much. He anticipates in April we may know more as to where exactly we're going. Discussion included: costs and work done to date, review of monthly cost's spreadsheet, anticipated work, time frames and authorization amounts.

MOTION made Egri seconded Pulie to authorize \$20,000.00 for the police coverage for Wright-Pierce and to also implement Phase 4 at a cost of \$211,000.00. Discussion. MOTION CARRIED UNANIMOUSLY.

MOTION made Egri seconded DeVita to authorize \$40,000.00 for Wright-Pierce services in regard to regionalization and negotiations with Bridgeport. Discussion. MOTION CARRIED UNANIMOUSLY.

5. Billing Statements - Tighe & Bond and Wright-Pierce. No change from last month's spreadsheet for Tighe & Bond. The commissioners reviewed the spreadsheets and there were no questions or comments. Chairman Egri noted the Wright-Pierce spreadsheet was just discussed as part of the previous Wright-Pierce update.

6. Old Business.

Up-date: Audit of the 59 and 20 accounts. Chairman Egri had no update to report for this meeting.

Ury & Moskow, L.L.C.

Invoice 59985 – previous balance of \$2,300.00. At last month's meeting the Commission asked for confirmation of what the \$2,300.00 balance was for. Attorney Kokenos indicated Attorney Moskow provided a full bill to date with all his work so the Commission now has the full bill dating back to September, 2011 all the way through January, 2013. Frank Smeriglio explained the first three and a half pages is all the work prior to September 11, 2011. Within that time period we made payments and what is left of the work up to September, 2011 is \$2,300.00. Dennis said the issue last month was that there was a carryover balance with no itemization or description of what it was for. Chairman Egri summarized payment of \$11,766.24 was authorized last month and the Commission now has the itemization of the \$2,300.00.

MOTION made Egri seconded DeVita to approve the Ury & Moskow invoice number 59985 in the amount of \$2,300.00. Discussion. MOTION CARRIED UNANIMOUSLY.

Discussion: Bevacqua assessment 30 Partridge Lane. Frank Smeriglio recap of last month's meeting included Mr. Bevacqua's is being assessed at approximately \$28,000.00 and is requesting to be assessed at a lower amount for the six feet of main in front of his house. Frank went over a parcel map showing the sewer lines for the 18 parcels in Mr. Bevacqua's area and he explained the opinion of costs he prepared to show the cost to serve that neighborhood. The cost to install the sewer main in that neighborhood was approximately \$570,000.00. When you take that cost and divide it by 18 the cost to provide sewers for that neighborhood ends up being approximately \$31,000.00 per property which is more than what he is being assessed. The assessment and cost is not for only the area in front of the house it is for the whole project he connects into. Frank recommended to not take any action to the assessment. The Commissioners agreed and noted if something is done for him it would not be fair to other people with similar situations. Discussion followed. Frank will advise Mr. Bevacqua of the Commission's decision.

Monthly meeting start time. Chairman Egri reviewed the interoffice memo from Chief of Staff Elaine Wang regarding changing the WPCA Commission's meeting start time. Chairman Egri noted the meeting start time can be changed by Commission vote.

MOTION made Egri seconded Pulie that the WPCA monthly meeting and special meeting times will change to begin at 7:00 p.m. Chairman Egri amended her motion.

MOTION made Egri seconded Pulie that the WPCA monthly meeting and special meeting times will change to begin at 7:00 p.m. starting with the March, 2013 meeting. No Discussion. MOTION CARRIED UNANIMOUSLY.

7. New Business.

Owens, Schine & Nicola.

Attorney Kokenos gave a brief billing update which included:

- Change order discussion with Mark IV is ongoing;
- A significant amount of work was done regarding regionalization for last week's FOI hearing;
- Post trial briefs have to be done on the FOI;
- A meeting with Bridgeport is the next step.

Invoice #13112. Attorney Kokenos said he is submitting the invoices monthly because that is what the Commission asked for. The \$71,172.00 that was approved to be paid from the 20 account last month is still on this invoice because to date payment has not been received and only the \$1,100.00 is new. The amount due for this month is \$1,100.00.

MOTION made Pulie seconded Egri to approve invoice number 13112 from Owens, Schine & Nicola in the amount of \$1,100.00. Discussion. MOTION CARRIED UNANIMOUSLY.

Invoice #13113. Attorney Kokenos explained the RE or heading on the bill is incorrect. The time portion of the bill is correct but the wrong heading was put on the bill. The correct heading is **RE: MARK IV LITIGATION CONTRACT 4** as shown on all previous invoices relating to the Mark IV litigation file. He will send the correct invoice for the record.

MOTION made Egri seconded Pulie to approve invoice number 13113 in the amount of \$1,309.00 from Owens, Schine & Nicola to be paid out of the 20 account professional fees and services with Owens, Schine & Nicola to send a corrected line item for the purpose of the invoice. Discussion. MOTION CARRIED UNANIMOUSLY.

8. Executive Session.

MOTION made DeVita seconded Pulie 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

No Discussion. MOTION CARRIED UNANIMOUSLY.

Staying for the executive session is the WPCA Commission, Attorney Dennis Kokenos, Frank Smeriglio, Joe Solemene and Fred Mascia.

At 8:20 p.m. the tape recorder was turned off, the Clerk left the room and the Commission went into executive session.

At 9:00 p.m. the Clerk was called back into the room and the recorder was turned on.

MOTION made Egri seconded Pulie to come out of executive session and to state for the record that no vote was taken. No discussion. MOTION CARRIED UNANIMOUSLY.

MOTION made Egri seconded Pulie to reopen the regular scheduled meeting at 9:01 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

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

Resident's sewer usage bill. The Chairman said an issue came up from a resident regarding a lien with their bill and she would like to discuss this with the Commission. Joe Solemene passed out a copy of the resident's sewer user bill and he gave a brief history. The resident paid the amount of the previous bill instead of the amount of the current bill and he demonstrated by folding the bill how the mistake could happen. The resident paid \$92.40 instead \$102.31 and was short \$9.91 and the \$9.91 shortage was liened. They talked with the tax collector's office and were told this is standard operating procedure for anything over \$5.00. The resident thought that was a minuscule amount to lien and he is hoping for a policy change. The resident has paid the balance and the lien is being released. Frank Smeriglio explained in the past years if the account was \$1.00 past due as of January 1st a lien was put on the property and the past due amount was changed to \$5.00. This payment mistake was on the October bill and then on January 1st the lien was put on the property. The tax collector's office places tax liens on December 31st every year so that is why the property was liened. Frank pointed out on the bill where it said any outstanding balance as of December 31st will be liened in January, 2013. He also explained the tax office is strict on this because as of December 31, 2012 there was approximately 1.1 million dollars of outstanding sewer usage fees and he passed out copies of Aging of A/R Fiscal Year Billed report sheets. Chairman Egri said she also received an email from the resident and she also spoke with the tax collector's office and they are open to coming to our meeting. Discussion included options for placing liens, time frame for implementing liens, minimum amount to be liened and age of balance. Frank will look into different options and this matter will be put on next month's Agenda. Attorney Kokenos said the tax collector's office has the authority and will be the one that will determine the policy on how to collect and it needs to come from them. The WPCA can suggest changing the lien policy to the tax collector. He also gave a brief summary of collecting on delinquent accounts and lien procedures and noted there is an individual working in the tax collector's office now on sewer usage.

Computil Contract. Commissioner Pulie inquired about the contract.

Attorney Kokenos noted he has a conflict with Computil so he recused himself and left the meeting at 9:16 p.m. Frank Smeriglio said a Contract was signed with Computil to the end of June. The tax department uses Quality Data to do the taxes and Computil for the sewer usage and the two systems don't talk. They want the WPCA to get prices from Quality Data to see how they compare. Frank said Quality is going to work up some numbers.

There being no other business before the Authority,

MOTION made Egri seconded DeVita Pulie to adjourn the February 27, 2013 meeting at 9:23 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

Submitted by,

Joyce Augustinsky
Clerk of the Commission