

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, March 27, 2013

The Trumbull Water Pollution Control Authority held their monthly meeting on Wednesday, March 27, 2013 at 7:00 p.m. in the Long Hill Room, Town Hall, 5866 Main Street, Trumbull, Connecticut.

Members Present:

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

Also Present:

Joseph Solemene, Assistant WPCA Administrator
Frank M. Smeriglio, PE, Town Engineer
Dennis Kokenos, Esq., Town Attorney (arrived 7:15)
Fred Mascia, Tighe & Bond, Project Manager
Christine Pierce, Wright-Pierce (arrived 7:30)
Roberta Rubenstein, Assistant Tax Collector (7:30 to 8:50)

PUBLIC HEARING

Pursuant to section 7-255 of the Connecticut General Statutes, the Trumbull Water Pollution Control Authority will hold a Public Hearing, on Wednesday, March 27, 2013 at 7:00 p.m. in the Long Hill Room, Town Hall, 5866 Main Street, Trumbull, Connecticut in accordance with the provisions of an Ordinance of the Town entitled, "Sewer Ordinance of the Town of Trumbull" adopted by the Town Council of the Town of Trumbull effective July 1, 1969 and Section 7-249 and Section 7-249A of the Connecticut General Statutes, Revision of 1958 as amended. Notice is hereby given that a Sewer Assessment is proposed to be levied by the Town of Trumbull on the following property:

<u>NAME</u>	<u>LOCATION</u>	<u>NUMBER</u>	<u>MAP</u>	<u>PARCEL</u>
Conine, Luann (or current owner)	Lobsterback Road	63	K-07	00029

Chairman Egri called the public hearing to order at 7:08 p.m. As there was no one in attendance to speak for or against adding 63 Lobsterback Road to the North Nichols assessments, Chairman Egri asked Frank Smeriglio to summarize the request. He explained as part of the process to add this address the homeowner received the public hearing notice and assessment information. A lateral was provided and the property is in both Shelton and Trumbull, but this address was not included on the assessment list. The Chairman asked for a motion to add Luann Conine, 63 Lobsterback Road to the Contract 4 North Nichols assessments.

MOTION made DeVita seconded Pulie to add Luann Conine, 63 Lobsterback Road to the Contract 4 North Nichols sewer assessments. Discussion. MOTION CARRIED UNANIMOUSLY.

There being no other questions or comments, the Chairman requested a motion to close the public hearing. MOTION made Pulie seconded DeVito to close the public hearing at 7:15 p.m. No Discussion. MOTION CARRIED UNANIMOUSLY.

REGULAR MEETING

The Chairman opened the March 27, 2013 meeting of the WPCA at 7:15 p.m.

MOTION made Pulie seconded DeVita to move up number 7 New Business item, Jennifer Gerlach, 90 North Street, connection issues. No Discussion. MOTION CARRIED UNANIMOUSLY.

7. New Business.

Jennifer Gerlach, 90 North Street: Connection issues. Jennifer and Donald Gerlach, 90 North Street were present. Mrs. Gerlach said when they purchased their house in 2006 they were not told at that time about the sewers. She summarized the history of the installation of sewers in her area in the previous and current projects and said her address was not included in either project. She said her address was left out of the previous project and the line stopped right before her property and if it was included it would have been a shorter distance to connect at a lesser cost with less disturbance. In this project the distance to connect is double, goes across her property and through the driveway and tree line. Frank Smeriglio went through the history and notes from the other project. He said there are notes on that plan that show they could not service the house with a gravity line and that a pump would have been required and the new line is deeper. He said it appears that the old owner did not want the pump and didn't sign the pump agreement. He summarized the pump agreement process and noted once the 90 day hookup passes then the homeowner is on their own to install the pump on the property. He also said something happened back then where either they didn't want the pump and the Town agreed and then the Town said you will be part of the next project. Commissioner Hampford explained a pump like this is usually in the middle of the project and being at the end of this line it may have been that they were removed from that project which is to their benefit. Joe Solemene noted the lateral was put on the property as part of this project and no lateral was installed as part of the old project. Frank explained she is included and assessed in this project and this address is the deepest spot for the street and the main is deep enough to serve the house. It is his opinion and he believes they knew they had to serve this address, but on the plans they just forgot to put the lateral.

Frank addressed the Gerlach's concerns about being forgotten on this project and the lateral location:

- It appears there is a little more history to it than being forgotten. It couldn't be served with the gravity line and someone at that time 10 years ago opted out and there must have been something between the town and the homeowner that none of us know. Joe Solemene noted 90 North Street was always a part of this project and it may have been removed from the previous contract, but as far as the notices, the public hearings, the initial spreadsheet they were always part of it.
- He reviewed an aerial view of North Street and he pointed out the location of the lateral and said if the lateral was left in the middle of the property it would have been about 97 feet and where it is now if 120 feet.

Frank did a comparison of the assessments:

Old: quarterly \$370.00 x 4 x 18 years (with the added \$3,500 and the higher interest rate)

New: quarterly \$390 x 4 x 20 years

Discussion followed regarding location, depth, costs, purchase of the property, prior and current projects, ledge, driveway, pump, assessments, interest rates, test holes, rock and ledge.

Mrs. Gerlach again commented on not knowing about the sewers and the added costs when they purchased the property. Attorney Kokenos explained that is an issue for her attorney and she will follow up with her closing attorney.

MOTION made Pulie seconded DeVita to move up number 7 New Business item, Josephine Mills, 50 Wendover Road, contesting sewer usage bill. No Discussion. MOTION CARRIED UNANIMOUSLY.

7. New Business.

Josephine Mills, 50 Wendover Road: Contesting sewer usage bill. Josephine Mills explained her typical sewer usage bill is \$80 to \$200. This bill was \$1,200 for summer lawn watering and she is looking for relief because it did not go into the sewer system. She works in New York during the week and is only in Trumbull on the weekends

and was unaware of the billing change to consumption. She has obtained information regarding installing a second water meter. She explained she does not have a regular irrigation system and is not sure if that will work with a second meter. She had a plumber come out to see what can be done and she is waiting for him to get back to her. Frank and Joe offered to have someone from the Town also look at it. Discussion included possible changes to her system, one main feed for second meter, possible change to landscaping including different types of grass, notices and hearing regarding billing change, consumption and second meters. Frank explained the Town pays Bridgeport based on consumption and it was noted that is the reason for the billing change.

MOTION made Pulie seconded Hampford to move up number 6 Old Business items, Discussion: Sewer usage billing and liens and Discussion: Tax department billing system. No Discussion. MOTION CARRIED UNANIMOUSLY.

6. Old Business.

Discussion: Sewer usage billing and liens. Roberta Rubenstein from the tax collector's office was present. Frank explained a homeowner requested to have this discussion item put on the agenda because his property was liened for \$9.91 because he misread the bill and paid the wrong amount. The resident suggested placing liens for larger balances and changing the bill. When the homeowner wrote the check for the sewer usage she accidentally wrote it for the wrong amount because she paid the amount that was due on the previous bill because the bill is confusing. The payment was short \$9.91 and a lien was placed on the property in January, 2013. Liens are placed once a year and Roberta said about 1800 properties were liened in January. Since last month's WPCA meeting there was a meeting with Frank, Maria, Elaine, Joe, Roberta, Donna, Mary, and Ennio to address this issue. The topic of placing liens on properties with an outstanding balance of \$1, \$5, \$20, \$30 or other amounts was discussed and they tried to come up with ideas. After that meeting they checked with neighboring towns, Bridgeport, Stratford, Milford, Shelton and Fairfield and looked at what they do in this situation. Frank distributed Mary Moran's meeting summary and list of what the other towns do for the same situation. He noted the minimum lien balance in Stratford, Milford, Shelton and Fairfield is \$1.00. Based on that information he does not think we are stricter than the surrounding towns that would warrant increasing the amount. Even if it was raised to \$100 someone you owes \$101 is going to have the same issue. Then they looked at the current bill to see if it changes could be made to make it less confusing. Frank noted Roberta is working on the bill with Computil. Roberta went over the current bill that is being used in detail section by section. Ideas and suggestions from the commission and public were discussed and it was suggested to remove the red box around the previous balance. Chairman Egri said if there is something we can do that is cost effective to help then we should do it.

Discussion: Tax department billing system. Frank said there is no update at this time and we are waiting for information from Computil.

1. Minutes to previous meetings.

The following corrections and/or additions were requested:

Page 5 – last motion – “seconded DeVita Pulie....” should be "seconded DeVita....”

Christine Kurtz questioned the \$60,000 Frank recommended on page 2 and the \$40,000 that was approved on Page 3. Frank explained what he recommended was not the amount the commission approved.

MOTION made Pulie seconded DeVita to approve the Minutes of the February 27, 2013 with the one change on page 5 that was discussed. Discussion. ONE ABSTENSION (Hampford). MOTION CARRIED.

2. Tighe & Bond.

Progress report. Fred Mascia said since the last meeting:

- The contractor has not been working
- Will resume on site on April 8th working on the punch list items

Frank said the punch list main items are sanitary sewer related items, easement restoration work around Dogwood Pond and drainage. Frank reviewed video tapes and saw where drainage upgrades are needed and there were some problem areas that cross some of the sanitary trenches. So, as part of the punch list there is drainage work. They are starting the restoration and the sanitary punch list on April 8th. Fred said Mark IV requested drainage reports for their consultant to review. Mark IV is doing the restoration work that was part of the contract of items that we knew the owners wanted under restoration in the contract. The landscape contractor is working on the army corps permit requirements for the restoration work in wetland areas.

Change Orders:

Fred Mascia summarized each of the following change orders:

R155 - 1/10/2013 – \$3,150.00 for additional lawn restoration at 101 Golden Hill. There were three laterals and Marc IV restored one under the terms of the contract. There were 3 pipes, 1 from the septic system in the rear, 1 from the septic system in the front and 1 for the separate dry well system for the kitchen sink. Frank explained the circumstances and said it was not shown on the plans. Fred said there have been 3 houses that had multiple lines coming out of the house. Commissioner Pulie suggested one connection per lot and maybe that should be the policy in future projects. Discussion included only paying for one area, homeowner restoring remaining areas, information not included on the plans and ways to avoid this in the future.

MOTION made Hampford seconded Egri to approve change order R155. After further discussion Commissioner Hampford withdrew his motion.

MOTION made Pulie seconded Hampford to table change order R155. Discussion. MOTION CARRIED UNANIMOUSLY.

R158 – 1/25/2013 - \$24,690.00 for increase in cost of 10” DIP that was over the 25% in the bid quantity. We did not initiate this the contractor initiated this request on his own. At this point Fred recommend tabling this because this is going to fall into the category Dennis has mentioned with other change requests. Fred said they did send a letter back a couple months ago identifying about 25 items that were over 25% over the bid item. They could be possibly looking to increase or change the unit price. Fred believes the spec basically says the Town reserves the right to negotiate that negotiation. Attorney Kokenos indicated he will include this with the rest. MOTION made Hampford seconded Pulie to table change order R158. Discussion. MOTION CARRIED UNANIMOUSLY.

Commissioner DeVito asked to comment on the first change order. He said he does not disagree with paying the contractor he just wants to know why we installed three lines and why it was done that way. Fred asked if based on that do they still want it tabled because the contractor will not do the restoration until the commission meets again in April to vote on it. Fred explained the work has to be done and Frank Smeriglio said we’re getting set up to do the work. Frank recommends payment because it is not Mark IV’s responsibility and it would only have been the contractor’s responsibility if the plans showed where he had to go on this property to install the line and to restore it. The commission agreed to revisit change order R155.

MOTION made Pulie seconded Hampford to withdraw the motion to table change order R155. Discussion. MOTION CARRIED UNANIMOUSLY.

MOTION made Egri seconded Hampford to amend original motion regarding change order R155 in the amount of \$3,150.00. No Discussion. MOTION CARRIED UNANIMOUSLY.

MOTION made Egri seconded Hampford to approve change order R155 in the amount of \$3,150.00. Discussion. THREE IN FAVOR (Egri, Hampford, Pulie) ONE OPPOSED (DeVita). MOTION CARRIED.

R159 – 1/25/2013 - \$575.00 for installation of additional Tee-Y at 106 Golden Hill. This is a lateral installed based on the location on the plan. The homeowner never responded to the location and after it was installed they

were directed to install a second lateral to satisfy the homeowner. Fred noted the commission has approved this price before. Frank recommended payment.

MOTION made Hampford seconded Pulie to approve change order R159. Discussion. MOTION CARRIED UNANIMOUSLY.

R160 – 2/16/2013 - \$24,500.00 for installation of 7 seven catch basins at \$3,500 each. The contractor is claiming they were outside the sewer area.

MOTION made Pulie seconded Hampford to deny change order R160. Discussion. MOTION CARRIED UNANIMOUSLY.

R161 – 2/27/2013 - \$685.00 for change of species at 23 Dogwood Lane. Mark IV quoted white pines in their bid where it said replace trees. Frank said this property is right on Dogwood Pond and the easement agreement said replace trees but it wasn't specific as to what kind of trees. Three trees are being replaced and the homeowner is specific as to what kind of trees put in. Frank explained Mark IV owes us to put a tree back but there was no information on the plan for what kind of tree and the homeowner wants a certain type of tree. Fifteen trees were removed and 3 trees are being replaced. This cost is the difference to provide the 3 trees and Fred indicated this is very similar to what we did on Red Fox. Frank recommended approval. The commission took issue with the \$1,050.00 cost for one umbrella tree. Discussion followed. It was again noted that the easement agreement was not specific as to replacement. Further discussion included asking the homeowner to consider another tree; probable increase in cost if Mark IV does not do the replacement and a landscaper is used; the possibility of the homeowner requesting larger or additional trees; credit from Mark IV for 3 white pine trees; location of the replacement trees; and vagueness of the easement agreement.

MOTION made Hampford seconded Egri to approve change order R161 in the amount of \$685.00. Discussion. ONE ABSTENSION (DeVita). MOTION CARRIED.

R162 – 3/13/2013 - \$1000.00 for stump and tree removal from easement areas around Dogwood Pond. Fred explained we have already done this on the easement between Dogwood Lane and Golden Hill where we removed stumps that were found in the trench for the sewer. The same type of material was found between Shelton Road and Dogwood Lane and a portion of Dogwood Lane to Teeter Rock. They have been stockpiled and the contractor has not removed it from the site because there is no pay item in the bid spec for that. Last time the commission paid \$1,000 per truck load. These were buried stumps in the subdivision. Fred thinks it will take 3 truck loads.

MOTION made Hampford seconded Pulie to approve change order R162. Discussion. MOTION CARRIED UNANIMOUSLY.

R163 – 3/26/2013 - \$1,850.00 to replace concrete sidewalk in 2 locations on Huntington Turnpike. Fred noted this is not a bid item. To install laterals to 2 homes they had to go through existing concrete sidewalks. The contractor put in temporary asphalt. Discussion included the cost being too high; having the highway department do it instead of contractor; requirement of a state permit for state highway with state standards; removing this item from the punch list and relieving Mark IV from responsibility. The cost factors of having the town do it and obtain a state permit was also discussed.

MOTION made Egri seconded Hampford to approve change order R163. Discussion. THREE IN FAVOR (Egri, Hampford, Pulie) ONE OPPOSED (DeVita). MOTION CARRIED.

3. Invoice Approval:

Mark IV. No invoice was submitted by Mark IV this month.

Guerrera Construction Company, Inc. - Application 5 - \$25,051.51. Frank stated this is for Shelton Road and they are reducing the retainage.

Frank noted 2 months ago there was an issue with manholes that were installed that were not our standard. He provided a brief history of what happened:

- Our plans called for us to remove the existing top so as they are excavating they don't have the manholes sticking up as they were working in sections of the road;
- We provided a profile of the road so as they put it back they have a geometry of how to put the road back;
- The plans called for just putting back the manhole covers;
- With the new geometry we could not use the manholes and we could not get the 4 inch frames with the right diameter in time before the overlay and they had to use a 4 inch frame.
- Instead of the diameter being 26 inches it is 24 inches.
- They provided us with 3 extra covers and did not charge us.

Frank explained the reasons why these had to be changed and Fred explained the circumstances at the time the decision was made to use a different size. Consequences of not changing the size and adjustments that would have had to be made were discussed and it was noted this occurred prior to Tighe and Bond's involvement. Joe Solemene said if they have a couple extra 24 inch covers there should be no problem and it shouldn't be an issue. The Chairman asked for a motion to approve the invoice

MOTION made Hampford seconded Pulie to approve Application 5 for Guerrero Construction Company in the amount of \$25,051.51. Discussion. MOTION CARRIED UNANIMOUSLY.

LJF Outdoor Maintenance – Application 6-1 - \$4,044.00. Frank said there were trees along the sewer main that we were trying to save. In these easements there were a couple residents that asked if we could take a second look at two of these trees. The landscape contractor removed 2 big trees that were leaning towards the house about 10 feet away from the sewer main. Frank recommended approval.

The Chairman asked for a motion to approve the invoice.

MOTION made Hampford seconded Pulie to approve LJF Outdoor Maintenance Application 6-1 in the amount of \$4,044.00. No Discussion. MOTION CARRIED UNANIMOUSLY.

4. Wright-Pierce Update.

Phase 3. Christine Kurtz informed the commission that the CTV work for phase 3 has been completed and they are waiting for the remainder of some of the tapes to review before preparing the draft report. Frank said last month the extra cost for police time was approved and there was issues with footage of sewer main that is associated with phase 3. He said Christine is providing him with a map to show where these areas are.

Frank said as part of the current budget we authorized work for phase 4 and he and Christine are working with the State regarding the 55% reimbursement. They have to let the State know that police time wasn't included in phase 3 and the extra footage wasn't included in phase 3. So, we need to talk to them about either reducing the scope of phase 4 so we can stay within budget or what would the steps be to keep phase 4 at this current scope and apply for extra reimbursement from the State and that is what they are working on right now. Christine said she has called the State and hopes to have this resolved by next meeting. Frank said they are trying to figure out how to use the scope of phase 4. Joe Solemene said he thought one of the other questions that came up was if we wanted to cover the additional cost of the phase 3 is it required to go before the board of finance and the town council to seek the funding for the \$40,000.00 or can the WPCA approve that as an additional cost and go to the State with that? Christine said because it is a clean water fund we have to put another application in and commented whether a resolution is required. Frank said he is going to redo the scope for phase 4 and see if it can be reduced.

Phase 4. Christine said with regard to phase 4 they are moving forward and the meters are in the manholes now for 6 weeks.

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. Chairman Egri said she had a correspondence with our auditor and Maria Pires today. The auditor had requested additional documentation which Maria sent to them. They are anticipating two weeks to review the additional information. It is progressing and she is hoping to have it wrapped up as quickly as possible.

7. New Business.

Owens, Schine & Nicola.

Invoice #13176. Attorney Kokenos said the majority of the work was FOI work and he prepared and filed a brief. A copy is available in the sewer department and he will also e-mail copies to the commissioners.

The Chairman asked for a motion to approve invoice 13176.

MOTION made Hampford seconded Pulie to approve invoice number 13176 for Owens, Schine & Nicola in the amount of \$13,971.91. Discussion. MOTION CARRIED UNANIMOUSLY.

8. Executive Session.

MOTION made Hampford seconded Pulie to move up the executive session item out of order 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.

Staying for the executive session is the WPCA Commission, Christine Kurtz, Joe Solemene, Fred Mascia, Frank Smeriglio and Attorney Dennis Kokenos. Also, Vicki Tesoro from the Town Council will be staying for executive session. No Discussion. MOTION CARRIED UNANIMOUSLY.

At 9:10 p.m. the tape recorder was turned off, the Clerk left the room and the Commission went into executive session.

At 10:50 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 Hampford to reopen the March 27, 2013 WPCA meeting at 10:51 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

Commission Hampford said since we can't proceed with the regionalization negotiations based on the numbers presented by Bridgeport's WPCA he is making the following motion:

MOTION made Hampford seconded Pulie to direct the Town Attorney to approach Bridgeport's WPCA and request that they revise their model to include only costs associated with Trumbull's waste water in calculating Trumbull's rate. Specifically, we need to be sure Bridgeport's CSO costs are not borne by Trumbull. If Bridgeport declines, then the Town Attorney should cease regional negotiations and proceed with contract negotiations or arbitration. No Discussion. MOTION CARRIED UNANIMOUSLY.

7. New Business.

WPCA – procedures and policies.

Chairman Egri requested due to the lateness of the hour and there being another more pressing issue to discuss tonight procedures and policies be tabled until next month's meeting.

MOTION made Pulie seconded DeVita to table number 7 New Business agenda item Discussion: WPCA procedures and policies until next month's meeting. No Discussion. MOTION CARRIED UNANIMOUSLY.

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

Frank Smeriglio requested to increase the existing purchase order to Tighe & Bond \$15,000.00 to help with consulting services to deal with the defects in contract 3. This will come out of the 20 account and is already budgeted and he is requesting authorization to increase the purchase order.

MOTION made Pulie seconded Hampford to approve the request for the purchase order for \$15,000.00 for Tighe and Bond. No Discussion. MOTION CARRIED UNANIMOUSLY.

There being no other business before the Authority,

MOTION made Egri seconded DeVita to adjourn the March 27, 2013 meeting of the WPCA at 10:57 p.m. No discussion. MOTION CARRIED UNANIMOUSLY

Submitted by,

Joyce Augustinsky
Clerk of the Commission