

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, January 23, 2013**

Members Present:

Karen Egri, Chairman  
Laura Pulie, Vice Chairman  
Ennio DeVita  
Timothy Hampford (left 9:25)

Also Present:

Joseph Solemene, Assistant WPCA Administrator  
John Marsilio, Public Works Director (left 9:45)  
Frank M. Smeriglio, PE, Town Engineer  
Dennis Kokenos, Esq., Town Attorney  
Fred Mascia, Tighe & Bond, Project Manager  
Christine Pierce, Wright-Pierce  
Maria Pires, Finance Director (budget discussion)

The Vice Chairman called to order the regularly scheduled meeting of the Trumbull WPCA for January 23, 2013 at 7:35 p.m. in the Long Hill Room.

**1. Minutes to previous meetings.**

December 12, 2012. The following corrections and/or additions were requested:

Page 5 - Change Order 118 – 4<sup>th</sup> line “They went through his time....” should be “Fred Mascia said Tighe & Bond went through his time.....”

MOTION made Hampford seconded Pulie to approve the December 12, 2012 Minutes with the one change made by Commissioner Pulie. Discussion. MOTION CARRIED UNANIMOUSLY.

December 19, 2012. There were no questions, comments or additions.

MOTION made DeVita seconded Pulie to approve the December 19, 2012 Special Meeting Minutes as written. No Discussion. MOTION CARRIED UNANIMOUSLY.

The Chairman asked for a motion to move 30 Partridge Lane item under New Business out of order.

MOTION made Pulie seconded Hampford to move up Agenda item number 7 New Business, 30 Partridge Lane, Bevacqua assessment. No Discussion. MOTION CARRIED UNANIMOUSLY.

**7. New Business.**

30 Partridge Lane – Bevacqua assessment. Mr. Bevacqua was present and addressed his concerns regarding his sewer assessment and he went over the assessment formula. He described his property and why the assessment formula is punitive for him. He owns an acre of land and his frontage is 175 feet. The sewer line does not cross this property and he only has 6 feet of pipe on his property. She said 6 feet of sewer at \$162.26 comes to about \$971.00 and he is being assessed at \$28,950.00. He said that is punitive because it is close to \$5,000 a foot for the sewer line he was given and it is a punishment he does not deserve. He recapped his public service to the community. He is not asking for any special privileges, but to just consider his proposal which is within the parameters the WPCA has established for a minimum assessment. He said he was given the barest minimum of 6

feet of pie and he is asking to be assessed somewhere between 80 and 100 feet because that is the minimum assessment. He wants to be put into that category because that would allow him to pay a reasonable and equitable sewer assessment and that would be an equitable compromise. He requested the Commission consider his proposal.

MOTION made Hampford seconded Pulie to move up Agenda item 6 Old Business, 2013-2014 budget discussion. No Discussion. MOTION CARRIED UNANIMOUSLY.

**6. Old Business:**

**2013-2014 Budget Discussion.**

Director of Finance Maria Pires was present for the budget discussion. Chairman Egri said the Commissioners are familiar with the Munis report because it is the same as last year's and Frank and Maria have put in notes and we will go through line item by line item. Frank Smeriglio said he updated the sheets that he e-mailed to the commissioners last week and he passed out updated packets. The packet included: Munis report printout; blue writing signifies differences from emailed sheets; Excel spreadsheet showing the 2012/2013 budget and updated 2014 budget; capital outlay summary; current budget; year-to-date budget; summary of the different odds and ends of projects. Frank went over the proposed budget and he and Joe Solemene summarized the accounts, notes and details regarding each account.

**20100000 - 2013-14 Budget**

|   |                |                |
|---|----------------|----------------|
| 440000 – Fee Revenue – anticipated amount                                     | \$6,541,133.00 |                |
| 501101 – Salaries-FT/Permanent (will increase based on contract amounts)      |                | \$ 191,341.00  |
| 501102 – Salaries-PT/Permanent  |                | \$ -0-         |
| 501103 – Salaries-Seasonal/Temp   |                | \$ -0-         |
| 501105 – Salaries-Overtime  |                | \$ 20,000.00   |
| 501106 – Salaries-Longevity   |                | \$ 850.00      |
| 501888 – Uniform Allowance  |                | \$ 1,490.00    |
| 511159 – Fringe Benefits-Clerical fees  |                | \$ -0-         |
| 522201 – Services & Fees Clerical   |                | \$ 2,500.00    |
| 522202 – Services & Fees Professional   |                | \$ 425,000.00  |
| 522204 – Services & Fees Contractual  |                | \$4,972,842.00 |
| 522205 – Program Expenses   |                | \$ -0-         |
| 522210 – Reimbursable Services to GF – estimated                              |                | \$ 400,000.00  |
| 534402 – Program Supplies   |                | \$ 20,000.00   |
| 545501 – Communications – Legal Notices                                       |                | 5,000.00       |
| 567701 – Transportation-Gas, Oil, Grease                                      |                | \$ 6,500.00    |
| 567702 – Transportation – Vehicle Repair                                      |                | \$ 5,600.00    |
| 578801 – Mntnce/Repair Service Contract                                       |                | \$ 60,000.00   |
| 578802 – Mntnce/Rep – Equipment/Building                                      |                | -0-            |
| 578803 – Mntnce/Rep – Program Related   |                | \$ 30,000.00   |
| 578805 – Extraordinary Items  |                | \$ 60,000.00   |
| 581888 – Capital Outlay   |                | \$ 85,000.00   |
| (See information below under Budget Discussion regarding 5 Year Capital Plan) |                |                |
| 589901 – Rentals-Annual Rentals/Lease   |                | \$ 12,000.00   |
| 590011 – Utilities-Heat   |                | \$ 15,000.00   |
| 590012 – Utilities – Electricity  |                | \$ 161,000.00  |
| 590013 – Utilities – Water  |                | \$ 1,800.00    |
| 590014 – Utilities – Telephone  |                | \$ 12,700.00   |
| 590017 – Sewer Fees   |                | -0-            |

|   |                       |
|---|-----------------------|
| 593888 – Depreciation Expense                         | -0-                   |
| 595888 – Interest on G/Oblig Bonds – ½ year’s payment | \$ 19,000.00          |
| 597888 – Principal – G/Oblig Bonds – ½ year’s payment | <u>\$ 26,000.00</u>   |
|   | <b>\$6,533,623.00</b> |

Budget Discussion:

522202 – Services and Fees Professional

Frank went over the Munis report and gave a breakdown of anticipated services and fees. Attorney Kokenos said the \$75,000.00 for legal services for Contract 4 could be potentially less and can be reduced by \$35,000.00 to \$40,000.00. Also, the \$15,000.00 for sewer assessment appeals should be increased to \$20,000.00 because one is in conjunction with a different lawsuit. Chairman Egri said the proposed changes reduce the professional services and fees by \$30,000.00 bringing it down to \$425,000.00.

522204 – Services & Fees Contractual

Frank Smeriglio went over the breakdown of anticipated Bridgeport WPCA charges of \$4,902,282. He explained since the WPCA changed the way we charge our sewer usage by charging the actual usage, if the charge to Bridgeport goes up our sewer usage fees also goes up. In years past we were just estimating the winter months and projecting that for the whole year.

Joe Solemene said Computil’s Contract expired at the beginning of the year and the next Contract may be going out to bid. Maria Pires explained Computil wants us to sign a Contract for 24 months and a six month extension was suggested. Discussion followed. Attorney Kokenos stated for the record that anything involving Computil he would be conflicted out so there would have to be a different attorney reviewing any RFP’s or Contracts with regard to that matter.

Chairman Egri noted Computil’s Contract will be added to tonight’s Agenda under Any Other Business.

581888 – Capital Outlay - \$85,000.00

\$20,000.00 – getting information out to the public; \$30,000.00 – computer and GIS equipment; \$35,000.00 - second year of five year lease. This account is the biggest difference between this year and the previous years. Frank explained the current process of handling call before you dig notifications and described changes to up-date the process. Discussion followed.

**5 Year Capital Plan**

As part of capital outlay there are 8 projects. Frank summarized each project, went over the capital outlay, costs, spreadsheets and information from Wright Pierce. Discussion followed.

- \$ 308,330.00 – I/I study – Phase 2 - defects and immediate repair list
- \$ 252,556.00 – I/I study – Phase 2 - leaks – recommended repair list (Wright Pierce’s spreadsheet)
- \$ 250,000.00 - Roosevelt Drive – repairs
- \$ 50,000.00 – 2013 paving road – sanitary repairs
- \$ 21,000.00 – 2014 paving roads – video inspections
- \$ 13,000.00 – 2015 paving roads – video inspections
- \$ 350,000.00 – Strobel Road
- \$ 60,000.00 – Generator at Park Avenue pump station

**\$1,304,886.00 – TOTAL**

Frank said because these repairs have a 20 year life we investigated paying for them as part of bonds and paying for this as part of the 20 year bonds is proposed. The last 2 items in this budget are the interest and principal associated with the first year’s payment for the bonds. Chairman Egri commented that the need for a capital plan has been discussed many times and the initial system was put in place in the 1970’s so this is the first step at addressing obvious needs and then looking into the future for the maintenance of the system. Frank briefly listed what needs to be addressed next year in 2015.

Christine from Wright-Pierce addressed the Commission regarding fees for Phase IV of the SSES work and regionalization support work they have been doing. Brief discussion and comments followed.

Chairman Egri thanked and acknowledged Maria, Dennis, John, Frank, and Joe for all their work and for supplying materials to work with regarding the budget. She asked for a motion that the WPCA approve the budget for the fiscal year 2013-2014 in the amount of \$6,533,623.00. That is basically flat of this year's current budget and it's a difference of \$8,034.00.

MOTION made Hampford seconded Pulie to approve the fiscal year 2013-2014 budget as stated for \$6,533,623.00. Discussion. MOTION CARRIED UNANIMOUSLY.

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, John Marsilio, Frank Smeriglio, Fred Mascia from Tighe & Bond, Christine Kurtz from Wright-Pierce. No Discussion. MOTION CARRIED UNANIMOUSLY.

At 8:26 p.m. the tape recorder was turned off, the Clerk left the room and the Commission went into executive session.

At 9:44 p.m. the Clerk was called back into the room and the recorder was turned on.

The Chairman asked for a motion to come out of execution session.

MOTION made Pulie seconded DeVita to come out of execution session and to state for the record that no vote was taken and to also state that Commissioner Hampford left at 9:25 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

The Chairman asked for a motion to reopen the regular meeting.

MOTION made Pulie seconded DeVita to reopen the regular scheduled meeting at 9:45 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

The Chairman asked for a motion to move up Agenda item number 4 Wright-Pierce update next on the Agenda. MOTION made Pulie seconded DeVita to move up Agenda item 4 Wright-Pierce update. No Discussion. MOTION CARRIED UNANIMOUSLY.

**4. Wright-Pierce Update.** Christine Kurtz stated the CCTV work should be finishing up this week and then the field work will be complete and they will proceed with reviewing the tapes and putting together the summary report. Last month she informed the commission about the increased costs associated with this work. There are about 10,000 linear feet of pipe more in this area that were TV'd and additional police protection/traffic costs associated with having the camera crew and truck out on busy roads which was not part of their contract work. She said she will have a final fee with invoices for next month's meeting and Frank Smeriglio suggested she meet with him next week.

**Phase 4:** Christine said the Board has approved the work and they are waiting for authorization and inquired if it could be given tonight. She said one of the first things they need to do is get meters in the ground around late February early March for six weeks, but they have to get authorized to proceed. Frank said it needs to be set up

and have discussion for the February meeting. Phase 4 is metering the flows for flow meter 1 and flow meter 3 sewer sheds from the I/I study.

Support on Regionalization and Negotiation Work: Christine noted they were approved to work up to a \$65,000.00 limit and they have exceeded that and she passed out a letter dated January 23, 2013 which addresses this. She said in the Contract it was set up so that they would have extended services for Task B which authorized a limit of \$115,000.00. She explained the 2 steps that need to be considered: 1) authorization for Wright-Pierce to proceed according to the Amendment to the \$115,000.00; 2) a new not to exceed limit for work for the next 3 or 4 months. Frank said an amount needs to be approved to get us to next month because we have to check to make sure we have it in the budget. Brief discussion followed. Dennis Kokenos stated it is already in the cap that was put in the Agreement that was previously put through and approved by the Commission and this is just an extension of that Agreement. The Chairman asked for a motion for the extension of the Agreement for Wright-Pierce for \$25,000.00.

MOTION made Pulie seconded DeVita to extend the Wright-Pierce Agreement for another month going to Task B which will cover the overage of \$17,750.00 and then whatever that differential is up to \$25,000.00 we will allow through the end of February, 2013. Discussion. MOTION CARRIED UNANIMOUSLY.

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

Progress report. Fred Mascia said since the last meeting:

- The Contractor completed the main line sewer on January 10, 2013 and that was between Dogwood Lane and Teeter Rock Road and the final connection was made.
- Since then the contractor has been doing laterals for 7 houses on the east side of Dogwood Lane.
- Also working on testing and video taping of that last leg of sewer.
- There are 2 more houses on Dogwood Lane that the contractor is responsible for connecting and should be done next week.

Fred said the main line sewer is completed and all the laterals should be completed by the end of next week. He said they usually get the video within a week. There are approximately under 300 houses to be released and once this last leg is signed off on they will release that whole area and hopefully that will be in the next couple weeks.

Change Orders. Fred Mascia summarized the following change order:

Change Order R-150 dated 1/9/2013 in the amount of \$4,262.74. Fred said while they were doing the work between Teeter Rock Road and Dogwood Lane there is a storm drain that comes off Teeter Rock and goes into Dogwood Lane. When they went through that area with sewer pipe there was a 30 inch corrugated metal pipe that was severely corroded. We had the contractor replace the section where it crossed the trench. Fred recommended payment.

MOTION made Pulie seconded DeVita to approve change order R150 in the amount of \$4,262.74. Discussion. MOTION CARRIED UNANIMOUSLY.

Proposal for engineering services for Contract 3 assistance. Frank Smeriglio said this is for Tighe & Bond's engineering assistance in evaluating and reviewing the existing conditions of Contract 3 sanitary sewers and dealing with Arcadis, Mark IV's consultant. Fred Mascia passed out an updated proposal reflecting a fee increase from \$20,000 to \$30,000 to go back out in the field and identify the actual type of pavement distress associated with the sewer work and try to correlate it with sewer defects. They will also provide a cad drawing that shows all the defects and all the areas of pavement distress to use to evaluate which areas need to be taken care of and which ones are not as critical. Frank said payment will be covered under professional services for this current year from the 20 account. A brief discussion included new cracks that are visible and areas that are starting to show cracking along the trenches. The Chairman asked for a motion to approve the engineering services proposal for the Contract 3 settlement assistance.

MOTION made DeVita seconded Pulie to approve the Tighe & Bond Engineering Services Proposal for Contract 3 Settlement Assistance. Discussion. MOTION CARRIED UNANIMOUSLY.

Proposal for Contract 2 and 4 as-built drawing conversion to auto-cad. As part of the Jog Hill sewer project the as-builts the town required Mark IV to provide are as-builts with hand written notes with dimensions. This proposal is for converting it to cad and getting it into GIS. Payment for the Jog Hill project has to come out of the 20 account under professional services and payment for the North Nichols project can also come out of the same 20 account or the 59 account because it is a project related expense. Frank recommended to use the 20 account for Jog Hill and the 59 account for North Nichols. Discussion included using just the 20 account, available funds, doing the work in-house, engineering department staff's duties and workloads. Frank noted we were only able to do 40 sheets in the last 2 years. He would like to get this into GIS and set up for this Spring. Frank said Wright-Pierce was required to produce the existing system on GIS and Frank highlighted the ongoing work related to that.

MOTION made Egri seconded DeVita to approve the Tighe & Bond Sanitary Sewer As-Built Drafting Contract in an amount not to exceed \$26,000.00 to be paid out of the 20 account professional services. Discussion. MOTION CARRIED UNANIMOUSLY.

### **3. Invoice Approval:**

Mark IV Application 41 - \$295,633.24. Fred Mascia said this should be the last large invoice and there will probably be one more invoice next month for the remaining \$10,000.00 to \$12,000.00 of contract work. Frank noted these items and amounts are included in the assessments. The only items after that will be any other change orders that are approved by the commission.

MOTION made Egri seconded DeVita to approve Application 41 in the amount of \$295,633.24. Discussion. MOTION CARRIED UNANIMOUSLY.

Guerrera Construction Company, Inc. Application 4 - \$43,196.29. Frank said this is for the work on Shelton Road and it is about 99.9 percent complete. There are just a couple punch list items and a couple change order items we are dealing with. One issue is manhole tops had to be replaced because the 8 inch frame that was done by Mark IV did not have 2 layers of concrete brick and manholes in the center of the road were 1 inch lower than what was there before. We had to buy 4 inch manhole frames and we kept the 8 inch ones. The argument we are having is that they bought the wrong manhole covers because they didn't buy the Town's standard manhole cover. The other issue is they had to replace a catch basin top and we told them to use the existing catch basin top on another catch basin and we want to make sure they did use it. Discussion followed regarding standard manhole covers, credit for the wrong covers, not paying for the wrong covers, removing the wrong ones and paying for the right ones and getting extra ones and not changing the covers again. I was noted the manhole covers and the catch basin top have been zeroed out on the summary sheet. The commission wants to also have the labor deducted from the \$43,196.29 for the five manhole covers.

MOTION made DeVita seconded Pulie to approve Application 4 from Guerrera Construction Company in the amount of \$43,196.29 minus the labor amount cost to install those five Town non-standard manhole covers. Discussion. MOTION CARRIED UNANIMOUSLY.

LJF Outdoor Maintenance Application 4-1 - \$13,812.00 and Application 5-1 - \$9,059.00. Frank said these two applications are for two easement areas that were restored. As of the end of December seven easement areas have been completed. There are another five areas that we have to work on in the Spring. Four are related to the work just completed on Dogwood Lane and the fifth is a disagreement between us and the owner on how to restore the property.

**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 finance director Maria Pires told her that they will be starting on the audit. The Chairman will be meeting with Maria and the auditors probably in the next two weeks.

**7. New Business.**

Extended Standstill Agreement with Bridgeport. Attorney Kokenos said this is the exact same Agreement that was already proposed and signed by the former Chairwoman. It extends the discount until March, 2013 and it allows Bridgeport and Trumbull to continue negotiations on a new contract or regional authority. It was proposed by Bridgeport and he thinks it keeps the peace for now. He said it should be executed so we can continue our negotiations and it also helps us avoid arbitration which would have additional legal costs.

MOTION made Egri seconded Pulie to approve the Extension of the Standstill Agreement to be signed by the First Selectman. Discussion. MOTION CARRIED UNANIMOUSLY.

Owens, Schine & Nicola.

Invoice 12939 – \$13,160.00 for Mark IV Contract 4 litigation.

MOTION made Egri seconded Pulie to approve Owens, Schine & Nicola invoice number 12939 in the amount of \$13,160.00 to be paid out of the 20 account professional fees and services. No Discussion. MOTION CARRIED UNANIMOUSLY.

Invoice 12940 - \$70,072.00 for Bridgeport Regionalization Sewer Agreement. This bill represents eight or nine months of work. Attorney Kokenos said he will provide the commission with monthly billings from now on. MOTION made Egri seconded DeVita to approve Owens, Schine & Nicola invoice number 12940, for services rendered from May, 2012 to the end of December, 2012, in the amount of \$70,072.00 to be paid out of the 20 account professional fees and services. Discussion. MOTION CARRIED UNANIMOUSLY.

Retainer Agreement - Robert S. VonStein v. Town of Trumbull W.P.C.A. Attorney Kokenos said under the rules of ethics they like to have a retainer agreement with all clients and even though the WPCA is a reoccurring client they have to have a retainer agreement. He noted there is no retainer that has to be paid and they have already filed an appearance on behalf of the Town. They estimated the costs for these cases and they were talked about earlier tonight in the budget discussion and hopefully it will be resolved for less. The Retainer Agreements give them the authorization to move forward.

MOTION made Egri seconded Pulie to approve Owens, Schine & Nicola Retainer Agreement regarding Von Stein v. Town of Trumbull W.P.C.A. to be paid from the 20 account professional fees. No Discussion. MOTION CARRIED UNANIMOUSLY.

Retainer Agreement – Matthew Mihaly v. Town of Trumbull W.P.C.A.

MOTION made Egri seconded Pulie to approve Owens, Schine & Nicola Retainer Agreement regarding Mihaly v. Town of Trumbull W.P.C.A. to be paid from the 20 account professional fees. No Discussion. MOTION CARRIED UNANIMOUSLY

Ury & Moskow, L.L.C.

Invoice 59985 – Contract Dispute – Town of Trumbull v. Mark IV Construction, et al. Frank noted this will also come out of the 20 account professional services. It shows charges going back to September 12, 2011 through February 9, 2012 with a previous balance of \$2,300.00. A brief discussion followed. The previous balance was questioned and Attorney Kokenos said he will look into it and will get more information for the next meeting. The

commission agreed to pay the current charges of \$11,766.24 and table the previous balance of \$2,300.00 for explanation and details to next month's meeting.

MOTION made Pulie seconded Egri to approve Ury & Moskow, L.L.C. invoice dated January 9, 2013 for \$11,766.24 from the 20 account professional fees. Discussion. MOTION CARRIED UNANIMOUSLY.

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

2012-2013 Budget. Frank Smeriglio referred to the 2012-2013 budget line item 545501 for communications legal notices which has a negative balance of -\$3,215.46. There is a negative balance because the legal notices for the assessments were really high. The Commission needs to transfer money from the 578803 account to the 545501 account. Then we have to go before the board of finance to also get it approved, but it has to get approved at this level first. The amount to be transferred is \$5,000.00.

MOTION made Egri seconded DeVita to transfer \$5,000.00 from account number 20100000-578803 to account number 20100000-545501. Discussion. MOTION CARRIED UNANIMOUSLY.

Computil Contract. Attorney Kokenos noted he has a conflict with Computil so he recused himself and left the meeting. Frank Smeriglio said the Computil contract expired and they are requesting that we sign for two years and that is one option and another option is to go out to bid. Discussion followed including extending the contract for six months, vote required for extension, reviewing and executing an extension and preparation for going out to bid.

MOTION made Pulie seconded DeVita to extend the Computil Contract for six months from when it expired and to be signed by Chairman Egri. Discussion. MOTION CARRIED UNANIMOUSLY.

Monthly meetings: The Chairman noted because of the heavy WPCA Agendas there have been requests to start the meetings at 7:00 p.m. instead of 7:30 p.m. She requested the time change request be included on next month's agenda.

30 Partridge Lane – Bevacqua assessment. The Commission agreed to put this matter on next month's Agenda under old business.

There being no other business before the Authority,

MOTION made Egri seconded Pulie to adjourn the regularly scheduled meeting for January 23, 2013 at 10:50 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

Submitted by,

*Joyce Augustinsky*  
Clerk of the Commission