

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
October 28, 2013

Members Present:

Karen Egri, Chairman
Laura Pulie, Vice Chairman
Timothy Hampford (arrived 7:15)
Edna Colucci

Members Absent:

Ennio DeVita

Also Present:

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

Chairman Egri called the October 28, 2013 WPCA meeting to order at 7:00 p.m.

1. Minutes to previous meeting.

September 25, 2013. There were no questions, comments or additions regarding the September 25, 2013 Minutes. MOTION made Egri seconded Pulie to approve the September 25, 2013 Minutes as written. No Discussion. MOTION CARRIED UNANIMOUSLY.

2. Tighe & Bond.

Progress report – Contract 4. Frank Smeriglio said we are still working on paving, milling, drainage and we have about seven different crews between the highway department and O&G dealing with roadway restoration. In response to inquiries regarding the time frame for paving Frank explained the asphalt plants close anytime between Thanksgiving and Christmas and you usually find out the week before. We are going to keep moving forward until the asphalt plant closes.

Change Orders – Contract 4:

Frank said from last meeting to this meeting there are no change orders. Attorney Kokenos noted actually there are claim change orders, but they will be addressed in executive session.

3. Invoice Approval: None

4. Wright-Pierce Update.

Phase 3. Christine Kurtz said they are working with the town's GIS department updating some mapping and will have the draft within a week or so. This is this is for a map of the leaks and the overall map. Frank explained he asked Wright-Pierce to provide us with a map because as part of our capital plan for this year we are addressing leaks, defective sanitary lines and manhole defects in the phase 3 area and he wants it all on one map. Christine said all that information is on charts and a data base and it will all be one map and they are transferring that information to the GIS department. Commissioner Pulie pointed out we can expand on that and go to phase 4 with the map.

Phase 4. Christine Kurtz said they are seeking proposals for the CCTV work which is the last piece of the field work for that phase. Green Mountain, the company they worked with in the last couple of phases, has been out to look at the sites. She explained often easement work gives them the most difficulty so they decided to scope it out first. They should have those quotes in about a week and they anticipate being out here in about two weeks or so with TV work for that phase.

5. Billing Statements - Tighe & Bond and Wright-Pierce.

The commissioners reviewed the spreadsheets and commented on Tighe & Bond's balance and last month's approval. Frank explained this account is Tighe & Bond's accrued time for what is being billed on the 59 account and the amount the commission authorized last month is going to be billed to the 20 account for assistance to close out Contract 4. The commission requested another section be added to the spreadsheet with the new PO.

6. Old Business.

Assessment deferral discussion. Update from Frank Smeriglio: Since the last meeting he has been working with the tax department. The tax department went through all of the senior resident properties that have a sewer tax deferral to see if they have an assessment. Last month he said he would be able to crunch those numbers, but as they went through this and coming up with questions for the audit, he found out what should happen is he needs to give these numbers to the auditors along with his list of questions for them to look at the numbers. Frank said right now there are 131 residents that have a tax deferral because they qualified, but out of the 131 there are about 26 that came off the list for 2012. They have to qualify every year because once you qualify you are not guaranteed for every year thereafter. Questions and discussion included residents with tax assistance and residents that have tax assistance and assessments. Frank said currently there are 131 that are considered qualified for senior tax relief deferral, but not all of them have assessments and about 20 percent may have some sort of an assessment balance tied to their property. The numbers were reviewed and approximately 44 residents qualify. Frank said along with his questions for the audit the actual framework for that calculation is part of the auditors and they have it in that draft report. He will give these numbers to them along with his questions to crunch those numbers. He does not know if this information will be available for the next meeting.

In response to questions regarding criteria Attorney Kokenos said the issue is that the general statutes allow the WPCA to adopt an ordinance that would allow for this deferral and the Trumbull Code actually did adopt this saying that the WPCA may do this, but there is no specificity whatsoever in the code as to what procedures to put in place for the deferral type of a program. All it does is reiterate exactly what is in the statute which is basically that the WPCA may adopt an ordinance to give deferral relief. One option is to pay interest only and in the event they pay interest only upon death or transfer of the property everything is due and owing. All it does is give you the options, it doesn't say exactly what the criteria are that you would like to include. We would have to create it or take what the statute says. The criteria for whether they are eligible is in the other statute that talks about elderly tax relief. He thinks the issue is that it is something that has been on the books and to his knowledge the WPCA hasn't put any procedures in place. Another option is to change the code which means to recommend not have it. That is also an option because it's discretionary the statute is not mandatory that you have to provide this. But, at some point, it looks like it was in 1962 when they agreed to put that in to allow for that option in the code. It is there and if somebody wants to apply the WPCA is going to have to respond.

7. New Business.

House connection: M/B/L: I0500199000, Booth Hill Road. Frank Smeriglio said this is a request from a builder representing the owner. The commissioners reviewed the information included in their packets. He explained the issue here is the property is in Shelton with just a little sliver of property in Trumbull and the owner is requesting a connection. The lateral was provided and we need to figure out the procedure required to be able to have that connection. It appears this resident will also have to get approval from Bridgeport to connect. Since the address of this property is going to be Shelton Joe will advise the owner's representative to seek approval from Bridgeport

first and then come to us for approval second. The owner is getting a building permit from Shelton and he has to provide a means for his sewage. Joe said if Bridgeport approves them they would have to pay the assessment in full and he asked Attorney Kokenos to confirm if that is correct because we would not have the right to lien the property. Attorney Kokenos said we do not do that without consent of the owner because it is outside our jurisdictional limits. So, the issue is their coming to us to request permission to do this and one of the conditions that we would have to say to approve it is to be allowed the right to lien or you have the right to pay it off in full. Frank said the owner is hoping that if he does get approval from Bridgeport that we would allow him to pay an assessment over time. The assessment would be based on the minimum frontage for an acre lot which is 150 feet. Commissioner Pulie wanted and got confirmation it would be based on the entire lot size and not just the portion in Trumbull.

Attorney Kokenos said needs to be discussed further and let the applicant go to Bridgeport first and then we'll discuss the issue about whether we are going to file an assessment or require them to pay up front. He knows this issue has come up a couple times before and he's not sure what the commission's policy was. He would have to go back and look and see what was done once they received the approval. He needs to check if the commission allowed by agreement to pay over time and if we filed something of that nature that ran with the land or was it required that it be paid up front. He will check what the policy was the last few times. They need to get the approvals first and then the commission will deal with it.

Owens, Schine & Nicola Monthly Invoices.

Invoice #13466: Re: VonStein v. Town of Trumbull - \$17.00.

MOTION made Egri seconded Hampford to approve Owens, Schine & Nicola invoice number 13466 VonStein vs. Town of Trumbull in the amount of \$17.00. No Discussion. MOTION CARRIED UNANIMOUSLY.

Invoice #13467: Bridgeport Regionalization Sewer Agreement - \$6,200.00

MOTION made Egri seconded Hampford to approve Owens, Schine & Nicola invoice number 13467 Bridgeport Regionalization Sewer Agreement in the amount of \$6,200.00. No Discussion. MOTION CARRIED UNANIMOUSLY.

Invoice #13468 – Mark IV Contract 4 Litigation - \$1,207.00.

MOTION made Hampford seconded Pulie to approve Owens, Schine & Nicola invoice number 13468 Mark IV Contract 4 Litigation in the amount of \$1,207.00. No Discussion. MOTION CARRIED UNANIMOUSLY

HC2, Inc. Invoice – WPCA Arbitration Paper Document Review 14010-04015. Attorney Kokenos said this is the invoice for the document review team that they hired because there were over 100,000 documents to go through. It was much cheaper for the commission to do it this way rather than use an additional attorney from his office. It cost much less than anticipated, was completed in five days and only required one attorney from his office to be there so WPCA was only billed one. They were reviewing documents as they were overseeing the two people that were with them and were able to get through everything in five days. Also, Christine Kurtz from Wright-Pierce came for one day to go through a lot of the engineering documents.

MOTION made Hampford seconded Pulie to approve HC2, Inc. invoice 1-59177 through Owens, Schine & Nicola in the amount of \$2,064.72. No Discussion. MOTION CARRIED UNANIMOUSLY.

Ury & Moskow: Invoice #61264 - Contract Dispute – Town of Trumbull v. Mark IV Construction, et al - \$1,462.50.

MOTION made Egri seconded Pulie to approve Ury & Moskow invoice 61264 in the amount of \$1,462.50. No Discussion. MOTION CARRIED UNANIMOUSLY.

MOTION made Egri seconded Pulie to move Agenda item number 9 - Any other business that may come before the Authority out of order. No Discussion. MOTION CARRIED UNANIMOUSLY.

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

Joe Solemene said this is a request for permission to extend a lateral connection for an approved subdivided building lot. They are going to expose the sewer lateral and connect to the sewer system. He passed out plans for lot 2 parcel 268 prepared by Baywest, LLC. He said they are going to expose the sewer lateral. He said they would have to expose the main line, saddle the line and extend the lateral onto the property to service the house. They will be assessed at the rate that was determined when the sewer main line went in. The assessment would be \$15,425.00 based on \$119.40 a linear foot with 125 feet frontage and liened in July for 18 years at the interest rate that was bonded at the time the subdivision was approved. Joe said originally using the lateral next door was requested and he and the Bill in our engineering office reviewed that plan and denied that request. Discussion included review of the plans, punch list, individual lateral to service this property and not using existing lateral next door, sewer permit and inspection. Commissioner Pulie noted the elevations shown on the house are not right. They need to correct the first floor elevation from 181 to 481 and the basement/garage from 172 to 472. Commissioner Hampford questioned if the lot has been approved and Joe confirmed it has. MOTION made Hampford seconded Pulie to approve the lateral extension on Tashua Lane for parcel 268 according to the Baywest, LLC plan. No Discussion. MOTION CARRIED UNANIMOUSLY.

8. Executive Session.

MOTION made Egri seconded Pulie to move into executive session to discuss preliminary drafts and/or notes as set forth by C.G.S. 1-20(b)(1) and/or 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
- Update of the 20 and 59 account audit

Remaining in the executive session will be the WPCA Commission, Attorney Kokenos, Frank Smeriglio, Joe Solemene, Fred Mascia and Christine Kurtz. No Discussion. MOTION CARRIED UNANIMOUSLY.

At 7:30 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 Colucci 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 October 28, 2013 WPCA meeting at 9:01 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

There being no other business before the Authority,

MOTION made Egri seconded Hampford to adjourn the October 28, 2013 WPCA meeting at 9:02 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

Submitted by,

Joyce Augustinsky
Clerk of the Commission