

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
January 9, 2014

Members Present:

Karen Egri, Chairman
Timothy Hampford (arrived 7:30)
Jeffrey Wright
Fred Palmieri

Members Absent:

Laura Pulic, Vice Chairman

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 January 9, 2014 WPCA meeting to order at 7:00 p.m.

The chairman introduced two new Commissioners, Fred Palmieri, former Town Council member and Jeff Wright former Inland/Wetland Commission member. She welcomed them and thanked them for their dedication and willingness to serve on the Commission. They replace Commissioners Ennio DeVita and Edna Colucci who resigned upon their elections to Town Council.

1. Minutes to previous meeting.

November 13, 2013. The commissioners present were not in attendance at the November 13th meeting, therefore the Chairman asked for a motion to table the approval vote of the Minutes to the next meeting. MOTION made Palmieri seconded Wright to table approval of the Minutes of the November 13, 2013 meeting to the next meeting. No Discussion. MOTION CARRIED UNANIMOUSLY.

2. New Business.

Owens, Schine & Nicola Monthly Invoices:

Invoice 13497: Bridgeport Regionalization Sewer Agreement \$12,810.00. The commissioners reviewed the invoice. Frank Smeriglio said this invoice is for Attorney Kokenos' time in dealing with our negotiations with Bridgeport. Attorney Kokenos indicated he will go into more depth regarding this in executive session. Chairman Egri asked if there was a motion to approve the invoice. Discussion included questions regarding previous balance shown on the bill and available budgeted funds.

MOTION made Palmieri seconded Wright to approve Owens, Schine & Nicola invoice 13497 in the amount of \$12,810.00. Discussion. MOTION CARRIED UNANIMOUSLY.

Invoice 13498: Mark IV – Contract 4 Litigation \$374.00. The commissioners reviewed the invoice and the chairman asked for a motion to approve the invoice.

MOTION made Wright seconded Palmieri to approve Owens, Schine & Nicola invoice 13498 in the amount of \$374.00. No Discussion. MOTION CARRIED UNANIMOUSLY.

Ury & Moskow Invoice 61526: Contract Dispute – Town of Trumbull v. Mark IV Construction, et al - \$2,785.00. Attorney Kokenos said as clarification this is regarding Contract 3 litigation on the Jog Hill project which is being handled by outside counsel. The commissioners reviewed the invoice and the chairman asked for a motion to approve the invoice.

MOTION made Palmieri seconded Wright to approve Ury & Moskow invoice 61526 in the amount of \$2,785.00. No Discussion. MOTION CARRIED UNANIMOUSLY.

American Arbitration Association Invoice \$26,060.00. Frank Smeriglio said this invoice is for the arbitration that we are currently in with Bridgeport. Attorney Kokenos said pursuant to the Contract if there was arbitration the cost for arbitration is shared between the parties and this is Trumbull's share. He explained there are 3 arbitrators according to the Contract that we have that were appointed to adjudicate the issues and this is a bill from the American Arbitration Association. Those 3 attorneys do not submit their individual bills to the parties, they submit their bills to AAA and AAA generates the invoices and sends out the invoices for payment. It is an AAA invoice, but it's the time for the three arbitrators. There will be subsequent invoices because this is ongoing and hearings were held on December 3rd and 4th. He will address this further in executive session. The chairman asked for a motion to approve the invoice. The commissioners reviewed the bill and inquired if there will be additional bills. Discussion included AAA's billing format, Attorney Kokenos' brief synopsis of the arbitration billing procedures and AAA current proceedings, future hearings, filings, meetings and decision. He also said there is going to be additional billing. Chairman Egri noted the Commission anticipated this and funds were budgeted to cover this.

MOTION made Wright seconded Palmieri to approve American Arbitration Association invoice in the amount of \$26,060.00. Discussion. MOTION CARRIED UNANIMOUSLY.

Computer Reporting Service Invoices – Town of Trumbull vs. Bridgeport WPCA:

Attorney Kokenos explained for the arbitration we had to take depositions and a court reporter had to be there to take down the deposition transcript. The following invoices are based on time and are the charges for the court reporter for those depositions. The commissioners reviewed the invoices.

Invoice 886 - \$589.25. The chairman asked for a motion to approve the invoice.

MOTION made Wright seconded Palmieri to approve invoice 886 in the amount of \$589.25 to Computer Reporting Service. No Discussion. MOTION CARRIED UNANIMOUSLY.

Invoice 888 - \$456.50. The chairman asked for a motion to approve the invoice.

MOTION made Wright seconded Palmieri to approve invoice 888 in the amount of \$456.50 to Computer Reporting Service. No Discussion. MOTION CARRIED UNANIMOUSLY.

Invoices 891 - \$187.50, Invoice 893 - \$126.50, Invoice 895 - \$337.50. Commissioner Palmieri requested invoices 891, 893 and 895 be approved in one motion. The chairman asked for a motion to approve the remaining three invoices for Computer Reporting Service. Discussion included Commissioner Wright's inquiry regarding who was deposed and Attorney Kokenos response that they were witnesses in the contract dispute litigation with the City of Bridgeport. Mark Anastasi, Peter Harris, Daniel Schopick, David Wilson and Paul Kallmeyer were all deposed because they were involved in the negotiations of the contract back in 1997.

MOTION made Palmieri seconded Wright to approve invoice 891 in the amount of \$187.50, invoice 893 in the amount of \$126.50 and invoice 895 in the amount of \$337.50 to Computer Reporting Service. Discussion. MOTION CARRIED UNANIMOUSLY.

Brandon Huseby Reporting & Video Invoices \$2,419.67 and \$535.74. Attorney Kokenos said we had to take the deposition of a gentleman who resides in South Carolina that was also involved in negotiations of the contract with the City of Bridgeport. The Commission previously decided it would be too costly to fly to South Carolina so instead of spending money to fly to South Carolina the Commission decided to do this by video deposition which

would be cheaper. These invoices are for the company setting set up the video deposition in South Carolina and for setting up the location in New Haven where our attorney went to take the deposition in a teleconference. The commissioners reviewed the invoices and Attorney Kokenos summarized the charges. Chairman Egri noted the Commission did discuss this the last time it met and did authorize Attorney Kokenos to do this. The commissioners reviewed the invoices and the chairman asked for a motion to approve both invoices. MOTION made Wright seconded Palmieri to approve invoices for job numbers 20153 and 20006 for Brandon Huseby Reporting and Video. No Discussion. MOTION CARRIED UNANIMOUSLY.

GOFOR SERVICES Invoice \$127.53. The commissioners reviewed the invoice. Attorney Kokenos explained a document had to be delivered to Robinson and Cole prior to the deposition that was ordered by the arbitrators. Rather than take the chance of mailing it overnight this invoice is for it being hand delivered to make sure it got there. The chairman asked for a motion to approve the invoice. MOTION made Palmieri seconded Wright to approve the invoice for GOFOR Services in the amount of \$127.53. No Discussion. MOTION CARRIED UNANIMOUSLY.

FALZARANO COURT REPORTERS, LLC Invoice \$3,704.38. The commissioners reviewed the invoice. Attorney Kokenos said this is the charge for the court reporter for the actual hearing. It was a two day hearing and the charges were split between the parties. It is at an expedited rate because the court reporter had to take down all the testimony and the arbitrators demanded that our post-trial brief would be due by January 17th. He noted you can't write the post-trial brief unless you have the transcript so that is why it had to be expedited. The chairman asked for a motion to approve the invoice. Commissioner Wright said he will hold his discussion and questions for the executive session. MOTION made Wright seconded Palmieri to approve invoice 01399939 for Falzarano Court Reports, LLC in the amount of \$3,704.38. No Discussion. MOTION CARRIED UNANIMOUSLY.

The Chairman asked for a motion to move the item under new business 2013-2014 budget discussions out of order. MOTION made Palmieri seconded Wright to move the Agenda item 2013-2014 budget discussions out of order. No discussion. MOTION CARRIED UNANIMOUSLY.

2013-2014 Budget Discussions. Frank Smeriglio said he is working on the budgets for 2014-2015 fiscal year which goes from July 1st through June 30th next year. He has to submit a draft to Maria Pires by the end of the day tomorrow so she can start reviewing it. He will provide the commissioners with a draft they can review for the next meeting and they are welcome to come in and meet with him to go over it line by line. The final version for the commission's review and approval will be discussed at the January 22, 2014 meeting. Chairman Egri suggested the commissioners take Frank up on his offer to meet with him because she has sat with him in the past and they have gone item by item. She also mentioned that the commission has started to put in some capital improvement plans in our budget which hasn't been done before.

Transfer of funds to support the tax department collection of delinquent accounts. Frank explained the WPCA currently funds ninety percent of one tax department person's salary. She is the one that coordinates sending the WPCA sewer usage bills out. She does the collecting and does the coordinating with the computer software system to track the status of the collection of sewer usage fees. Over the last couple years more and more fees were starting to become delinquent so the WPCA gave the tax department an additional \$5,000 a year for a second person to help with delinquent accounts. She is calling the residents with delinquent sewer usage accounts, she coordinates with mortgage companies to help with collecting these funds and so far this year she was able to collect \$251,000. For this current year we budgeted \$5,000 to have this second part-time person help with collection and the \$5,000 is depleted. In one of our accounts we have \$5,000 for professional services for the tax department and he is asking for approval to designate another \$7,000 out of the account that we have for this

person to continue working for the remainder part of the year to help collect delinquent sewer usage payments. Discussion included collections reverting back to having only one tax department person focusing on delinquent accounts; additional payments ensuing in positive results by having a second person's additional collection efforts; WPCA's \$5,000 helped collect \$251,000 from July 1st to the middle of December; prior handling of delinquencies by town attorneys and commencement of foreclosure proceedings. Frank pointed out since we instituted this she was able to collect \$1,116,000 since October, 2011. Questions relating to why it comes out of the WPCA budget and not the Town's or Tax Collector's budgets were also discussed. It was noted prior to October, 2011 there was no one in the tax department dedicated to collection of delinquent sewer usage accounts. Attorney Kokenos briefly summarized the in-kind services between the Town and the WPCA where there are certain services that overlap for both.

Attorney Hampford arrived and Chairman Egri and Frank Smeriglio briefly highlighted the current discussion for him.

Frank and Commissioner Hampford reiterated the benefits received from the additional collection efforts and briefly explained about being an enterprise fund and end of year true-ups. Chairman Egri asked for a motion to approve the additional \$7,000 for the tax department collection of delinquent WPCA accounts.

MOTION made Wright seconded Palmieri to approve an additional \$7,000.00 for the tax department collection of delinquent WPCA accounts. No Discussion. MOTION CARRIED UNANIMOUSLY.

3. Executive Session.

Chairman Egri asked for a motion to go into executive session.

MOTION made Palmieri seconded Hampford 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

No Discussion. MOTION CARRIED UNANIMOUSLY.

Remaining in the executive session will be WPCA Commissioners Wright, Palmieri, Hampford, Egri, Joe Solemene, Frank Smeriglio, Fred Mascia, Christine Kurtz and Attorney Kokenos.

At 7:34 p.m. the tape recorder was turned off, the clerk left the room and the Commission went into executive session.

At 9:04 p.m. the clerk was called back into the room and the recorder was turned on.

The Chairman asked for a motion to close executive session and state for the record that no vote was taken. MOTION made Palmieri seconded Wright to close executive session and to state for the record that no vote was taken. No discussion. MOTION CARRIED UNANIMOUSLY.

The Chairman asked for a motion to reopen the monthly meeting of the WPCA.

MOTION made Hampford seconded Palmieri to reopen the monthly meeting of the WPCA at 9:03 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

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

Frank Smeriglio said he recently received two invoices that he would like to present to the Commission.

BLUM SHAPIRO Invoice \$12,000.00. This invoice represents Blum Shapiro's time to do a financial audit on the WPCA's 20 and 59 accounts. He explained the Commission asked for the audit 2 or 3 years ago. Blum Shapiro

does the audits for the Town and this is the first time the WPCA used them for an audit. Frank said we have draft results and the reason they are not completed results is because we don't have all the invoicing in for the Contract 4 project. In light of the fact that the Commission does not have tangible results Commissioner Palmieri asked to table discussion until the next meeting.

MOTION made Palmieri seconded Wright to table the Blum Shapiro invoice discussion until the January 22, 2014 meeting. No Discussion. MOTION CARRIER UNANIMOUSLY.

The second invoice was not discussed and Attorney Kokenos explained he just received the invoice and it could wait until the next meeting.

Election of Officers.

Chairman Egri noted the Commission is seeking officers for Chairman, Vice Chairman and Secretary. She stated this is her last WPCA meeting as she will be resigning. She thanked everyone for their dedication and advice that she has worked with over the past five years. She said this has been a great experience for her and she is very honored to have served on this Commission.

Chairman Egri asked for a motion for the next Chairman of the Commission. Commissioner Palmieri nominated Jeffrey Wright as Chairman. There being no other nominations, a vote was taken.

MOTION made Palmieri seconded Hampford to nominate Jeffrey Wright as Chairman. No Discussion. ONE ABSTENSION (Wright). MOTION CARRIED.

Chairman Egri thanked Commissioner Wright for his willingness to serve on the Commission.

The Chairman asked for nominations for Vice Chairman. Commissioner Wright nominated Fred Palmieri as Vice Chairman. There being no other nominations, a vote was taken.

MOTION made Wright seconded Egri to nominate Fred Palmieri as Vice Chairman. No Discussion. ONE ABSTENSION (Palmieri). MOTION CARRIED.

Chairman Egri thanked Commissioner Palmieri for his willingness to serve on the Commission.

The Chairman asked for nominations for Secretary. Chairman Egri nominated Tim Hampford as Secretary. There being no other nominations, a vote was taken.

MOTION made Egri seconded Palmieri to nominate Timothy Hampford as Secretary. No Discussion. ONE ABSTENSION (Hampford). MOTION CARRIED.

Chairman Egri thanked Commissioner Hampford for his willingness to serve on the Commission.

Commissioner Wright noted the Commission is missing one member tonight. Chairman Egri said it is a five member Commission with two alternates.

There being no other business before the Authority, Chairman Egri asked for a motion to close the January 9, 2014 meeting.

MOTION made Palmieri seconded Hampford to adjourn the January 9, 2014 WPCA meeting at 9:16 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

Submitted by,

Joyce Augustinsky
Clerk of the Commission