

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**  
**February 26, 2014**

Members Present:

Jeffrey Wright, Chairman  
Laura Pulie  
Fred Palmieri, Vice Chairman  
Timothy Hampford, Secretary (arrived 8:00)  
John Gray, Alternate (voting)  
Paul Whetstone, Alternate (voting)

Also Present:

Frank M. Smeriglio, PE, Town Engineer  
Joseph Solemene, Assistant WPCA Administrator  
Dennis Kokenos, Esq. Town Attorney  
Christine Kurtz, Wright-Pierce  
John Marsilio, Director of Public Works  
Edna Colucci, Town Council Member

Chairman Wright called the February 26, 2014 WPCA meeting to order at 7:05 p.m.

MOTION made Wright seconded Pulie to move out of order the first Agenda item under New Business, St. Joseph's High School sewer usage charges. No discussion. MOTION CARRIED UNANIMOUSLY.

**5. New Business.**

St. Joseph's High School: Sewer usage charges: Bill Fitzgerald president of St. Joseph's High School and Joe Dzurenda director of facilities were present. Mr. Fitzgerald thanked the Town of Trumbull for putting in sewers and said they are asking for the commission to adjust their water usage bill for the last quarter which is in excess of \$12,000. That was unexpected because they were billed on annual use rather than the winter use which they were told by Clair Gerard would be the basis of the billing. He said they are prepared to put in a meter with Aquarion to take care of the problem going forward, but on the advice of Mr. Gerard they assumed they would be billed on the winter usage. He said they have several athletic fields that they share with the town baseball, softball, the gym, the track, and the town band is there on Saturdays and they have a good relationship. It certainly is a budget buster and they are hoping the commission will see fit to adjust the bill.

Frank Smeriglio gave the following background. Our contract with Bridgeport is that we pay Bridgeport based on actual consumption. When they spoke with Claire back in September of 2011 that's what the billing was with the sewer users. In February of 2012 there was a public hearing to propose to make the change to go to actual consumption, there was a legal notice, there was a public hearing and there was a vote in March of 2012 and the policy was changed. In April of 2012 it went into effect where you could have a second meter installed. The issue at hand was that St. Joseph's didn't have a second meter and the policy was changed in 2012. Commissioner Pulie questioned if St. Joseph's was on the list and received the letter and notice that was sent to high users letting them know the change was going into effect. Frank noted they would not have been on that list because they were not a sewer user at that time because they were part of the contract 4 sewer project. But what was done as part of the sewer assessments is that we had public hearings and we had to produce a summary report of all the questions and answers that all the residents had and then we had to share that with all of the residents on the sewer project. One

of the questions talked about the sewer usage and we had to further explain that the sewer usage was part of the actual consumption and not the consumption for the winter quarters. We sent letters out to all the residents, including the high school, that said we have this summary of all questions and answers it's on our website and it could be provided to them and there were public hearings in December of 2012. Frank said the usage they are referring to and requesting a credit for is the summer usage of 2013 and our policy went into effect in February of 2012. He noted unless there is a credit from the water company we have to pay Bridgeport. Brief discussion regarding end of year true-up, payment to Bridgeport and billing change from averaging to actual consumption followed. Mr. Fitzgerald stated their argument is they had intended to put that meter in and then on the advice of Mr. Gerard they did not. Frank said the advice he is referring to is from 2011 and that was the policy in 2011 and in 2012 the policy changed. Joe Dzurenda noted they are watering fields and acres for baseball that they share with the town for little league, Babe Ruth, softball and they have a reciprocal agreements with Parks and Rec and the Board of Ed, the volley ball team plays there and the band is there on Saturdays. He also noted some of the information may have gone to the Diocese of Bridgeport on Jewett Avenue and they never got any of the information. They are taking action Aquarion is coming in and their plumber is coming in and it is going to be corrected by March. Mr. Fitzgerald said he thinks they were misled. Frank Smeriglio said the issue is that they had a conversation with our inspector in 2011 and his response was the correct response. In 2012 is when we went through a whole policy change with legal notice and public information that we are going to actual consumption and this was in March 2012. He said they hooked in between summer and December of 2012 and the usage they are referring to is the usage that was in the summer of 2013 which is year and a half after. He said he can't recommend to the board that credit should be given because it is a year and a half later. He noted the credit they are looking for is for the sprinkler use in the summer of 2013. So, the point that Frank is making is that we went through our proper notice to make a policy change and we can't give a credit unless Aquarion gives them a credit. Brief discussion regarding billing periods, policy change procedures, public hearing notices and legal notices followed. Mr. Fitzgerald inquired if a recommendation or notice was sent to the school regarding the building now being on an annual basis and Frank explained the procedure and notices for when policy changes are made. He also said as part of the assessments for the sewer assessments we did a summary of questions and answers for residents who asked questions and one of the questions was to explain the sewer usage process and we explained the sewer usage is based on actual consumption. What we did with it was we had a public information meeting in December of 2012 explaining this, we sent letters out to the residents that this information is available on our website and if you don't have access to the website call us and we can provide one to you. Frank again stated that we can't give a credit unless Acquarion provides a credit. Examples of when we can provide credits are if they connected December 15<sup>th</sup> and somehow the sewer usage bill started in October 1<sup>st</sup> or if there is a leak in the line and only if Acquarion reduces the usage. Chairman Wright said he looks at this from the position that it puts the board in a difficult, awkward position because if things move in the direction they wish them to move then every month there may be other entities coming through as well and now a precedent has been set. Mr. Fitzgerald wanted to know if other schools found themselves in the same situation that they are in. That information is not known. Frank said when this policy changed any resident that had a high usage received a letter and he noted St. Joseph's was not on the system, but as part of our sewer summary questions and answers that was a question that was asked and answered as part of the information meeting and it was part of letters that was sent out to all the residents. Mr. Fitzgerald said he feels they slipped through the cracks and are not asking for special treatment other than the adjustment. Chairman Wright said that would be setting a precedent and Frank noted he doesn't think the commission can vote on giving them a credit unless Acquarion changes the consumption. We have to pay Bridgeport based on the Acquarion water bill and Bridgeport bills the town for everything that is metered. Mr. Fitzgerald thanked the commission.

## **2. Contract 4.**

Progress report. Frank Smeriglio:

There hasn't been much change since the last meeting because it's the winter. We are getting setup to deal with the last couple of easements. There are four roads left to pave and then the project is physically completed.

### **3. Wright-Pierce Update.**

#### Phase 3. Christine Kurtz:

Two weeks ago Christine and another engineer from her office met with Bill and Frank and had a status meeting on various pieces of these projects. They were given the Phase 3 SSES report to review and they went over some of the highlights and recommendations of that project.

#### Phase 4. Christine Kurtz:

There is one more piece of fieldwork to do which is the CCTV work and the firm Green Mountain has been doing all the CCTV work for all three phases. They had them into their office last week to discuss the particulars of this area of study. Weather permitting they are planning to start that work mid-March. As it gets closer to that time they will work with Joe and Marc to let everyone know when Green Mountain will be out.

#### I/I Rehab Design Work. Christine Kurtz:

This is going to be one package with the design package and the bid construction to fix the cost effective leaks, manholes, and pipes. They will have a set to Joe and Frank within a week to review and the plan is currently to have that publically bid sometime this spring.

### **4. Old Business.**

#### 2014-2015 budget. Frank Smeriglio:

We had a Board of Finance meeting to present our budgets and went through the sewer budget and there were a lot of questions on our contract with Bridgeport. Now it goes to the Town Council and then to the Board of Finance and should be voted on next week. Frank indicated there were two line items that were reduced. The extraordinary expense item went down \$10,000.00 and the materials and supplies item went from \$25,000 to \$20,000. He will give an update at the next meeting.

### **5. New Business.**

Owens, Schine & Nicola: Monthly invoices. The commissioners reviewed the invoice. Attorney Kokenos said it is for all the hours from the actual hearing and the post hearing briefs. Attorney Kokenos said the bill should be \$240.00 less because the last entry which is the February 10, 2014 time charge should be on the Mark IV bill and not this bill. He apologized for the error and said the corrected amount is \$38,860.00. The chairman asked if there were any questions and there were none he then asked for a motion to approve the invoice.

MOTION made Pulie seconded Wright to approve the invoice for Owens, Schine & Nicola for \$38,860.00. No discussion. MOTION CARRIED UNANIMOUSLY.

Blum Shapiro: Invoice. None.

Brandon Huseby Reporting & Video: Invoice. This is for the charge for the transcript of the video deposition of Mr. Abate.

MOTION made Wright seconded Pulie to approve the Brandon Huseby Reporting and Video invoice for \$731.26. No discussion. MOTION CARRIED UNANIMOUSLY.

### **6. Executive Session.**

MOTION made Wright seconded Pulie to close the regular meeting and go into executive session to discuss preliminary drafts and/or notes as set forth by C.G.S. 1-210(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

No discussion. MOTION CARRIED UNANIMIOUSLY.

Remaining in the executive session will be WPCA Commissioners, Attorney Kokenos, Christine Kurtz, Frank Smeriglio, Joseph Solemene, John Marsilio and Town Council Member Edna Colucci.

At 7:40 p.m. the tape recorder was turned off, the clerk left the room and the Commission went into executive session. Tim Hampford joined the executive session at 8:00 p.m.

At 8:45 p.m. the clerk was called back into the room and the recorder was turned on.

MOTION made Wright seconded Pulie to close executive session and to state for the record that no vote was taken. No discussion. ONE ABSTENTION (Hampford) MOTION CARRIED.

MOTION made Wright seconded Pulie to reopen the monthly meeting of the WPCA at 8:46 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

### **1. Minutes to previous meetings.**

November 13, 2013. Commissioner Pulie asked about the location of the pool referred to by Christine Kurtz under the Phase 4 update. Christine and Joe Solemene said the pool she was referring to is Beaches pool.

The following correction and/or addition was requested:

Page 1 – third line from the bottom – “...time to get that extra work in by the pool.” requested it be changed to “...time to get that extra work in by Beaches pool.”

MOTION made Pulie seconded Hampford to amend the November 13, 2013 Minutes to include 'Beaches' pool and to approve the November 13, 2013 Minutes. No discussion. THREE ABSTENSIONS (Wright, Whetstone, Gray). MOTION CARRIED.

January 22, 2014. There were no questions, comments or additions regarding the January 22, 2014 Minutes.

MOTION made Wright seconded Pulie to approve the January 22, 2014 Minutes as written. No discussion. THREE ABSTENSIONS (Hampford, Whetstone, Gray). MOTION CARRIED.

### **7. Any other business that may come before the Authority.**

MOTION made Wright seconded Pulie to approve Attorneys Owens, Shine & Nicola to retain outside counsel to assist them in the arbitration hearings and issues with respect to the Bridgeport situation. No discussion.

MOTION CARRIED UNANIMOUSLY.

Discussion – St. Joseph’s High School Request: Chairman Wright suggested making a motion to table St. Joseph’s for discussion to next month. Commissioner Pulie requested to have the discussion now and asked if they should be directed to go to Bridgeport Aquarion. Joe Solemene said we have an agreement with Acquarion if they decide to give a discount for a water bill then we would match the discount. However, that Acquarion agreement has to do with leaks when a person has a leak on their property after the water meter. In this case there is no contention and there’s no discussion of if they used the water so he does not see how Acquarion could give them a discount. Frank summarized St. Joseph’s had a conversation with Clair Gerard who was our inspector in 2011. Clair gave them the correct information. But, in February of 2012 we went through the whole policy change including public meetings and notices. He could see if there was an issue that first year, but they’re talking about the sprinkler use in 2013. They said they hooked in the summer 2012 and we have it in our office as December 12, 2012. Chairman Wright said he finds it hard to believe and they couldn’t have paid attention because that was such a contentious issue. Is it the town’s responsibility to make sure that everyone is up to date on a continual basis or is it the end users responsibility to be up-to-date with town codes and changes? His other concern is setting a precedent. Why open that door? It would be setting a precedent after previous residents came before the commission with those

questions and requests. If the commission grants them an approval we still have to pay Bridgeport and that is the bottom line. Joe Solemene said the town people would have to absorb the cost if it is approved. Chairman Wright also noted the commission does not really have the authority to grant it and he thinks it is the user's obligation to pay attention. Frank indicated the only way that would change is if in our next potential contract with Bridgeport that the readings are based on the winter usage then we could switch back. Frank's recommendation to the Commission is to deny it if there's an action we take tonight and if there's any questions that we have that's for next month. Attorney Kokenos recommended if maybe this is tabled for next month just so it's at least on the agenda again so if someone from St. Joe's does want to attend it at least allows them the opportunity to be here. Frank said the only thing to remember is that the usage bill is due March 3<sup>rd</sup> so he thinks the commission needs to vote on it so that they can make the payment. Dennis said he was unaware of that and then they would have some delinquent interest on the charges. They need to know what they're going to have to pay so they can pay it. If the commission is not going to authorize a reduction they should know so they could pay the bill so they won't have to pay the interest. Because then the next thing that could happen is that the tax collector's office is going to have to entertain all these phone calls about forgiving and waiving interest. So it would actually be in their best benefit if the commission made a decision tonight and let them know.

MOTION made Hampford seconded Pulie to deny St. Joseph's High School request regarding sewer usage charges. Discussion. MOTION CARRIED UNANIMOUSLY.

Attorney Kokenos requested we alert them as soon as possible prior to the due date so there will be no issues with delinquency. Chairman Wright asked for a letter to be sent as soon as possible indicating to St. Joseph's what our deliberated decision is with respect to the rate reduction in this matter.

There being no other business before the Authority, Chairman Wright made a motion to close the February 26, 2014 meeting.

MOTION made Wright seconded Hampford to adjourn the February 26, 2014 WPCA meeting at 9:07 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

Submitted by,

*Joyce Augustinsky*  
Clerk of the Commission