

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**  
**June 25, 2014**

The Trumbull Water Pollution Control Authority held their monthly meeting on Wednesday, June 25, 2014 at 7:00 p.m. in the Long Hill Room, Town Hall, 5866 Main Street, Trumbull, Connecticut.

Members Present:

Jeffrey Wright, Chairman  
Fred Palmieri, Vice Chairman (left 8:15)  
Laura Pulie  
Timothy Hampford, Secretary

Also Present:

Frank M. Smeriglio, PE, Town Engineer  
Dennis Kokenos, Esq. Town Attorney  
Christine Kurtz, Wright-Pierce

Members Absent:

John Gray  
Paul Whetstone, Alternate

**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, June 25, 2014 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 properties:

<u>NAME</u>	<u>LOCATION</u>	<u>NUMBER</u>	<u>MAP</u>	<u>PARCEL</u>
Baywest Construction LLC (or current owner)	Tashua Lane	11	D/04	00268
Cullina, Joseph C. Jr. & Karen M.	Old Dike Road	74	I/07	00162
Faraldi, Timothy J.	Old Dike Road	72	I/07	00066

Chairman Wright convened the meeting and opened the public hearing at 7:06 p.m. He read the public hearing notice into the record. The chairman asked if anyone was present for Baywest Construction and there was no response. The chairman asked if there was anyone present for Joseph C. or Karen M. Cullina of Old Dike Road and there was no response. The chairman asked if anyone was present for Timothy J. Faraldi of 72 Old Dike Road. Mr. Faraldi was present and stated he would like to address and what he and have started to discuss is understanding how the assessment works. As a new purchaser of this home this was something that was undisclosed to him throughout the purchase and something clearly that was assessed and issued prior to the house, it is a new built construction. He is working with Frank to try to understand the process as well as how everything had gone about when the properties were originally assessed and how the subdivision assessments work. Frank gave a brief background of the 3 properties. Back in February 2012 there was an application before the board. A lot was subdivided into 3 parcels, there was an existing house and then there were 2 new empty lots that were created. As part of connecting into the sewer main the applicant had to request to the board permission to connect into the sewer line with these 2 new lots. At that time what was discussed was that we issued permission to connect into the sewer line and we told the applicant of what the assessment was going to be. It

was going to be typical to what was set up for the project at that time. So, we are just going through the formal process of assessing those 3 lots and notices were sent to the property owners explaining what the assessments were going to be and then what the options are for repayment of that assessment. Basically the repayment is you can either pay the full amount in one lump sum; pay the amount in 18 annual payments with an interest rate of whatever the interest rate was established during that project; or pay in four equal quarterly installments over the 18 year period. So, this is a public hearing for the residents who have any questions to go over them and Tim does have questions. Frank said ultimately today the commissioners will have to vote on whether the assessment is approved so that we can then continue the process of the notifications and billing them. He thinks maybe vote on the Tashua Lane one and hold off on the Old Dike one until next month while he works with Tim to answer his questions. Commissioner Pulie noted the original house that was there, the existing house, was assessed, they were provided the lateral so since then 2 lots were created – one lot was converted to 3 parcels – 1 with the existing house and 2 new lots. So there has to be 2 new laterals installed which hasn't been provided for and that was done already when they built the house. Commissioner Pulie confirmed with Mr. Faraldi that when he bought the house it had city water and sewers. He said no one told him he was going to be assessed and a brief discussion followed relating to contracts and disclosures. He noted he bought the house after the CO and closed after completion. In response to questions and comments regarding standard contracts, disclosures and seller representations Attorney Kokenos said he believes the standard real estate contracts for the Bridgeport Bar Association have a provision that specifically says that there are no notices of assessments or proposed assessments on the property and he thinks there are specific disclosures that mention it as well. Further discussion and comments included seller representations, assessments, hooking into sewer system and legal issues. In response to questions relating to the original owner and original frontage Frank said it appears that frontage that was paid was based on the maximum 175 feet for the entire frontage. Commissioner Pulie explained he did already pay for that he just paid the maximum based on 1 lot. Frank said we will have to continue to discuss this after the public hearing and to take a vote on whether to approve it or postpone until next month's meeting. Chairman Wright asked if there were any other questions or concerns. Mr. Faraldi said he will follow up with Frank.

There being no other questions or comments, the Chairman requested a motion to close the public hearing. MOTION made Palmieri seconded Pulie to close the public hearing at 7:20 p.m. No Discussion. MOTION CARRIED UNANIMOUSLY.

## **REGULAR MEETING**

The Chairman opened the June 25, 2014 monthly meeting of the WPCA at 7:19 p.m.

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

There were no questions, comments or modifications regarding the May 28, 2014 Minutes.

MOTION made Palmieri seconded Pulie to accept the May 28, 2014 Minutes as presented. No discussion. ONE ABSTENTION (Hampford) MOTION CARRIED.

### **2. Contract 4.**

Progress report. Frank Smeriglio said since the last meeting:

Roads: At the last meeting he reported that the remaining four roads were paved and we were doing punch list items on those four roads and those punch list items are completed. We went back and touched up some grass areas on four of the last streets we did late Fall last year.

Easement restoration: Still dealing with easement restoration because they take a while. We finished a restoration and then a tree along the easement fell and now we have to go back and go over the lawn that we just fixed and deal with the tree that fell, the roots and stump. There is still one easement that we still have to deal with from

scratch. It needs tree planting and other things and he has to get it all set up so as soon as the weather breaks the work can be done.

Injector Pumps: There are injector pumps that still need to be installed. What is happening is the contractor is taking a long time to complete the last installations so he will be issuing a letter. Frank explained the injector pumps go out to bid with a different vendor so that vendor has been installing pumps as the properties were released. We just cannot get him to complete these last 4 and there was nothing in the bid regarding a deadline. Frank indicated he has retainage from this vendor and he will be issuing a letter to him saying that if we have to go to the number two bidder that we will have to use his retainage to calculate the difference. Commissioner Palmieri wanted to know if we are looking at any potential cost because of this and Frank said the only additional cost would be dealing with a higher cost going to the second vendor. Brief discussion followed. Chairman Wright asked if there were any other questions regarding Contract 4.

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

Phase 3. Christine Kurtz said Phase 3 along with Phase 2 and 1 reports for the SSES studies went to the State of Connecticut for their review and approval.

Phase 4. They just received the closed circuit TV DVD of the inside of the pipes so their engineers will review that for defects and once that task is done the report can be finalized, draft given go Frank and eventually that will get submitted to the State as well. Frank said he has the Phase 2 drawings and specifications and he has the reports but has not watched the videos yet. He said for Phase 3 we did have a dollar amount in our capital plan to deal and if we need repairs then we have dollar amounts to deal with the I/I repairs.

I/I Study. Christine Kurtz said the I/I study is the Phase 2 recommendations went to the State for their approval should the clean water fund funding program get approved. It's a new reserve and they need to approve the plan and specs before it goes to bid if the Town is going to elect to use clean water fund money. This is a new program for this type of work with 20% grant and 80% loan. In anticipation of that happening we are asking them to review the documents. Frank said we have the dollar amount in our capital plan to do this. Since the State came up with funding to potentially pay for a portion of this we are sending the plans up to the State so they can review it and then then we may be able to apply for the money and put these out to bid and try to save some money. Christine noted this is rehabilitation so its full rehab of the pipe. She asked if there were any other questions and there were none.

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

None.

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

Owens, Schine & Nicola Monthly Invoices:

No invoices this month.

Ury & Moskow Invoice:

No invoice this month.

Law Offices of Benjamin S. Proto, Jr. - Invoice #834 \$1,935.00. Attorney Kokenos explained Attorney Proto was assisting the town with potential other operations for the services of treatment of waste. He will go into it more in executive session.

MOTION made Pulie seconded Palmieri to approve invoice number 834 from Benjamin S. Proto in the amount of \$1,935.00 for services rendered from March 12 to June 10, 2014. No discussion. MOTION CARRIED UNANIMOUSLY.

Proposed Bill 5581. Attorney Kokenos said he received a bulletin that John Marsilio received and forwarded to him. He thought it would be prudent to bring it to the commission's attention. He said there is legislation that is

currently seeking to have appeals from assessments go to the Board of Assessment Appeals. They are looking to add an administrative remedy for sewer assessments. He explained just like tonight when we had the public hearing the statute reads that if somebody is aggrieved they have 21 days from the notice of the assessment that was filed to file a complaint with the superior court. This proposed legislation would then give the person who is assessed the ability to go to the Board of Assessment Appeals to bring an appeal just like you would in a tax appeal. There is a significant amount of descent on this from a lot of people. Mainly because assessments are there to cover the cost that you have for the services being provided. You are taking it out of the WPCA's hands which is supposed to really not be a political body. The WPCA is an appointed body that is supposed to be providing a service here for waste water treatment and you are bringing it out of the WPCA's hands and in a Board of Assessment Appeals, in many Towns' Charters, in an elected position's hands. Also, it is putting it in the hands of someone who really doesn't have much information and background when it comes to why the assessments are levied. It is something that hasn't been done yet but he thought it would be prudent to let the commission know that it's there. The chairman wanted to know the genesis of this and Attorney Kokenos said he doesn't have that information and doesn't know who raised it. Discussion and comments followed relating to fiduciary responsibilities, setting assessments, bonding, concerns, reactions, speculation as to reasons why, needing connections between BAA and WPCA's and other possible WPCA changes that may occur. The chairman will do some research and get back to the commission. After the commissioners review this information Attorney Kokenos said next month he would formulate a response to the representatives or assist the commission in responding if the commission wants him to. Frank noted if it does pass we would have to create an ordinance to make that happen otherwise if we don't create the ordinance it still goes through the courts if there is an appeal. Attorney Kokenos noted if it is a statute that says they are going to do this then there may already be a statute that allows people to do it and it will just be an added power that the BAA has to judicate it rather than just car and real estate tax and personal property and we will have to see how it progresses. It was agreed to research this more and have further discussion next meeting.

MOTION made Wright seconded Palmieri to table further discussion of proposed bill 5581. No Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Discussions for Town of Trumbull proposed 2014-15 user rates. Frank said he has drafts with potential options for different rates. There are still some outstanding scenarios that will be discussed in executive session of some different factors of what is involved with as far as what our rate is. So we will have to discuss a few things in executive session and then come back to this. He said there are 3 options they have to think about. He informed the commission that Bridgeport did set their rate last week at \$5.95 so we have to finalize our rates, our maintenance fees and have a public hearing set up for July's meeting once we finalize our rate so we can then charge for the August billing.

Tighe & Bond. Frank said in a line item in our operating budget we have a value there to help us with consulting services for Contract 4 litigation and Contract 3 litigation. We have an existing purchase order for the 2013-2014 fiscal year and we have to open a new purchase order because we are going into a new fiscal year for 2014-2015. Frank noted for the 2013-2014 fiscal we are under what we approved last year. The commissioners reviewed two proposals for their approval to allow Tighe & Bond to continue to assist in litigation for Contract 3 and Contract 4 doing the same work they have been doing. It is at time and expense and they are working under our attorney's direction. Frank reiterated this is just authorizing the purchase order to use Tighe & Bond and voting on two separate proposals.

MOTION made Hampford seconded Palmieri to accept the Proposal for Contract 4 Project Closeout and Settlement assistance from Tighe & Bond dated June 18, 2014 for a budget amount of \$25,000.00. No Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made Hampford seconded Pulie to accept the Proposal from Tighe & Bond for Contract 3 Settlement Assistance dated June 18, 2014 for a budget amount of \$25,000.00. No Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Wright-Pierce. Frank said they are assisting us with our litigation with the City of Bridgeport. We have a purchase order for the 2013-2014 year and we need a new purchase order for fiscal year 2014-2015. He is requesting approval to approve Wright-Pierce's proposal. Christine Kurtz passed out copies to the commissioners for their review. Frank noted we have money budgeted in our account and this is just for the approval so he can pursue a purchase order to have Wright-Pierce's assistance. The chairman asked for a motion for approval of Wright-Pierce's proposal.

MOTION made Palmieri seconded Pulie to approve the Wright-Pierce Proposal dated June 24, 2014 for W-P Project Number 12510A. No Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

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

MOTION made Hampford seconded Pulie to move 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 UNANIMOUSLY.

Remaining in the executive session will be commissioners Fred Palmieri, Laura Pulie, Jeff Wright, Timothy Hampford, Christine Kurtz, Attorney Kokenos and Frank Smeriglio.

At 7:44 p.m. the tape recorder was turned off, the clerk left the room and the commission went into executive session.

At 8:44 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. MOTION CARRIED UNANIMOUSLY.

MOTION made Wright seconded Hampford to reopen the regular meeting at 8:45 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

It was noted for the record that commissioner Palmieri left executive session at 8:15 p.m.

**Public Hearing.** Frank said we had a public hearing earlier this evening about the assessments on three properties and the commission has to take a vote to levy the assessments on the properties so he can initiate the next step. Commissioner Hampford recommended to table Faraldi and he noted Mr. Faraldi was at the hearing. MOTION made Hampford seconded Pulie to table the Faraldi assessment discussion and vote until next meeting. No discussion. MOTION CARRIED UNANIMOUSLY.

MOTION made Hampford seconded Pulie to approve the assessments for Baywest Construction LLC, 11 Tashua Lane and Joseph C. Cullina, Jr. and Karen M. Cullina, 74 Old Dike Road. No discussion. MOTION CARRIED UNANIMOUSLY.

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

There being no other business before the Authority,

MOTION made Wright seconded Pulie to close the June 25, 2014 WPCA meeting at 8:50 p.m. No discussion.

MOTION CARRIED UNANIMOUSLY.

Submitted by,

*Joyce Augustinsky*

Clerk of the Commission