

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**  
**July 23, 2014**

The Trumbull Water Pollution Control Authority held their monthly meeting on Wednesday, July 23, 2014 at 7:00 p.m. in the Long Hill Room, Town Hall, 5866 Main Street, Trumbull, Connecticut.

Members Present:

Jeffrey Wright, Chairman (arrived 7:10)  
Fred Palmieri, Vice Chairman  
Laura Pulie  
Paul Whetstone, Alternate (Voting)

Also Present:

Frank M. Smeriglio, PE, Town Engineer  
Darin Callahan, Esq. Town Attorney  
Christine Kurtz, Wright-Pierce

Members Absent:

John Gray  
Timothy Hampford

**REGULAR MEETING**

Vice Chairman Palmieri noted Chairman Wright would be a little late. Recognizing a quorum he called the July 24, 2014 meeting of the Trumbull WPCA to order at 7:03 p.m. The first item he addressed was the public hearing portion of the meeting to postpone it until later.

MOTION made Palmieri seconded Pulie to postpone opening the public hearing until later in the Agenda. No discussion. MOTION CARRIED UNANIMOUSLY.

**1. Minutes to previous meetings.**

There were no questions, comments or modifications regarding the June 25, 2014 Minutes.

MOTION made Palmieri seconded Pulie to accept the June 25, 2014 Minutes as presented. No discussion. MOTION CARRIED UNANIMOUSLY.

**2. Contract 4.**

Progress report. Frank Smeriglio said since the last meeting:

Easement Restoration: Not much change from last month. We did finish one easement and another resident called and we will be meeting with him regarding another easement area.

Injector Pumps: As reported last month, we still have 4 injector pumps to install. We are still having issues with the contractor. We spoke to him and we sent him a letter saying this is the schedule that we need you to meet and if it is not met all matters will be turned over to our attorney. That letter went out 2 days ago. He said the contractor is a good worker, but we just need him to finish.

Paving: Paving is done. Striping is done.

Remaining: Finalizing easement. Homeowner is not happy with the way the grass is. Frank will meet with him, go over it and whatever the resolution is set it up for September.

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

Phase 3. Christine Kurtz said Phase 3 study along with Phase 2 and 1 as reported last month have been sent to the State for review. She said Frank is getting ready to implement the changes related to the immediate repair list and those are usually structural reasons other than I/I. Frank explained there are basically 2 lists of improvements that came out of the report. One was leaks and the other one was physical structure improvements of things to do. Vice-Chairman Palmieri requested the Commissioners get copies of the lists. Frank said Julian is working with us on structural improvements on our sewer system on Strobel Road. We have started there and from that list we are going on to our Phase 2 and Phase 3 recommendations from Christine. Strobel Road is its own little project and we appropriated money for that work last year as part of the WPCA 2013 capital plan. There are 8 chimney repairs and each one takes either a day or two and the work should be completed this summer. Frank explained the costs of chimney repairs are based on depth and he also explained what the charges include. Christine asked it will be just Phase 3 out in the field or 2 and 3 and Frank said we have money for 2 and 3.

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

Proposed Bill 5581. Tabled last month. Vice Chairman Palmieri asked if Attorney Callahan was familiar with proposed bill 5581 and he indicated he was. The proposed bill would deal with sewer assessments in the way you would deal with a real estate tax or property tax appeal. Vice Chairman Palmieri gave a brief synopsis of last month's discussion and said it would be an avenue outside of the WPCA to discuss sewer assessments. Attorney Callahan said that is accurate and as it stands right now there is no agency level really to process other than a public hearing and it would be a direct appeal to the superior court. Having the appeal heard by a hearing officer other than the WPCA or a WPCA designated hearing officer would be a carve out of the authority of the WPCA. It was noted it is a proposed bill and Attorney Callahan will look into it and get back to the Commission with a letter report regarding the status of proposed bill 5581 which he thinks is going to meet with resistance.

Chairman Wright joined the meeting and Vice Chairman Palmieri passed the Chair to him at 7:11 and indicated we are on item 4 on the agenda discussing proposed bill 5581.

The Vice Chairman said proposed bill 5581 is a legislated bill and was presented for the commissioners for their own avocation and it is not something we can take any direct action on. Frank said for our discussions we are probably against having an appeal at the local level versus the courts. Attorney Callahan explained when you have an administrative action and someone is aggrieved there is either a 1 step or 2 step process. If it is a 1 step process the appeal is directly to superior court and if it is a 2 step process there is the administrative appeal level and then there is the appeal to the superior court. In other words, if there is an avenue you appeal at the administrative level and you have to exhaust that remedy before you go to superior court. As it relates to this particular bill, the only action the WPCA really could take is to send a lobbyist or something akin to that to Hartford. Commissioner Pulie read Attorney Kokenos' comments from last month's meeting regarding formulating a response to the representatives or assist with formulating a letter from the Commission, so if the Commission wants him to do that they can request him to do that.

Assessment – 72 Old Dike Road. Tabled last month. Chairman Wright asked Frank for his recommendations.

Frank said last month the owner came in and had a bunch of questions and we tabled the assessment for this property so he could meet with him and go over his questions. What they found was last month he reported that there was 1 parcel that was divided into 3, but what it was is that there are 2 parcels that were combined and then divided into 3. His parcel 72 was an existing parcel that a lateral was provided for as part of the sewer project and because it was an empty lot they weren't assessed at that time. He believes the way the general statutes reads is that you can defer an assessment on a property if there is no dwelling there and so now that there is a dwelling we are now going through the assessment process. Commissioner Pulie said he should pay this and she recommends that. Frank said he represented last month that there was the contractor at our WPCA meeting about a year ago who received approvals for a connection, but that approval that was requesting was for that third lot that was being created and not for his lot. Although that builder that came in is the one that built the house and actually

built both houses. His recommendation is to approve the assessment because he believes we have the authority to do an assessment. Commissioner Pulie questioned wouldn't it be up to the seller of that lot to let the buyer know that the assessment was deferred? On that question Attorney Callahan suggested that there are some legal issues that would be appropriate to discuss in executive session before making a decision on this and he is in a position to give that analysis.

At this time the Commission will go forward with the Public Hearing portion of the meeting.  
MOTION made Wright seconded Pulie to close the regular meeting at 7:17 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

**PUBLIC HEARING**

Pursuant to section 7-255 of the Connecticut General Statutes, the Trumbull Water Pollution Control Authority hereby gives notice of a Public Hearing, Wednesday, July 23, 2014 at 7:00 p.m. in the Long Hill Room, Town Hall, 5866 Main Street, Trumbull, Connecticut.

Sewage Treatment fees:

Residential Sewage Treatment per CCF, currently \$5.95	Proposed \$ 5.95
Industrial/Commercial Sewage Treatment per CCF, currently \$6.51	Proposed \$ 6.51
Flat Rate Treatment per quarter, currently \$170.00	Proposed \$176.00

Unit Charges:

Residential Maintenance Fee per unit, per quarter, currently \$27.00	Proposed \$ 33.00
Industrial/Commercial Maintenance Fee per unit, per quarter, currently \$27.50	Proposed \$ 34.00

The new rates will be reflected on the next quarterly billing cycle mailed in August, 2014, covering the billing period through September, 2014.

Chairman Wright opened the public hearing at 7:18 p.m. and read the public hearing notice into the record. The Chairman stated any residents in attendance who would like to speak need to give their name and address. There being no one from the public in attendance, no requests to speak and no comments or questions, the Chairman made a motion to close the public hearing.

MOTION made Wright seconded Palmieri to close the public hearing at 7:20 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

**CONTINUATION OF REGULAR MEETING**

MOTION made Wright seconded Palmieri to reopen the regular meeting. No discussion. MOTION CARRIED UNANIMOUSLY.

The Chairman asked for a motion to discuss the user fees as laid out.

MOTION made Pulie seconded Palmieri to discuss the fees. Discussion. MOTION CARRIED UNANIMOUSLY.

Vote: Town of Trumbull proposed 2014-15 user rates. Frank explained basically our proposed rates are based on numerous factors. Bridgeport set their rate last month, they terminated our Contract, we have pending litigation regarding the rates for the last 2 years and we filed a rate appeal for the 2014-2015 rates because we don't agree on what they are charging us. Also, as part of our budget our capital plan focuses on our existing infrastructure. These improvements were initiated as part of our inflow and infiltration study program. So, based on the unknowns with our pending litigation and our proposed items in our approved budget we believe these rates will cover those items. He said our proposed rates remain the same, but the maintenance fee and flat fee we are increasing by \$6.00 a quarter for residents which turns out to be \$24.00 a year. Commercial properties are different as listed on the list. Basically that is the background to how we came up with the figures. The Chairman

asked if there was anything else to add or if there were any questions. Commissioner Pulie commented that we are directed by the State and we have to implement the I&I improvements so these increases will cover construction projects to repair the I&I. Frank said as part of our budget money was included to deal with capital improvements, pump stations and things identified in the Wright-Pierce reports for Phase 2, Phase 3 and we are currently in Phase 4. Commissioner Pulie said we never had any improvements like this in prior budgets to actually go out and physically fix all these deficiencies and defects. Frank explained the big push in the past has always been doing sewer projects, but now we have been taking a look at our existing infrastructure in the older systems and trying to put our focus on those items. It was noted the rate is not going up it is staying at \$5.95 the same rate from last year and the only difference is the maintenance fees.

MOTION made Wright seconded Palmieri to approve the rates as listed and presented. No discussion.  
MOTION CARRIED UNANIMOUSLY.

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

#### **Owens, Schine & Nicola Monthly Invoices:**

The Commissioners reviewed the invoices and discussion took place regarding having the invoices revised and updated to reflect payments. They would like the invoices to show the current month's charges and not have the balance listed that was previously approved for payment to avoid confusion when approving new charges. The Commissioners asked Attorney Callahan to get updated invoices showing only the current charges. They also requested in the future Owens, Schine & Nicola submit updated invoices either the day before or the day of the meeting showing payments and new charges and suggested not combining invoices and statements as one document. Discussion followed.

Invoice 13732: Bridgeport Regionalization Sewer Agreement - \$13,600.00. The Commissioners reviewed the invoice.

MOTION made Wright seconded Palmieri to approve and pay Owens, Schine & Nicola invoice 13732 in the amount of \$13,600.00. No Discussion. MOTION CARRIED UNANIMOUSLY.

Invoice 13733: Mark IV – Contract 4 Litigation - \$1,020.00. The commissioners reviewed the invoice.

MOTION made Wright seconded Pulie to approve and pay Owens, Schine & Nicola invoice 13733 in the amount of \$1,020.00. No discussion. MOTION CARRIED UNANIMOUSLY.

Invoice 13734: Mihaley – Town of Trumbull WPCA Sewer Assessment Appeal - \$1,380.00. The Commissioners reviewed the invoice.

MOTION made Wright seconded Palmieri to approve and pay Owens, Schine & Nicola invoice 13734 in the amount of \$1,380.00. No Discussion. MOTION CARRIED UNANIMOUSLY.

#### **Ury & Moskow Invoice:**

Invoice 62520: Contract Dispute-Town of Trumbull v Mark IV Construction, et al - \$1,275.40. The Commissioners reviewed the invoice.

MOTION made Wright seconded Palmieri to approve and pay Ury and Moskow invoice 62520 in the amount of \$1,275.40. No discussion. MOTION CARRIED UNANIMOUSLY.

Attorney Callahan advised 72 Old Dike Road needs to be added to the executive session.

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

MOTION made Wright seconded Palmieri 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
- Pending legal issues pertaining to 72 Old Dike Road

Remaining in the executive session will be commissioners Jeffrey Wright, Fred Palmieri, Laura Pulie, Paul Whetstone and Frank Smeriglio, Attorney Darin Callahan and Christine Kurtz. No discussion. MOTION CARRIED UNANIMOUSLY.

At 7:40 p.m. the tape recorder was turned off, the clerk left the room and the Commission went into executive session.

At 8:11 p.m. the clerk was called back into the room and the recorder was turned on.

MOTION made Palmieri 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 Palmieri to reopen the regular meeting at 8:12 p.m. 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 Palmieri to adjourn the July 23, 2014 WPCA meeting at 8:13 a.m. No discussion. MOTION CARRIED UNANIMOUSLY.

Submitted by,

*Joyce Augustinsky*  
Clerk of the Commission