

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**  
**April 23, 2014**

Members Present:

Fred Palmieri, Vice Chairman  
Laura Pulie  
Timothy Hampford, Secretary (arrived 7:10)  
John Gray, Alternate (voting)  
Paul Whetstone, Alternate (voting)

Members Absent:

Jeffrey Wright, Chairman

Also Present:

Frank M. Smeriglio, PE, Town Engineer  
Dennis Kokenos, Esq. Town Attorney (arrived 7:11)  
Christine Kurtz, Wright-Pierce

Vice chairman Palmieri called the April 23, 2014 WPCA meeting to order at 7:05 p.m. and informed the commission chairman Wright is not able to attend the meeting this evening so he will lead the meeting in his absence.

**1. Minutes to previous meetings.**

March 26, 2014. There were no questions, comments or modifications regarding the March 26, 2014 Minutes. The vice chairman called for a motion to accept the Minutes as presented. MOTION made Pulie seconded Gray to accept the March 26, 2014 Minutes as presented. No discussion. MOTION CARRIED UNANIMOUSLY.

**2. Contract 4.**

Progress report.

Frank Smeriglio said the milling contractor is expected to come into Trumbull next week and will do a couple of small little roads outside of the sewer project and then Carrousel, Copper Kettle, North Stowe and Kingsbury the four roads in the contract 4 area. That work will probably start towards the end of next week and then followed by the paving contractor. He said we are probably a week away from doing a few punch list items on some of the easement properties and it is still a little too cold to plant grass. There is still one easement that he needs to coordinate with the owner to restore the property. Another item to note is that there are two properties on Dogwood that have been working with Mark IV's insurance company because there are cracks in their houses and Attorney Kokenos is involved with the status of them. Frank summarized the damage complaints and discussion included location of the properties, blasting, vibrations from excavating, precondition and pre-blast surveys.

### 3. Wright-Pierce Update.

Phase 3, Phase 4, I/I Study and Clean Water Fund. Christine Kurtz said she spoke with Frank and they are going to submit Phases 1, 2 and 3 into the SSES or Sanitary Sewer Evaluation Studies that were the result of the I/I study to the DEEP for their review and approval. Shortly following that they will submit Phase 4. This goes hand and hand with the new clean water fund as new reserves in the current and upcoming clean water fund list for pump station rehab and I/I construction and rehabilitation. With the 20 percent grant 80 percent loans it is a new reserve and you just want DEEP to know that the Town of Trumbull is working on satisfying all the aspects in the violations. At this point Phases 1, 2 and 3 should be submitted now.

Phase 4. Christine Kurtz said the last piece of the field work the CCTV the closed circuit TV of the sewers. They are about 50 percent complete with the work in this study area. She noted looked at the area by Beaches pool that Joe Solemene wanted checked, areas of concern and manholes around Beardsley and there were no any big finds of leaking water. She noted they probably have some room to add extra footage to add in extra pipes.

Clean Water Fund. The comment period closed on the 21<sup>st</sup> of April and with these two reserves on the clean water fund list she has been asking George Hicks at the DEEP about the particulars of some of Trumbull's upcoming projects. So, as a result of that those comments are going in under the comment period of the clean water fund application. That helps because these reserves are new and shows that Trumbull is interested in using some of these funds. She spoke with George Hicks today and he thinks those reserves will stay on the list and he thinks they will go fast because its funding that hasn't been there in the past. She spoke with him specifically about the rehab that's ready to go to bid if we can get the design documents into them for review and approve it he thinks the finalized list will be ready in about six weeks or sooner. All that could probably line up nicely to get the 20/80 on that project. Then the next project would be Beardsley and the design and construction of Beardsley. The way he would like to administrate these new funds is to get the design contract approved, the towns pay for them upfront, you put one application in but only after it goes to bid and then we get reimbursed for design. With all this new funding there is going to be a lot more work for them to administer so they don't want too many applications coming in from one particular project. So the recommendation that she would suggest is that once we are ready to go to design get the design contracts into them for approval and then get the application in once it goes to bid.

Frank Smeriglio asked the following question: Say with our phase 2 I/I design that we have that we are reviewing right now, if those plans were completed in two weeks and we're ready to go out to bid and we submit an application into the state for money, how long do you think we would have to wait or put the actual activity on hold until we know if we are approved or not? Christine said it is going to be a first come first bases so you are going to be one of the first people on line for that money because you're not even asking for design money you didn't get the contract approved so they can't even give you design money. As soon as the plans go in all they have to do is approve the plans and then wait for the bids to come in so she doesn't think it's going to hold up the projected time line at all. You put the application in after bids so you would have to have 30 day bid period at least. Commissioner Pulie commented that the I/I is for removal and not for the studies it's for the actual removal and construction. She asked about Stonehouse Road or Roosevelt Drive areas that have been identified and where manholes show signs of infiltration. Frank said we're actually just about done with the needed work in the Roosevelt area. There are other roads in that area that we videoed outside of Wright Pierce and we saw there are leaks and his plan is to show Christine where those areas are to put that as part of the I/I project for 2015. There are four different categories of what we can ask for in the grant so we just have to get the right projects into the right grants. Then what will happen is putting in applications with what these are associated with and then he will present them to the commission to move them forward. He has to balance to make sure he doesn't just put everything on hold and that we still proceed with doing something. If we think it going to take six, seven months to find out if they are going to be approved maybe he could put in the 2014 capital plan projects versus some of our older last year's projects. The Chairman asked if there were any other questions and there were none.

**4. Old Business:**

5120 Main Street: Usage charge to State of Connecticut. Frank said this was discussed last month and put on hold because we weren't sure if the state demolished the building, if the lot was still considered a lot, or if it was part of the right-of-way. He determined that they knocked down the house and the property was discontinued as a property and made into the state right-of-way. The commissioners reviewed the packet Frank passed out which included: April 3, 2014 letter from the state explaining it is part of Route 15 right-of-way; an e-mail from our licensed surveyor Steven Earley who reviewed the drawing and confirmed the state's findings; sheet showing the property (the former lot) highlighted in pink/red; and an aerial showing the lot is not there anymore. The lot was made part of Route 15 right-of-way and is part of a buffer for the highway. This property was also removed from the grand list. We charged the state the maintenance fee every year since 2000 for a total of \$1,768.15 and they are asking for that back. The state is looking for a refund and the question is do we give them back 1 year, 5 years, 10 years or nothing? Attorney Kokenos said the state is not an exempt entity and if they owned a piece of property in Trumbull and used it and there was sewer use they would have to pay the sewer use fee. The billing timeframe was discussed and Frank said we have been charging since the house was demolished because it was not removed. Frank explained if you knocked down your house you still pay the \$27.00 because it is still on the grand list, but this property was made into a part of a road and its use changed. Questions and comments followed regarding procedures, demolition permit notice, use change missed and notifications for sewer and tax departments. The state has been paying this for almost 15 years and Attorney Kokenos said that is an issue too. He said if was a where someone just made their lot bigger or consumed another lot and they continued to get a bill they certainly would have brought it to our attention a lot quicker and the state never bothered to do that and they just continued to pay the bill. Discussion followed. Attorney Kokenos said normal course is if someone had a problem they would have brought it to our attention and if there was an issue where you didn't think it was supposed to be taken out then they would have the statutory right to bring an appeal. He said that obviously has lapsed and the state has no right to that appeal. They are not an exempt property, they would have to pay the maintenance fee under any other circumstance, the time to take an appeal to it has lapsed, but if it's something that is brought to your attention now you still have the discretion if you want to reverse it, then you certainly can. He explained the procedures and the process regarding notice that goes out every year that sets the sewer rates and appeal information. It was noted the state didn't do anything over the years and kept paying. Further discussion followed.

Frank said if the land was considered a park then we could probably still charge the state, but the only 2 entities that can convert a piece of land to a right-of-way is either the town or the state. Setting a precedent is not an issue because if someone knocks down a house it is still a lot and they still have to pay the maintenance fee.

Frank noted the maintenance charge is no longer being charged.

Vice chairman Palmieri asked if there is a motion on this.

Motion made Pulie that we don't pay it and we don't reimburse them for the past 14 years from 2000 and from here on just cease to bill them which we have done. There was no second. The vice chairman asked if there were any other motions. Commission Hampford asked for recommendations. Frank recommended a reimbursement. Questions included reasons for reimbursement, full or partial refund, why did it take so long and why did they keep paying?

The vice chairman asked for a motion.

MOTION made Hampford seconded Gray that we reimburse the State and refund the \$1,768.15 in full. No discussion. ONE OPPOSED (Pulie) MOTION CARRIED.

The vice chairman requested Frank take care of this matter.

Attorney Kokenos noted for the record that this in no way should establish any precedent as far as the maintenance fee for building lots or any of those scenarios. This seems to have been a clerical error where any other resident would have brought it to the WPCA's attention much sooner. The fact that the state did not do that certainly they are culpable, but in any other instance a rate appeal would have to be brought. The only reason this

is being entertained is because it was a clerical error that normally is brought to the town's attention much, much sooner.

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

Owens, Schine & Nicola Monthly Invoices:

Invoice 13611: Mark IV – Contract 4 Litigation - \$280.00;

Invoice 13615: Bridgeport Regionalization Sewer Agreement - \$14,436.00;

Invoice 13616: Von Stein vs. Town of Trumbull WPCA - \$240.00.

Attorney Kokenos summarized the invoices:

#13611 there hasn't been much action in this matter recently and will discuss this more in executive session;

#13615 has to deal with the declaratory judgment action his office filed as well as the motion to confirm the arbitration award. They had a significant amount of work on this matter in the last month and will expand on that more in executive session. It was a very much time intensive type of situation.

#13616 is an assessment appeal that they continue to try to get resolved and he will also go into this a little more in executive session.

The commissioners reviewed the three invoices.

There being no comments the vice chairman called for a motion to accept the three invoices as presented.

MOTION made Pulie seconded Hampford to approve payment of invoice numbers 13611, 13615 and 13616 for Owens, Schine & Nicola. No discussion. MOTION CARRIED UNANIMOUSLY.

Ury & Moskow Invoice: Invoice 62074: Litigation v Regional Water Authority - \$712.50. Attorney Kokenos explained attorney Moskow is assisting his office with respect to reviewing strategy and what we are going to do moving forward which is why there is this invoice.

The commissioners reviewed the invoice.

There being no comments the vice chairman called for a motion to make payment on invoice 62074 as presented.

MOTION made Pulie seconded Gray to approve payment of invoice number 62074 for Ury and Moskow. No discussion. MOTION CARRIED UNANIMOUSLY.

Attorney Kokenos said there is a retainer agreement with his office with regards to the City of Bridgeport litigation. In that retainer agreement the WPCA has already authorized them if there is a need to consult or deal with outside counsel that they are allowed to do so. He explained that is why this invoice is addressed to his office and why it is being brought to the WPCA in that manner.

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

MOTION made Palmieri seconded Gray 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, Tim Hampford, John Gray and Paul Whetstone, Attorney Dennis Kokenos, Frank Smeriglio, Christine Kurtz.

At 7:38 p.m. the tape recorder was turned off, the clerk left the room and the Commission went into executive session.

At 8:33 p.m. the clerk was called back into the room and the recorder was turned on.

MOTION made Palmieri seconded Pulie to move out of executive session at 8:33 p.m. and to state no vote was taken. No discussion. MOTION CARRIED UNANIMOUSLY.

The vice chairman asked for a motion with regard to the supplemental appropriation discussion that was held in executive session and the motion was made by commissioner Hampford and seconded by commissioner Pulie. Discussion: Frank said as part of the 2013-2014 budget when we were going through the budget process in January 2013 our line item 5222204 sets aside dollars to pay Bridgeport. Subsequent to our budget process the city of Bridgeport raised their sewer user rates approximately 35%. We set our sewer usage rates accordingly, but what we have to do is go to the board of finance to request a supplemental appropriation to increase our line item to pay the city of Bridgeport to account for that 35% increase in rates. Frank handed out and went over paperwork he will be presenting to the board of finance. He went over the summary on page 2 and the balance needed in the amount \$1,120,000.00. He explained we would take that money from our operations account and then because we are collecting the revenue to account of this that money gets put back into our operating account at the end of the year. Commissioner Pulie wanted it noted that this is a line item transfer and not an increase in bills. Frank reiterated it is really a transfer from our operating account to our line item account and then our revenue gets transferred into our operating account.

The vice chairman asked if there was any further discussion on this motion. Hearing none he asked for the vote. MOTION made Hampford seconded Pulie for a supplemental appropriation in the amount of \$1,120,000.00. Discussion. MOTION CARRIED UNANIMOUSLY.

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

Contract 5 area sewer project. Frank said in the last two weeks there have been about five to eight residents calling or coming in asking about the status of the project. They are worried about their septic systems. He told them he would send a correspondence to the health department saying that there was a potential for a sewer project, these are the roads and for them to outline their health concerns for that area. What he has been telling residents is that there were preliminary plans completed about three years ago, but he considers them preliminary plans. That if there is a health concern in that area the next step is for him to outline a scope of what he believes needs to be done to those plans to bring them up to construction plans, get an estimate and its all contingent on if the health department has concerns. It was noted the plans for south Nichols contract 5 area were based on the specs from around twenty years ago. Commissioner Pulie said there is new technology out there if they have to repair their septic system that wasn't available 20 years ago. This is not going to happen next year so if they have systems that are failing there are repairs that may have to be made. Contract 5 is the south Nichols area.

There being no other business before the Authority, vice chairman Palmieri asked for a motion to adjourn the April 23, 2014 meeting.

MOTION made Pulie seconded Gray to adjourn the April 23, 2014 WPCA meeting at 8:45 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

Submitted by,

*Joyce Augustinsky*  
Clerk of the Commission