

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**  
**March 25, 2015**

The Trumbull Water Pollution Control Authority held their monthly meeting, on Wednesday, March 25, 2015 at 7:00 p.m. in the Long Hill Room, Town Hall, 5866 Main Street, Trumbull, Connecticut.

Members Present:

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

Also Present:

Frank M. Smeriglio, PE, Town Engineer  
Dennis Kokenos, Esq. Town Attorney (arrived 7:15)  
Christine Kurtz, Wright-Pierce

Members Absent:

Timothy Hampford

Vice Chairman Palmieri called the March 25, 2015 meeting of the WPCA to order at 7:00 p.m. Chairman Wright is delayed and Attorney Kokenos will arrive shortly.

**1. Minutes to previous meetings.**

There were no comments or suggested changes to the February 25, 2015 Minutes.

MOTION made Pulie seconded Gray to accept the February 24, 2015 Minutes as presented. No discussion.

MOTION CARRIED UNANIMOUSLY.

**2. Old Business.** None.

**3. New Business.**

215 Rocky Hill Road: sub-division sewer connection. Property owner Joe Giamei was present. Frank Smeriglio gave the following summary: This is a three lot subdivision. There was one house one lot and they created two additional lots. As part of the approval process they need approval from WPCA to connect into the sewer line. He will be working with the owner to finalize the detail of the plans. As far as the assessment or connection charge there will be no assessment, but there is a connection charge of \$2,500.00 for two of the properties and there will be no charge for the existing house. The commission will need to vote as part of the formal process allowing the owner to connect into the sewer system and Frank recommended approval. The vice chairman requested the owner state his name and address for the record: Joe Giamei, 215 Rocky Hill Road. In response to questions relating to sewer assessments Frank explained when sewers were put in there was an assessment for the original lot. It is past the assessment period so there will be connection fees for the new lots. A 40 to 50 foot main has to be installed for one house to connect into and the other house will just connect into the main. As to

approvals from P&Z and building the owner indicated everything has been approved. Frank briefly explained the sewer permit and inspection process. There being no other questions, the vice chairman asked for a motion to accept as presented.

MOTION made Pulie seconded Gray to approve the 215 Rocky Hill Road subdivision sewer connection as presented. No discussion. MOTION CARRIED UNANIMOUSLY.

### **3. New Business.**

Monthly Invoices: The vice chairman expressed concerns regarding discussing some of the invoices without counsel present so he took the invoices out of order.

Scribes, Inc. – VonStein v. Town of Trumbull - Invoice #64239 \$497.08. The vice chairman said based on what he remembered from Attorney Kokenos' conversation at the last meeting this is invoicing in conjunction with the case regarding the deposition of Robert VonStein. It was noted the commission approved settlement of this matter last month. There being no further questions, the vice chairman asked for a motion to accept the invoice as presented.

MOTION made Pulie seconded Gray to approve Scribes, Inc. invoice 64239 in the amount of \$497.08 as presented. No discussion. MOTION CARRIED UNANIMOUSLY.

Norman Benedict Associates, Inc. - VonStein v. Town of Trumbull – Invoice #0708-1439 \$2,062.50. The vice chairman said he received a copy of the appraisal and speaking as someone with nearly 30 years of appraisal experience he can confirm that an appraisal of that type can merit a fee of this amount. It is a narrative report which is larger than a typical appraisal report. Commissioner Pulie wanted confirmation that as part of the settlement we have to pay this bill. The vice chairman said his understanding is that according to counsel as part of the settlement the Town of Trumbull is obligated to pay the bill. Brief discussion followed. He asked for a motion to table further discussion on this until counsel is present.

MOTION made Pulie seconded Whetstone to table further discussion on invoice 0708-1439 until counsel is present. No discussion. MOTION CARRIED UNANIMOUSLY. Discussion on the above invoice is tabled until counsel is present to give the commission information.

Owens, Schine & Nicola Monthly Invoices: Vice Chairman Palmieri asked for a motion to table any discussion on the three invoices from Owens, Schine and Nicola until counsel is present.

MOTION made Pulie seconded Gray to table any discussion on the three invoices from Owens, Schine and Nicola until counsel is present to answer any questions the commission may have. No discussion. MOTION CARRIED UNANIMOUSLY.

Computer Reporting Service – VonStein v. Town of Trumbull – Invoice #1063 \$1,495.00. Vice Chairman Palmieri asked for a motion to table discussion on this with the other invoices.

MOTION made Pulie seconded Gray to table discussion on invoice 1063 until counsel is present. No discussion. MOTION CARRIED UNANIMOUSLY.

The vice chairman delayed going into executive session until counsel arrives.

He asked if Christine Kurtz from Wright-Peirce had any updates. She said design is underway and 75% percent complete for the rehab. The phase 3 rehab to phase 2 are on target for a May package to Frank for review and then getting on the street. She talked with DEEP for funding and funding is still available and we need to get them the plans and specs to approve. As soon as they approve them we can go to bid and then within 30 days or so apply for the Clean Water Fund monies. Disbursement is like a closing they set up the account and pay you back monthly. Reimbursement is twenty percent grant and eighty percent loan.

There being no other business on the Agenda other than the aforementioned invoices and executive session Vice Chairman Palmieri asked for a motion to go into recess until counsel arrives.

MOTION made Pulie seconded Gray to take a short recess. No discussion. MOTION CARRIED UNANIMOUSLY.

The vice chairman called a recess at 7:10 p.m.  
Attorney Kokenos arrived at 7:15 p.m.  
The vice chairman reconvened the meeting at 7:16 p.m.

### **3. New Business.**

Owens, Schine & Nicola Monthly Invoices:

The Commissioners reviewed the invoices.

Invoice 14008: Bridgeport Regionalization Sewer Agreement - \$3,260.00. There being no comments or questions, MOTION made Pulie seconded Whetstone to accept and pay Owens, Schine & Nicola invoice 14008 in the amount of \$3,260.00 as presented. No discussion. MOTION CARRIED UNANIMOUSLY.

Invoice 14009: Mark IV – Contract 4 Litigation – Defense \$340.00. There being no comments or questions, MOTION made Pulie seconded Gray to accept pay Owens, Schine & Nicola invoice 14009 for \$340.00 as presented. No discussion. MOTION CARRIED UNANIMOUSLY.

Invoice 14010: VonStein v. Town of Trumbull WPCA - \$8,960.00. Attorney Kokenos said this is in relation to the sewer assessment appeal which was resolved. Unfortunately we couldn't resolve it until we did two depositions. He will be going to court the first week of April to enter the stipulated judgment on the record. There is nothing further to do on this and he noted additional fees were avoided by not having a three to four day trial. There being no further comments or questions,

MOTION made Gray seconded Whetstone to accept and pay Owens, Schine & Nicola invoice 14010 for \$8,960.00 as presented. No discussion. MOTION CARRIED UNANIMOUSLY.

Attorney Kokenos summarized the invoices from Computer Reporting Service and Scribes, Inc. Both invoices relate to the depositions we had to do in the VonStein litigation. Discussion and questions pertaining to the two invoices followed. The Computer Reporting Service invoice is for a lengthy deposition with a longer transcription time than the Scribes invoice which was for a shorter deposition resulting in less attendance and transcription times. He also said there are different court reporting services that they use. They used one from North Haven because they were available for one day and one from New Haven because they were available for the other day. He reiterated one is much cheaper because it was a much shorter deposition.

Computer Reporting Service – VonStein v. Town of Trumbull – Invoice #1063 \$1,495.00. There being no further comments or questions,

MOTION made Pulie seconded Gray to accept and pay Computer Reporting Service invoice 1063 in the amount of \$1,495.00 as presented. No discussion. MOTION CARRIED UNANIMOUSLY.

Norman Benedict Associates, Inc. - VonStein v. Town of Trumbull – Invoice #0708-1439 \$2,062.50. Attorney Kokenos explained the Rules of Practice in the State of Connecticut is if a party discloses an expert and the other party wants to depose that expert the party taking the deposition is required to pay the time for that expert. If it goes to trial, the person who brings the person to trial would have to pay for that, so it wouldn't have been us if we had to go to trial. This is the bill from the appraiser for the deposition and is portal to portal which means when he left New Haven until when he got back to New Haven, but the majority of his time was actually at the deposition which was almost six hours. Comments and brief discussion included hourly rates, payments under Rules of Practice, trial preparation and fees. Attorney Kokenos said he also has a \$750.00 bill from Kerin & Fazio for 3 hours of time they spent assisting us with this appraisal. Again, this was preparation for trial and the trial would have been, being conservative, probably at least two or three days and we would have had to pay our expert the entire time. The expert needs to be there and there is no guarantee that the expert is actually going to testify on day one or day two. When resolving this case there was a lot of thought by this commission knowing we were going to be faced with fees whether the trial went forward or not. This is indicative of the fact that this would have been much, much more if we weren't able to come up with a resolution that all the parties were okay with.

Sometimes you have to do the depositions to get to that point to resolve the case. There was another sewer assessment appeal where we were able to resolve the case without having to do any of this. In this situation we had to push more to get to this point which is why there are the bills for it. There being no further comments or questions,

MOTION made Pulie seconded Gray to accept and pay Norman Benedict Associates, Inc. invoice 0708-1439 in the amount of \$2,062.50 as presented. No discussion. MOTION CARRIED UNANIMOUSLY.

The invoice from Scribes was addressed and voted on before the recess.

Kerin & Fazio, LLC – VonStein v. Town of Trumbull – Invoice #10502 \$750.00. Attorney Kokenos passed out Kerin & Fazio's invoice that was not included in the meeting packet. This invoice is for their preparation time for disclosing them as an expert, discussing it with them and reviewing the appraisal that was disclosed by the plaintiff. The commissioners reviewed the invoice. There being no further comments or questions, Vice Chairman Palmieri asked for a motion to accept the invoice recently presented by counsel in the amount of \$750.00.

MOTION made Gray seconded Whetstone to accept and pay Kerin & Fazio invoice 10502 in the amount of \$750.00 as presented. No discussion. MOTION CARRIED UNANIMOUSLY.

#### **4. 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
- 25 Dogwood Lane

Remaining in the executive session will be Fred Palmieri, Laura Pulie, John Gray, Paul Whetstone, Frank Smeriglio, Christine Kurtz, and Attorney Dennis Kokenos. No discussion. MOTION CARRIED UNANIMOUSLY.

At 7:30 p.m. the tape recorder was turned off, the clerk left the room and the Commission went into executive session.

Chairman Wright joined executive session at 8:00 p.m.

At 9:29 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 at 9:30 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

MOTION made Palmieri seconded Pulie to reopen the regular meeting at 9:30 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

There being no other business before the Authority,

MOTION made Pulie seconded Wright to adjourn the meeting of March 25, 2015 at 9:31 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

Submitted by,

*Joyce Augustinsky*  
Clerk of the Commission