

WATER POLLUTION CONTROL AUTHORITY  
**Town of Trumbull**  
CONNECTICUT

TOWN HALL  
(203) 452-5048



5866 MAIN STREET  
TRUMBULL, CT 06611

**June 7, 2016**  
**MINUTES**

CALL TO ORDER: The Chair called the special meeting of the Trumbull Water Pollution Control Authority to order at 7:06 p.m.

MEMBERS PRESENT:

Jeffrey Wright, Chairman  
Fred Palmieri, Vice Chairman  
Timothy Hampford  
Paul Whetstone, Alternate  
Richard Boggs, Alternate

ALSO PRESENT:

Frank M. Smeriglio, PE, Town Engineer  
Dennis Kokenos, Esq. Town Attorney

MEMBERS ABSENT:

John Gray  
Laura Pulic

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1. New Business:

▪ Holy Cross Lutheran Church

Mr. Dan Senft, Holy Cross Church Property Director was present. Mr. Senft asked the commission to help facilitate a solution with regard to either separating the church and parsonage's sewer usage or to help offset the cost of running a new line to the street. Mr. Senft gave a brief overview as follows:

- The parsonage was built in 1960. The church and parsonage were finished in 1962. In September 2015 the church was contacted by Aquarion notifying them there may be a leak. The leak was confirmed by a plumber and was near the parsonage. It was discovered there was one meter which meters both the church and parsonage. The parsonage is on septic and the church is on the sewer system. They have paid sewer usage fees as if both structures were on sewers since sewers were made available. Aquarion quoted \$10,000 to run a new second line.

The commission suggested installing a second meter. Mr. Senft stated Aquarion had indicated to him installing a second meter would not be to code. Mr. Smeriglio stated in the case where there is a second meter for an irrigation system, there is usually one line from the street that would split into 2 lines. One meter for a house and the second meter for the irrigation system. Mr. Smeriglio explained that Trumbull pays the sewer usage directly to Bridgeport based on the metered readings. The Chair indicated that Trumbull is essentially the middle man. Mr. Senft confirmed they had received a credit from both the Town of Trumbull and Aquarion for the leak. After further review it was noted that the Town of Trumbull cannot dictate Aquarion. The question

is how to separate the flows that would be acceptable to all parties. The Chairman suggested the church may need counsel on this. The septic system for the parsonage is three years old. Mr. Smeriglio explained when sewers were made available if they were to stay on the septic they should have made an application for an Extension of Time. That was not done. Mr. Senft further explained the cost to connect the parsonage is expensive due to the distance to the street is 300 yards and also needs a pump. The church does not have a sprinkler system and does not water the lawns. Mr. Senft asked the commission the Town to cover the cost if they were to run a separate line to the street. Attorney Kokenos explained the commission's funding comes from the rate payers, so what they do for one they have to do for all. The commission constantly has to consider. The Chair explained that could not be done, over the years there have been similar requests made and the answer has to be the same. Mr. Senft stated the church has been paying the usage fees for many years. The commission noted the fees are paid to Bridgeport. After further discussion and review the commission determined since usage is dictated by Bridgeport, and Aquarion has conveyed to the church it would not be to code installing a second meter, the church would be best served to hire counsel to help define their request to Aquarion. Mr. Senft thanked the commission for their time on this matter.

- FY 2016-2017 Transfer \$3,080 from 20100000-501101 Salaries-FT/Permanent to 20100000-501103 Salaries-Seasonal/Temp

Moved by Palmieri, seconded by Hampford to approve the FY 2016-2017 Transfer \$3,080 from 20100000-501101 Salaries-FT/Permanent to 20100000-501103 Salaries-Seasonal/Temp.

Mr. Smeriglio explained last July a Civil 1 engineer position was created and filled. A month ago that person resigned and has since left. The position has been advertised. At best the department would be able to fill the position by August. This transfer represents hiring an intern to work in the interim. The request is for the WPCA to fund 8 weeks of intern work. The Engineering Department will fund the second half of the summer. The intern is a college student, who did his college report on our department last year and is familiar with our department.

VOTE: Motion CARRIED unanimously

Attorney Kokenos reported to the commission that Bridgeport had approved the sewer treatment agreement. It is no longer in litigation, therefore it will not be discussed in executive session. The entire agreement will become part of the next month's meeting minutes.

2. Executive Session: Moved by Palmieri, seconded by Hampford ,  
To close the regular meeting and ENTER 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:
  - o Mark IV – Contract 3 and Contract 4

VOTE: Motion to enter into Executive Session CARRIED unanimously.

At 7:33 p.m. the tape recorder was turned off and the clerk left the room. The WPCA entered into executive session at 7:33 p.m. with WPCA commissioners, Chairman Jeff

Wright, Vice-Chairman Fred Palmieri, Timothy Hampford, Richard Boggs, Paul Whetstone, Town Attorney Dennis Kokenos, Town Engineer Frank Smeriglio, P.E. and Fred Mascia of Tighe & Bond 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.

The clerk was called back to the meeting and the recorder was turned back on at 8:06 p.m. Moved by Palmieri, seconded by Hampford to end executive session and open the regular meeting. VOTE: Motion CARRIED unanimously.

The WPCA ended executive session and opened the regular meeting at 8:07 p.m.

The Chair noted for the record no vote was taken during executive session.

New Business, (continued):

Moved by Palmieri, seconded by Hampford to authorize the Town of Trumbull WPCA Chairman to sign and execute the Mark IV – Contract 3 and Contract 4 agreements.

Attorney Kokenos explained this item had been presented in executive session to the Town Council L&A Committee yesterday. The two settlement agreements will be made part of the record after approval. Attorney Kokenos requested of the clerk to distribute the agreements to both the BOF and the Town Council for their review before their June 9, 2016 meetings. The agreements require the Chairman's signature as well as the first selectman and suggested the motion should include authorization of the WPCA Chairman to sign and execute the agreements. The Town Council will give authorization to the first selectman to execute the documents. One litigation was a lawsuit brought against the Town by Mark IV where there was over \$5 million in damages claim including retainage, they have compromised the alleged change-orders down to \$1.1 million from \$4 million. We are paying much less than what had been claimed and the Contract 3 litigation the contractor has agreed to come back and fix certain items of work that the Town alleged were defective and also the disputed defects for what is considered to be a discount.

VOTE: Motion CARRIED unanimously.

Based on the conclusion of these agreements and moved by Hampford, seconded by Palmieri to approve the FY 2015-2016 Supplemental Appropriation from WPCA Fund 20-315200 Retained Earnings \$2,775,000 to 20100000-480012 Transfer out (Fund #59).

VOTE: Motion CARRIED unanimously.

There being no further business to discuss the WPCA adjourned by unanimously consent at 8:11 p.m.

Respectfully Submitted,

Margaret Mastroni, Clerk