

WATER POLLUTION CONTROL AUTHORITY

# Town of Trumbull

CONNECTICUT

TOWN HALL  
(203) 452-5048



5866 MAIN STREET  
TRUMBULL, CT 06611

**Amended Minutes  
Water Pollution Control Authority  
October 28, 2009**

In attendance:

George Biagioni, Chairman  
Paul Kallmeyer  
Janine Salvey  
Timothy Hampford, Alternate  
Karen Egri, Alternate

Also In Attendance:

Joseph Solemene, W.P.C.A. Coordinator  
Neil Lieberthal, Town Attorney  
Clair Garard, Public Works Inspector

Chairman Biagioni called the public hearing to order at 7:30 p.m. and read aloud the following public hearing notice:

Pursuant to section 7-247a of the Connecticut General Statutes, the Trumbull Water Pollution Control Authority hereby gives notice of a Public Hearing to be held Wednesday, October 28, 2009 at 7:30 p.m. in Town Hall Council Chambers, 5866 Main Street, Trumbull, Connecticut. Applicant Michael Garafalo of 72 Sunnydale Road, Bridgeport, is seeking permission to extend a 6" PVC house connection, if proper grade is available, or a 2" private forced main if gravity cannot be obtained, to the Town of Trumbull's Sunnydale Road sanitary sewer main line. Applicant: Michael Garafalo

George Garafalo of 6 Old State Road, Oxford, represented owner Margaret Garafalo. Mr. Solemene stated the house is across the street and 60 feet away from the Trumbull sanitary sewer manhole on Sunnydale Road. Chairman Biagioni asked how far away is the connection on the Bridgeport side. Mr. Solemene replied over 300 feet. The trench will be about eight feet deep in the road, six to eight feet wide, and will saddle the main. Commissioner Kallmeyer asked Mr. Solemene if he found out the number of Bridgeport connections to Trumbull sewers, as requested at last month's meeting. Mr. Solemene replied no, there is nowhere in town hall that lists those residents, not even the Taxpayer. Commissioner Kallmeyer suggested Mr. Solemene contact Barry Skinner, Bridgeport city engineer, for the information.

Chairman Biagioni asked if there was anyone else to speak for or against the application. There being none,

- **Motion (SALVEY) seconded (KALLMEYER) to close the public hearing. No discussion. Motion carried unanimously.**

A gentleman in attendance asked to speak. Ms. Salvey withdrew her motion, Commissioner Kallmeyer withdrew his second. Mr. Bob Verna of 12 Brookside Drive asked why the applicant wants to connect to the Trumbull sewer system and not the Bridgeport sewer system. Commissioner Kallmeyer explained it is 300-450 feet to a manhole in Bridgeport or 60 feet to a manhole in Trumbull, therefore reason is cost. There being no one else to speak on this application,

- **Motion (SALVEY) seconded (KALLMEYER) to close the public hearing. No discussion. Motion carried unanimously.**

Regular Agenda

MINUTES TO PREVIOUS MEETING:

- **Motion (KALLMEYER) seconded (EGRI) to approve the minutes of September 23, 2009 as written. No discussion. Motion carried unanimously.**

PROGRESS REPORT:

The following report given by Clair Garard, Public Works Inspector:

Currently three main line crews working in town. Crew No. 1 (Richie) completed Longview, St. John's north of Longview all the way to Woodcrest and crossed over Woodcrest onto Briarwood Terrace. Currently working one pipe a day.

Crew No. 2 (Mario): started north of the firehouse to Shelton Road to Wheeler Drive. From Wheeler Drive went up Shelton Road and heading north. Moved to just before North Street and working back south towards Wheeler Drive to complete that section before the cross country that does from Shelton Road through the woods and back around to Briarwood Terrace. The goal is to complete everything on that side toward Huntington Road.

Crew No. 3 (Abel): started on Merritt Blvd. at the tie-in. From Merritt Blvd onto Twin Circle Drive through the slight easement at the bottom of Twin Circle. Completed Twin Circle, went up Briar Hill Drive. Today they are at Woodcrest heading east to complete that small section which will eventually lead to Baldwin Drive.

Lateral Crew: to date has completed all Longview, St. John's, Garnet Place, Garnet Road, Baldwin Avenue. Partial lateral house connections are in place on Shelton Road north of the firehouse to Erwin Street.

Two Drilling Crews; one on Shelton Road and one on St. John's Drive working toward the easement at the church. Very heavy rock, progress about 40 feet per day.

Short term projection: By next month's report, everything east of Route 8 will be completed. Everything from Route 8 to Shelton Road will be completed. Richie's crew, encountering heavy rock, will be out of rock by the end of tomorrow. He will be at 9.5 foot cut doing 100 feet per day at that point. Mario's crew will continue north on Shelton Road toward Briarwood Terrace. Abel's crew should complete Woodcrest Avenue on the easterly side of Route 8 and Gingerbrook Drive. Abel's crew will then move onto the eastment that extends from Briarwood Terrace onto Shelton Road or move to the corner of Woodcrest Avenue heading west toward Woodcrest Drive.

Temporary Pavement: In place on Longview Road, St. John's Drive (the half that was completed), Merritt Blvd., Garnet Place, Garnet Road, Baldwin Avenue and Twin Circle Drive.

INVOICE APPROVAL:

Mr. Solemene distributed an explanation of the Huntington Road costs.

- **Motion (KALLMEYER) seconded (HAMPFORD) to approve for payment Application #4, Phase IV, Part B - Contract 4, Huntington Road, in the amount of \$40,271.23. No discussion. Motion carried unanimously.**

Regarding Application #2, North Nichols Project, Commissioner Kallmeyer noted page 7 of 8, Change Order #1 for \$500 is not extended to Work Done This Period, but is included on the front page as Change Order #1. A minor item but inconsistent. Commissioner Kallmeyer also questioned Supplemental Item #1 on page 8 of 8. It appears we have agreed that it is work completed to date, but where is it reflected in the invoice? Mr. Garard confirmed it is included in the total. Commissioner Kallmeyer requested that on future invoices the total be placed after Item #78, and Change Orders and Supplemental Unit Items totaled separately. Commissioner Kallmeyer requested a copy of amended Application #1.

- **Motion (HAMPFORD) seconded (SALVEY) to approve for payment Application #2, Phase IV, Part B – Contract 4, North Nichols Project, in the amount of \$1,451,486.47. No discussion. Motion carried unanimously.**

**OLD BUSINESS:**

507 & 537 Hawley Lane, Stratford

Request for permission to connect to the Trumbull sewer system, continued from September 23<sup>rd</sup> meeting. Mr. Solemene contacted applicant and asked him to come in, applicant has failed to respond. Attorney Lieberthal stated no action is needed.

April 8 Email from Lynn Heim Regarding Huntington Road Costs

Mr. Solemene distributed a copy of the email from Lynn Heim, which breaks down the cost of construction for the Huntington Road part of Phase IV, Part B – Contract 4. The amount has been bonded, initially for \$850,000 and an additional \$610,000 for a total of \$1,460,000 in \$5,000 increments. This total will be added to the cost of the North Nichols Project.

Cost of Traffic Men

Mr. Solemene reported that Public Works Director John Del Vecchio spoke with the police. They are supposed to be charging us their hourly rate minus the cost of benefits, which is \$15 less. Mr. Garard explained that the rate is based on rank. Commissioner Kallmeyer suggested getting a copy of the rules and then the WPCA meet with the Police Department.

Commissioners' Request List

Commissioner Egri thanked Mr. Solemene for putting together the package of information ahead of the meeting. This seems to be in line with the initial documents requested. Commissioner Kallmeyer distributed copies of the General Statutes that govern the Commission. He requested copies of Town Code regarding the WPCA. Attorney Lieberthal added that our ordinance mirrors the State statutes.

Consultant for Sewage Treatment Plant Feasibility Study

The Commission received unanimous approval of the Board of Finance. Finance Committee of Town Council met last night, vote was four in favor and one abstention. Town Council meets next Thursday.

Randall Thomas Sewer Easement

Commissioner Kallmeyer met with homeowners and have a signed-off completion. Will meet tomorrow morning at 9:00 with Mark IV Construction to finish it.

**NEW BUSINESS:**

Sewer Enterprise Operating Fund Financial Statement

Mr. Solemene distributed a financial statement submitted by the Finance Director (copy attached). Does not include current collections information. Commissioner Kallmeyer asked why there was no one in attendance representing the Finance Department. Mr. Solemene replied that he and Bob Verna met with Lynn Heim this morning and went over the report and felt it was complete. Did not anticipate any questions, but if there are questions they can be addressed at the next meeting. Commissioner Kallmeyer introduced Mr. Verna as a professional accountant and former member of the Board of Finance, former Chairman of the Board of Finance and former Town Treasurer. Commissioner Kallmeyer also expressed his disappointment that someone from the Finance Department is not here tonight. Mr. Verna explained that as a resident of the recent sewer project he became interested in the WPCA fund. Mr. Verna met with Lynn Heim and Maria Pires, Assistant Finance Director, and went back to 2001 through July 1, 2008 with a retained earnings of \$1,838,009. Taking the current year of July 1, 2008 to June 30, 2009, \$5,171,000 user fees collected. Actual expenses paid to operate the sewer system, including salaries, uniforms, service fees, \$4,187,000 to Bridgeport WPCA, was \$4.8 million. For the year the operating income was \$389,000. The Town of Trumbull has some in-kind costs. Because the WPCA operates as a

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separate fund, it wants to recover some of these costs. The sewer fund reimburses the Town for these in-kind services: \$103,000 is cost of the fringes on the salaries of the people who are paid directly by the sewer fund; \$151,987 represents costs of other departments that provide services to the sewer fund, including Public Works, Tax Collector, Finance Department. Add in \$1,838,009, and there is a balance of \$1,917,311. All agreed on the balance. This is an unaudited balance. Mr. Verna met with the Tax Collector who developed a list of 788 homeowners who owe the Town of Trumbull \$543,000 in sewer fees as of June 30, 2009.

Mr. Verna recommends a statement like this be issued every six months, the next report should include July 1 through December 31, 2009, to be delivered for the January meeting. Commissioner Kallmeyer prefers to receive the report in December 1<sup>st</sup> because Joe will be producing his budget which will go to the First Selectman on or about December 31<sup>st</sup>. Mr. Verna replied that the report is available to Mr. Solemene on a daily basis.

Commissioner Kallmeyer thanked Mr. Verna for his help.

Thomas Lee, 29 Cobblers Hill Road - Challenge of Maintenance Charge for residents with Extension of Time to Connect.

Attorney Lieberthal stated there is no statutory authority for the maintenance charge but on a contract basis it could be argued. Attorney Lee presented the Commission with a letter. After the Commissioners read the letter, Attorney Lee introduced himself as an attorney with a practice at 765 Post Road in Fairfield, Connecticut. Attorney Lee is representing his wife who is the owner of the property at 29 Cobblers Hill Road, where he also resides. Attorney Lee has paid two quarters of maintenance, but not the third. Upon learning of the maintenance charge, Attorney Lee read the municipal code and the regulations of the WPCA and also the state statutes. Attorney Lee contacted Attorney Lieberthal, Attorney Schopick and First Selectman Baldwin. Feels this is a legal issue. Attorney Lee reiterated Attorney Lieberthal's position, that commissions and boards of municipalities only have authority that the State gives them. After reviewing the State statutes he was unable to find anything about a maintenance charge as part of a use charge. He quoted ordinance 19-51 passed by Town Council in 1962 regarding the WPCA establishing just and equitable charges for the sewerage system to be paid by owners of property connected to the system. He recognizes the argument that Attorney Lieberthal has potentially put forward, that there could be a contract claim, meaning that when the waiver was applied for, that in fact the quid pro quo was that there was going to be a maintenance charge. He doesn't think that is a good argument because if you don't have the statutory authority to make the charge you can't bill it. Commissioner Hampford asked Attorney Lee if in his search of case law if he found anything about the town's ability to force people to connect. Attorney Lee read 7-257 of the CT General Statutes, which states the WPCA may order the owner of any building to which a sewerage system is available to connect such building with the system. By using the language "may," it is permission, not mandatory.

Attorney Lee stated he spent \$14,000 on an upgrade of his septic system. He spoke against the Jog Hill sewer project and voted against it. Principal reason for concern is the West Side Treatment Plant in Bridgeport is polluting the Long Island Sound at Black Rock Harbor.

Mr. Solemene explained to Attorney Lee that there is a lateral on his property that is connected with the system, and when he wants to connect it is in his best interest that the system be operating. Commissioner Kallmeyer added that he feels Attorney Lee is a defacto user of the system, you pay an assessment and when you need it you can tie in.

Commissioner Hampford asked Attorney Lee how he would like to see this discussion turn out. Attorney Lee replied he thinks this is an unfair charge and should not be maintained against 29 Cobblers Hill Road. Attorney Lee thanked the Commission for their attention tonight and hopes they will accede to his client's wishes.

2010 Meeting Schedule – Room Preference

The Commissioners agreed to hold the 2010 meetings in the Nichols Room.

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Sewer User Bill Adjustment Policy

Mr. Solemene stated that residents ask for adjustments of their user bill when their spring and summer consumption is less than the average consumption. The policy has been to make a one-time adjustment. They have been coming back in subsequent years for further adjustments. He is asking the Commission for direction. The Commissioners discussed the current policy of average billing for spring and summer. Commissioner Kallmeyer suggested working with the water company to get Trumbull irrigation systems on separate meters. It will be costly. In the next two to three years sunset our current policy with the homeowners and give them two to three years to change meters. If they don't change the meters then, they will be charged 100% consumption. Have an education program. The concern of the Commissioners is that Aquarion won't agree to install second meters. Commissioner Kallmeyer will put his ideas in writing for the next meeting. Commissioner Hampford will look into how the surrounding towns handle the issue.

Weekly Meetings on North Nichols Project

Mr. Solemene, Mr. Garard, Mr. Savarese, and Mr. Del Vecchio have been meeting weekly regarding the sewer construction. Chairman Biagioni and Commissioner Kallmeyer would like to attend the meetings. Mr. Solemene will notify them of future meetings.

**PUBLIC HEARING:**

- **Motion (HAMPFORD) seconded (KALLMEYER) to approve 72 Sunnydale Road, Bridgeport, for connection to the Trumbull sewer system, according to the requirements of the Trumbull Water Pollution Control Authority and the Trumbull Engineering Department. Discussion followed.** Commissioner Salvey asked if there is a precedent. Commissioner Kallmeyer replied there are 75 to 80 similar connections. **Motion carried unanimously.**

Attorney Tom Lee, 29 Cobblers Hill Road, challenge to maintenance charge

- **Motion (HAMPFORD) seconded (KALLMEYER) to accept Attorney Lee's argument that he doesn't have to pay the maintenance charge on 29 Cobblers Hill Road based on his individual contract. Discussion followed. One in favor (Hampford), two opposed (Kallmeyer, Salvey), two abstained (Egri, Biagioni). Motion denied.**

There being no other business before the Authority,

- **Motion (BIAGIONI) seconded (HAMPFORD) to adjourn. No discussion. Motion carried unanimously.**

The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Jenny Francese  
Clerk of the Commission