

WATER POLLUTION CONTROL AUTHORITY

# Town of Trumbull

CONNECTICUT

TOWN HALL  
(203) 452-5048



5866 MAIN STREET  
TRUMBULL, CT 06611

## MINUTES

### Water Pollution Control Authority December 15, 2010

#### In attendance:

Jeanine Maietta Lynch, Chairman  
Paul Kallmeyer, Vice Chairman  
Ennio DeVita (left at 9:25 p.m.)  
Laura Pulie  
Karen Egri, Alternate  
Timothy Hampford

#### Also In Attendance:

Joseph Solemene, Assistant WPCA. Administrator  
Dennis Kokenos, Esq., Town Attorney  
Fred Mascia, Tighe & Bond, Project Manager  
Maria Pires, Director of Finance (10:25 - 10:55)

The following is a brief summary of the meeting. A recording was made on tape and is on file in the office of the WPCA/Town Engineer, Town Hall, Trumbull, CT.

Jeanine Maietta Lynch, Chairman, called the meeting to order at 7:35 p.m.

#### **MINUTES TO PREVIOUS MEETINGS:**

November 17, 2010 the following corrections and/or additions were requested:

Page 1, Old Business: 495 Hawley Lane - last sentence add "and Mr. Camillo agreed to be a facilitator to get the two towns working together."

Page 1 add after Town Engineer "and Sewer Administrator"

Page 3 Progress Report after last sentence add "He reported that the DEP had no major concerns or objections."

Page 4 Old Business: Merritt Boulevard - second paragraph after the word money add "It was also confirmed that the Town agreed to the underground use of the easement after the job was bid."

Page 4 New Business: Bennigans – first sentence changed to read "...Bennigans was a tenant of Trumbull Mall and Bennigans went under and collection against Westfield should happen."

Page 5 last sentence of first paragraph "pain" changed to "paint"

MOTION made (Lynch) 2<sup>nd</sup> (Pulie) to approve the Minutes of the November 17, 2010 meeting as amended. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

December 1, 2010 the following correction and/or additions were requested:

Page 1 add after Town Engineer "and Sewer Administrator"

MOTION made (Kallmeyer) 2<sup>nd</sup> (Hampford) to approve the Minutes of the December 1, 2010 special meeting as amended. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

#### **PROGRESS REPORT/TIGHE & BOND UPDATE:**

Fred Mascia gave a summary of the contractor's work including easements and completed roads, road paving and trenches. He also said over the winter Mark IV anticipates running two crews to lay sewer pipe and starting Monday will start, weather permitting, TV and/or air testing. He also advised the Commission that the value engineering

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planning profile is 75 to 80 percent done and should be given to Steve the early part of next week. The water in the area of the corner of Strobel Road and Booth Hill was addressed and Fred said it was taken care of by putting in an under drain to intercept the water that was coming out.

**INVOICE APPROVAL:**

Mark IV Construction Co., Inc., Phase IV, Part B – Contract 4 – North Nichols Project, Application #16 dated December 6, 2010 in the amount of \$509,382.66.

Location for the increase in the 8" DIP shown in item 10 was questioned and Fred Mascia said most of it is on the stream crossings. It was noted that the percentage for item 2 traffic men is not shown. Also the issue of using certified flagmen was addressed and Fred said John Marsilio is working on it. Commissioner Kallmeyer submitted photos of Teeter Rock Road that showed no policemen at the crossing and discussion and questions were raised as to what the contract calls for. Item 76 restoration was questioned and Fred Mascia stated because some of the items are lump sums the contractor is prorating them over a period of time. He also confirmed he verified materials and equipment for the pump station have been ordered.

Motion made (Kallmeyer) 2<sup>nd</sup> (DeVita) to approve invoice number 16 in the amount of \$509,382.66. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

**OLD BUSINESS:**

Michael Lipnicki, 131 Fern Circle – connection:

Michael Lipnicki was present and stated his contractor indicated the house could be gravity fed and will not need a pump and he highlighted what is needed to achieve that. He stated his understanding of the recommendation prepared by Joseph Solemene dated November 30, 2010 is: he can be removed from the North Nichols project; can be connected into the old sewer line; will be assessed at the rate that was assessed for that sewer line which is around \$7,700.00 and that will be amortized over 18 years. The actual assessment is \$7,698.31 and he said he is fine with that. The November 30, 2010 recommendation is attached to and made a part of these Minutes.

Motion made (Kallmeyer) that 131 Fern Circle that the homeowner be allowed to have the easement calculated based on – Commissioner Kallmeyer withdrew the motion to start again.

MOTION made (Kallmeyer) 2<sup>nd</sup> (Pulie) that the Commission approve of 131 Fern Circle assessment in accordance with the document dated November 30, 2010 prepared by Joseph Solemene to the WPCA Commission. In addition, for further clarification that the assessment for 131 Fern Circle be removed from Contract 4 and not be assessed under Contract 4 in its final assessments in the future. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Owen Evans, 93 Skyview Drive – lateral:

Fred Mascia stated Mark IV was directed to put the lateral in and right now they are not scheduled to any lateral work until the Spring. He also said Mark IV requested to air test Skyview Drive with the exception of all laterals not in place so the response to them would be put the lateral in and you can test the line. If it does not go in now Mr. Evans will be one of the first ones in the Spring. The Commission confirmed they do not want testing of the line until that lateral is in to avoid wasting the money for testing twice. Owen Evans was present and was asked questions about his system and he stated his system has not failed to date. Mr. Evans stated Mr. Goldbach told him that it will be the first on the list of laterals and Fred Mascia stated that is correct.

Michael Mendick – 47-49 Old Green Road:

Mr. Mendick was present and wanted to follow up on his field meeting with Commissioner DeVita and Mr. Goldbach. He said he does not want to miss the opportunity of being involved, wants a gravity fed system and does not believe there is much rock there. Commissioner DeVita stated it looks like all the area has been filled and there

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could be ten feet of fill and not much rock, but we won't know until it is drilled. Mr. Mendick restated that he was not included on the blueprint and there was a change in the road and neither of those problems are his making. Commissioner DeVita stated his recommendation is to go the way Mr. Mendick has proposed to do it and see how much rock there is. He also agreed that the Town moved the road. Commissioner Kallmeyer highlighted the Commission's policy and stated it serves the first floor and Mr. Mendick said it is going down to 16 feet for the two houses next to his on Huntington Turnpike.

This is a wait and see situation and it depends on what is found when it is pre-drilled in about six months from now. Fred Mascia stated this house was not shown on the plans and will be new costs of about \$20,000.00. When new information is received this matter will be put back on the Agenda.

### Discussion: Account to be used for Moscow & Ury Retainer Agreement:

At the December 1<sup>st</sup> special meeting the Commission approved payment from the in-kind services account and it was determined that there are no funds for that service in that account. Attorney Kokenos said the WPCA has two options they can go for a supplemental and use it from the 20 account or to use it from the 59 account. The Chairman stated the motion made in December needs to be withdrawn and for clearing house purposes made the following motion.

MOTION made (Lynch) 2<sup>nd</sup> (Pulie) to withdraw the motion made in the December 1, 2010 special meeting of the WPCA on page 3 the last page of the Minutes "MOTION made (Pulie) 2<sup>nd</sup> (Hampford) to retain Moscow & Ury to look into and advise the WPCA as to the \$100,000.00 retention for Contract III to come out of the in-kind services account." Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Discussion took place regarding previous information from Attorney Moscow regarding retainer amount, estimate of fees, and services provided to date including pro bono work. The Chairman said Attorney Moscow's estimate for initial letters and follow up was between \$4,000.00 and \$5,000.00 with \$10,000 being the top and after the initial phase the Commission will be consulted for direction. The Chairman stated Attorney Moscow did a tremendous amount of work already pro bono. Further discussion took place regarding limiting the dollar amount, terms of and approving the retainer agreement, the 20 account, Board of Finance, and timing issues.

Motion made (Kallmeyer) 2<sup>nd</sup> (Lynch) to retain Moscow and Ury to look into and advise the WPCA as to the \$100,000.00 retention for Contract III and to take the retainer, not to exceed \$4,000.00, for Moscow and Ury from the 20 account – no vote taken motion amended as stated below:

MOTION made (Kallmeyer) 2<sup>nd</sup> (Lynch) to retain Moscow and Ury to look into and advise the WPCA as to the \$100,000.00 retention for Contract III and to take the retainer, not to exceed \$10,000.00, for Moscow and Ury from the 20 account. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (DeVita) 2<sup>nd</sup> (Kallmeyer) to move New Business, Trisha McMahan, 130 Fern Circle up on the agenda. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

### **NEW BUSINESS:**

#### Trisha McMahan, 130 Fern Circle – connection:

Trisha McMahan was present and reviewed the recommendation prepared by Joseph Solemene dated November 30, 2010 and understands she needs to install a pump system. She has gotten estimates for connecting, electrical upgrade, and tank fee for approximately \$13,000.00 to \$15,500.00. She questioned and discussed connection options, wetland application, financing, requested pump credit, assessment options, current benefits, previous and current sewer projects, and why she was not included in the prior project. Ms. McMahan will get back to the Commission with her decision.

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MOTION made (Pulie) 2<sup>nd</sup> (Lynch) to move New Business, Bob Previs, 47 Strobel Road up on the agenda. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Bob Previs, 47 Strobel Road – sewer use charge:

Bib Previs was present and requested a \$12.00 credit on his WPCA sewer use charge because he does not believe the system is fair and he feels he is being overcharged. Discussion took place regarding billing procedures and charges. He was informed the system is fair and the same for all users and the Commission's policy does not allow adjustments or credits.

James and Luciana Gay, 531 Booth Hill Road – lateral service:

An e-mail from James and Luciana was received on December 14, 2010 requesting a postponement until the Spring.

**OLD BUSINESS:**

Discussion: Update easements: Dennis Kokenos gave a synopsis on each of the following:

Golden Hill Road and Dogwood Lane:

It is done. The easement has been obtained and a certificate of taking was filed in February, 2010.

Booth Hill Road:

Waiting for confirmation that it has been recorded.

Hilltop Circle – State of Connecticut:

Being processed by the State of Connecticut - February, 2011 estimated date to receive deed.

Original construction project cost was \$145,000.00 and on October 27, 2010 the Commission voted to authorize the Town Attorney to acquire the property for \$22,000.00 plus \$1,000.00 administrative fees resulting in a savings of approximately \$115,000.00.

Teeter Rock Road and Dogwood Lane:

Easement has been signed and Attorney Kokenos will advise Attorney Gelderman easement has been accepted as is and Commission will agree to a T/Y.

Discussion: Status of RFQ for special audit services for WPCA 20 and 59 accounts:

Commission Egri said she reviewed the draft of a RFQ she received and summarized her meeting with Maria Pires. She also addressed an e-mail from Commissioner Kallmeyer regarding scope of the audit. Commissioners Egri and Kallmeyer, as a subcommittee, will follow-up and proceed with getting the RFQ process started.

Discussion: Pavement coring:

Fred Mascia said they have 42 locations laid out to take pavement corings and will give the Commission an up-date next month.

Discussion: Invoice #10958 in the amount of \$2,941.00:

This invoice was for legal advice to the WPCA regarding Contract 3 and Attorney Kokenos indicated the law firm of Owens, Schine & Nicola will write the invoice off.

Commission DeVita left the meeting at 9:25 p.m. and Commissioner Egri will be voting.

Discussion: Update 495 Hawley Lane sewer connection:

The Chairman read a portion of an e-mail received from Bill Robinson indicating this matter is on the Agenda for the Board meeting of Bridgeport's WPCA on 12/21/2010.

The Chairman called a recess at 9:30 p.m.

The Chairman reconvened the meeting at 9:45 p.m.

**NEW BUSINESS:**

Donald and Marylou Greer, 100 Teeter Rock Road – trees:

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The Commission reviewed the summary from Clair Garard dated December 10, 2010 regarding his conversation with Donald and Mary Lou Greer requesting the payment of \$15,000.00 for the trees. Joe Solemene and Fred Mascia gave a brief history of this site including the easement, row of trees, location of the proposed sewer line, and what the homeowners want. Attorney Kokenos addressed other alternatives and highlighted the process required to make a change which could include relocating the sewer line, renegotiating a new easement, getting new appraisals, and new easement maps, all of which add up to additional costs. The Commission rejected the request for additional payment and instructed Joe Solemene to advise the Greers of its decision.

Mary Ellen Lemay, 50 Turkey Meadow Road was present and addressed comments to the Commission regarding this property.

MOTION made (Kallmeyer) 2<sup>nd</sup> (Pulie) to reject the request for additional payment to Donald and Mary Lou Greer. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

### Tighe & Bond accounting – billing statement:

Tabled until the next regularly scheduled meeting. The Commission requested Steve Savarese to provide a monthly accounting of what has been billed and paid to date starting with the January 2011 meeting.

### Discussion: Shelton Road line striping:

Fred Mascia said this item is included in the change order requests and will be addressed later in the meeting.

### 2011 WPCA meeting dates:

It was requested to change the proposed December 21<sup>st</sup> meeting to December 14<sup>th</sup>. The Commission also requested to change the meeting room location to the Long Hill Room.

MOTION made (Kallmeyer) 2<sup>nd</sup> (Pulie) to approve the scheduled 2011 meeting dates as submitted with one exception December 21<sup>st</sup> changed to December 14<sup>th</sup>.

### Election of Officers – 2011:

Tabled until the next regularly scheduled meeting.

### Discussion: WPCA history and policy regarding payment of invoices for professional services:

Joe Solemene gave a brief synopsis of prior standard procedures and policy and explained the sewer administrator approved payments after a contract was approved by the Town Council.

### Discussion: WPCA history and policy regarding attendance at other Town Board/Commission meetings:

Joe Solemene and Commission Kallmeyer stated the sewer administrator went before the Town Council without representation from the Commission and the Chairman attended only under exceptional circumstances. The Commission wants to continue that history and precedent.

Discussion items included attendance at other Boards' meetings, concerns of other Boards and Town Charter.

### Review of FY budget and approval of proposed FY 11 budget plus discussion: additional line items:

The current budget report and information from Joe Solemene were discussed and reviewed. Past practices of the budget preparation process were also reviewed. Finance Director Maria Pires came into the meeting and joined the discussion and reviews. She suggested the Commission look at the budgets for the last two years and start with that information. Some of the items the Commission would like added to the budget are attorney fees, accounting fees, professional services, extraordinary items breakdown, heat for generator, revenue, and user fees. Maria said revenue previously was not included in the budget and also explained the workings of an expenditure budget. Maria said she can meet with Steve and Joe to work on the numbers. It was noted the budget needs to be submitted to the First Selectman during the first week of January and then to the Board of Finance on February 10<sup>th</sup>. Other items addressed included priority list and information received from Wright-Pierce regarding the I&I study, bonding,

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reimbursable and revenue items, pump station, and major repairs. Other issues the WPCA will be faced with in the near future include items specific to regionalization. A special meeting will be scheduled to approve the budget. Maria Pires left the meeting at 10:55 p.m.

Discussion: Regionalization and election/confirmation of WPCA representative to the Tri-Board Commission:  
The WPCA subcommittee will consist of Commissioners Hampford and Kallmeyer. Commissioner Hampford passed out a proposal and outline he prepared for evaluation of the sanitary sewer system and treatment options and said he also sent it to some council members. A major concern is to make sure all Boards receive accurate and factual information and he suggested using the Director of Public Works to be an impartial collector of facts and filter the information.

Attorney Kokenos gave a brief synopsis of the process of transferring Town assets. Further discussion included funding for consultants and experts, accurate gathering of facts, subcommittees, studies that are needed, relaying information to other Boards and Commissions and subcommittees for different tasks. An organizational meeting will be scheduled in January, 2011.

Mark IV – Change Order R-30 from November 2, 2010, 21 Old Green Road – install additional T/Y \$562.65.

Fred Mascia stated this is a rear lot and the homeowner made an agreement with his neighbor to get an easement across his property so an additional T/Y was necessary.

MOTION made (Hampford) 2<sup>nd</sup> (Kallmeyer) to approve change order R-30 in the amount of \$562.65. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Mark IV – Change Order R-31 from July 12, 2010, Mishca Hill Road – install 2 additional Ductile Iron Pipe T/Y's as per direction of Clair Garard \$890.00.

Fred Mascia stated these were installed for future connections to the property.

MOTION made (Kallmeyer) 2<sup>nd</sup> (Hampford) to approve change order R-31 in the amount of \$890.00. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Mark IV – Change Order R-32 from 11/2/2010, Shelton Road – additional concrete pavement removal.

Fred Mascia stated he disagrees with the quantities and recommended it be tabled. Tabled until the next regularly scheduled meeting.

Mark IV – Change Order R-33 from 11/24/10, 427 Shelton Road – Remove tree \$2041.25:

Fred Mascia explained the tree is located on the Indian Reservation. The tree warden and DEP were on the site and approved the removal.

MOTION made (Kallmeyer) 2<sup>nd</sup> (Pulie) to approve change order R-33 in the amount of \$2,041.25. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Mark IV – Change Order R-34 from 12/14/2010, Shelton Road – temporary line painting \$1,000.00.

Fred Mascia explained this the price for the revised painting.

MOTION made (Kallmeyer) 2<sup>nd</sup> (Hampford) to approve change order R-34 in the amount of \$1,000.00. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2<sup>nd</sup> (Hampford) to close the regularly scheduled meeting of December 15, 2010 at 11:40 p.m. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Submitted by,

*Joyce Augustinsky*  
Clerk of the Commission

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FERN CIRCLE ATTACHMENT

To: W.P.C.A. Commission November 30, 2010  
From: Joseph Solemene  
Asst. W.P.C.A. Administrator  
Subject: **130 & 131 Fern Circle Assessments**

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With regard to the above referenced properties, we recommend:

- Calculating both assessments at \$84.686 per L.F. and remove from Contract IV.
- Paying the cost of both laterals from the #59 account.
- Upon owner's request make 18-year financing available.
- Determine bond rate financing.

Approximate Cost: 130 FERN CIRCLE – Tricia Marie McMahon  
.80 Acre. The actual frontage is 158 L.F.

Maximum Assessment for properties between .50 &.99 acre is 150 L.F.

The main line installed in 1989.

The assessment per L.F. = \$84.686.

150 L.F. x \$84.686 = \$12,702.90 + \$500 (Unit Charge)

**Total Assessment: \$13,202.90**

Approximate Cost: 131 FERN CIRCLE – Michael & Mary Ann Lipnicki

.37 Acre. The actual frontage is 85 L.F.

Assessment Procedure: Properties less than .50 Acre - Min. 80 L.F. & Max. 125 L.F.

This assessment would be based on the "actual" 85 L.F. of frontage

The main line was installed in 1989.

The assessment per L.F. = \$84.686.

85 L.F. x \$84.686 = \$7,198.31 + \$500 (Unit Charge)

**Total Assessment: \$7,698.31**