

WATER POLLUTION CONTROL AUTHORITY

Town of Trumbull

CONNECTICUT

TOWN HALL
(203) 452-5048



5866 MAIN STREET
TRUMBULL, CT 06611

Water Pollution Control Authority May 26, 2010

In attendance:

Ennio DeVita
Laura Pulie
Karen Egri, Alternate
Tim Hampford, Alternate

Also In Attendance:

Joseph Solemene, Assistant WPCA. Administrator
Stephen M. Savarese, PE/LS, Town Engineer/WPCA
Administrator
Dennis Kokenos, Esq., Town Attorney
Timothy M. Herbst, First Selectman

- **MOTION (PULIE) seconded (DEVITA) to elect Timothy Hampford as temporary Chairman. No discussion. Motion carried unanimously.**

Chairman Hampford called the meeting to order at 7:33 p.m.

- **Motion (PULIE) seconded (DEVITA) to go out of order of the agenda to Old Business, Forensic Audit Update. No discussion. Motion carried unanimously.**

First Selectman Herbst reported the audit has commenced and the auditors have begun the process of reviewing pertinent documents with respect to this project, including invoices and as-builts, and are doing a very thorough review. The audit is expected to last another six weeks. Mr. Herbst and Mr. Marsilio have pledged their complete cooperation with facilitating this review and expediting this process. Mr. Herbst has made it clear to the auditors that every agent, employee and/or representative of the Town will cooperate with this audit. This is a very good firm performing this task for a reasonable price.

- **Motion (PULIE) seconded (EGRI) to return to the agenda. No discussion. Motion carried unanimously.**

MINUTES TO PREVIOUS MEETING:

- **Motion (PULIE) seconded (DEVITA) to amend the minutes of April 28, 2010 as follows: Page 4, Change Orders, April 7 - delete the word "curtain." The sentence will now read "*Contractor intercepted unmarked 4" drain.*" No discussion. Motion carried unanimously.**

There being no other corrections or changes;

- **Motion (PULIE) seconded (DEVITA) to approve the minutes of the April 28, 2010 meeting as amended. No discussion. Motion carried unanimously.**

PROGRESS REPORT:

Mr. Solemene gave the following report:

We started the month with three main line crews. Richie's crew completed Wisteria and headed south on Booth Hill Road to the intersection of Ethel, then left to go to work in Westport. Currently two main line crews are working in town with a lateral crew and a drilling rig. Abel's crew headed south from Columbine onto Booth Hill Road and is now beginning the main line on Fern Circle. Abel's crew was over 20 feet in rock. Mario's crew is working on Shelton Road, got around the culvert and headed north. They are at the intersection of Butternut and Briarwood and heading northeast. Laterals completed on North Street, Kenwood and Wisteria and currently

working behind the main line crew on Booth Hill Road. The drilling rig is on Shelton Road in front of the main line crew. Temporary paving on Columbine, North Street and the lower section of Shelton Road.

Discussion of lack of drainage installation, trench drain installation, the speed of the construction.

Mr. Savarese stated the inspectors reported back vastly different numbers than Mark IV, and stated we are paying for Mark IV's initial numbers except for the rock which was reduced from 1870 to 1817 cubic yards. Problem with how inspectors reported quantities in terms of pipe depth. Reporting problem has been taken care of. Has Mark IV obtained their DEP Discharge Permit? Mr. Savarese will look into it. Has gravel fill been tested? Required by contract.

- **Motion (PULIE) seconded (DEVITA) to go out of order of the agenda to Old Business, Talat Fattaha of 52 Colonial Drive. No discussion. Motion carried unanimously.**

Talat Fattaha, 52 Colonial Drive – requesting permission to connect to the Trumbull Sewer System

John Gillis, general contractor, addressed the Commission. He is proposing to install a 6" gravity line in the shoulder of the road. Mr. Gillis stated the sewer line does not come to the homeowner's property, therefore the homeowner does not feel a full assessment is justified. Mr. Solemene added the homeowner will incur the cost of installing the lateral. Property is located in the Easton Reservoir watershed area and will not get sewers. The homeowner will pay \$1,750 unit charge. Homeowner would prefer to connect to the sewer rather than repair her septic system. The Commission discussed that the line will be in the right of way and therefore will be the Town's property. The Commission will discuss further and notify the homeowner of its decision. Mr. Savarese added he would like to see this designed by an Engineer. Attorney Kokenos stated this should be recorded on the land records because it is a private easement over town property.

- **Motion (PULIE) seconded (DEVITA) to go out of order of the agenda to New Business, David Harris of 17 Hillandale Terrace. No discussion. Motion carried unanimously.**

David Harris, 17 Hillandale Terrace – proposed revision of sewer plans on Hillandale Terrace and Round Ridge Trail

Mr. Harris is proposing to realign the proposed sanitary sewer line on his street. The current design runs the main line over the curb and into the grass area. Mr. Harris did the re-design and presented the drawing to the Commission. The re-design has the same number of manholes and there is one more drainage crossing. We will save on curbing and restoration. Mr. Savarese stated he does not know how Mark IV will receive this change order. This may work out to be a cost savings. Before approval can be given the staff will discuss with Mark IV to determine the cost of the change order.

- **Motion (DEVITA) seconded (EGRI) to go out of order of the agenda to Old Business, Wright-Pierce Update. No discussion. Motion carried unanimously.**

Wright-Pierce – Update

Christine E. Kurtz, P.E., representing Wright-Pierce, distributed a project status update and summarized as follows: Since last meeting we have attained some approvals from DEP. Wright-Pierce agreement with the Town was approved which means the work effort from that point forward is covered under the Clean Water Fund. Wright-Pierce was waiting for that approval before invoicing. The actual agreement should be in motion. Regarding the Facilities Plan, information from the I/I portion of the project related to the flow in order to size the potential plant and get that information along with locations over to the DEP for a meeting. All of the effort is still with the I/I part of the work. We did get the data and will have a couple of copies made for the Town. This information in conjunction with the mapping and will determine where the majority of the I/I is and what needs to be studied next. Most of the problem is on the east side of Town. The first two meters have been placed just upstream of the pump station and those are the ones showing most of the problem areas so far. Meter 1 hit a spike close to 12 mgd and the second one 8 mgd on a rainy day, and lasted a very long time. As part of the I/I work they started the mapping. Ms. Kurtz included a sample map. The next thing will be an interceptor walk, hopefully next week.

- **Motion (PULIE) seconded (DEVITA) to return to the agenda. No discussion. Motion carried unanimously.**

INVOICE APPROVAL:

- Mark IV Construction Co., Inc., Phase IV, Part B – Contract 4 – North Nichols Project, Application #9 in the amount of \$733,598.99. Discussion of lump sum items 3 (Clearing & Grubbing), 4 (Water Pollution Control) & 5 (Temporary Sediment Control). Commission questioned if Mark IV actually did anything with these items. Mr. Savarese stated he is not satisfied and has had discussions with Mark IV. The Commission questioned if Mark IV has obtained a Stormwater Discharge Permit. It is a requirement of the contract. Commissioner Hampford to contact Chris Stone at the DEP to find out if a permit has been issued. Item #70 (Gravel Fill) no quantities, what are they putting back in the trench? Mr. Savarese stated they are putting gravel back in. The Commission wants to see the quantity used. Item #75 (Bituminous Curb) 359 feet installed? Inspectors did not witness any bituminous curb. Item #77 (Project Sign) have they been installed? Inspectors claim 26 signs. Mr. Solemene stated there is a sign regarding sewer expansion. It is not up and Mr. Solemene will ask Mark IV about that. Mr. Solemene visits each inspector in the field once a day and Mr. Savarese meets with the inspectors each day in his office. Attorney Kokenos stated all discrepancies need to be communicated to Mark IV in writing. He added if there is a discrepancy with something our inspector says and then it comes up on an invoice, if you decide not to approve that portion of the invoice it needs to be communicated to Mark IV why the payment is not being received, instead of just not paying. Attorney Kokenos asked if reprimand of the inspectors has been documented. Mr. Savarese responded yes. Invoice #9 quantities verified by Clair Garard, inspector; Mark Turndahl, accounting manager; and Mr. Savarese, with reservation.

- **Motion (PULIE) to approve for payment Mark IV Construction Co., Inc. Application #9 North Nichols Project in the amount of \$733,598.99. Discussion followed. Motion withdrawn.**

Attorney Kokenos stated there is a provision in the contract that all disputes be submitted to arbitration and we will rely on the inspectors' numbers. After further discussion of the discrepancies in quantities between the inspectors and Mark IV;

- **Motion (DEVITA) seconded (HAMPFORD) to approve for payment Mark IV Construction Co., Inc. Application #9 North Nichols Project in the amount of \$733,598.99, with reservation. Discussion followed. Motion carried unanimously.**

OLD BUSINESS:

On-Call Engineering

Mr. Savarese contacted the two finalists for the on-call engineering service and was scheduling meetings with them when he learned the Commission formed a sub-committee. The Commission agreed and reported that Weston & Sampson and Tighe & Bond have been chosen. The Commission advised Mr. Savarese to contract the Purchasing Agent, as he was instructed to contact both firms and commence negotiations for a six month contract with possible six month extension, for engineering and inspection services. Mr. Savarese asked to be copied on future communications.

- **Motion (PULIE) seconded (EGRI) to go out of order of the agenda to Old Business, As Built Maps No discussion. Motion carried unanimously.**

As-Built Maps

No new as-built maps have been received for Contract 3. As-builts have been submitted for trench drain, some drainage and for sanitary sewers.

- **Motion (PULIE) seconded (EGRI) to return to the agenda. No discussion. Motion carried unanimously.**

Condemnation – Bombero Golden Hill Property

Attorney Kokenos reported property is owned by three brothers. Two brothers represented by Attorney Elaine Stuhlman. The WPCA has offered \$6,600 for the easement. The owners have asked for \$12,000. Attorney

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Kokenos asked for an appraisal justifying the \$12,000 by a certified appraiser so that he can bring it to this Commission for a decision. Attorney Kokenos did not receive an appraisal as of this meeting. There is a hearing on this issue on June 16 that Attorney Kokenos will attend.

Change Order Negotiations

Mr. Solemene presented two new change order requests from Mark IV to the Commission:

May 21, 2010-Manhole Access Ladder and Related Work, St. Johns Drive/Longview Road

Mr. Solemene explained there was a conflict with a core boring in an existing manhole. They core bored where the design indicated and it was in the middle of the manhole ladder. Spath-Bjorklund designed this core boring and they didn't take the time to look inside to see where the ladder was, they were asked to come up with a design to rectify this. They recommended cutting out the existing ladder that was in conflict with the drop and to bolt a new ladder next to where the existing ladder was. The new design was given to Mark IV, who in turn submitted a change order for \$6,500. The Commission asked if there is back-up for the price. There is not. Mr. Savarese feels the Town should not have to pay for this because it is a design flaw.

- **Motion (DEVITA) seconded (PULIE) to approve Mark IV Construction Co., Inc. change order request dated May 21, 2010 – Manhole Access Ladder and Related Work, St. John's Drive/Long View Road, in the amount of \$6,500, and seek reimbursement from Spath-Bjorklund Associates, Inc. as a design flaw. No discussion. Motion carried unanimously.**

May 21, 2010-Pump Station Revisions

Mr. Solemene explained the pump station was designed and went out to bid with overhead utilities. There are no overhead utilities in the industrial park where we are putting the pump station. The cost for this change is \$175,081.61. Discussion of the 15% overhead and profit by Mark IV and its subcontractor. The Commission authorized Mr. Savarese to meet with Mark IV to negotiate the cost of this change order. The lump sum item in the contract for the pump station is \$400,000 and includes the overhead electric. That cost should be subtracted. The Commission wants to see the net cost of the entire pump station with newly designed electrical. Attorney Kokenos referred to section GC9-11 under change order provisions.

Daniels Farm Road Repaving

Settlement is continuing. Waiting for forensic audit to be completed.

Drainage Installation Schedule

Mr. Savarese reported multiple directives he tried to achieve simultaneously. Went to older areas and looked at catch basin inventories, looked at areas that are scheduled for final paving and looked at areas we are going in the future. Our Highway Supervisor is coming back with not many basins requiring complete rebuild. Made multiple requests to Mark IV for drainage replacements, specifically noting the contract. Attorney Kokenos was helpful in drafting the memos to Mark IV. Mark IV wants further detail in the drawings, specifically top of frame elevations and invert elevations. Mr. Savarese asked why that would be needed if they are penny items, and Mark IV's response was we are not getting them for a penny. We are now spending the survey crew's time and extra drafting time for each one. Glenn Broadbent is in the process of getting ahead of the Contractor and coming back with basins.

Rudy & Marta Revello, 260 Unity Road, damage claim

Mr. Savarese reported he was instructed by Ray Ashton of Cirma to make a formal request to Eric Moutinho of Mark IV to solve the problem at 260 Unity Road. Mr. Moutinho responded refusing to fix the problem. Cirma assured Mr. Savarese that we have an indemnity clause and the Town is not responsible for damages caused by the construction. Mark IV is saying the problem is not with the construction, it is with the design. This is an insurance claim and we are represented.

Contract negotiations with Bridgeport

No update. Need to set a meeting date.

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User Fee – 2nd Water Meter for irrigation systems

Commissioner Kallmeyer not present. Postponed to next meeting.

UI Pole Relocation

Mr. Savarese reported check sent to Charter in the amount specified by the change. Mr. Savarese signed the work order to UI so Pole #99 is on its way to being moved.

North Nichols permanent paving update

Letter sent to Mark IV regarding no permanent paving. Mark IV replied with a letter stating there are four streets they want to pave.

Approval of Minutes, May 11 Special Meeting

- **Motion (PULIE) seconded (DEVITA) to approve the minutes of the May 11, 2010 special meeting as written. No discussion. Three in favor, one abstention (EGRI). Motion carried.**

NEW BUSINESS:

Spath-Bjorklund Associates, Inc. Invoice #14132 – Re-design of Merritt Boulevard Pump Station - \$3,600

New easement map, new site plan and utilities approved by John Del Vecchio, former Public Works Director.

- **Motion (DEVITA) seconded (EGRI) to postpone discussion of Spath-Bjorklund Associates, Inc. invoice #14132 for Re-design of Merritt Boulevard Pump Station, dated May 4, 2010, in the amount of \$3,600. No discussion. Motion carried unanimously.**

Spath-Bjorklund Associates, Inc. Invoice #14158 – Additional sets of North Nichols plan and profile drawings - \$754

- **Motion (HAMPFORD) seconded (PULIE) to approve payment of Spath-Bjorklund Associates, Inc. invoice #14158, dated May 17, 2010 for additional sets of North Nichols Plan and Profile Drawings, in the amount of \$754. No discussion. Motion carried unanimously.**

Easement Condemnation – State of Connecticut property at 131 Hilltop Circle

Attorney Kokenos reported the State of Connecticut will not authorize an easement but has requested the Town purchase the complete parcel and valued it at \$22,000. We have an appraisal of the easement at \$5,500. May require Town Council approval.

- **MOTION (HAMPFORD) seconded (PULIE) to approve an appraisal of the parcel located at 131 Hilltop Circle, assuming the cost is less than \$500. No discussion. Motion carried unanimously.**

Purchase of New Inspection Camera

The Commission authorized Mr. Solemene to go out to bid on a new inspection camera.

There being no other business before the Authority,

- **MOTION made (Commissioner PULIE) 2nd (Commissioner EGRI) to adjourn. No discussion. Motion carried unanimously.**

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

Respectfully submitted,

Jenny Francese
Clerk of the Commission