

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 Wednesday April 27, 2011

Members Present:

Jeanine Maietta Lynch, Chairman
Paul Kallmeyer, Vice Chairman
Laura Pulie (arrived 7:45)
Ennio DeVita
Timothy Hampford
Karen Egri, Alternate (voting until L. Pulie arrived)

Members Absent:

None

Also Present:

Joseph Solemene, Assistant WPCA Administrator
Stephen M. Savarese, PE/LS, Town Engineer
Dennis Kokenos, Esq., Town Attorney
Timothy M. Herbst, First Selectman (bond discussion)
John Marsilio, Director of Public Works
Maria Pires, Director of Finance (bond/RFP discussions)
Daniel Nelson, Chief of Staff
Mary Moran, Tax Collector (10:00 left meeting)
Roberta Rubenstein, Assistant Tax Collector (10:00 left meeting)
Fred Mascia, Tighe & Bond, Project Manager

The Trumbull Water Pollution Control Authority held their monthly meeting Wednesday, April 27, 2011, in the Long Hill Room, Trumbull Town Hall. The meeting was called to order at 7:30 p.m.

MOTION made (Lynch) 2nd (Kallmeyer) to move up Agenda item number 6 New Business to get the residents that are on the Agenda in and out. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

6. New Business:

John Yakowicz, 21 Turkey Meadow Road: Connection and assessment issue.

Not present at this time.

Michael Brown, 67 Golden Hill: lateral placement.

Michael Brown of 67 Golden Hill was present and the nature of his problem involves lateral placement because due to the design the lines terminate on either side of his property. He stated he was not consulted as to the lateral location and it was installed at the farthest point from his septic hookup and if it had been run a little farther on the other side there wouldn't be an issue. Because of the location he will have to go through his driveway, gas and water lines, landscape lighting and possibly remove several trees and shrubs. He also said because the lateral was not placed in a convenient location and the lines have to be run farther it will result in him paying more money and he feels he has been wronged by the situation. He said he was told that there are 65 people in comparable situations and the rationale for doing this was to save money for everyone in phase 4. He stated the 65 cases do not save any money and have to pay more to save everyone else money. He does not expect the sewer lines be moved but he feels they are entitled to the following equitable measures: 1) Reimbursement for the difference in lateral hookup from where it is to where it reasonably should have been if anybody had come out and looked at the property; 2) Reimbursement for tree and shrub removal and replacement of those things; and 3) When assessed should be assessed at the smallest lot size because they are getting 5, 10 feet of frontage and should be charged according to the smaller lot sizes. Steve Savarese explained

that Mr. Brown lives at the end of the road and the manhole stops 5, 10 feet in from the sideline on the lower side of the lot and then the sewer line breaks and the manhole begins for the next lot so the lateral could only go in one place. This follows the design criteria and is on the original plan and no change occurred regarding the location of the lateral. Commission Kallmeyer stated this is the standard design and this particularly happens in cul-de-sacs. Mr. Brown stated the design made his lot unique and the Commission pointed out that the topography of his lot makes it unique and that's what dictates how the sewers are laid out. The Commission stated this design is good, efficient and economical, lot size does not matter, and the purpose of the pipe is to give service to the lot. Mr. Brown wants an estimate for hookup from where it is and from where he thinks it should have been.

John Yakowicz, 21 Turkey Meadow Road: Connection and assessment issue.

John Yakowicz of 21 Turkey Meadow Road was present and said he has the same issue as Mr. Brown. He has a septic in his front yard 30 feet off the curb, over 150 feet of frontage and was given 10 feet access on the other side of the drive. He will have to go through 3 mature trees and driveway to hook in when the septic is 40 feet from the street with no trees in front of it. He does not want an extra pipe he wants a figure of what it would have cost to tie in and now what it's going to cost him extra. He stated it is going to cost a lot more because he was not given the same access to a lateral that everyone else in his neighborhood had. He also said he is the only person on his street who was not asked where they wanted the lateral. The Commission reviewed the design plans and restated it's policy that it serves the first floor and not the bottom floor. Mr. Yakowicz stated before the design was done they should have found out what side the septic was on. He has a problem with going through the trees and his driveway. He does not think it is fair that he was told where his lateral was going and he did not have a choice. Commissioner DeVita said when a pipe goes across somebody's lot we do ask them where they want it but in this case there was no other place to put it and that's the reason why Mr. Yakowicz wasn't asked where he wanted it.

Sanjay Dalal, 216 Beacon Hill Road and 10 Squire Court: sewer use fees and consumption problems.

Sanjay Dalal, 10 Squire Court was present and stated he lived at 216 Beacon Hill Road and moved to 10 Squire Court. They closed at the end of December and they moved at the end of January and he has 2 bills for consumption. He gave a history of his prior quarterly bills averaging between 25 and 30 cubic feet. He said they were in 10 Squire for February and March and for the month of January they were in 216 Beacon Hill Road. He said the consumption for the 2 properties should be around 25 and 30. The bill he got for 10 Squire Court was for 142 CCF's for a total amount of \$630.45 and he summarized the bills he received for both addresses and the adjustment that was made by his attorney at the closing. He said he is being billed for 142 CCF's at 10 Squire Court and 33 CCF's on 216 Beacon Hill Road. Roberta Rubenstein, Assistant Tax Collector explained the way the billing is done that it's the December consumption that is used for January, February and March and the bill is actually from the previous owner. She provided a copy of and explained the consumption bill from Aquarion for 10 Squire Court. Mr. Dalal does not want to pay the sewer use bill using these high consumption amounts and he wants the Commission to adjust his bill. Mr. Dalal said he never used 142 CCF's in a year at his previous property and he thinks the Commission should make an exception. The Commission discussed escrows at closings, the lag time between final bill and sewer use billing, the use of a previous quarter's consumption to produce next quarter's bill, and the need to review the policy. The Commission expressed concern that attorneys are not holding escrows to cover a final bill.

Discussion followed with Roberta Rubenstein regarding averaging, previous amounts, adjustments to averages for future billings, ways to make sure the people using the water pay and not the new owners, meter readings, separating bills, adjustments at closings, and being billed for water that does not go down the sewer. Mr. Dalal was told the Commission cannot give him any resolution right now, but going forward once the policy is changed the Commission may be able to. They told him he needs to pay the bill. Attorney Kokenos summarized the Commission's policy and stated it is proper and legal and the Commission wants to look into changing the policy. It was also explained to Mr. Dalal that a one- time adjustment would not work because the Commission still has to pay the full amount to Bridgeport and it was suggested that he have Aquarion check for a leak. Mr.

Dalal expressed his concern regarding the Commission's decision that he has to pay the bill. Mrs. Rubenstein explained the process for adjusting the average for future bills and the Commission stated they have no problem with her making the adjustment for future bills. Mr. Dalal was informed an average adjustment will be made to his bill for future billings and he should meet with Mrs. Rubenstein.

The Commission will set up a special meeting for policy issues to deal with the averaging and irrigation and everything that goes with that.

Steve Savarese and the Chairman advised the Commission that there are residents present requesting to go before the Commission and be added to the Agenda. They will be added after the Commission finishes with the residents listed under New Business.

David Ghent, 70 Flint Street: sewer use fees.

Roberta Rubenstein submitted a copy of Mr. Ghent's Aquarion consumption bill.

David Ghent, 70 Flint Street was present and he stated they lived there for six years and late August of last year put in an irrigation system and his Fall bill was extremely high. He noted that none of the extra water used went into the sewer system. He came looking for a one-time adjustment and now knows the Commission's policy and understands he can't get an adjustment. Over six years he averaged 24 units and the subject quarter was 76 units. He would like an adjustment to the average for the next billing. Installation of a separate water meter for the irrigation system was discussed. He understands the policy and wants to make sure this issue is being addressed by the Commission.

Joanna Giamei, Lot 31 Edison Road: lateral and manhole request.

Joanna Giamei was present and stated they purchased the house and the lot next to it and want to build on the lot. There is no lateral and she went over recommendations and plans from Joe Solemene. One of the recommendations is to put a manhole in the property next door to avoid going into the road to bring the lateral in and that manhole will go into the manhole in the road because the manhole in the road ends right in front of the house at 482 Edison Road. The plans were reviewed and it was noted the house is hooked up but not the lot. A Memo dated April 12, 2011 from Joe Solemene to Bob Marconi was submitted into the record. Discussion included the manhole, location of lateral, town right of way and easement. The Commission agreed on Alternate 1 as stated in the April 12, 2011 Memo.

MOTION made (Kallmeyer) 2nd (Pulie) to approve lateral connection Alternate #1 for Lot 31 Edison Road. No vote was taken.

After further discuss the Commission decided that option number 1 is the better option for the Town and will approve the installation of that lateral for option number 1 and the homeowner is to work out the details with Joe Solemene and Steve Savarese in terms of the final plans. The assessment listed on the Memo was questioned and they were informed it stays the same and doesn't change.

MOTION made (Hampford) 2nd (Kallmeyer) motion to amend the original motion to clarify that the lateral must be separate connection all the way to the main. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2nd (Pulie) vote on the amended motion. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2nd (Kallmeyer) to move up Agenda item number 5 Old Business Stewart Barcham, 472 Daniels Farm Road: sewer use fees. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

5. Old Business:

Stewart Barcham, 472 Daniels Farm Road: sewer use fees.

Joe Solemene's letter dated April 7, 2011 to Stewart Barcham was reviewed. The Chairman stated for the record that she was not present when Mr. Barcham made his presentation and she did read over the Minutes. She said it appeared when he came before the Commission that this was the first time that this had happened to him when in reality Aquarion has already adjusted his bill over the years almost \$9,000.00. So, this is an on going situation with Mr. Barcham which leads to maybe one approach where he may have an old pipe that keeps getting repaired and not replaced and it again leaks. It appears that this is the pattern of what's happening and his approach to us was a little bit disingenuous from the sense that it omitted certain factual contents. Roberta Rubenstein submitted a copy of Aquarion's water bill for the record and she noted he received a leak adjustment for 150 units. Roberta described how the amount from Aquarion will be used and how it is going to affect his summer sewer use bill. The Commission questioned if the leak was repaired or replaced. The Chairman stated the Commission will wait for his documentation as requested in Joe Solemene's letter.

Discussion took place on Commissioner Kallmeyer's e-mail regarding changes to the Commission's policy regarding leaks and adjustments. The Chairman requested a special meeting be set up to address Commissioner's Kallmeyer's concerns and other items with respect to billing.

Mr. and Mrs. George Brown, 30 Middlebrooks Avenue: sewer use fees.

Roberta Rubenstein submitted a copy of Aquarion's bill for the record. The Chairman stated she read over last month's Minutes and the Commission was very clear about them going back to the attorney. Roberta summarized the bill and explained the old owner's bill was for 87 units in December and January's reading of 14 units was added to that for a total of 101 units. The 14 units should have been added to the 11 units on the March 3rd bill and should have been billed 25 units rather than 11 units. There is nothing further the Commission can do on this.

MOTION made (Lynch) 2nd (Pulie) to move up Agenda item number 7 any other business that may come before the Authority. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2nd (Kallmeyer) to add to the Agenda Owen Evans, 93 Skyview Drive. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

7. Any other business that may come before the Authority:

Owen Evans, 93 Sykview Drive.

Mr. Evans reiterated his issue regarding his lateral placement. He was never asked where he wanted it and where they planned to put it would impact 40 year old trees and bushes. He stated a town representative came out and they agreed on the location and he painted the spot and when Mark IV came through they ignored it and wanted to put it in the spot he didn't want. He said yesterday someone painted new marks on the street where the lateral should go and it is in the correct position. Fred Mascia stated they have asked Mark IV several times about when it would be put in and that it is the right spot where Mr. Evans wants it to be. Fred Mascia explained that no permanent paving is being done now and that only temporary pavement is being put down. Mr. Evans said there is significant settling in his neighborhood. He wants his issue speeded up and Steve Savarese stated he has seen Mr. Evans' name on the schedule of work to be done. Fred stated he cannot give a specific date or time that Mark IV will be there because they don't give it to him and the contractor is responsible for the schedule. Fred Mascia will find out about the new paint and said it might be call before you dig because it gets refreshed every 30 days.

MOTION made (Lynch) 2nd (Hampford) to add to the Agenda Jim and Luciana Gay, 531 Booth Hill Road. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Jim and Luciana Gay, 531 Booth Hill Road.

Jim and Luciana Gay stated the issue is they have no sewer lateral. Mr. Gay stated the sewer main ends approximately 5 feet on his property and the septic is on the other side of the property. He has to come completely across the property, through the driveway and utilities to tie in to where the lateral is proposed. He would like the lateral location moved on a 45 or pay the least amount of money possible because he has to pay double the cost to tie in. Mrs. Gay said the rest of the neighborhood had the laterals put in, but Mr. Garard stopped their lateral placement because he felt it wasn't in a proper location. She also said they were supposed to appear before the Board, she thinks maybe in November, and that they were told there is no precedent for changing laterals and that Tighe & Bond was responsible and they were going to leave it where it was. She questioned how the assessments are done and if it is based on minimum frontage then they would like to be assessed at the lowest possible frontage because they have to incur the cost of the diagonal stretch. She said they don't mind paying the cost if they are billed at the smallest assessment. She asked the following questions: how is the assessment determined, is it based on the frontage, is there a set cutoff? Commissioner Kallmeyer stated based on the frontage there are three formulas and they are one-half acre or less, one half acre up to an acre, and above an acre and within those three categories of lot size there's a minimum and a maximum footage. She stated they have an acre lot and she petitioned to be considered as a half acre lot and requested to be dropped down to the lower bracket in compensation for having to incur additional costs for the placement of the lateral. Commissioner Kallmeyer reiterated that this is the design criteria that the Town has utilized for almost 40 years. Mr. Gay also said he would like to pay the least amount of footage. Chairman Lynch said they will also take this issue under advisement and will have further discussion on it. She is not sure what the outcome is because she is not sure they have the ability to change anything. Commissioner Pulie stated she believes for contracts in the past there were no adjustments made for people in the same situation.

MOTION made (Lynch) 2nd (Kallmeyer) to add to the Agenda J. Preston Merritt, 136 North Stowe Place. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

J. Preston Merritt, 136 North Stowe Place.

Mr. Merritt stated he is also one of the 65 and he would like the Commission to consider adjustments to the 65. He borders Kingsbury Drive and North Stowe Place. He showed the Commission on his map the corner area where they are putting it, the location of the septic system in the back and where the plumbing runs out. He said his run will be up hill and he would like to run out to Kingsbury and showed the Commission where he would like the service connection so it is directly lateral. He said he has a finished basement with sheetrock and he stated he has a basement sink and does not have a basement toilet. He is concerned that there is a telephone pole right next to where they placed his lateral, there are going to be some tree problems and he will have to put a pump in if they go with the plan. He said he could use gravity feed the other way and he thinks it is a reasonable accommodation. He said the Town did not contact him about the location of the lateral, but lately he spoke and met with Kurt Goldbach from Tighe & Bond. He stated his lateral is not in and they are currently blasting on his street and time is of the essence. Fred Mascia discussed end of run laterals for properties at cul-de-sacs or at high points, situations when it can only go in one spot and procedures for pump decisions. He said this property can go by gravity and to go the other way would be at additional costs. Discussion included location, ledge, costs, manhole, current work in the area, plumbing change, possibility of a pump, original design plan, homeowner contributing to additional costs, possible changes, and time restraints.

Attorney Kokenos summarized the process that would have to be followed for a change. Mr. Merritt believes his requested location will be cheaper and it will eliminate the blasting for the lateral and the savings may equal the additional costs. In summation Attorney Kokenos said Tighe & Bond needs to get numbers together come back to the next meeting and advise the Commission and resident of the cost before any agreement, discussion or anything can be done. The Commission informed Mr. Merritt that at this point the lateral should be put in where

it is shown and he said he will go with the pump. As another option, Steve Savarese stated if the lateral stays along North Stowe there will be the option to put in the lateral to Kingsbury at the cost negotiated with Mark IV which would result in two laterals and Mr. Merritt would be paying for the second one.

MOTION made (Lynch) 2nd (Pulie) to add to the Agenda Mary Moran the Trumbull Tax Collector. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Mary Moran, Trumbull Tax Collector:

Mary Moran asked Commission Kallmeyer to provide Maria Pires and Dan Nelson with a copy of his letter. Mrs. Moran also requested she and Robert Rubenstein be included in the special meeting. Roberta Rubenstein, Assistant Tax Collector stated as suggested she checked with other towns that use consumption and this will be discussed further at a special meeting. The Chairman stated for the record that the Tax Collector's office has been inundated with a lot of these complaints and both Roberta and Mary Moran and staff have been incredibly professional and phenomenal. She also wanted to thank them personally for their good efforts and work and professionalism. Praises and compliments were voiced relating to Roberta going above and beyond and for her assistance to many residents.

MOTION made (Lynch) 2nd (Pulie) to move Agenda item number 2 Tighe & Bond up on the Agenda. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Tighe & Bond:

Progress Report. Fred Mascia said since the last Commission meeting the contractor has been working in the Copper Kettle, Primrose, North Stowe, Red Fox, Kingsbury area and they also started the pump station and predrilling on Huntington Turnpike. They are running multiple crews including 3 main line pipe crews, a lateral crew and sometimes a second lateral crew. He stated an update is given every Monday and is posted on the Town website. In the next few weeks Mark IV is going back to North Street and Shelton Road to do some repairs that were encountered during testing and the repairs are being done at Mark IV's expense. He noted line testing on North Street got stuck twice and repairs will also be starting there. He also summarized other work locations and said he will get an update on Dogwood Lake. To date 74% of main line pipe has been installed. Attorney Kokenos inquired about the camera testing and Fred said they have received all the camera testing that was done. Out of the 74% of main line they still have not tested all the pipe but everything that was tested has been reviewed and they are probably up to about 55 to 60% of the camera testing. Discussion included status of testing, issues that were brought up at last month's meeting including financial pressure and problems that were found during testing.

Change Orders.

Change Order R46: dated March 21, 2011 in the amount of \$7,088.59 for additional work at Golden Hill Road and Red Fox. Fred Mascia said this is above and beyond other change orders and he had disputed this and has not gotten a satisfactory answer and he suggests the Commission keep this change order pending until he gets more information.

Change order R46 dated March 21, 2011 in the amount of \$7,088.59 for additional work at Golden Hill Road and Red Fox. Tabled.

Change order R47: dated March 21, 2011 in the amount of \$3600.00 for drop inlet manhole 0-10 foot depth. It is shown on the plan as a drop manhole but there is no pay item for it and this is in lieu of that manhole. He recommends payment.

MOTION made (Kallmeyer) 2nd (Hampford) to approve change order R47 dated March 21, 2011 in the amount of \$3600.00 for drop inlet manhole 0-10 foot depth. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Change order R48: dated March 18, 2011 in the amount of \$251,900.00 for additional cost for borrow. Fred said based on calculations it works out to be a \$252,000.00 change order. He informed them it is out of line and they are trying to invoke the 25% beyond the bid quantities and they're saying borrow equals total amount of rock removed from the project which is totally wrong. It was suggested that he tell them to use bank run gravel. He does not recommend payment.

MOTION made (Lynch) 2nd (Hampford) to deny change order R48 dated March 18, 2011 in the amount of \$251,900.00 for additional cost for borrow. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Change order R49: dated April 8, 2011 in the amount of \$22,540.68 for additional work at pump station. Fred said a letter was sent back to Mark IV asking them to talk to an electrical subcontractor and re-evaluate. Tighe & Bond disagrees with the contractor's method of computing the costs of installing underground duct banks and have not heard back from them yet. This change order should be tabled.

MOTION made (Lynch) 2nd (Kallmeyer) to table change order R49 dated April 8, 2011 in the amount of \$22,540.68 for additional work at pump station. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Change order R50: dated April 13, 2011 in the amount of \$911.00 for saw cut and removal of concrete pavement at Shelton Road 0+28. Contractor reinstalled some drainage, a catch basin and some trench drain. Fred said this is a valid change order.

MOTION made (Lynch) 2nd (Pulie) to approve change order R50 dated April 13, 2011 in the amount of \$911.00 for saw cut and removal of concrete pavement at Shelton Road 0+28. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Review: Tighe & Bond Inspection Services and Wright Pierce Engineering Consulting Services

account spreadsheets: Tighe & Bond is currently at \$649,744.10. Fred Mascia stated they currently have 4 people in the field and they have also been doing inventory of catch basins for Mark IV to replace the catch basins they agreed to. The Commissioners reviewed the costs spreadsheets and recommended changes.

Invoice Approval:

Mark IV Construction Co., Inc., Phase IV, Part B – Contract 4 – North Nichols Project, Application #20 dated April 15, 2011 in the amount of \$873,273.39.

It was noted item #57 shows 1 catch basin at \$0.01 for Shelton Road. Installation of additional catch basins should start in another month or so in collaboration with the Highway Department and they are also doing an analysis. Commissioner Pulie asked if 130 basins will be installed and John Marsilio stated almost because basins will not be replaced if they don't have to be. He also said before the roads are finally paved, and the goal is to pave anything that is wintered over, Tighe & Bond was asked to review all of those roads that will be paved this year for drainage. In addition to that there are approximately 165 catch basin tops beyond the basins and the drainage that the Town will have to provide and do ourselves. There is a portion of this contract that is a town obligation outside the contract limits and Tighe & Bond has also been asked to delineate what the project disturbance area is on every one of these roads. He also said whatever the specification calls for outside the trench that has to get cut has to be a parallel line to the curb or a reasonable distance and then it can jog back in but that is intended to delineate what's the Town's obligation and what's the project obligation. He reiterated catch basin tops, unless it was disturbed by the project is the Town's obligation, catch basins are part of the project and will be installed as designated by Tighe Bond. He stated they are currently working on this paving program, drainage and the split between Town and project. Fred Mascia mentioned to keep in mind for future contracts Tighe & Bond's specifications for pipe retainage.

MOTION made (Lynch) 2nd (Kallmeyer) to approve Mark IV invoice 20 in the amount of \$873,273.39. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

4. Wright-Pierce - Up-date from Commissioner Kallmeyer:

The Commissioners were e-mailed the Project Status Update dated April 27, 1011 from Christine E. Kurtz of Wright-Pierce and Paul Kallmeyer stated it is all positive, the extra money has been approved and the First Selectman needs to sign the paperwork which will be sent in. He also noted there is good news on the WPCF report the feasibility study they've gone back to the DEP and they will be giving us answers on the design criteria. This is something they didn't get before and that was one of the reason why we didn't want the report approved because that's what really will determine the cost of the plan.

MOTION made (Lynch) 2nd (Kallmeyer) to move up item number 5 Old Business on the Agenda the Owens, Schine & Nicola retainer and invoice regarding Mark IV Arbitration Penny Items in the amount of \$6,855.00 and the American Arbitration Association invoice with respect to Mark IV Arbitration in the amount of \$300.00. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

5. Old Business:

Discussion: Owens, Schine & Nicola retainer information regarding Mark IV Arbitration (tabled 3/23/11); Owens, Schine & Nicola: Invoice RE: Mark IV Arbitration – Penny Items \$6,866.00 and American Arbitration Association – RE: Mark IV Arbitration - \$300.00.

Attorney Kokenos stated the Agenda items Discussion Owens, Schine & Nicola retainer information regarding Mark IV Arbitration (tabled 3/23/11) and Agenda item Owens, Schine & Nicola: Invoice RE: Mark IV Arbitration – Penny Items \$6,855.00 are the same.

Attorney Kokenos stated for the record that the Commission did approve an initial retainer for Owens, Schine & Nicola and he wanted to reiterate that a substantial portion of that initial retainer went to the cost of AAA not to Owens, Schine & Nicola. Also the costs of the attorneys' fees was very close to what he had estimated in the e-mail he sent when the Commission decided whether or not they were going to approve the mediation. The initial retainer amount was \$15,000.00 and more than a third of that was for AAA and he confirmed with AAA on three different occasions that the bill in the amount of \$300.00 is the final bill. The Chairman asked what is left on the retainer and Attorney Kokenos said the retainer has been exhausted. This is a project cost and has to come out of the bond because it is directly related to litigation on Contract 4.

MOTION made (Hampford) 2nd (Lynch) to approve Owens, Schine & Nicola invoice for \$6,855.00 dated April 8, 2011. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2nd (Kallmeyer) to approve the American Arbitration Association invoice dated April 7, 2011 for \$300.00. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2nd (Pulie) to move up on the Agenda item 6 New Business Approval to increase bond authorization for Contract 4, North Nichols. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

The Chairman called a recess at 10:30 p.m.

The Chairman called the meeting back to order at 10:55 p.m.

6. New Business:

Approval to increase bond authorization for Contract 4, North Nichols:

Maria Pires, Director of Finance was present and went over the bonding resolution schedule spreadsheet she prepared and tables from Tighe & Bond's letter dated March 31, 2011. She stated the schedule is a summary report from the last time when we went for an additional \$3,000,000 which brought the bond to \$27,000,000. Mrs. Pires said on this schedule she moved the information over and increased the Mark IV contract from the 25,017,988 to the \$30,566,298 and on the bottom part of that schedule \$1,684,970 as a reduction and that should tie into the Tighe & Bond report table 2. That is the only difference on this schedule from the last time. The \$1,684,970 is the difference between the change order project wide permanent paving restoration \$5,810,000 less the credit bid item 1, 72, 73 and 75 for \$4,125,030 (table 2). The Commission asked to go over the items. The Chairman stated the original contract amount is \$25,017,988. There was previous bonding resolutions for \$27,000,000 then there was the revised bonding several months ago bringing that to \$30,000,000. The Commissioners indicated they understand the first 3 columns of the spreadsheet. Mrs. Pires confirmed that the current bond is \$30,010,127. The Chairman questioned what the costs are now that are being added to the revised bonding resolution and asked how she gets the \$34,559,030. Tables 1 and 2 were explained and how those figures are incorporated into the spreadsheet was also explained.

Chairman Lynch said it is important to go over what the \$30,566,298 encompasses because approximately \$2,300,000 of that is for rock removal. She explained that the original bid quantity of rock was 38,000 cubic yards while the original document was 76,000 and then the bid was cancelled and re-evaluated and came out with 38,000 which was lower than what was in Jog Hill despite the fact that there are more homes in North Nichols and a much deeper depth and there is no detail to back up as to why the change was made. The \$2,300,000 now is becoming an issue and should have been addressed from day one in the initial bidding process but was not. It was pointed out that we are at 90% of the rock now and at 74% of the project. Fred said the \$24,902,073 includes 38,000 cubic feet of rock so the adjustment of \$2,302,356 is the net difference of all items and is close to what the rock is projected to be off by.

The issue that needs to be put forth to the Board of Finance and Town Council is that this item should have been from day one in the original bid and this is not something that is extra above and beyond but is something that should have been addressed from the very beginning. Mr. Marsilio stressed that it is important that it is made clear that Tighe & Bond did a new take on this and did adjustments on all quantities and essentially this represents 61,000 yards of rock which is their best estimate. Further discussion took place regarding the bid, the change in rock quantity and dollar amounts that were bid.

Reclamation of roadways from Table 1 was questioned and Fred stated this was prepared in September after a project assessment and that their guess at that time was \$30,566,298. Table 2 is an update of Table 1 and it includes updates and savings for a new total of \$28,763,273. The numbers for the pavement restoration program were re-evaluated. They drilled some holes and evaluated the infrastructure and out of the 19 miles of roadway it was determined that about 40% needed full depth reclamation and about 60% could have a milled overlay program and that's where the \$5,810,000 came from. He also briefly explained other Table 2 items.

Maria was asked to further explain and clarify figures on the spreadsheet and tables. Maria addressed questions and John Marsilio went over the history that goes with the Tables. Maria said she would revise the spreadsheet. There was additional discussion on reclamation, bonding amounts, assessments, allocations and what will be carved out prior to assessments.

Maria again went over and explained the figures on the spreadsheet and tables and she informed the Commission that there is no authorization to pay bills after \$30,000,000.

The following are the updated figures that will be reflected on the revised spreadsheet:

28,763,273	(estimated Mark IV final costs)
215,000	(Huntington Road)
<u>1,460,000</u>	(Mark IV previously approved PO)
30,438,273	(contract cost)
<u>608,765</u>	(bonding cost)
31,047,038	
<u>3,391,576</u>	
34,438,614	Total

Maria informed the Commission that we go out to bond every September. It was the consensus of the Commission that they bond a practical number and try to avoid having to bond again. The amount to bond was discussed and an additional amount of \$4,500.00 was agreed on bringing the total bond authorization to \$34,500,000. This will have to go before the Board of Finance and then Town Council to get approvals to be able to bond in September. Maria Pires informed the Commission that she needs to send the bonding resolution out to the Board of Finance by Friday.

MOTION made (Lynch) 2nd (Hampford) to approve an additional \$4,500,000 to the existing \$30,000,000 bond authorization for Contract 4, North Nichols for a total bond authorization amount of \$34,500,000. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2nd (Pulie) to move up on the Agenda item 5 Old Business Discussion of the status of Town's audit of the 59 and 20 accounts. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

5. Old Business:

Discussion: Status of Town's audit of the 59 and 20 accounts.

Commissioner Kallmeyer said he received a copy of the new RFP and the RFP that was voted on and reviewed by the Town Attorney is not what is going out to bid. Maria Pires said it has not gone out yet and that it is supposed to be posted May 1st. Commissioner Kallmeyer suggested it not go out until it is resolved as to why the changes were made. The Commission made him the point person on the project and his name was in the document for review purposes and it has been removed. He said now there is no check and balance for the Commission. Maria said all the bids go through the Purchasing Department and in the bid it says it will be reviewed by the WPCA Commission. Commissioner Kallmeyer said item A6 on the first page says WPCA members, Purchasing Department, Finance Director and what was left off was the Sewer Administrator and the Town Attorney. He said the Town Attorney was specifically requested and Chairman Lynch said it was approved in that manner. The Commission wants it evaluated by the Town Attorney and the Sewer Administrator. Also, under Inquiries item G Commissioner Kallmeyer's name was removed. Maria Pires said this was done the same way all the RFP's are done. The Chairman told Maria they spent months getting this done, approved by the Town Attorney and then voted on by the Commission and it is important to note that the Commission gave them something they wanted to be used. Commission Hampford pointed out if the Commission approves a document word by word it should be written word by word. Maria said it was too detailed and some of the items should be left for the pre-bid. Attorney Kokenos explained that the Commission appointed Paul to take care of this, Attorney Kokenos reviewed it and thought he did a good job, and it was given to the people who review the bid and they looked at it and said if we submit it this way we may not get bids. Commissioner Hampford said the Commission then changed it. He explained that the Commission took out paragraphs, changed the document as suggested and requested and then submitted it and it should not have been changed. Maria said she does not remember seeing the second draft. Commissioner Hampford said the changes the Commission made were out plus additional changes. Commissioner Kallmeyer also said he does not like the part

pertaining to getting an oral report. Maria said she will check with the Purchasing Agent regarding the second draft. Paul Kallmeyer read items that were omitted and Maria said they are issues that are brought up when you interview the company. She said she thinks the RFP was too detailed and those details should be addressed at one of the meetings when the auditors come out and are interviewed.

Commissioner Hampford stated if the bid goes out without the Commission's word for word approval of it the Commission is not paying for it. It was pointed out that this is a very specific audit. Attorney Kokenos and Commissioner Hampford recapped the process of preparing the RFP and Commissioner Kallmeyer pointed out additional items that were removed. More discussion took place regarding what the Commission wants and the involvement the Commission wants with the audit process. Commissioner Kallmeyer, Commissioner Egri, Maria Pires, and the Purchasing Agent will meet and discuss the RFP and if an agreement is reached they do not have to come back to the Commission.

6. New Business:

F.O.G. Presentation: Attorney Kokenos.

The Commission agreed to table the F.O.G. presentation.

MOTION made (Kallmeyer) 2nd (Lynch) to table Agenda item number 6 New Business F.O.G. presentation. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2nd (Pulie) to move Agenda item number 5 Old Business SSEC update up on the Agenda. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

5. Old Business:

Update: SSEC.

Commissioner Hampford gave the following summary: Commissioners Kallmeyer and Hampford met with two other members yesterday and they have been going through the regionalization proposals. Attendance has been poor and one member has resigned.

Minutes to Previous Meeting:

Chairman Lynch abstained from any votes because she was not present at the March 23, 2011 meeting.

The following corrections and/or additions were requested:

Page 6, under Pavement Coring line 13 says "complied" change to "compiled"

Page 8, under NEW BUSINESS line 2 says "filling" change to "filing" and line 2 says "filled" change to "filed"

MOTION made (Kallmeyer) 2nd (Hampford) to approve the March 23, 2011 meeting Minutes as amended.

Discussion. FOUR IN FAVOR (Kallmeyer, Hampford, Pulie, DeVita) ONE ABSTENTION (Lynch).

MOTION CARRIED.

MOTION (Kallmeyer) 2nd (Pulie) made to table Agenda item number 6 Old Business – Proposed budget for fiscal 2011-2012 and increase in unit charge. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2nd (Pulie) to close the regularly scheduled meeting for April 27, 2011 at 12:25 a.m. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Submitted by,

Joyce Augustinsky

Clerk of the Commission