

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, October 26, 2011**

Members Present:

Jeanine Maietta Lynch, Chairman  
Paul Kallmeyer, Vice Chairman  
Laura Pulie  
Ennio DeVita  
Timothy Hampford

Members Absent:

Karen Egri, Alternate

Also Present:

Stephen M. Savarese, PE/LS, Town Engineer  
Joseph Solemene, Assistant WPCA Administrator  
Dennis Kokenos, Esq., Town Attorney  
Fred Mascia, Tighe & Bond, Project Manager  
Christine E. Kurtz, Wright-Pierce

The Chairman called to order the regularly scheduled meeting of the Trumbull WPCA for October 26, 2011 in the Long Hill Room at 7:30 p.m.

MOTION made (Lynch) 2<sup>nd</sup> (Kallmeyer) to move up out of order Agenda item number 7 New Business, Matthew Mihaly, 116 Jerusalem Hill. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

**7. New Business:**

Matthew Mihaly, 116 Jerusalem Hill. Attorney Steve Reilly, from Oxford was present representing Matthew Mihaly and Hem Khona, P.E. and Attorney Serge Mihaly were also present. Attorney Reilly stated they are asking for a gravity system and he summarized a letter and information Mr. Matthew Mihaly received from the town regarding the pump system. He said the two basic reasons they are at the meeting are to discuss their objections to the agreement and proposal and to discuss what they feel is a better and more economical alternative. They object because it has to go on the land records, burdens the title, takes away certain rights from the property, and there already is a system in place. He said it is unequal treatment to his client for the installation of the sewer because it requires the homeowner to spend more money by paying an additional \$3,500.00 and treats him unequally when compared to other homeowners not subject to this agreement and the expenses, charges and the duties the agreement has. He said what they propose is a fair and more economical way to continue the Jerusalem Hill part of the project and he passed out a map prepared by Mr. Kona. Attorney Reilly stated Mr. Kona the former engineer for the Town of Bethel and is familiar with sewer systems and is familiar with the option they are proposing.

Hem Khona highlighted his map and plan to put in a pump station in the town right of way to service the 4 homes. Discussion took place regarding the proposed pump station, auxiliary power, gravity system to the street for the 4 homes, elevations, and manhole depth and Mr. Khona stated this is a concept and he can work with the engineer.

Joe Solemene said we have something similar very similar to what is proposed at the end of Scenic Hill Road. He also explained that the \$3,500.00 charge that Attorney Reilly claim's to be a cost that is unfair to the people who have the in the ground pump is a cost that is incurred by everyone else and probably more. He also explained the town is connecting the house to the sewer main for that \$3,500.00 and the pumping system is free. Attorney Kokenos said the information Joe just provided is very important. An average house connection is around \$5,000.00 and it was restated and noted that the town is connecting these 4 houses to the sewer main line and that is the cost for the \$3,500.00. It was explained that there is no additional cost to residents who have a pumping system and they are actually being compensated because the normal house connection runs around \$5,000.00 and they are paying \$3,500.00 which is added to the assessment.

Discussion included what is needed for a pump station, appearance, the pump station at Scenic Hill Road, costs, and a possible utility conflict. The Commission pointed out that all information was available at the public hearing and the plans show a pump system. Attorney Mihaly wants the revisions reviewed to make sure a pump system was on the plans from the beginning and to make sure it was on the plans at the public hearing.

Attorney Reilly suggested Attorney Kokenos give an opinion on whether this is a taking of a portion of is client's property rights and whether it is a denial of his client's equal protection rights to be treated like all other tax payers. Attorney Kokenos responded that he will do a legal opinion if the Commission requests it. He said he has reviewed the statutes and this is a benefit assessment and in response to whether this is an unlawful taking the WPCA and the Court precedent on this issue is very strong as far as it being a benefit assessment and it is not like a tax assessment. Also, as to whether this is an unequal protection it appears what they are asking for is for the rest of the project to bear an additional change order and if this is a 100, 150, 200, 300,000 dollar change order to benefit 4 people that will be spread out through the entire project. Discussion continued and Attorney Mihaly summarized their position.

Fred Mascia stated the system that this is tying into is already an 18 foot deep sewer on Huntington Turnpike so to go back and rebuild existing lines that were built 20, 30, 40 years ago would have added tremendous costs to the project. He also said the Commission has to consider the town will not own or maintain a private style pump station so it would have to be to a standard that the public works or sewer departments can maintain so it will be on a higher end price. Another problem is that at the end of the road there is a catch basin in that 20 foot area and before a pump station can be approved it has to be determined if public works will allow a submersible pump station generator in the right of way. The Commission suggested they go back to their professionals and come back with numbers, specifics and more information. They can let the Commission know if and when they want to be on the Agenda again. Steve Savarese suggested a pre-meeting to sit down and discuss the issues.

MOTION made (Lynch) 2<sup>nd</sup> (Hampford) to move up on the Agenda item number 8 Executive Session. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2<sup>nd</sup> (Kallmeyer) to close the regularly scheduled meeting of the WPCA for October 26, 2011 at 8:00 p.m. and move into executive session to discuss with the Town Attorney strategy and negotiations with respect to pending litigation as defined by 1-200(6) and/or to discuss attorney client-privileged information as set forth by 1-210 relating to the following:

- Contract III law suit - Town of Trumbull v. Mark IV Construction
- Discuss the hiring of an engineer/rate consultant to assist the WPCA in its contract negotiations with Bridgeport and/or regionalization.

No Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Remaining in the executive session meeting will be all the Commission members, Steve Savarese, Joe Solemene, Fred Mascia and Attorney Dennis Kokenos.

At 8:00 p.m. the tape recorder was turned off, the Clerk left the room and the Commission went into executive session.

The Clerk was called back into the room at 9:00 p.m. and the recorder was turned on.

MOTION made (Lynch) 2<sup>nd</sup> (Pulie) to close the executive session at 9:00 p.m. and to reopen the regularly scheduled WPCA meeting on October 26, 2011 and to confirm that there was no vote taken. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2<sup>nd</sup> (Pulie) to move up item number 5 on the Agenda Wright-Pierce up-date. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

**5. Wright-Pierce update.**

Christine Kurtz from Wright-Pierce was present and the feasibility study report was addressed. Commissioner Kallmeyer will call Christine to discuss specific items in the report and he discussed some of his comments and suggestions. The Commissioners will review the report and contact Christine if they have any questions. They have one more day in the field and then house to house inspections will be complete. She said they are happy with the ratio for getting into homes and they left forms to be filled out and mailed at the houses they could not get access to. To date there are 34 confirmed sump pump connections into the sewer system. She highlighted her October 21<sup>st</sup> memo and discussed TV testing, manhole inspections, general findings as to the overall condition of the pipes, and data and flow reviews. Further discussion took place regarding voluntary inspections, getting access to only 50% of the houses, illegal connections and ways to identify illegal connections. It was also questioned if the Town has the right to make inspections for illegal connections and are homeowners compelled to let inspectors in for inspections. The Commission needs to set a policy and Commissioner Kallmeyer will contact Attorney Kokenos and John Braccio for guidance. Discussion continued on sump pumps, percentages, options, flows and findings relating to increased flows during wet weather.

Christine said they got flow data from Joe and are evaluating it now and she thinks the Reservoir Avenue pump station probably needs to be replaced. Steve Savarese said at the Reservoir pump station there is a large length of cross country run through State property and the easement isn't well defined and is inaccessible at this point. Discussion took place regarding maintenance of the cross country lines, "as built" and easements, Highway Department maintaining the lines and issuing a RFP for regular maintenance.

**1. Minutes to previous meeting.**

The Commission had no changes or corrections to the September 28, 2011 meeting Minutes.

MOTION made (Kallmeyer) 2<sup>nd</sup> (Hampford) to approve the meeting Minutes of September 28, 2011 as written. No discussion. THREE IN FAVOR (DeVita, Hampford, Kallmeyer) TWO ABSTENSIONS (Lynch, Pulie) MOTION CARRIED.

**2. Tighe & Bond.**

Progress report. Fred Mascia said since the last meeting Huntington Turnpike and Teeter Rock Road are complete. The Contractor is working on permanent pavement patch on Huntington Turnpike. To date 90% of the main line pipe has been installed with about 9,000 feet left and 90% of that amount is cross country easements. He noted the extension the Commission approved from Golden Hill Road and Shelton Road is complete. The water main relocation for Huntington Road and Jerusalem Hill is complete and installation in that area can be done now without disturbing water service in that area of Town.

**Change Orders.** Fred Mascia from Tighe & Bond summarized each of the following change orders.

Change Order R60R: dated October 17, 2011 in the amount of \$42,756.98 for water main relocation in Huntington Turnpike and Jerusalem Hill Road. The Commission originally approved \$42,000.00 budget for this change order. \$42,756.98 is the final number which includes 2 insertion values and is in accordance with what Aquarion wanted. MOTION made (Lynch) 2<sup>nd</sup> (Pulie) to approve change order R60R in the amount of \$42,756.98 for water main relocation in Huntington Road. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Change Order R88R: dated October 12, 2011 in the amount of \$813.29 to repair deficient storm drainage. (original charge August 25, 2011 for \$896.02) Fred went back to the contractor and charges were adjusted. The contractor had to pull a section of pipe on Huntington Turnpike and replace it. Fred Mascia recommended payment.

MOTION made (Lynch) 2<sup>nd</sup> (Hampford) to approve change order R88R in the amount of \$813.29 to repair deficient storm drainage. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Change Order R89R: dated November 12, 2011 in the amount of \$2,444.46 for downtime for utility relocation on Huntington Turnpike. (original charge August 24, 2011 for \$2,751.31) Fred went back to the contractor and charges were adjusted. This is for a manhole at St. Joseph's High School and Fred explained we used the grade they provided and the water main was in direct conflict. The contractor had to lower the pipes and re-core the manhole. The manhole was already installed and they to re-core it and relay the pipes to go underneath the water main. Fred Mascia recommended payment and said this is legitimate down time.

MOTION made (Pulie) 2<sup>nd</sup> (Lynch) to approve change order R89R in the amount of \$2,444.46 for downtime for utility relocation on Huntington Turnpike. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Change Order R91R: dated October 12, 2011 in the amount of \$2,197.72 for additional work to allow for gravity service. (original charge September 1, 2011 for \$2,368.25) Fred went back to the contractor and charges were adjusted. The change is for gravity service and lateral installed deeper than what was on the plan. Contractor claims change was approved by town inspector.

MOTION made (Lynch) 2<sup>nd</sup> (Pulie) to approve change order R91R in the amount of \$2,197.14 for additional work for lateral at 2189 Huntington Turnpike to allow for gravity service. Discussion. THREE IN FAVOR (Lynch, Pulie, Kallmeyer) ONE AGAINST (Hampford) ONE ABSTENTION (DeVita). MOTION CARRIED.

Change Order R94: dated September 22, 2011 in the amount of \$9,997.72 to re-drill Teeter Rock Road. This charge is for re-drilling a section of Teeter Rock Road to avoid water main and add a manhole. Commissioner DeVita pointed out we pay for drilling in the contract price. Fred explained we changed the design to assist the contractor and we authorized an additional manhole to avoid a large water main disturbance relocation. The contractor had drilled the original alignment and had to drill again after the change was made. Fred Mascia said we worked to assist him to avoid the water main and the Commission already paid for the additional manhole and he does not recommend payment.

MOTION made (Lynch) 2<sup>nd</sup> (Hampford) to deny change order R94 in the amount of \$9,997.72 for re-drilling on Teeter Rock Road. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Change Order R96: dated October 11, 2011 in the amount of \$704.46 for re-drilling lateral at 76 Teeter Rock Road. The lateral was laid out by the inspector and it was not in the correct location. The contractor had to move the lateral location and re-drill. Fred Mascia recommended payment.

MOTION made (Lynch) 2<sup>nd</sup> (Pulie) to approve change order R96 in the amount of \$704.46 for re-drilling lateral at 76 Teeter Rock Road. Discussion. FOUR IN FAVOR (Lynch, Pulie, Hampford, Kallmeyer) ONE AGAINST (DeVita). MOTION CARRIED.

Fred Mascia summarized the history on change order R85. The Commission approved change order R85 estimate in the amount of \$13,482.00 in September for the extension of the sewer in Shelton Road to connect 604 Shelton Road. The work has been done and the contractor submitted his final cost in the amount of \$15,171.40. Fred discussed the costs and breakdown previously requested by the Commission contained in the contractor's letter dated October 19, 2011. Fred said this is a legitimate charge

Change Order R85R: dated October 26, 2011 in the amount of \$15,171.40 for the installation of the later for 604 Shelton Road. (original charge August 5, 2011 for \$13,482.00) Commissioner DeVita questioned the predrill

price because it is included in the rock price. The Commission suggested removing the predrill and mobe drill charges because it should be included in rock removal. Fred stated the house was not included in the contract and the contractor had to extend the main 6 feet deep. The Commission decided to remove the predrill, mobe drill and mechanical rock removal charges. Fred Mascia recommended payment and said this is a legitimate number.

MOTION made (Hampford) 2<sup>nd</sup> (Pulie) to approve change order R85R for lateral connection at 604 Shelton Road with the following changes: the mobe drill, the predrill, and the mechanical rock removal line items be removed and the rest of the charges be approved. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

The Chairman noted Agenda Item 7 New Business discussion new Huntington Road change order should be included with change order 95R and not a separate Agenda item. It was also noted it should be Huntington Turnpike and not Huntington Road.

MOTION made (Lynch) 2<sup>nd</sup> (Kallmeyer) to include in the discussion of the change orders the Huntington Turnpike change order listed as Agenda item number 7 New Business. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

The Chairman requested Agenda item number 7 New Business Spath-Bjorklund Associates be moved up to follow the Huntington Turnpike change orders.

MOTION made (Lynch) 2<sup>nd</sup> (Pulie) to move up after that discussion Agenda item number 7 New Business Spath-Bjorklund Associates' September 19, 2011 invoice in the amount of \$1,570.25 for the redesign regarding the pump station. No Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Change Order R95: dated October 4, 2011 in the amounts of \$79,083.00 for removal of temporary patch in Huntington Turnpike and \$326,129.00 for permanent patch in Huntington Turnpike. Fred stated the State D.O.T. wanted the temporary patch removed and replaced with 9 inches of asphalt to comply with the State road specs. He went over Mark IV's numbers for the removal and temporary patch and the installation of the 9 inch permanent patch. Huntington Turnpike is a State road and that fact was not taken into consideration in the project's spec documents which called for 3 inch depth instead of the State required 9 inch depth. Fred explained why the work had to be done. Steve Savarese said he authorized the work because the State was going to call the bond. The Commission also discussed Shelton Road because the same problem may also occur there.

MOTION made (Lynch) 2<sup>nd</sup> (Kallmeyer) to approve change order R95 in the amount of \$405,212.00 for permanent patch in Huntington Turnpike. Commissioner Pulie suggested this situation be discussed with Spath-Bjorklund. Discussion. FOUR IN FAVOR (Lynch, Kallmeyer, Hampford, DeVita) ONE AGAINST (Pulie). MOTION CARRIED.

### **7. New Business.**

Spath-Bjorklund Associates, Inc. September 19, 2011 invoice in the amount of \$1,570.25 for re-design regarding the pump station. Fred Mascia explained during excavation of the pump station it was determined that there was unsuitable soil at the bottom and he went to Spath-Bjorklund for a foundation design to allow for that. The Commission approved change orders for Mark IV to use stone and fabric material.

MOTION made (Kallmeyer) 2<sup>nd</sup> (Hampford) to approve Spath-Bjorklund's design invoice in the amount of \$1,570.25. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

### **3. Invoice Approval.**

Mark IV Construction Co., Inc., Phase IV, Part B – Contract 4 – North Nichols Project, Application #26 dated October 17, 2011 in the amount of \$587,283.73. Commissioner DeVita questioned why there was nothing on the penny items and Fred said this bill covers Huntington Turnpike work and work could not be done on Booth Hill Road while Huntington Turnpike was closed. Discussion included some of the items that are at 90% and

items that are over the 120% mark. The Commissioners had questions regarding the renegotiation of items over 120% at the end of the contract and Fred Mascia will discuss this with Attorney Kokenos.

MOTION made (Lynch) 2<sup>nd</sup> (Kallmeyer) to approve Mark IV Application #26 in the amount of \$587,283.73. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

**4. Billing statement – Tighe & Bond and Wright-Pierce.**

Review Tighe & Bond/Wright Pierce spreadsheets. The Commissioners reviewed the spreadsheets.

**6. Old Business:**

Update: SSEC. Commissioner Hampford said the SSEC has not met in a few months and has finished the informational sessions. They are waiting for the WPCA to hire a consultant to discuss regionalization negotiations. A tour of the Bridgeport Westside Plant is scheduled for November 15<sup>th</sup>. The SSEC will meet again in 4 to 6 weeks. Next Tuesday they will be meeting with the strategist and will report back after that.

**6. Old Business.**

Up-date Audit status of 59 and 20 Accounts. Commissioner Kallmeyer said the Director of Finance is getting information to the auditors and at this point they are looking over information. Paul, Jeanine, Karen, Steve and Joe are getting update e-mails from Finance Director Maria Pires. By next meeting Commissioner Kallmeyer hopes to have a scope of what the work will be.

**6. Old Business.**

Discussion: Public Information hearing. Chairman Lynch said the October 13<sup>th</sup> meeting was very nice informational discussion with positive and good feed back and was very helpful. The Chairman pointed out what needs to be resolved including installing a separate irrigation meter, the process and method of putting that in and the cost to have it installed as well as who's responsibility is it going to be to read that meter. The Town is not going to be responsible for reading it and it has to be independent and Aquarion has to read it. Commissioner Kallmeyer pointed out issues that should be addressed and the Commission needs to understand what the water company will do relating to separate irrigation meters prices, method and cost, whose responsibility will it be to read the meter. Discussion included incentives, having a public hearing, obtaining information for the public, finding out exactly what the Aquarion will be able to do and ways to inform the public. The following notice will be put on the next WPCA bill: The WPCA Commission is considering a change in billing policies and procedures. Please check the Town Website [www.trumbull-ct.gov](http://www.trumbull-ct.gov) for up-dates by using the following trail (Town Hall/Departments/S-Z/WPCA/Sewers) or call the Sewer Department at 203-452-5048.”

**6. Old Business.**

Wildfire Lane: sewer extension.

This street was part of the Jog Hill project and was not construction and needs to be formally approved and removed. The Commission agreed to table this item and discuss it with Attorney Kokenos.

MOTION made (Kallmeyer) 2<sup>nd</sup> (Hampford) to table Agenda item number 6 Old Business Wildfire Lane sewer extension. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2<sup>nd</sup> (Pulie) to adjourn the regularly scheduled meeting for October 26, 2011 at 10:40 p.m. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.  
the new owners pay the old bill they start from scratch.

Submitted by,

*Joyce Augustinsky*  
Clerk of the Commission