

WATER POLLUTION CONTROL AUTHORITY
Town of Trumbull
CONNECTICUT

TOWN HALL
(203) 452-5048



5866 MAIN STREET
TRUMBULL, CT 06611

**JUNE 24, 2020
MINUTES**

Call to Order: The Chair called the June 24, 2020 zoom video conference meeting to order at 7:01 p.m.

The clerk called the roll and recorded it as follows:

Present: Chairman Richard Boggs, Andrew Palo, Jon Greene, (arrived 7:03 p.m.), Charles Berezin, Frank Regnery

Absent: Scott Thornton, Alternate

Also

Present: William C. Maurer, P.E., L.S., Town Engineer/Sewer Administrator, Town Attorney James Nugent, Christine Kurtz of Wright Pierce, Attorney Dennis Kokenos, and Vanessa McPherson of Arcadis.

The Chair asked that each speaker to identify themselves every time they spoke, and, where appropriate, state their title and reminded those present only one person should speak at a time and all votes would be taken by roll call of seated members.

Approval of Minutes: Moved by Greene, seconded by Regnery to approve the May 27, 2020 meeting minutes as submitted.

The clerk called the roll call vote and recorded it as follows:

	AYE	Nay	Abstain
Richard Boggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Andrew Palo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jon Greene (not Voting)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frank Regnery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Charles Berezin	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VOTE: Motion CARRIED 3-0-1 (ABSTENTION: Berezin)

(Mr. Greene joined the meeting at 7:03 p.m. and noted he didn't have any comments on last month's minutes)

New Business:

38 MacDonald Road Sewer Connection:

Mr. Maurer reviewed what is being proposed and the site plan included in the agenda packet.

- Currently there is a connection at 36 MacDonald Rd. The connection whys over without a bend and connects 36 MacDonald. The manhole is opposite the driveway of 36 MacDonald Rd.
- 38 MacDonald is a vacant lot without a lateral. 38 MacDonald is proposing to run the service lateral on their property and across 36 MacDonald to install a manhole to be shared by the existing lateral. This creates potential issues with regard to whose responsibility it is if it should back-up. It becomes a maintenance issue between the owners. Historically this hasn't been allowed, although it was allowed on Rexview Circle at the January and February 2020 WPCA meetings. Those were mitigating circumstances where the existing house had the connection through the proposed lot. This will create a problem that can be avoided by extending the main and putting the lateral in.
- Either types of connection would be gravity.
- The developer would extend the main.
- Rexview Circle was subdivided, and there was a service connection for the lot, there were two connections, one was on the east side of the house that serviced an area where the interior plumbing couldn't be changed. Due to the depth it would have had a significant cost.
- 36 MacDonald also has two outlets, it originally had a gray water tank and instead of changing the plumbing interior they change the plumbing on the exterior which is not unusual.
- The Chair noted the MacDonald Rd. delta of the pipe length, and making the connection in the easement v. going to the street and manhole is not that much of a difference. Mr. Maurer agreed. Mr. Maurer noted he didn't believe there was a hardship.
- It was confirmed the owner of 36 MacDonald is the owner of 38 MacDonald Rd.
- The existing manhole is indicated at the bottom of the site plan, the new connection is north of #38. If they extend the main they will have to extend so their service connection would be perpendicular to the main at the point on the plan that reads "cleanout". They would extend the main to that point to accommodate the property and would have to put in a manhole as well. The depth is approximately 8'.

- The first floor elevation is at 3 and 25.
- The tank indicated on the plan is for the discharge of the storm-water.
- Historically the main is extended and the connection is made at the manhole, this is how it had been approved at Valleyview, and the developer of this project had to do the same on another of his projects at Huntington Turnpike where he put in two separate lines to the main.
- The extension for 38 MacDonald would be approximately 80' at an approximate cost of \$150-\$160 per linear foot, approximately \$12,000-\$13,000.
- #38 was not provided a lateral when the sewers were put in.
- Mr. Maurer indicated on the plan the high point. There is a main on Huntington Turnpike that could also be accessed through an easement. This is the east end of MacDonald.

Attorney Kokenos representing the owner of 38 MacDonald Rd. was present and gave a brief history of the property as follows:

- It is buildable lot, as it was granted a variance by the ZBA. (ZBA agreed there was a hardship, because the Town had always treated as a separate lot, it was taxed as a lot, Engineering and GIS recognized it as a separate lot, and there was a footprint for a driveway).
- A hardship which is similar to ZBA is before this commission, because if in fact it was recognized as a buildable lot, which it should have been from a zoning perspective, the project would have included a main for this lot.
- The \$150-\$160 per linear foot price was due the project being large. When you do one, the cost is more, it will most likely cost double.
- The connection on Huntington Turnpike was a dual connection, it isn't a similar hardship.
- The commission has recognized this situation in the past at the January and February meetings. This property was always a buildable lot.
- These lots are owned by the same owner. An easement with regard to maintenance will be easy because it's the same party. Prior to the sale there will be an easement and will make clear any type of maintenance is on the homeowners not the town. He had reviewed the minutes for Rexview to see what the Town's concerns were, they are proposing to the same and that there is a clear agreement that is acceptable to the town and reviewed by the Town attorney. If either party did not abide by the agreement the houses wouldn't have access to the sewer and would be deemed uninhabitable by the Health Department.

- If this was denied, and doesn't think it should be because it was always recognized and taxed as a second lot, the developer will have to figure out a way to make it work. The reason the pipes were put in was to make the area uniform by utilities. They are unraveling what happened, and ZBA agreed it was a buildable lot. There is a hardship since it should have been recognized as a lot.
- Attorney Kokenos agreed if approved they understand and agree there would be an assessment.

Mr. Maurer indicated the road was paved as part of the North Nichols project in 2014 or 2015.

The Chair indicated he was interested in the delta, since the hardship is based on the additional cost being imposed and by comparison of cost the owner would prefer. He questioned what the amount was. Attorney Kokenos noted the savings is \$25,000 - \$35,000.

Mr. Greene noted the argument could be made if they were to extend the main the cost of that would be in lieu of the assessment and asked if there was any precedent for that. Attorney Nugent noted he would need to research that. Attorney Kokenos indicated that there were two times when the cost to connect was so high that they were taken out of the project, the assessment was waived but were not given the benefit to connect either. He confirmed that the owner of the MacDonald Road property always received two tax bills for the property, one for the home and one for the lot.

Attorney Kokenos said he doesn't know the particulars of the subdivision and/or free-cut, but there had always been a separate tax bill, it was always treated as a lot. The proposed easement would run with the land and would be binding on all subsequent purchasers. It would not be the town's responsibility to maintain the lateral. The easement would spell that out. They recognize that has to be drafted and requested the connection be approved subject to the town attorney's approval of the easement between the two (2) lots adjacent to each other. The commission determined the lot would not have been assessed if provided a lateral, it would have to have a structure.

Mr. Maurer stated his preference is to extend the main and go as close as perpendicular to the main for the connection, because it will be less of a problem in the future and puts the maintenance on one owner not two. The Chair noted there would then be no chance for any conflict. One lateral cutting through another lot with a shared component at the end gets problematic. Attorney Kokenos noted that any buyer purchasing would have to do so with the understanding there is a responsibility to maintain the lateral, it will not be the Town's problem. They have to go this way because the Town didn't recognize this as a lot and should have. The cost will be significant when it should have been there in the first place.

Mr. Maurer stated the shared lateral is 6" in diameter. Attorney Kokenos noted they had tracked this based on what was done on Rexview to address the as many concerns as they could, it is very similar. This one is more compelling because the town has recognized they have been taxing it as a lot. The argument for a hardship is greater on this than Rexview.

Mr. Maurer indicated the road had already been opened to put in a gas main.

Attorney Nugent noted they don't have a written estimate from a contractor to make an assessment on the numbers and the estimates discussed are far apart from one another and would like time to look into whether a waiver of the assessment in exchange for the contractor extending the main at his own expense is an option that could be considered. Precedent is an issue in allowing these exceptions.

The Chair noted the numbers are further apart and he needs to understand what the hardship is. Mr. Greene stated it would be unfair to charge an assessment and to extend the main, because a line was not put in front. It seems we either accept the offer as proposed or have Attorney Nugent see if it is feasible to waive the assessment and require the extension of the main.

Attorney Kokenos stated if Attorney Nugent is going to take the time research the assessment waiver, they would submit an estimate to extend the main to the board. It seems there has been a precedent on this, a similar idea was presented and accepted.

At the field level you can see a beginning of a driveway for the property. Mr. Greene confirmed there is the beginnings of a driveway. Mr. Maurer explained the driveway may not have been there historically it could have been done when they repaved the road, they typically bring the asphalt in as far as the right-of-way. The Chair stated the image on Google maps is dated January 2016. Attorney Kokenos stated they will find the prior owner and procure an affidavit that says the driveway had been there since 2011 and before.

Moved by Palo, seconded by Regnery to TABLE this item to allow time for Attorney Kokenos to have a cost estimate developed, an affidavit done with regard to the length of time the driveway at 38 MacDonald has been there and for Attorney Nugent to research the assessment history.

The clerk called the roll call vote and recorded it as follows:

	AYE	Nay	Abstain
Richard Boggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Andrew Palo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jon Greene	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frank Regnery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Charles Berezin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VOTE: Motion CARRIED unanimously.

Old Business:

- Sewer Usage Bill Freeze: Mr. Maurer explained they are still waiting for the February billing number from QDS, and are unable to get it from Aquarion due to legal reasons. It is his understanding they won't get the number until August.

Attorney Nugent confirmed there was a state mandate for a deferral, Trumbull bills quarterly. The mandate was originally 90 days and has since been changed to three months. The WPCA bill recently issued also gets the 3-month deferment without interest.

The most recent WPCA bill went out May 1st and would normally be due in 30 days, the next billing is August 1st. There is not a deferral on the next bill as of yet. The Chair noted the next bill could be due at the same time as the deferral or a month apart which could be an issue for some people. We don't know the impact of people's water usage as they stay home and/or the seasonal impact, we need more data to sort it out.

Attorney Nugent stated the theory had always been that the people who were out of work would be back to work. Mr. Palo stated it is hard without the financial information to do anything. The Chair stated Trumbull has to pay Bridgeport.

The WPCA Commission TABLED this item to get more information by unanimous consent.

- Bridgeport WPCA FY 2020-2021 Budget: Mr. Maurer stated they had been unofficially notified that Bridgeport had passed their FY 2021 budget, the rate went to \$6.124 per ccf with the 3.6% discount applied the rate would go to \$5.904, currently it is \$5.95 and with the discount we charge our users \$5.74. Our average water usage is 110 ccf's per year, the increase represents approximately \$24.00 per user per year on average. The Chair noted that was a 3% increase.

The last time the rate was changed was in 2016. If we were to change the rate a public hearing is required. Mr. Maurer confirmed there is a 3% rate increase included in the Trumbull FY 2021 budget. The new rate will be effective July 1, 2020. It would not be a retroactive increase because the August 1st bill covers the July, August, and September billing period, (that bill uses the Aquarion readings from April, May and June for the calculation). Mr. Maurer confirmed the budget covers the increase from Bridgeport.

Attorney Nugent noted the Town could appeal their rate increase, and questioned whether we are being charged for our fair share or our unfair share of Bridgeport's expenses. Attorney Nugent stated generally the appeal period is 30 days.

Mr. Maurer explained we base what is paid to Bridgeport on 1,100,000 ccf's per year and we pay based on 1/12 of that every month, at the end of the year there is a true-up calculated on what was the actual ccfs were in that year. The true-up is based on the August, November, February and May billing. The August WPCA bill covers the town of Trumbull's July, August, and September billing period.

Trumbull pays Bridgeport every month for the month prior based on an estimated flow with a true-up at the end. Of the fiscal year in June Attorney Nugent explained an appeal of the rate change wouldn't impose a stay on the rate change. The rate

change would be effective. The clerk explained after the commission's vote the Tax Collector is notified the day after for the August billing. Attorney Nugent will confirm this.

Discussion item only, no vote was taken.

- Beardsley Pump Station Force Main Update: Mr. Maurer explained they have been working with Arcadis on portions of the main they suspect will be problematic. Ms. McPherson of Arcadis was present and noted at last month's meeting Mr. Maurer gave a good summary of the analysis done on section of the pipe removed at Beardsley Park. The next step is using the money allocated for the work presented to the board to do an internal inspection of the force main and instead using that money for a repair of sections we know are compromised. The thought is the next analysis using corrosion probe would confirm their theory that the degradation of the main is at low points in the system. This will be confirmed by desk top analysis and will look at options for short term repair of those sections in lieu of getting more data on the force main before taking any action.

Mr. Maurer explained there are two sections of the pipe that have problems, one section in Beardsley Park and the other on Stillson that is down gradient at a low spot before it goes back up again, each approximately 1,000' in length. The force main is under pressure. The pipe is almost 2 miles long.

Ms. McPherson stated this is a historical issue when we were having pump capacity issue at Beardsley combined with the wide range of flows that the station sees. It has huge peaking flows, so there is an opportunity for solids to settle out during the lower flow periods and what they are seeing is indicative of that, there is microbial action in the pipe that is eating through the wall from the inside out and is worse at the low points where solids settle.

Mr. Maurer confirmed the repair would be permanent. Ms. McPherson stated digging up the pipe and replacing it would be the worst case scenario, especially with the river crossing. They have reached out to two different companies that do pipe lining. This is more routine for gravity lines but they are looking at the feasibility. The liner is fiberglass and steam-cured, adding less than 1/2" to interior of the pipe, 1/4' on the circumference. They would need to bypass, depressurize and install the liner. It is short shutdown to order the liner and a full shut down to deploy the liner. She doesn't think the companies would embark on this if there was a possibility of having to abort midway, she will discuss further with them to make sure this is feasible before we get too far. They are in the process of checking the hydraulics to see if this is feasible and to see if they can use a thicker liner. The companies say the liner lasts forever, she doesn't believe that is the case, she anticipates 15-20 years and that will be evaluated more.

Mr. Maurer stated they are starting the investigative work now. Ms. McPherson stated the report will be available mid-July and are working with the liner companies so they

will have the answers as soon as the report is ready. They are in discussion with the vendors on feasibility and then they will talk liner details and cost.

There is \$400,000 in the budget for investigation of the condition of the pipe, which was originally for the pipe diver to go from one end of the pipe to the other. The corrosion probe price is approximately \$10,000 plus digging in spots and checking, that would leave substantial dollars for the repair work. The Chair stated the logic is to focus on areas that we know are more vulnerable than the overall system. Ms. McPherson stated it is instead of spending more money to get more information at this time we would use the good information we have to take action on the priority areas.

Mr. Maurer stated this would have to be put out to bid, it is a significant dollar project, not unless there is an emergency break. It would take a month to put out a bid. Attorney Nugent explained a bid waiver signed by the first selectman is required not to go out to bid and would be based on an emergency or something very close to an emergency.

Ms. McPherson stated she would look into a warranty on the liner. Attorney Nugent stated there should be documentation if there is a warranty and would like to see it.

Discussion item only, no vote was taken.

- Beardsley Pump Station Rehabilitation Update: Mr. Maurer stated they have had training on the pumps, generators, VFD's and the control panel. The landscaping has just been done, (graded and seeded). The outside curbing is in and it looks like they are ready to pave soon. They are buttoning up the inside, working on tile and the accessories. The pumps have been running very well, there have been no overflows, everything is consistent and is working the way it's supposed to.

Ms. McPherson stated there was a significant rain in April where one of the larger pumps came on just as it is supposed to. That was great reassurance that they're handling the wide range of flows. Arcadis is currently working on a punch-list for Kovacs for any closeout items. Mr. Maurer added because of the concern on the force main the big pumps have been limited to 60% capacity so the whole system isn't over pressurized. He doesn't believe they were maxed out during the April rain. Ms. McPherson stated they have gone through how to modify that in the future as part of VFD and pump training which was videotaped and will be accessible to the town when ready to take full advantage of the capacity.

Discussion item only, no vote was taken.

- Old Town and Reservoir Avenue Pump Stations Update: Arcadis is currently working on the bid documents they will be reviewed and we should have it ready them by the end of July. Ms. McPherson stated they are currently incorporating the additional work for the sewer upsizing at Reservoir Avenue, are

wrapping up those plans and profiles and by the end of the month will be able to give the town an entire set.

Discussion item only, no vote was taken.

Any Other Business That May Come Before the Authority – None

Adjournment – There being no further business to discuss and upon motion made by Palo, seconded by Regnery to adjourn the clerk called the roll and recorded it as follows:

	AYE	Nay	Abstain
Richard Boggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Andrew Palo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jon Greene	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frank Regnery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Charles Berezin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VOTE: Motion CARRIED unanimously.

The Trumbull Water Pollution Control Authority adjourned by unanimous consent at 8:38 p.m.

Respectfully Submitted,



Margaret D. Mastroni, WPCA Clerk