

WATER POLLUTION CONTROL AUTHORITY
Town of Trumbull
CONNECTICUT

TOWN HALL
(203) 452-5048



5866 MAIN STREET
TRUMBULL, CT 06611

APRIL 23, 2014
7:00 p.m. Long Hill Room

MEETING AGENDA

1. Minutes to previous meeting
2. Contract 4:
 - Progress Report
3. Wright-Pierce Update
 - Phase 3
 - Phase 4
 - I/I Study
 - Clean water fund
4. Old Business:
 - 5120 Main Street: Usage charge to State of Connecticut
5. New Business:
 - Owens, Schine & Nicola: Monthly invoices
 - Ury & Moskow: Monthly invoice
6. Executive Session:
 - It is anticipated that the WPCA will vote to go into executive session to discuss preliminary drafts and/or notes as set forth by C.G.S. 1-210 (b)(1) and/or 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:
 - Mark IV – Contract 3 and Contract 4
 - Regionalization and/or Re-Negotiation of Bridgeport Sewer Treatment Contract
7. Any other business that may come before the Authority.



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546

Phone: (860) 594-2380

April 3, 2014

Mr. Frank M. Smeriglio, PE
Town Engineer
Town of Trumbull
5866 Main Street
Trumbull, Connecticut 06611

RECEIVED

APR 07 2014

Water Pollution
Control Authority

By WENG SEPT

Dear Mr. Smeriglio:

Subject: Request for Refund of Sewer Fees
5120 Main Street, Trumbull
File No. 144-173-2

This letter is in follow-up to recent e-mails and telephone conversations you have had with Mr. William Dorn, of my staff.

As you know, the Connecticut Department of Transportation (Department) is seeking a refund of sewer fees it inadvertently paid after the subject dwelling was demolished. Our records indicate that the structure was demolished on December 30, 2000 as part of Project No. 144-173 (Reconstruction of the Route 111/15 Interchange). It's my understanding this matter was discussed at the Water Pollution Control Authority's recent meeting on March 26, 2014. Enclosed is a copy of the "as built" construction plan, showing the subject property (outlined in red). As depicted, the property in question was incorporated into the Route 15 right of way.

Typically these types of fees should have ceased when the house was demolished. The Department's records indicate that a minimum of \$1,768.15 was billed in error, subsequent to the building being demolished. What is the town's assessment of these over-charges, and when can the Department anticipate reimbursement?

Please direct any questions regarding this inquiry to Mr. William Dorn at 860-594-2473, and we look forward to the town's timely response.

Very truly yours,

John P. Randazzo
Assistant Director
Division of Rights of Way

Enclosure

cc: Timothy M. Herbst, First Selectman, Town of Trumbull
Jeffrey Wright, Chairman, Water Pollution Control Authority
Dennis Kokenos, Esq., Town Attorney, Town of Trumbull

Steven Earley

From: Steven Earley
Sent: Wednesday, April 16, 2014 4:41 PM
To: Frank Smeriglio
Attachments: 5120 Main St.pdf

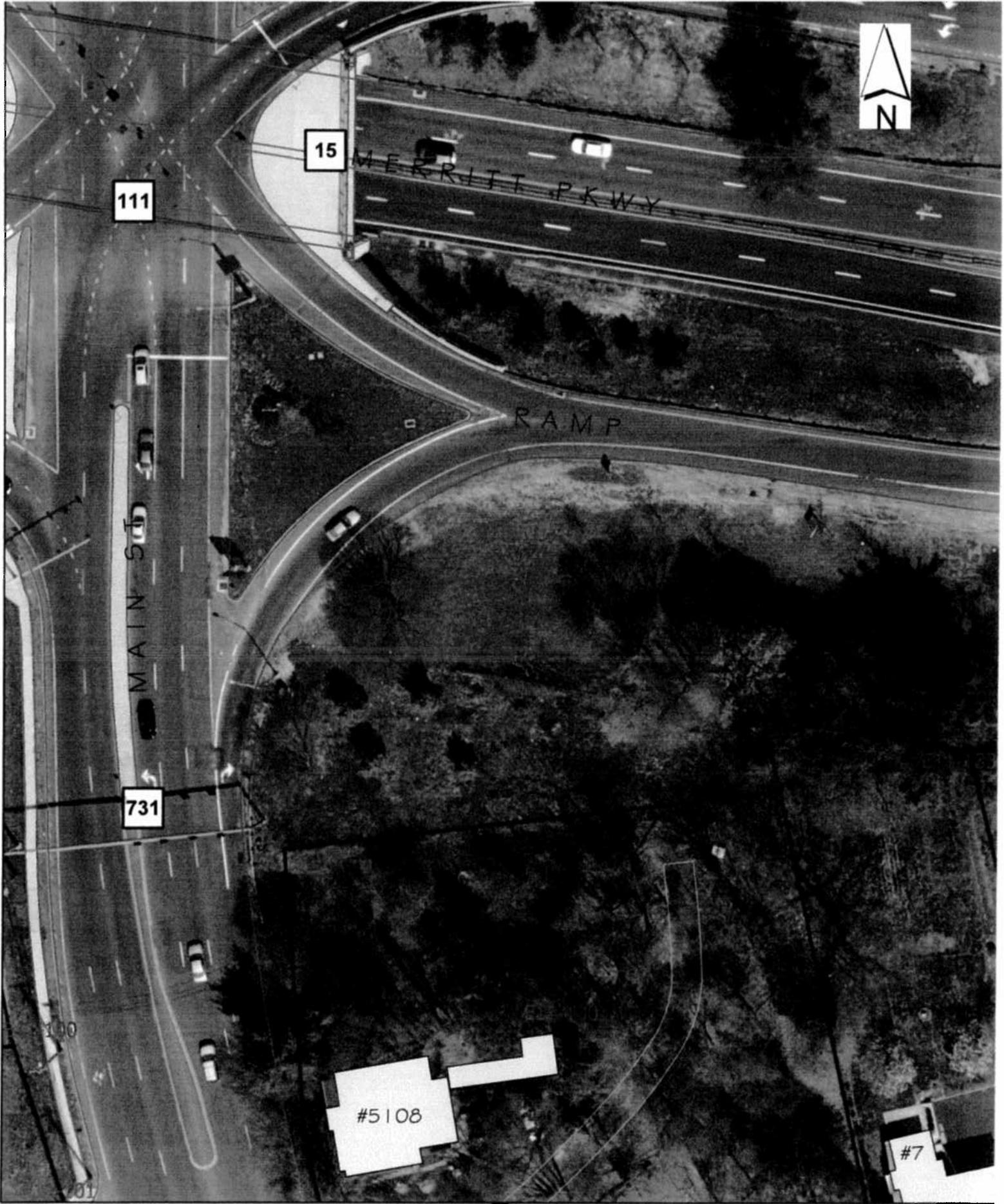
Frank;

I looked into the parcel formerly known as 5120 Main Street. This parcel was condemned under the provisions of Section 13a-73(b) of the General Statutes of Connecticut by the Department of Transportation in May of 1999. This statute is specific to taking real property for highway purposes. I have also confirmed that the Assessor's Department has removed this parcel from the Grand List in 1999. Attached is a portion of the Assessor's map for that area.

Regards,

Steve Earley

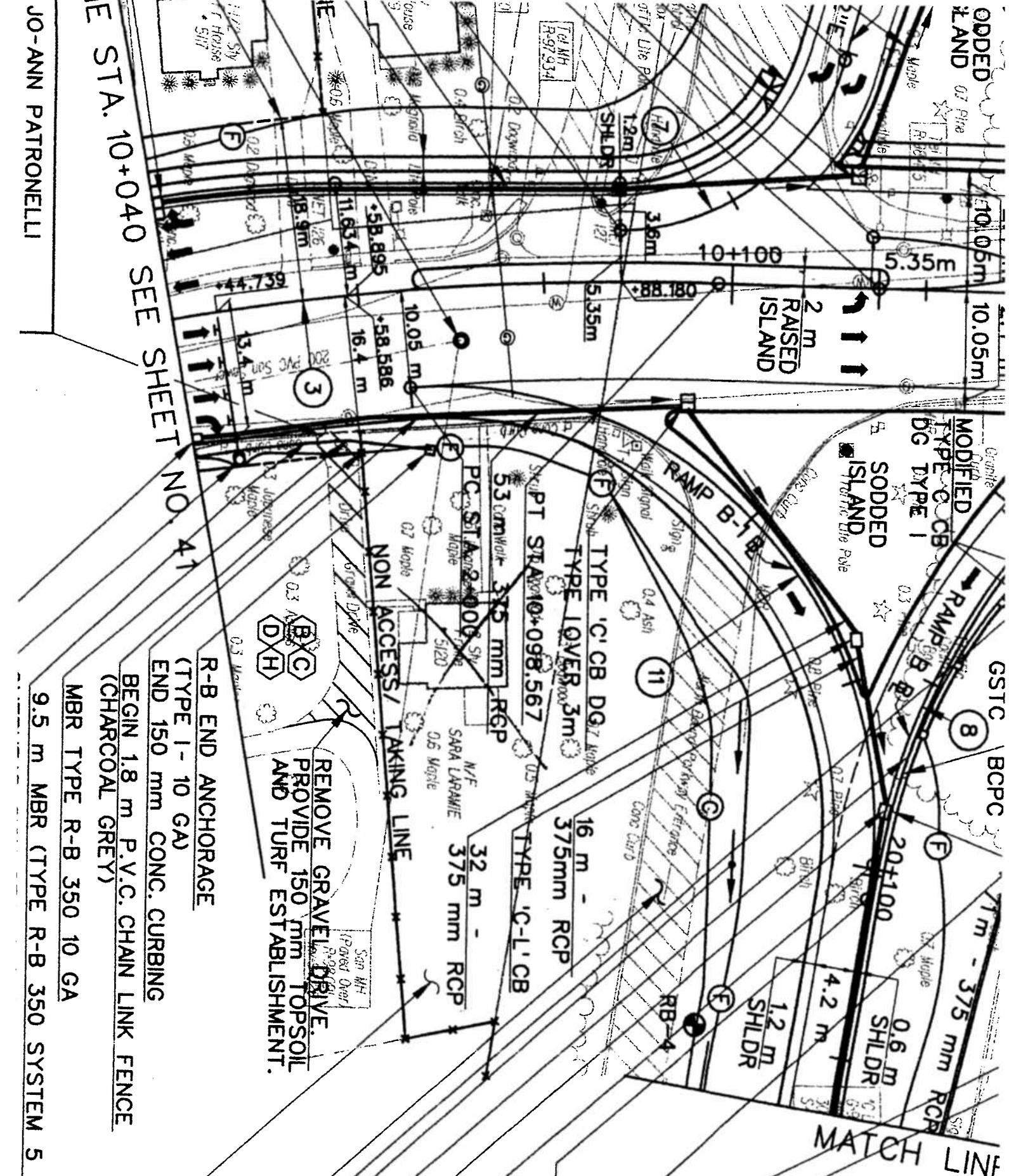
Town of Trumbull
Engineering Dept.
<mailto:searley@trumbull-ct.gov>
203-452-5049



1 inch = 50 feet
Trumbull Engineering Department



This map is for reference purposes only. The Town of Trumbull, CT makes no representation or guarantee as to the content, accuracy, timeliness, or completeness of any information provided herein.



JO-ANN PATRONELLI

SEE SHEET NO. 41

REMOVE GRAVEL DRIVE.
 PROVIDE 150 mm TOPSOIL AND TURF ESTABLISHMENT.

R-B END ANCHORAGE
 (TYPE I - 10 GA)
 END 150 mm CONC. CURBING
 BEGIN 1.8 m P.V.C. CHAIN LINK FENCE
 (CHARCOAL GREY)
 MBR TYPE R-B 350 10 GA
 9.5 m MBR (TYPE R-B 350 SYSTEM 5 10 GA)

RAISED BIT. MEDIAN RECONSTRUCTI
 RESET MBR
 MPG END ANCHORAGE TYPE I
 RAMP B-1 PT STA. 2+082.514 -
 RAMP B POT STA. 20+103.191
 RAMP B PT STA. 20+099.581
 TYPE 'C' CB
 MPG (TRAILING END ATTACHMENT)
 3.68 m WIDE ECM CLASS 2, TYPE F
 MPG (TRAILING END ATTACHMENT)
 REMOVE PAV'T. AND ROADWAY
 APPURTENANCES. GRADE TO DRAIN
 PROVIDE 150 mm TOPSOIL AND
 ESTABLISHMENT.
 SARA A. LARAMIE
 TAKING AREA - 1096 m² ±

NO.

Owens, Schine & Nicola, P.C.

799 Silver Lane
P.O. Box 753
Trumbull, CT 06611

Ph:203-375-0600

Fax:203-375-5003

Town of Trumbull
5866 Main Street
Trumbull, CT 06611

April 7, 2014

Attention: Maria Pires

File #: 14010-04035

Inv #: 13611

RE: Mark IV - Contract 4 Litigation

DATE	DESCRIPTION	HOURS	LAWYER
Feb-10-14	Perform legal research; begin drafting motion to cite Spath Bjorklund	1.20	DLC
Mar-24-14	Correspondence to Attorney Cohane re: complex litigation.	0.20	DJK
	Totals	1.40	\$280.00
	Total Fee & Disbursements		\$280.00
	Previous Balance		3,645.00
	Previous Payments		3,645.00
	Balance Now Due		\$280.00

**TIMEKEEPER
SUMMARY**

DJK	0.20	\$40.00
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DLC	1.20	\$240.00
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Town of Trumbull
5866 Main Street
Trumbull, CT 06611

April 7, 2014

Attention: Maria Pires

File #: 14010-04015

Inv #: 13615

RE: BRIDGEPORT REGIONALIZATION SEWER AGREEMENT

DATE	DESCRIPTION	HOURS	LAWYER
Feb-14-14	Telephone call with Attorney Proto.	0.30	DJK
Feb-17-14	Review DPUC regulations re: termination of service.	1.50	DJK
Feb-19-14	Review cafe low and statutes. DLC memo re: potential appeal.	1.00	DJK
Mar-05-14	Review AAA award. Legal research re: potential confirmation of award. Conference with HAP, RJN and DLC re: award.	2.50	DJK
	Correspondence to Commission re: award. Telephone call with PW Director and First Selectman.	0.80	DJK
	Review Bridgeport Corr re: alleged outstanding balance. Formulate response. Telephone call with W&P.	1.50	DJK
	Correspondence from/to W&P.	0.30	DJK
	Review and analyze arbitration decision. Conference with DJK re: same. Prepare for oral argument re: FOI appeals hearing.	4.80	DLC
	Review decision by arbitrators and hold conference with Attorney Nicola, Kokenos and Callahan.	0.40	EVW
Mar-06-14	Conference with RJN & EVW.	0.70	DJK

	Meeting with Attorney Moskow of Ury & Moskow.	2.50	DJK
	Attendance at special meeting before WPCA.	1.50	DJK
	Travel and attend oral argument re: FOI appeals hearing.	5.00	DLC
Mar-07-14	Telephone call with Commissioner Wright. Memo to file.	0.20	DJK
Mar-08-14	Legal research re: letter of clarification of award and motion to vacate.	1.50	DJK
	Correspondence to Attorney Proto.	0.10	DJK
Mar-10-14	Legal research re: motion to confirm. Outline options and potential outcomes.	1.50	DJK
Mar-12-14	Telephone call with Attorney Proto.	0.30	DJK
Mar-17-14	Telecom with P. Littlefield re: FOI request. Telecom with H. Polansky re: same. Review FOI documents and send.	0.60	DLC
Mar-19-14	Telephone call with Attorney Proto.	0.30	DJK
	Email to John Marsillio and Wright Pierce.	0.20	DJK
Mar-20-14	Perform legal research re: declaration judgment actions. Start reviewing file.	3.30	DLC
Mar-21-14	Finish performing legal search. Finish review file. Draft declaratory judgment complaint. Update legal research re: motion to confirm arbitration award. Draft motion to confirm.	6.50	DLC
Mar-24-14	Drafting declaratory judgment action.	2.50	DJK
Mar-25-14	Drafting declaratory judgment action. Order for publication.	4.50	DJK
	Email to Attorney Moskow.	0.20	DJK
	Review and revise and comment on DJK's revisions re: draft dec. complaint.	0.80	DLC
Mar-26-14	Meeting with John Marsillio, Christine Kurts and Frank Smeriglio.	2.00	DJK
Mar-27-14	Review and revise dec. action and motion to confirm.	1.50	DJK

	Perform legal research and draft summons re: declaratory judgment complaint. Perform legal research and draft application for order of notice and proposed order re: same.	4.00	DLC
Mar-28-14	Drafting Dec. action.	3.00	DJK
	Prepare attachments re: arbitration award. Review and update summons re: same. Review and update motion to confirm re: same. Review DJK's draft compliant re: declaratory judgment action and make additional comments. Review and update summons and supplement dec action pleads.	2.50	DLC
Mar-31-14	Finalize application to enforce award. Dec Action. Prepare for Marshal service. Correspondence to Marshal. Correspondence from Town Engineer to Harris. Correspondence to Attorney Hug.	3.50	DJK
	Totals	<u>61.80</u>	\$12,360.00

DISBURSEMENTS

Apr-01-14		167.20	
	On Account of Fees and Disbursements	208.80	
Apr-02-14	Filing Fee -	350.00	
	Filing Fee -	350.00	
	Totals	<u>\$1,076.00</u>	
	Total Fee & Disbursements		<u>\$13,436.00</u>
	Previous Balance		39,100.00
	Previous Payments		38,100.00
	Balance Now Due		<u>\$14,436.00</u>

**TIMEKEEPER
SUMMARY**

DJK	33.90	\$6,780.00
DLC	27.50	\$5,500.00
EVW	0.40	\$80.00

Owens, Schine & Nicola, P.C.

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Fax:203-375-5003

Town of Trumbull
5866 Main Street
Trumbull, CT 06611

April 7, 2014

Attention: Maria Pires

File #: 14010-04037

Inv #: 13616

RE: Von Stein - Town of Trumbull WPCA

DATE	DESCRIPTION	HOURS	LAWYER
Feb-19-14	Review file and request to revise, perform legal research and docket.	1.20	DLC
	Totals	<hr/> 1.20	\$240.00
	Total Fee & Disbursements		<hr/> \$240.00
	Previous Balance		17.00
	Previous Payments		17.00
	Balance Now Due		<hr/> \$240.00

**TIMEKEEPER
SUMMARY**

DLC	1.20	\$240.00
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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 March 26, 2014

Members Present:

Jeffrey Wright, Chairman (left 7:06 returned 7:30)
Laura Pulie
Fred Palmieri, Vice Chairman
John Gray, Alternate (voting)

Members Absent:

Paul Whetstone, Alternate
Timothy Hampford, Secretary

Also Present:

Frank M. Smeriglio, PE, Town Engineer
Dennis Kokenos, Esq. Town Attorney
Christine Kurtz, Wright-Pierce

Vice Chairman Palmieri called the March 26, 2014 WPCA meeting to order at 7:05 p.m.
Chairman Wright left the meeting at 7:06 p.m.

1. Minutes to previous meetings.

February 26, 2014. There were no questions, comments or modifications regarding the February 26, 2014 Minutes. The vice chairman called for a motion to accept the Minutes as presented. MOTION made Pulie seconded Gray to accept the Minutes for February 26, 2014. No Discussion. MOTION CARRIED UNANIMOUSLY.

March 6, 2014. There were no questions, comments or modifications regarding the March 6, 2014 Minutes. The vice chairman called for a motion to accept the Minutes as presented. MOTION made Pulie seconded Gray to accept the Minutes for March 6, 2014. No Discussion. MOTION CARRIED UNANIMOUSLY.

2. Contract 4.

Progress report.

Paving: Frank Smeriglio said there is a meeting tomorrow with the paving and reclaiming contractors to set up a schedule to start paving the last four roads that are left for contract 4. The four roads are Carrousel, North Stowe, Kingsbury and Copper Kettle. O&G is the contractor and Garrity will be doing the milling. There is one full easement that we still have to restore and a couple little punch list items to deal with on a few other easements and that is the last of the physical part of the project.

3. Wright-Pierce Update.

Phase 3. Christine Kurtz said the phase 3 draft is with Frank for review and at some point they will get together with him to go over any comments. Frank said this is the analysis of the phase 3 area of the I/I study and the

analysis of what they found with their videoing. It includes recommendations for the leaks and for the physical repairs which are part of the capital plan and with the repairs we are breaking that into a two year period.

Phase 4. Christine Kurtz said she confirmed today that Green Mountain will be here on Monday and she will have Justin coordinate with Marc directly.

I/I Study. Christine said she just e-mailed Frank the draft of the design that goes out in the street and then there's some questions related to those contract documents. Frank said this pertains to the phase 2 study area where Wright-Pierce put together a bid so we can solicit prices to fix a lot of the infiltration in the pipes and manholes. Christine said the only thing left to finish discussing is related to the last item here, the clean water fund, and if the town wants to apply for grant monies available in the new draft priority list.

Clean Water Fund. Frank said he put this item on the agenda because the State issued a draft memorandum of facts that they are going to have money available as part of the clean water fund. There are two more projects that are on the priority list, not high on the priority list, but on the list. They are the overall I/I study and the design of the Beardsley pump station which are also part of our capital plan too. There are a few different breakdowns of different types of projects we can apply for. One is a breakdown of a typical I/I study where there is a 55% grant and we would have to put in 45%. Then there are a couple other grant options where it's a 20% grant and 80% loan. Frank said the 80% would be a loan from the state and we would have to pay it back at an interest rate of about 2% and he thinks the interest on our bonds are about 3.5% or just under 4% for our upcoming projects. Commissioner Pulie wanted to know for the 20% grant what kind of projects would that apply to? Christine said actually there are two new reserves on the list, both the pump station rehab (Beardsley) and I/I rehab construction are on the draft priority list. She also said everything that you were planning on applying for is first come first serve for all those categories. So even though some are low on the list the sooner you get the application in the more likely you'll get the money. Frank said like fixing our leaks that would fall under one of the categories. Christine and Frank noted it will be a joint effort getting the application prepared and the town needs to get paperwork involved.

4. Old Business:

None.

5. New Business.

Owens, Schine & Nicola Monthly Invoice:

Invoice 13602: Mark IV – Contract 4 Litigation - \$3,645.00. The commissioners reviewed the invoice.

There being no comments the vice chairman called for a motion to accept the invoice as presented.

MOTION made Pulie seconded Gray to approve invoice number 13602 for Owens, Schine & Nicola for \$3,645.00. No Discussion. MOTION CARRIED.

Ury & Moskow Invoice:

Invoice 61902: Contract Dispute-Town of Trumbull v Mark IV Construction, et al - \$6,519.62. The commissioners reviewed the invoice. There being no comments the vice chairman called for a motion to accept the invoice 61902 as presented.

MOTION made Pulie seconded Gray to approve invoice number 61902 for Ury and Moskow for \$6,519.62. No Discussion. MOTION CARRIED UNANIMOUSLY.

5. New Business.

427 Shelton Road: Memorandum of Clarification with DEEP. Attorney Kokenos briefed the commission regarding the Memorandum. He explained the State of Connecticut approached Joe Solemene with regards to an agreement they need to get into with the Golden Hill Paugussett Tribe who owns this property. Apparently there is authority for DEEP to pay any sewer assessment and sewer use fees on behalf of the Tribe. But, DEEP will not do it without a Memorandum of Understanding which is between the Tribe and DEEP which they also want the town to authorize. Frank noted this is on a property for the North Nichols sewer project. Attorney Kokenos said the only reason this is concerning us at all is to make sure we have the right person to send the bill to. He pointed

out on page one under paragraph 6 sub-section E it refers to the DEEP's responsibility to pay the Town for any sewer assessment fees associated with this property and the top of the second page it says to pay for sewer user fees. That is really all this is about and it is the only portion of this MOU that is affecting the WPCA at all. Commissioner Palmieri questioned why would a State organization pay for the Indians? Attorney Kokenos said they have a State statute that allows them to do that and he thinks it is a part of the State assisting tribes on reservations. Commissioner Palmieri also wanted to know if they are a quasi-independent entity and Attorney Kokenos noted he doesn't know. He thinks the State is the one that makes the determination whether or not they fit into the statute for the State to pick up the bill and once they do they just ask the towns to enter into this MOU just so the town knows that they are going to bill DEEP and that DEEP is responsible. This is on the agenda to get authorization for signature and then it would have to be signed by the WPCA commission. Brief discussion followed. Attorney Kokenos explained the commission needs to vote to approve it and then the Chairman will need to sign off on it.

There being no further discussion, the vice chairman called for a motion to accept the Memorandum as presented. MOTION made Pulie seconded Gray to accept the Memorandum of Clarification Among the Department of Energy and Environmental Protection, the Town of Trumbull and the Golden Hill Paugussett Tribe concerning the sewer lines at 427 Shelton Road, Trumbull, CT. No Discussion. MOTION CARRIED UNANIMOUSLY.

5120 Main Street: Usage charge to State of Connecticut. Frank explained the state bought this property back in 1999 and knocked down the house in December of 2000. Somehow the town continued to bill the state a sewer usage charge consisting of the maintenance fee for this property. The house was knocked down as part of one of their projects. He said he is not sure which property this is or which road because the property does not exist anymore because they bought the property as part of a project. He explained they knocked down the house and we continued to bill them and they have continued to pay. We realized this was happening about a month ago and the state is looking for a credit on what they paid. Since the building was knocked down they paid approximately \$1,638.00 and that is technically what they are looking for and that goes back to when the house was knocked down in December of 2000. What they paid this year is \$170.00 and what they paid last year was a total of \$379.53. Over the last five years they have paid \$978.00. He said he told them he would put this up for discussion at the WPCA meeting. Discussion and questions included: length of time (14 years) before they requested a refund; only paying maintenance fee; condition or existence of land and the Main Street and Merritt Parkway project. Commissioner Pulie suggested not to bill them from now on, but if it is still a building lot parcel then we should still bill them. Frank said he suggested to them a refund for this year, but not the prior years. Attorney Kokenos wanted to know if they are claiming they should not be billed because they are the state and they are exempt for some reason or because there is no usage. Frank said he needs to check to see if there is a road on that parcel or if it is just an empty lot. The state claims they bought the property for a road project. It was suggested to table this to next month. The vice chairman called for a motion to postpone discussion on this until the next meeting.

MOTION made Pulie seconded Gray to postpone discussion on 5120 Main Street to the next meeting. No Discussion. MOTION CARRIED UNANIMOUSLY.

6. Executive Session.

MOTION made Palmieri seconded Pulie to move into executive session to discuss preliminary drafts and/or notes as set forth by C.G.S. 1-210(b)(1) and/or 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:

- Mark IV – Contract 3 and Contract 4
- Regionalization and/or re-negotiation of Bridgeport Sewer Treatment Contract

No discussion. MOTION CARRIED UNANIMOUSLY.

Remaining in the executive session will be Commissioners Fred Palmieri, Laura Pulie, and John Gray, Frank Smeriglio, Attorney Dennis Kokenos, Christine Kurtz. It was noted Chairman Jeff Wright will join the executive session upon his return to the meeting.

At 7:27 p.m. the tape recorder was turned off, the clerk left the room and the Commission went into executive session. Chairman Wright joined the executive session at 7:30 p.m.

At 8:12 p.m. the clerk was called back into the room and the recorder was turned on.

MOTION made Palmieri seconded Pulie to move out of executive session at 8:12 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

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

There being no other business before the Authority, vice chairman Palmieri asked for a motion to close the March 26, 2014 meeting.

MOTION made Pulie seconded Wright to adjourn the March 26, 2014 WPCA meeting at 8:13 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

Submitted by,

Joyce Augustinsky
Clerk of the Commission