

WATER POLLUTION CONTROL AUTHORITY
Town of Trumbull
CONNECTICUT

TOWN HALL
(203) 452-5048



5866 MAIN STREET
TRUMBULL, CT 06611

MARCH 25, 2015
7:00 p.m. Long Hill Room

MEETING AGENDA

1. Minutes to previous meeting
2. Old Business:
 - None
3. New Business:
 - 215 Rocky Hill Road
 - Owens, Schine & Nicola: monthly invoices
 - Computer Reporting Service: invoice
 - Norman Benedict Associates, Inc: invoice
 - Scribes, Inc: invoice
4. 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
 - 25 Dogwood Lane
5. Any other business that may come before the Authority.

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MINUTES
Water Pollution Control Authority Meeting
February 25, 2015

The Trumbull Water Pollution Control Authority held their monthly meeting, on Wednesday, February 25, 2015 at 7:00 p.m. in the Long Hill Room, Town Hall, 5866 Main Street, Trumbull, Connecticut.

Members Present:

Jeffrey Wright, Chairman
Fred Palmieri, Vice Chairman (left 8:00)
Laura Pulie
Paul Whetstone, Alternate

Members Absent:

John Gray
Timothy Hampford

Also Present:

Frank M. Smeriglio, PE, Town Engineer
Dennis Kokenos, Esq. Town Attorney
Christine Kurtz, Wright-Pierce
Roberta Rubenstein, Assistant Tax Collector
Andy Palo, Board of Finance Member (left 7:40)

Chairman Wright welcomed everyone to the February 25, 2015 meeting of the Trumbull WPCA at 7:05 p.m.

MOTION made Wright seconded Palmieri to open the meeting at 7:05 p.m. No discussion. MOTION CARRIED.

Chairman Wright would like to change the regular Agenda schedule to move up the Meadow Wood Road sub-division sewer connection issue.

MOTION made Pulie seconded Palmieri to move forward Agenda item Meadow Wood Road sub-division. No Discussion. MOTION CARRIED.

4. New Business.

Meadow Wood Road: sub-division sewer connection. Frank Smeriglio gave the following summary: On Meadow Wood Road there is a sub-division where they took two lots and created a third lot. It is an existing road and sewers were put in as part of Contract 3. What happens when there is a new lot created and someone wants to make a connection for a sewer main they have to come in and get approvals from the WPCA and it was noted the owner is in attendance. We have been going through the approval process with the owners and planning and zoning about creating the third lot. He believes the third lot was approved so the next step is to get WPCA approval to tie in. We are going to work with the owner and builder to go through the details of the project and upon our satisfaction of the details then we would issue a permit when they come in to apply for a permit. He pointed out to the owner that when they come in for a building permit that will initiate the process for a sewer assessment. Currently there is an assessment on the existing property where the house is and a deferred assessment on the second lot that was vacant and the building permit for that will trigger the deferred assessment to become active. Now that they created a third lot there will be another assessment. According to Frank's

calculations the assessment will be \$20,703.00 plus a \$500.00 unit charge. The owner has the option of either paying that in full or spread it over twenty years at the rate that existed during the project because the rate and terms of that project would apply to this assessment. The vote tonight is to approve the connection and for the owners to work with the engineering department to review the details. Attorney Kokenos inquired about going through the assessment process and Frank added it has to go through the formal process.

MOTION made Pulie seconded Palmieri to approve the Meadow Wood Road subdivision sewer connection and for the owners to work with the engineering department to review the details. No discussion. MOTION CARRIED.

1. Minutes to previous meetings.

Chairman Wright asked if anyone had any questions pertaining to the Minutes of the February 4, 2015 meeting. Commissioner Pulie noted she has to abstain because she was not at the meeting. There being no questions, comments or modifications,

MOTION made Palmieri seconded Wright to accept the February 4, 2015 Minutes as presented. No discussion. Three in favor, one abstained (PULIE). MOTION CARRIED.

2. Wright-Pierce Update.

I/I Rehab Design. Christine Kurtz said the I/I rehab design is work they are doing under their current on-call project. They are adding the design of the rehab items from the Phase 3 report into Phase 2. The project should be ready to be on the streets in May so the fixes will start happening in the summertime. This is the most active project that they are working on right now. She asked if there were any questions. Questions included how the fixes will be handled, whether it will be bid out, funding, and timetable. Frank told the Commission that it will go out to bid and he thinks the budget for Phase 2 and Phase 3 combined was about \$600,000. Christine said construction wise it would be between a three to a six month construction window and all or most of it is non-dig rehab and will be lining, grouting and fixes. Commissioner Palmieri commented that it should be done by the calendar year and she agreed. Chairman Wright asked who writes the parameters for the construction contracts and she said they do and Frank explained there are two parts to it, Wright-Pierce would do the technical specs and he will review it. Then we deal with the general specifications the front end specs, the town has their own set and Wright-Pierce combines it with construction standards. Chairman Wright wanted to know if this is different from the way we've operated in the past. In general no, but Christine said she thinks it is probably a tighter process all around. Frank said he can't speak for what was done in the past or for what was done three years ago, but in the last two years we've always had a consultant do the technical specs, we review it and then we do the general specifications, the special conditions and then the purchasing department have their general conditions that they put in as well. Chairman Wright inquired if we are doing things differently than we were ten years ago and both Frank and Christine agreed that yes we are.

3. Old Business.

6448 Main Street: St. Joseph's Manor. Frank Smeriglio recapped that a representative of the property owner was in a few months ago and he informed us that there is a credit he was getting from Aquarion. There is a meter at the property and Aquarion realized that there were errors with the meter. Roberta Rubenstein from the tax department was present and Frank explained she was assigned the task to work with Aquarion and the property owner to determine what the actual credit was and to confirm that Aquarion agreed with those credits. She provided a summarized chart for the Commission. Frank said what is unique is that these credits go back to 2010. What happens is if Aquarion provided a credit in this current fiscal year then we are able to make the adjustments on our billing system. But, because we have already done true-up with Bridgeport and we already paid Bridgeport there is an issue with us just approving anything from 2013, 2012, 2011 and so forth. The issue is that we have already paid Bridgeport and we would have to get a credit from them. Roberta Rubenstein said all the money for this consumption has already been given to Bridgeport. The Commissioners questioned who would have to put in

the request to Bridgeport for the credit. Frank said we probably would have to inform Bridgeport of this issue and Roberta agreed because we collected the money. Some of the Commissioners thought we did that a few months ago. Frank recapped what was done three months ago was the property owner came in told us that there is this issue and Roberta, the owner and Aquarion were assigned the task to provide a summary of what the actual credits were. When the property owner came in he said that he was given a credit, but we still have to verify with Aquarion, we have to go through it and make sure everything is in one summary and approved by Aquarion so we know exactly what the numbers were. So, this is the summary Roberta prepared. Commissioner Palmieri wanted to know if the Commission should expect this to be a procedural thing with Bridgeport WPCA or should we expect an issue. Attorney Kokenos said he would expect and issue because this is as Frank said money that was budgeted for and already spent for not only Trumbull but also Bridgeport. The user is essentially asking for the City of Bridgeport to find approximately \$200,000 and reimburse them. Like Frank said this is not an issue during the fiscal year where a true up could be done and there's no real exchange of money. He can't speak for what the Bridgeport WPCA is going to do, but he can certainly say they are going to have to analysis this and see whether or not they are going to go into their budget and actually come up with this money and actually reimburse the user. Commissioner Palmieri noted that theoretically there is the potential they can deny the reimbursement and Attorney Kokenos said they could and there is no way we can know. Normally we understand this procedure and we've done it before when it's during the fiscal year and because there has been no actual exchange of money it's not been an issue. Commissioner Palmieri noted it not like we can make our next payment minus this. Attorney Kokenos agreed and said the other issue that comes up is we are receiving the percentage equalizer so he would think eighty-six and a half percent of this would have to be reimbursed by the City of Bridgeport and the remainder would have to be reimbursed by Trumbull. We really cannot make a determination until the City of Bridgeport does because this is something that already has been paid for. Chairman Wright wanted to know if an application has been made and Attorney Kokenos indicated not to his knowledge. Frank said no and the reason why is when he came in three months ago he told us about certain credits and he informed us that there were additional credits coming, so that is why it took the two months to get it summarized. Chairman Wright questioned the purpose of this now and Frank said the purpose of talking about it tonight is to make the Commission aware and they formally asked to put this on the Agenda to see if the Commission would approve to give the credit. Frank's recommendation is that the Commission cannot and what would happen is we would inform Bridgeport of this issue and he thinks that the property owner should go and present this to Bridgeport's WPCA.

MOTION made Palmieri seconded Pulie to table any further discussion pending some kind of result from the City of Bridgeport. No discussion. MOTION CARRIED.

5. New Business.

Owens, Schine & Nicola Monthly Invoices:

The Commissioners reviewed the invoices.

Invoice 13980: Mark IV – Contract 4 Litigation - \$900.00. There being no comments or questions, MOTION made Palmieri seconded Pulie that the invoice be accepted as presented and pay Owens, Schine & Nicola invoice 13980 in the amount of \$900.00. No discussion. MOTION CARRIED.

Invoice 13981: Mark IV v. Town of Trumbull – Defense \$5,240.00. Attorney Kokenos apologized and explained there are 3 entries on page 2 that should have been entries for another invoice and he will point it out when we get to it. The total amount on invoice 13981 should be \$3,500.00. There being no other comments or questions, MOTION made Pulie seconded Palmieri to pay Owens, Schine & Nicola invoice 13981 for \$3,500.00. No discussion. MOTION CARRIED.

Invoice 13982: Bridgeport Regionalization Sewer Agreement - \$4,445.00. Attorney Kokenos will elaborate on these more in executive session. There being no comments or questions, MOTION made Palmieri seconded Pulie to accept and pay Owens, Schine & Nicola invoice 13982 in the amount of \$4,445.00 as presented. No discussion. MOTION CARRIED.

Invoice 13983: Mihaley – Town of Trumbull WPCA Sewer Assessment Appeal - \$620.00. There being no comments or questions,

MOTION made Pulie seconded Palmieri to approve and pay Owens, Schine & Nicola invoice 13983 in the amount of \$620.00. No discussion. MOTION CARRIED.

Invoice 13984: VonStein – Town of Trumbull WPCA - \$1,280.00. Attorney Kokenos said the entries on the previous bill should have been on this bill and the total amount of invoice 13984 should be \$3,020.00. There being no comments or questions,

MOTION made Palmieri seconded Pulie to accept and pay Owens, Schine & Nicola amended invoice 13984 in the amount of \$3,020.00. No discussion. MOTION CARRIED.

MOTION made Wright seconded Palmieri to move into executive session with a caveat that he would like to have a personal conversation with finance member Andy Palo before we move into executive session. No discussion. MOTION CARRIED.

MOTION made Wright seconded Palmieri to leave regular session and move into executive session contingent upon conversation he has with Finance Member Andy Palo. Attorney Kokenos said he is anticipating that the Chairman's conversation with Mr. Palo will be whether or not he's going to be invited into executive session so he recommends that maybe if the Commission would like to take a break they could do that and the Chairman could have a conversation with Mr. Palo. Chairman Wright agreed and said he would like to have a conversation with Mr. Palo and with Attorney Kokenos in the room. Attorney Kokenos noted then when we come back we can make the proper motion for executive session and state who will be in attendance and that would be his recommendation.

MOTION made Palmieri seconded Pulie that the WPCA take a five minute recess. No discussion. MOTION CARRIED.

The Vice Chairman called a recess at 7:25 p.m. and reconvened the meeting at 7:43 p.m. Finance Member Andy Palo left before the Commission went into executive session.

6. Executive Session.

MOTION made Wright seconded Palmieri 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
- 25 Dogwood Lane
- VonStein v. Town of Trumbull
- Mihaly v. Town of Trumbull, et al

Remaining in the executive session will be Jeff Wright, Fred Palmieri, Laura Pulie, Paul Wherstone, Christine Kurtz, Frank Smeriglio, and Attorney Dennis Kokenos. No discussion. MOTION CARRIED.

At 7:45 p.m. the tape recorder was turned off, the clerk left the room and the Commission went into executive session.

Commissioner Palmieri left executive session at 8:00 p.m.

MOTION made Wright seconded Pulie to close executive session at 8:38 p.m. and state that no vote was taken. No discussion. MOTION CARRIED.

The Chairman reopened the meeting.

Attorney Kokenos provided the clerk with copies of the Stipulated Final Judgments in the Robert VonStein v. Town of Trumbull matter and Matthew Mihaly v. Town of Trumbull WPCA matter which were discussed in executive session. He stated part of the discussion in executive session asked for the approval of the Commission for the town attorney to enter into these Stipulations. He also stated for the record that this entails no payment of monies in these Stipulations.

MOTION made Pulie seconded Whetstone that we authorize Attorney Kokenos to settle the two assessment appeals as he's indicated VonStein v. Town of Trumbull and Mihaly v. Town of Trumbull WPCA and to state that they are for non-monetary relief. No discussion. MOTION CARRIED.

There being no other business before the Authority,

MOTION made Wright seconded Pulie to adjourn the meeting of February 25, 2015 at 8:40 p.m. No discussion. MOTION CARRIED.

Submitted by,

Joyce Augustinsky
Clerk of the Commission

Owens, Schine & Nicola, P.C.

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

Ph:203-375-0600

Fax:203-375-5003

March 20, 2015

Attention:

File #: 14010-04015

Inv #: 14008

RE: BRIDGEPORT REGIONALIZATION SEWER AGREEMENT

DATE	DESCRIPTION	HOURS	LAWYER
Feb-10-15	Review docket regarding motion to intervene; confer with DRJ regarding order granting motion and dual docket numbers; draft case flow request and explanation and file on account of fees and disbursements docket; draft objection to motion to intervene and file on account of fees and disbursements docket; draft motion to transfer and file on account of fees and disbursements the docket; e-mail exchange with opposing counsel.	2.10	DLC
Feb-16-15	Call to Commissioner Wright and Palmeiri.	1.00	DJK
Feb-17-15	Review W & P contract; conference call with W & P and clients.	1.00	DJK
	Review W&P contract; conference call with W&P and clients.	1.00	DJK
Feb-20-15	Call to Attorney Proto; call to client; call from W&P	0.50	DJK
Feb-23-15	Meeting with TMH/JM	1.00	DJK
	Review statutes regarding state approvals required for rationalization; draft e-mails to DJK regarding same.	1.50	DLC
Feb-25-15	Call to client.	0.10	DJK
Mar-04-15	Call from/to W & P	0.20	DJK

	Call from/to client.	0.10	DJK
Mar-10-15	Meeting with Town Engineer/PW Director	1.70	DJK
Mar-11-15	Correspondence from/to W & P	0.50	DJK
Mar-12-15	Drafting Motion For Continuance/Explanation for Need for Continuance/E-file of 3 motions with court/Correspondence to Attorney Hug & Liskov	2.00	DJK
	Correspondence from Court re FOI Transfer	0.10	DJK
Mar-13-15	Preparation of Memorandum/Analysis re update of Mediation for WPCA & TC	3.50	DJK
	Totals	<u>16.30</u>	<u>\$3,260.00</u>
	Total Fee & Disbursements		\$3,260.00
	Previous Balance		4,445.00
	Previous Payments		4,445.00
	Balance Now Due		\$3,260.00

**TIMEKEEPER
SUMMARY**

DJK	12.70	\$2,540.00
DLC	3.60	\$720.00

Owens, Schine & Nicola, P.C.

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

Ph:203-375-0600

Fax:203-375-5003

March 20, 2015

Attention:

File #: 14010-04035

Inv #: 14009

RE: Mark IV - Contract 4 Litigation

DATE	DESCRIPTION	HOURS	LAWYER
Feb-12-15	Call to/from Attorney Cohane.	0.20	DJK
	Memo regarding Solemene meeting	0.50	DJK
Feb-13-15	Review updated scheduling order; call to Attorney Cohane	0.50	DJK
Feb-18-15	Telephone call with Attorney Bothelo.	0.20	DJK
	Telephone Call with Attorney Bothelo.	0.20	DJK
Feb-24-15	Correspondence from court	0.10	DJK
	Totals	1.70	\$340.00
	Total Fee & Disbursements		\$340.00
	Previous Balance		900.00
	Previous Payments		900.00
	Balance Now Due		\$340.00

**TIMEKEEPER
SUMMARY**

DJK	1.70	\$340.00
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Owens, Schine & Nicola, P.C.

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

Ph:203-375-0600

Fax:203-375-5003

March 20, 2015

Attention:

File #: 14010-04037

Inv #: 14010

RE: Von Stein - Town of Trumbull WPCA

DATE	DESCRIPTION	HOURS	LAWYER
Feb-05-15	Draft memorandum of explanation regarding trial date continuance.	2.00	DLC
Feb-11-15	Preform legal research for DJK for trial	3.00	DLC
Feb-13-15	Call to client regarding Trial Attendance/Testimony.	0.20	DJK
Feb-16-15	Call to Attorney Guliazzo.	0.20	DJK
Feb-17-15	Legal research regarding admissability of Public Records and Agreements.	0.70	DJK
	Legal research regarding admissibility of Public Records and Agreements.	0.70	DJK
Feb-18-15	Preperation for Deposition of Plaintiff's Expert.	7.50	DJK
	Preparation for deposition of Plaintiff's Expert.	7.50	DJK
Feb-19-15	Deposition of Plaintiff	7.00	DJK
	Deposition of Plaintiff's Expert	7.00	DJK
Feb-20-15	Deposition of Plaintiff	3.00	DJK
Feb-23-15	Meeting with client re subpoena/testimony at trial	1.00	DJK

	Telephone call with Attorney Gulluzza re settlement	0.20	DJK
	Correspondence to clients	0.20	DJK
	Telephone call with client re settlement	0.10	DJK
Feb-24-15	Drafting Stipulated Judgment/Correspondence to Plaintiff Attorney	2.00	DJK
Feb-25-15	Revise stipulated judgement; call from Attorney Gulliazzo; telephone call with client.	0.70	DJK
	Call from Attorney Guliazzo; finalize stipulation; call to Attorney Guliazzo.	0.80	DJK
Feb-26-15	Telephone call with Attorney Gulliazzo regarding stipulation; telephone call with Court; call to Attorney Gulliazzo regarding stipulation.	1.00	DJK
	Totals	44.80	\$8,960.00
	Total Fee & Disbursements		\$8,960.00
	Previous Balance		1,280.00
	Previous Payments		1,280.00
	Balance Now Due		\$8,960.00

**TIMEKEEPER
SUMMARY**

DJK	39.80	\$7,960.00
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DLC	5.00	\$1,000.00
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COMPUTER REPORTING SERVICE

Licensed Shorthand Reporters
 1 Grandview Terrace
 North Haven, CT 06473-2043
 Phone 203.234.1144 - Fax 203.234.0046

Date	Invoice JP
2/23/2015	1063

Bill To
Owens, Schine & Nicola Dennis Kokenos, Esq. 799 Silver Lane Trumbull, CT 06611

Terms
Due on receipt

Description	Amount
ROBERT VON STEIN VS TOWN OF TRUMBULL ET AL Deposition of NORMAN R. BENEDICT, taken on behalf of the Defendant on Feb 19, 2015	
Court Reporter Attendance Fee	100.00T
Original & 1 copy Expedited, (pdf e-mailed (n/c)	1,387.50T
Postage and shipping	7.50T
Tax ID #77-0636308	Sales Tax (0.0%) \$0.00
Please make check payable to: Computer Reporting Service LLC	Total \$1,495.00



Norman Benedict Associates, Inc.

Real Estate Appraising, Counseling and Litigation Services

February 20, 2015

Invoice #0708-1439

Mr. Dennis J. Kokenos, Esq.
Law Offices of Owens, Schine & Nicola, P.C.
799 Silver Lane, 2nd Floor
Trumbull, Connecticut 06611

TAX IDENTIFICATION NUMBER: 06-0767240

Invoice for the following appraisal report of:

Robert Von Stein v. Town of Trumbull, et al

Deposition on February 19, 2015

7.5 Hours @ \$275.00 per hour

\$2,062.50

After 30 days, late charges will be assessed at 2.0% per month.

Norman R. Benedict, MA, CFP, FRICS
N.R. Benedict, Jr., CRE, RECS, CMAA

Kathy Benedict, Executive Assistant
Annette Dominas, Executive Assistant

2795 Whitney Avenue
Hamden, Connecticut 06518

(203) 248-5511 Telephone
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nbv@nba.com Email
www.normanbenedictassociates.com

SCRIBES, INC.

445 GEORGE STREET
NEW HAVEN, CONNECTICUT 06511
(203) 785-8795
FAX(203) 785-9132

Employer Identification Number: 06-1241198

DENNIS J. KOKENOS, ESQ.
OWENS, SCHINE, NICOLA & DONAHUE
P.O. BOX 753
799 SILVER LANE
TRUMBULL, CT 06611

February 24, 2015

Invoice# 64239

Balance: \$497.08

Re: VON STEIN VS. TOWN OF TRUMBULL
ROBERT S. VON STEIN
on 02/20/15
by THEA FINKELSTEIN

Invoicing Information

<u>Charge Description</u>	<u>Amount</u>
DEPOSITION OF ROBERT S. VON STEIN	
ORIG & 1, 54 PAGES @ \$6.60 (NEXT DAY/EXPEDITED)	356.40
ATTENDANCE FEE	85.00
JURAT FEE	15.00
POSTAGE & HANDLING	11.00

6.3500% Sales Tax: 29.68

Please Remit - - - > Total Due: \$497.08