

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, March 28, 2012**

**Members Present:**

Jeanine Maietta Lynch, Chairman  
Ennio DeVita  
Timothy Hampford (arrived 9:15)  
Laura Pulie  
Karen Egri

**Also Present:**

Joseph S Solemene, Assistant WPCA Administrator  
Roberta Nicola, Esq., Town Attorney  
Roberta Rubenstein, Assistant Tax Collector  
Roberta Rubenstein, Assistant Tax Collector  
Fred Mascia, Tighe & Bond, Project Manager  
Christine Pierce, Wright-Pierce

The Chairman called to order the regularly scheduled meeting of the Trumbull WPCA for January 25, 2012 in the Long Hill Room at 7:30 p.m.

MOTION made (Lynch) 2<sup>nd</sup> (Pulie) to move up Agenda item number 6 Old Business, Thomas Lee, 29 Cobblers Hill Road sewer use charge. No Discussion. MOTION CARRIED UNANIMOUSLY.

**6. Old Business.**

**Thomas Lee, 29 Cobblers Hill Road. Sewer use charge.**

Attorney Thomas Lee was present representing his wife Nancy Lee the owner of 29 Cobblers Hill Road. He presented and submitted for the record copies of his letter and documentation he previously sent to the Chairman. He highlighted his letter to Chairman Lynch dated March 28, 2012. He noted for the record that when the application for extension to connect was granted a new owner was required to connect the property. He noted and questioned the exception stated in Paragraph 4 of the June 27, 2008 letter from the WPCA. Discussion followed including repairs, exceptions and restrictions for new owner. He also explained why he believes a new owner would not have to hookup and he questioned why that was not noted on the land records. He also said he came before the Commission in October 2008 regarding user fees and he briefly summarized the history of the proceedings and stated the fees have been paid every month under protest. Chairman Lynch noted his user fee is on the Agenda under the executive session and will be discussed.

MOTION made (Lynch) 2<sup>nd</sup> (Pulie) to move up Agenda item number 6 Old Business, 116 Jerusalem Hill, Matthew Mihaly. No Discussion. MOTION CARRIED UNANIMOUSLY.

**6. Old Business.**

**Matthew Mihaly, 116 Jerusalem Hill.**

Attorney Steve Reilly was present and questioned if the commission found any additional information regarding Jerusalem Hill and additional notices. Tighe & Bond prepared a quote for what prices would be if it was a change order and not a bid item. Chairman Lynch explained that based on a change of the plan it would not fall

under bid prices it would fall under a change order and the numbers would be different from bid numbers. Attorney Reilly referred to the original plan, notices, changes and a letter to the Commission from Dave Bjorklund regarding changes and also said there was never any notification to the public. He said these are issues he thought the Commission was looking into. Chairman Lynch said they just received the price quote last night and it needs to be discussed and it will be put into the Minutes. Attorney Reilly discussed notices, changes to the plan and not knowing about the change from a non-gravity fed system until December, 2010, no input from the public, and pricing for a .4 slope. Attorney Reilly questioned the decision regarding the changes to Jerusalem Hill and how the decision was made. Joe Solemene explained the process of having a public hearing to see if this expansion was going to be accepted by the residents and he said the system wasn't designed until we got the approval from the residents. He further explained once the public hearing was held, and there was a vote taken supporting the extension, then the WPCA went to Spath-Bjorklund and designed the system. The plans are and always were available in the office once the designs were completed. Mr. Solemene stated there was the public hearing for Phases 1 and 2 and then a second public hearing for Phases 3, 4 and 5. A public hearing is to see if the majority is going to approve the project. Attorney Nicola stated the Statute does not appear to require any additional notices for modifications to the design and he asked if they had any legal bases that it is mandatory. Attorney Reilly's commented on the following: the letter Mr. Mihaly received regarding a grinder pump system; the Town taking part of his client's property; having to have a backup septic system; his client not being able to use his property how he wants, being told they have to do this and not being given an alternative. The Commission reiterated a public hearing is to see if the majority is going to approve the project and the public voted to have sewers and then it was designed. It was also noted the Town would not invest in a design if it wasn't accepted so, the first plan from the consultant was that it could be done and it was not the designed plan.

Chairman Lynch addressed the following issues: what does the statute require and did we comply with the statute? It was the consensus of the Commission that the WPCA Commission did comply with the statute and Attorney Nicola said the Town's Attorney will provide a legal opinion.

Discussion included the tie into the property, Commissioner DeVita's question regarding the elevation of the existing pipe going out, interior plumbing, elevations, pitch, concerns relating to sewage backup, grinder pumps, flow rates and Attorney Reilly submitted two articles about grinder pumps into the record. Attorney Reilly will get the exact elevation.

MOTION made (Lynch) 2<sup>nd</sup> (Egri) to move up agenda item 7 New Business, 50 Barnswallow Drive, Siobhan Bielicki requesting sewer connection. No Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

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

#### **Siobhan Bielicki, 50 Barnswallow Drive. Requesting sewer connection.**

Thomas and Siobhan Bielicki were present and Mr. Bielicki summarized their situation and the analysis done on their septic system. He said there is an existing sewer connection at their neighbor's house and they are requesting to connect and put in a grinder pump. He submitted documents into the record. Joe Solemene said Barnswallow was a developer installed sewer system so there is no sewer assessment, but they would be responsible for the \$2500.00 unit charge. He also said we have four of these types of individual installed force mains on file and there is an agreement in place. He summarized and explained the Town's regulations and agreement for private sanitary sewer lateral extensions and gave the homeowners an agreement to review. The Commission stated the homeowner would be responsible for the cost of the installation of the tank and pump and all related costs. Mr. Bielicki said they would also be responsible for maintaining and operating the pump. It was noted the sewer system ends on Barnswallow right before this property and there is a large 20 inch main line that they would be pumping into. The homeowner's plans were reviewed and specifics regarding the installation were discussed. Mr. Bielicki's questions regarding pump systems and maintenance were addressed and answered. The Chairman's recap included:

- if possible the lateral connection to be on private property;
- one straight connection as 90 degree as possible;
- submit plan to Joe Solemene;
- inspection of the installation;
- necessary permits will be obtained;
- payment of the \$2,500.00 unit charge.

MOTION made (Lynch) 2<sup>nd</sup> (Pulie) to approve the requested sewer connection for Bielicki at 50 Barnswallow Drive, Trumbull on the condition that the homeowner execute the Agreement that was presented to the Commission with respect to responsibility of the sanitary sewer system. Further, on the condition that the homeowner pay the connect fee of \$2,500.00 and, if possible, the plans could include that the lateral be on private property so long as it doesn't disturb the wetlands. Discussion. THREE IN FAVOR (Lynch, DeVita, Pulie). (Commissioner Egri recused herself from the vote). MOTION CARRIED.

MOTION made (Lynch) 2<sup>nd</sup> (Pulie) to move up agenda item 6 Old Business, Second water meter and consumption billing. No Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

## **6. Old Business.**

### **Second water meter and consumption billing.**

Chairman Lynch said before taking a vote to change the billing from averaging to actual consumption if anyone would like to speak with respect to any of the public comments by residents or at any of the public information meetings.

Chairman Lynch wanted to clarify for the record the following:

- With respect to how the current contract reads: The billing that Bridgeport charges us is based upon metered flow. We are all aware that the Contract expires in June and we are very acutely aware that this issue needs to be addressed with respect to future negotiations with Bridgeport. We will take that under consideration and we understand the implications of that.
- It was brought up that this new method of billing was going to be a tax: This is not a tax this is a true up billing that we get every year at the end of the end of the fiscal year from Bridgeport that needs to get paid. Not one dime of that gets put into the coffers of the 59 account or the 20 account. It gets all sent to Bridgeport as a bill.
- With respect to the metered flow: We understand that it is unfair that water consumption that is not put into the sanitary system to be billed. However, the only way that we could quantify that metered flow is to take that metered flow out of the system and separate it and that's why this Commission looked into the option with Aquarion to get a second meter for either the irrigation system or for high water consumption users. There are no two methods which are on the web site with respect to how Aquarion would do that. This is purely an option this was something to take the burden off the homeowners if they wanted to use their water for high usage or for irrigation, or to fill their pool, whatever they wanted to do.
- With respect to our system as opposed to many other of our surrounding neighborhoods who use a different way of billing: Those neighborhoods have separate treatment plants that are their own. We are unfortunately in the situation where we are dependent on someone else's treatment plant and we are subject to the way that billing is and we don't have that control. This commission did look into other options and avenues and we tried to come up with the most equitable and fairest proposal which will not be one hundred percent fair to everyone and at this point it appears that eighty percent of the users are subsidizing approximately twenty percent of the high water use consumptions.

Chairman Lynch asked if anyone had anything else to add. She also said the WPCA will work with the tax collector's office and Aquarion to figure out when this will be implemented. She noted Robert Rubenstein from

the tax office is present to address questions as to when it will happen and the WPCA will work with her to inform the homeowners if after a vote it is approved. Commissioner Egri added that no one is forced to put in the meter it's an option and it is the best interest to get the best measure of the water and the flow, but nobody is being forced into doing this.

MOTION made (Lynch) 2<sup>nd</sup> (Egri) that the WPCA changes its current method of billing from the averaging billing method to the actual billing method consumption. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Commissioner Pulie said she was part of the two public information meetings and voted tonight in favor of this change. She was not present for the meeting with the public hearing but did watch it on the Trumbull Community Channel and read the Minutes and qualified herself to be able to vote for this issue.

### **1. Minutes to previous meeting:**

February 22, 2012.

MOTION made (Egri) 2<sup>nd</sup> (Lynch) to approve the meeting Minutes of February 22, 2012 as presented. No Discussion. THREE IN FAVOR (DeVita, Lynch, Egri) ONE ABSTENTION (Pulie). MOTION CARRIED.

### **2. Tighe & Bond.**

Progress report. Fred Mascia said since the last meeting Mark IV has been working on:

- Cross country between Shelton Road and Dogwood Lane.
- Predrilling 2 cross country easements on either side of the pond;
- Tree work along Teeter Road and the pond under the guidance of an arborist;
- Catch basin work;
- Using one to two pipe crews a week;
- About 94% of the pipe is in;
- Will be starting the work around Dogwood Pond in a couple of weeks.

Change Orders. Fred Mascia said there was some confusion regarding previous change order R109. For clarification purposes he explained there were two areas at the pump station where pipe had to be installed and he checked with Mark IV to give a price difference between plastic pipe and duct iron pipe and they gave him \$15.00 a foot and he presented to the commission the cost differential of \$2800.00. Mark IV submitted the full cost of the pipe on the pay requisition which was \$26,000. But, that is not what the real change to the project is because you're not going to be paying for plastic pipe you're paying the difference. The real cost is the net differential, but the change order request on the pay requisition shows the full extended price.

Fred passed out corrected change order sheets and explained the numbering was corrected to match Mark IV's numbering. He summarized each of the following change orders.

Change Order R108R dated 2/03/2012 in the amount of \$19,594.58 for use of a second machine for nine days five hours for work on Huntington Road in an easement with limited work area.

MOTION made (Egri) 2<sup>nd</sup> (Pulie) to approve change order R108 in the amount of \$19,594.58. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Change Order R111 dated 2/10/2012 in the amount of \$15,000.00 for time and material to replace three oversized catch basins on Booth Hill Road that do not conform to the catch basin bid item that is in the spec. They are located on Booth Hill Road and are oversized basins and the standard catch basin in the contract does not work. This was discussed with the Director of Public Works and it was decided not to exceed \$5,000.00 per basin to replace. Discussion followed on pipe size, price being too high, benefits of changing the catch basin and alternatives. The Commission wants to discuss this further and get more information and decided to table this change order pending further discussion with the director of public works.

MOTION made (Lynch) 2<sup>nd</sup> (Pulie) to table change order R111. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Change Order R113 dated 3/5/2012 in the amount of \$407.00 to furnish and install 8x8x6 DIP TY. This is for changing PVC to DIP and Fred said it had to be done.

MOTION made (Pulie) 2<sup>nd</sup> (Lynch) to approve change order R113 in the amount of \$407.00. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Change order R114 dated 3/6/2012 in the amount of \$500.00 to remove and dispose of storm manhole on Golden Hill Road. Fred gave a brief history of the drainage in the area and said the manhole had to be removed. MOTION made (Lynch) 2<sup>nd</sup> (Egri) to approve change order R114 in the amount of \$500.00. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2<sup>nd</sup> (Egri) to move Agenda item number 5 Wright-Pierce presentation. No Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

#### **5. Wright-Pierce: Presentation.**

Christine Kurtz from Wright-Pierce was present and passed out SSES Summary, Phase 1 and Phase 2 and SSES Phase 1 – Beardsley and Reservoir Pump Station Evaluation for the Town of Trumbull, CT Draft Report March, 2012. These documents were in addition to the Phase II - Reservoir Avenue Pump Station Drainage Area for the Town of Trumbull, CT Draft Report March 2012 that was previously provided. She said the presentation packet summarized both reports and this is Phase 1 and Phase 2 of the 4 Phase SSES program. She went over and explained the slides shown in the presentation and summarized the reports. Her highlights included testings, findings, sources of infiltration, evaluations, inspections, pump stations, pipes, flow and other related information. The greatest sources of infiltration come from connected sump pumps and cracks in the pipes. Implementing the information obtained and the cost effective analysis were also discussed. Tim Hampford arrived at 9:15 during the presentation.

#### **9. Executive Session:**

MOTION made (Lynch) 2<sup>nd</sup> (Egri) to move up Agenda item number 8 Executive Session and to close the regularly scheduled meeting of the WPCA for March 28, 2012 at 9:25 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:

- Mark IV – Contract 4 Negotiations, Discussion of application for payments
- Esteves v Town of Trumbull
- Baker v Town of Trumbull
- Thomas Lee, 29 Cobblers Hill Road. Sewer use charge
- Regionalization and/or Re-Negotiation of Bridgeport Sewer Treatment Contract
- Tighe and Bond – Contract for Litigation Support

No Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Remaining in the executive session will be the Commission members, including Commission member Tim Hampford who arrived at 9:15, Attorney Bob Nicola of Owens, Schine & Nicola, Fred Mascia, and Joe Solemene.

At 9:25 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 10:10 p.m. and the recorder was turned on.

MOTION made (Lynch) 2<sup>nd</sup> (Pulie) to come out of the executive session at 10:10 p.m. and to confirm that no vote was taken. No discussion. FOUR IN FAVOR (Lynch, Egri, Pulie, Hampford) ONE NOT VOTING (DeVita out of the room during vote).

**3. Invoice Approval:**

Application #31 - \$275,289.89. Chairman Lynch stated before taking a vote she opened the floor for discussion on the invoice and asked if there were any questions, comments or concerns. Commissioner Pulie noted they are at 100% for item number 1 maintenance and protection of traffic, item number 3 clearing and grubbing, item number 4 water pollution control, and item 5 temporary sediment control measures so they have reached their lump sum maximum amount of payment. It was also noted item 78 television pipeline inspection is at 88%. Commissioner Egri questioned items 66 through 69 on page 12 under change orders and Fred Mascia confirmed they are correct. A brief discussion followed regarding police /traffic, subcontractors, and other items that are at 100%.

The Chairman said based upon discussion in executive session it appears that the contractor is still in default under its contract obligation to cure the defects that have been identified. They still have not come to the table to sign the agreement whereby they will repair to the satisfaction of the Town their identified defects. Based upon their default under the contract this matter will be tabled and hopefully in the interim we could have some resolution with respect to the defects and the defaults.

MOTION made (Lynch) 2<sup>nd</sup> (Hampford) to table invoice number 31 in the amount of \$275,289.89 until the next regularly scheduled meeting. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

**6. Old Business:**

Wright-Pierce: Expand scope of services contract.

This is with respect to regionalization support negotiations. The Chairman said Attorney Kokenos has reviewed the Agreement and he is comfortable and she asked if anyone had comments. The Commission would like to add to the Agreement or the vote would be conditioned that any work to be done has to first be directed by John Marsilio and the Public Works Department as approved by the WPCA so the tasks are assigned through them.

MOTION made (Lynch) 2<sup>nd</sup> (Pulie) to approve the expanded scope of services contract with Wright-Pierce with respect to the regionalization support negotiations. Subject to the services to be done by Wright-Pierce to be directed by John Marsilio and the Public Works Department as authorized by the WPCA Commission. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

**6. Old Business:**

Update: SSEC. Commissioner Hampford said they are still getting things together and he is not sure how it will be reformed.

**6. Old Business:**

Up-date: Audit of the 59 and 20 accounts. Commissioner Egri asked the Commission to allow her to work with the Finance Director and put this out to re-bid. She said we can't due the original scope of services we wanted to do. Only two firms bid on that project and we don't have the needed documentation and documents going back to the 1970's. A full audit was done in 2004 and we are going to use that as a basis, repeat the work that was done in 2004, and bid this out to anyone who wants to bid on it and make it an addendum. If the Commission agrees she will work with the Finance Director and redraft the bid document. She also noted that the WPCA will need to be involved and follow the progress of this audit. The Chairman noted the winner of the original bid indicated to Commissioner Egri that they were unable to move forward with the audit based on the scope of services. Discussion included it not being a true audit because of lack of backup and it will be a review of cash flows, what is on hand, fees, etc.

MOTION made (Lynch) 2<sup>nd</sup> (Hampford) to authorize Karen Egri to work with the Director of Finance as well as the WPCA Commission to go out and rebid the audit of the 59 and 20 accounts. Subject to the WPCA's involvement as an addendum to the Town's bid for the audit which is also going out as well. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

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

The Chairman asked if anyone had comments or questions. It was noted funds remaining for Tighe & Bond are \$298,802.63.

There being no other business before the Authority,

MOTION made (Lynch) 2<sup>nd</sup> (Pulie) to adjourn the regularly scheduled meeting for March 28, 2012 at 10:15 p.m. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Submitted by,

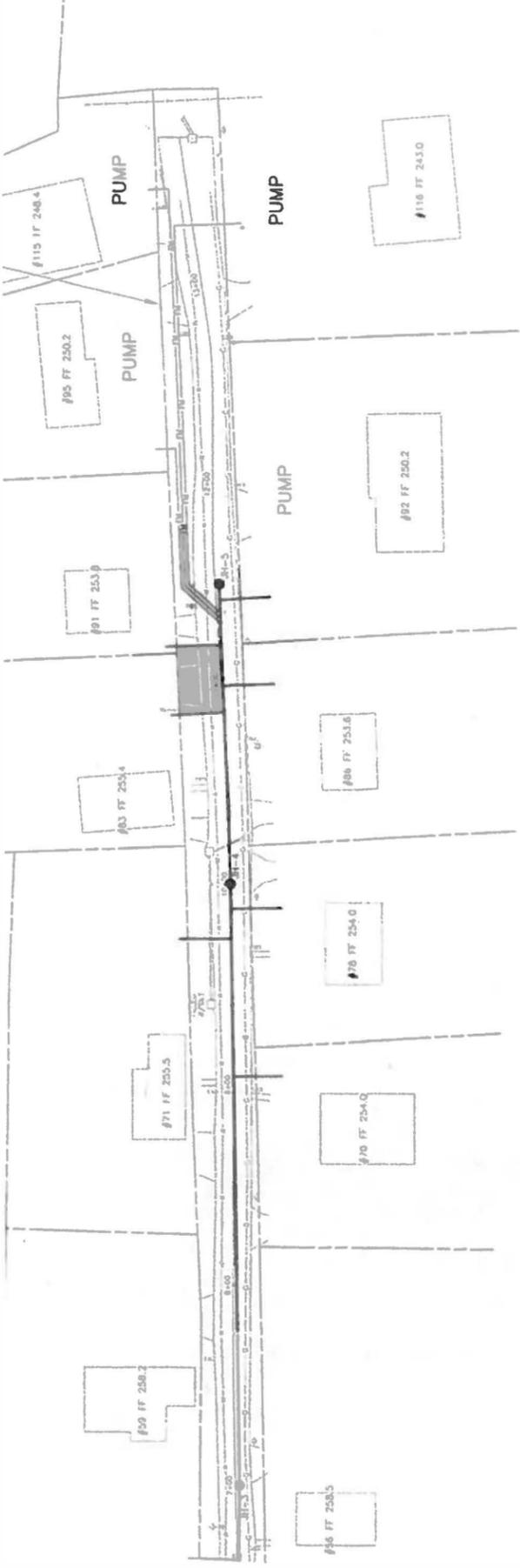
*Joyce Augustinsky*

Clerk of the Commission (Not present at meeting – transcribing from tapes on file in the WPCA/Sewer Department's Office)

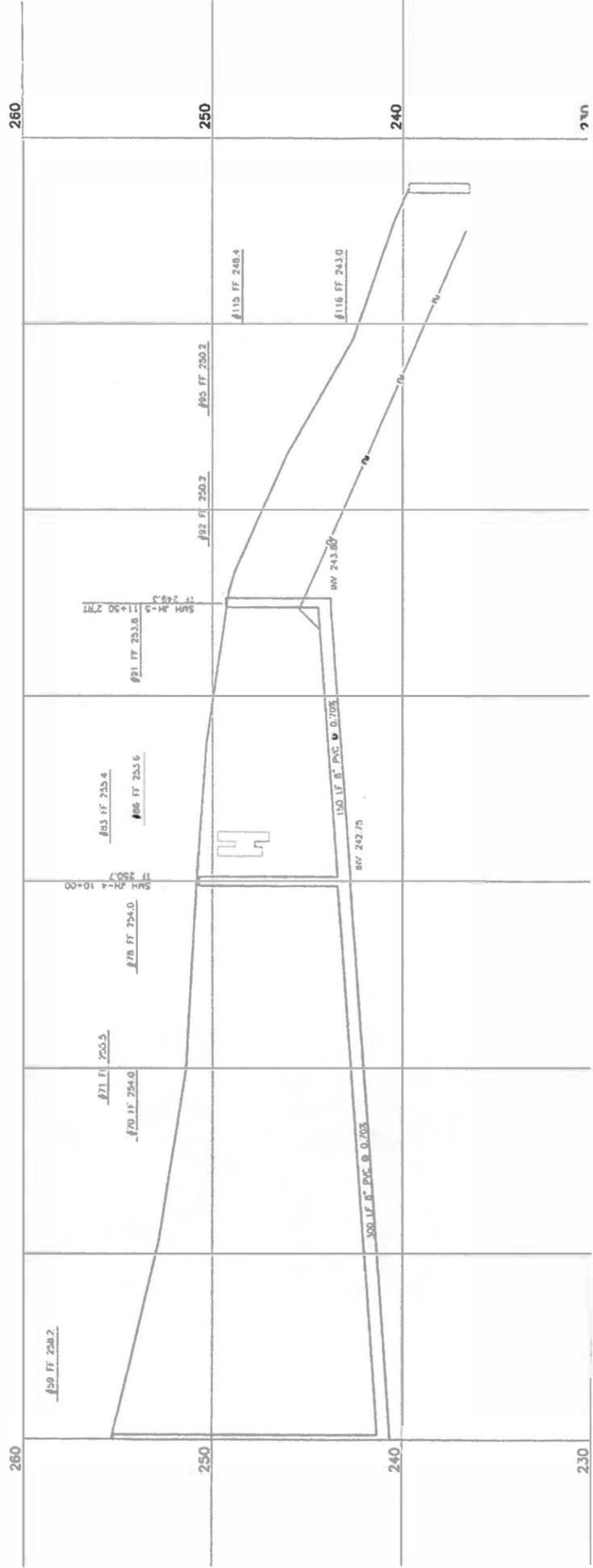








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SEE P-96

