

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, April 25, 2012

Members Present:

Jeanine Maietta Lynch, Chairman
Ennio DeVita
Karen Egri
Laura Pulie (arrived 7:50)
Kenneth Skov, Alternate

Members Absent:

Timothy Hampford

Also Present:

Joseph S Solemene, Assistant WPCA Administrator
John Marsilio, Public Works Director
Dennis Kokenos, Esq., Town Attorney
Frank M. Smeriglio, PE, Town Engineer
Fred Mascia, Tighe & Bond, Project Manager
Christine Pierce, Wright-Pierce

The Trumbull Water Pollution Control Authority held their monthly meeting Wednesday, April 25, 2012, 7:30 p.m. in the Long Hill Room, Trumbull Town Hall.

MOTION made (Lynch) 2nd (Egri) to move up Agenda item number 7 New Business, Joe Vohl, 6523 Main Street, requesting permission to extend sewer lateral. No Discussion. MOTION CARRIED UNANIMOUSLY.

7. New Business.

Joe Vohl, 6523 Main Street. Requesting permission to extend sewer lateral. Joseph Vohl, 17 Colonial Drive, Monroe, Connecticut was present and he said he is proposing to put up an estimated 1020 square foot addition at 6523 Main Street which was previously used for Paul's Barber Shop. They plan to use the building for real estate offices and he owns the property door. He has a sewer connection coming in from Main Street almost on the property line with a manhole in the street. He will hook up an inverted six inch line, put in a manhole cover on his existing property at 6527 Main Street, run a six inch lateral into the existing building plus the addition and put a clean out on that property. He will grant an easement and this will eliminate having to hook up on Main Street. He submitted into record a copy of the Plan of Property and a letter from Attorney Robert Josovitz dated April 18, 2012 regarding an easement and maintenance agreement. He explained he is in the process of getting a new survey and plans. Mr. Vohl said the existing building at 6523 Main Street is on a septic and the existing commercial office building next to it is on sewers. He showed the Commission on the Plan the where the addition would be. The Chairman said the concept so far in amenable, but the Commission needs more detail to make a decision. The Commission requested Mr. Vohl provide for the next scheduled meeting a plot plan of the building he wants to connect and also show both the existing and proposed lateral connections. They requested Joe Solemene visit the site. Joe explained this is a developer installed line with a \$2,500.00 connecting fee and a onetime unit charge of approximate \$5000.00.

MOTION made (Lynch) 2nd (Egri) to move up Agenda item number 7 New Business, Woodlawn Hills unit charges. No Discussion. MOTION CARRIED UNANIMOUSLY.

The Chairman noted Commissioner Pulie is not present so Alternate Kenneth Skov voted as an Alternate.

Woodlawn Hills. Unit Charges. Joe Solemene's summary of Woodlawn Hills' unit charges included:

- Increase in unit charges from \$500.00 to \$1750.00 was implemented while the developer was obtaining approval from other departments including wetlands, building department, etc.;
- Developer's attorney requested to be grandfathered in at the \$500.00 rate;
- The WPCA Commission denied the developer's request, but agreed to allow the unit charges be paid as each building was constructed;
- The developer paid the unit charges for 2 buildings and has not paid the remaining unit charges;
- The developer owes approximately \$85,750.00 in outstanding unit charges.

Attorney Kokenos informed the Commission he has requested information from the Tax Collector's Office, the ability to collect is clear and he is working on this matter.

MOTION made (Lynch) 2nd (Egri) to move up Agenda item number 8 Executive Session. No Discussion.
MOTION CARRIED UNANIMOUSLY.

9. Executive Session.

MOTION made (Lynch) 2nd (Pulie) to close the regularly scheduled meeting of the WPCA for April 25, 2012 at 7:50 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 Litigation – Contract 4 Negotiations, discussion of application for payments
- Esteves v. Town of Trumbull
- Baker v. Town of Trumbull
- Matthew Mihaly, 116 Jerusalem Hill
- Regionalization and/or re-negotiation of Bridgeport Sewer Treatment Contract.

Remaining in the executive session meeting will be the entire Commission members, Fred Mascia, Joe Solemene, Attorney Dennis Kokenos, Frank Smeriglio, John Marsilio. If Christine Kurtz is needed she will be called in. No Discussion. MOTION CARRIED UNANIMOUSLY.

It was noted for the record Commissioner Pulie arrived at 7:50 p.m. and joined the meeting prior to the start of the executive session.

At 7:50 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 8:50 p.m. and the recorder was turned on.

MOTION made (Lynch) 2nd (Egri) to come out of the executive session at 8:50 p.m. and to confirm that no vote was taken and to reopen the regularly scheduled WPCA meeting. No discussion. MOTION CARRIED UNANIMOUSLY.

1. Minutes to previous meeting.

March 28, 2012. The following corrections and/or additions were requested:

Page 3 - 6. Old Business. Last line on the bottom of the page the name "Robert Rubenstein" should be "Roberta Rubenstein"

Page 3 - 6. Old Business. Third bullet fifth line "There are no two" should be "There are now two"

Page 1 - Also Present: Roberta Rubenstein, Assistant Tax Collector is listed twice.

MOTION made (Lynch) 2nd (Pulie) to approve the March 28, 2012 meeting Minutes as amended. Discussion.
MOTION CARRIED UNANIMOUSLY.

2. Tighe & Bond.

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

- Quite a few defects have been completed throughout the project;
- Some work has been completed along Dogwood Pond, a small portion of the main was put in, laterals have been completed and some restoration work in some areas have been completed;
- Some additional streets have been released for connection;

Change Orders.

Change Order R115 dated 4/11/2012 in the amount of \$33,123.00 for ductile iron pipe. Fred said there is a section of Dogwood that we changed from PVC pipe to ductile iron and there is no pay item for ductile iron at 0 to 10 feet. There is a pay item for PVC at 0 to 10 feet and the contractor proposed to do it at the same price. We need to establish a pay item for the ductile iron 0 to 10 feet and that is the reason for this change order. MOTION made (Lynch) 2nd (Egri) to approve change order R115. Discussion. MOTION CARRIED UNANIMOUSLY.

Change order R116 dated 4/18/2012 in the amount of \$244.60 for lateral connection at 100 Saint John's Drive for work on the lateral to make the final connection. This was part of an easement. MOTION made (Pulie) 2nd (Lynch) to approve change order R116 in the amount of \$244.60. Discussion. MOTION CARRIED UNANIMOUSLY.

3. Invoice Approval.

Application #32 - \$264,806.48. Fred said 95% of the pipe is down and there is just under 4,000 feet of pipe left. Discussion included restoration work areas and easement areas. Chairman Lynch stated based upon discussions with the Town Attorney during executive session it has come to our attention that there is a new breach of contract with respect to the contractor's work on Dogwood Lane and wanted it noted for the record. MOTION made (Lynch) 2nd (Pulie) to approve application number 32 in the amount of \$264,806.48 on the condition that the contractor executes a settlement agreement acceptable to the Town WPCA attorneys as well as this Commission which will also include the resolution of the new breach of the Dogwood Pond issue. Such settlement agreement needs to be delivered to the WPCA attorneys. Discussion. MOTION CARRIED UNANIMOUSLY.

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

The Commissioners reviewed the spreadsheets and there were no questions or comments.

5. Wright-Pier4ce Update.

Christine Kurtz from Wright-Pierce asked if any of the Commissioners had any questions or comments regarding the draft reports or her presentation from the last meeting. Frank Smeriglio said he is reviewing the information and will meet with her. She said they will be getting to where they need to make sure the Commission and engineering is on board with how they phase recommendations. They are starting the SSES now and the meters have been in the ground for seven weeks and will be taken out in two weeks. She gave a brief explanation of their billing process and DEEP review. She noted invoice number 82781 was replaced with invoice number 82873 and the Commission reviewed invoices 82779, 82780 and 82873. MOTION made (Lynch) 2nd (Egri) to approve invoice number 82779 from Wright-Pierce, invoice number 82780 from Wright-Pierce and the revised invoice number 82873 which revises invoice number 82781. Discussion. MOTION CARRIED UNANIMOUSLY.

6. Old Business.

Thomas Lee, 29 Cobblers Hill Road. Attorney Kokenos handed out a copy of his letter dated April 10, 2012 that was sent to the resident explaining the Commission's position and he asked the Commissioners to review it and

confirm the denial. He summarized the history, legal opinion and responses. He noted the letter was sent based on the discussion in executive session at last month's meeting with Attorney Nicola and he requested the Commission confirm the denial now and have a formal vote.

MOTION made (Lynch) 2nd (Pulie) to deny the request that was submitted by Attorney Thomas Lee with respect to 29 Cobblers Hill Road, Trumbull, Connecticut and to confirm our discussion that took place during executive session at the last meeting held on March 28, 2012. Discussion. MOTION CARRIED UNANIMOUSLY.

Alternate Commissioner: The Chairman introduced the new WPVA Alternate Commissioner Kenneth Skov.

6. Old Business:

Update: SSEC. Commissioner Hampford was not in attendance to give the update and it was tabled to the next meeting.

Up-date: Audit of the 59 and 20 accounts. Commissioner Egri said she is finishing up revising the RFP and will be meeting with the Finance Director next week and then it can go out to bid.

MOTION made (Lynch) 2nd (Egri) pursuant to Connecticut General Statutes Section 1-225 to add the following items to the Agenda: Matthew Mihaly, 116 Jerusalem Hill; invoice approval of application number 31 which was tabled from the prior meeting; Esteves v the Town of Trumbull and Baker v the Town of Trumbull. No Discussion. MOTION CARRIED UNANIMOUSLY.

Matthew Mihaly, 116 Jerusalem Hill. The Chairman asked if anyone wanted discussions before continuing and taking the vote with respect to the plans and she received a negative response. Chairman Lynch stated the Commission already denied proposal number 1 which was already presented, but then representatives from Mr. Mihaly presented several other options, proposals number 2 and number 3.

MOTION made (Lynch) 2nd (Pulie) to deny Matthew Mihaly's proposals number 2 and number 3 with respect to his request to change the plans from pump to gravity feed. No Discussion. MOTION CARRIED UNANIMOUSLY.

Application #31 - \$275,289.89. Application #31 was tabled from the March 28, 2012 meeting.

MOTION made (Lynch) 2nd (Pulie) to approve application number 31 with the same conditions with respect to the contractor executing a settlement agreement acceptable by the WPCA attorneys and the Commission itself and such settlement agreement to be delivered to the WPCA attorneys. No Discussion. MOTION CARRIED UNANIMOUSLY.

Baker v Town of Trumbull.

MOTION made (Lynch) 2nd (Egri) to approve the settlement agreement that has been negotiated by the WPCA attorneys with respect to Baker v Town of Trumbull and their sewer assessment and connection. No Discussion. THREE IN FAVOR (Egri, DeVita, Skov) TWO ABSTENSIONS (Lynch, Pulie). MOTION CARRIED.

Esteves v Town of Trumbull.

MOTION made (Lynch) 2nd (Egri) to approve the settlement agreement that has been negotiated by the WPCA attorneys with respect to Esteves v Town of Trumbull and their sewer assessment and connection. No Discussion. MOTION CARRIED UNANIMOUSLY.

Attorney Kokenos said the four conditions that the Commission are okay with should be put on the record and he read the following into the record: The rate payer or resident will not be assessed at this time and the assessment lien will be released; That when and if they do connect to the system they will be required to pay the assessment as it is set right now under this contract with no reductions; That they are required to pay the

quarterly maintenance fee; and, Any payments made towards the assessment to date will be credited to them if and when they do decide to connect to the system.

MOTION made (Lynch) 2nd (Egri) to amend the Baker v Town of Trumbull approval vote to include the four settlement conditions that were read into the record by Attorney Kokenos. No Discussion. THREE IN FAVOR (Egri, DeVita, Skov) TWO ABSTENSIONS (Lynch, Pulie). MOTION CARRIED.

AMENDED MOTION made (Lynch) 2nd (Egri) to approve the settlement agreement that has been negotiated by the WPCA attorneys with respect to Baker v Town of Trumbull and their sewer assessment and connection with the following conditions:

- The rate payer/resident will not be assessed at this time and the assessment lien will be released;
- That when and if they do connect to the system they will be required to pay the assessment as it is set right now under this contract with no reductions;
- That they are required to pay the quarterly maintenance fee;
- Any payments made towards the assessment to date will be credited to them if and when they do decide to connect to the system.

No Discussion. THREE IN FAVOR (Egri, DeVita, Skov) TWO ABSTENSIONS (Lynch, Pulie). MOTION CARRIED.

MOTION made (Lynch) 2nd (Egri) to amend the Esteves v Town of Trumbull approval vote to include the four settlement conditions that were read into the record by Attorney Kokenos. No Discussion. MOTION CARRIED UNANIMOUSLY.

AMENDED MOTION made (Lynch) 2nd (Egri) to approve the settlement agreement that has been negotiated by the WPCA attorneys with respect to Esteves v Town of Trumbull and their sewer assessment and connection with the following conditions:

- The rate payers/residents will not be assessed at this time and the assessment lien will be released;
- That when and if they do connect to the system they will be required to pay the assessment as it is set right now under this contract with no reductions;
- That they are required to pay the quarterly maintenance fee;
- Any payments made towards the assessment to date will be credited to them if and when they do decide to connect to the system.

No Discussion. MOTION CARRIED UNANIMOUSLY.

There being no other business before the Authority,

MOTION made (Lynch) 2nd (Egri) to adjourn the regularly scheduled meeting for April 25, 2012 at 9:15 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

Submitted by,

Joyce Augustinsky
Clerk of the Commission