

WATER POLLUTION CONTROL AUTHORITY
Town of Trumbull
CONNECTICUT

TOWN HALL
(203) 452-5048



5866 MAIN STREET
TRUMBULL, CT 06611

MINUTES
Water Pollution Control Authority Special Meeting
Tuesday, October 2, 2012

Members Present:

Jeanine Maietta Lynch, Chairman
Karen Egri, Vice Chairman
Laura Pulie
Timothy Hampford (arrived 8:15)

Members Absent:

Ennio DeVita

Also Present:

Joseph Solemene, Assistant WPCA Administrator
John Marsilio, Public Works Director
Frank M. Smeriglio, PE, Town Engineer
Dennis Kokenos, Esq., Town Attorney
Henry Perles, Esq.
Neal Moskow, Esq.
Fred Mascia, Tighe & Bond, Project Manager

The Chairman called to order the special scheduled meeting of the Trumbull WPCA for October 2, 2012 at 7:04 p.m. in the Tashua Room.

Chairman Lynch's explanation for clarification purposes and for the public to understand why the public hearing and the regularly scheduled meeting for September 26, 2012 was cancelled included the following:

- WPCA staff complied with the Connecticut statutes and did all the appropriate notice requirements that were required under the statutes.
- The notice for the public hearing was sent to the Connecticut Post on September 4, 2012.
- It was printed in the Connecticut Post on Friday, September 14, 2012.
- The public hearing notice was also sent to the Town Clerk of Trumbull as required and stamped and posted in the Town Clerk's office on September 10, 2012.
- The Agenda was also sent to the Town Clerk of Trumbull and stamped and posted appropriately on September 24, 2012.
- The Agenda was e-mailed to the web-master on September 24, 2012. It was her job to post it accordingly pursuant to the Charter in the appropriate time frame. WPCA staff did get an e-mail confirmation that in fact that was done on September 24, 2012 at 7:00 p.m.

She also said she can't speak for the webmaster but it appears unfortunately due to some glitch that it was not posted. After consultation with the Town's attorneys, even though we complied with the Connecticut General Statutes we did not comply with the Charter, we had to call that meeting off for fear of having anything that was voted on become invalid. That is why the meeting was cancelled. She noted the public hearing requires notice and we have to go through the process again to reschedule it.

1. Minutes to previous meetings.

The Chairman explained approval of Minutes cannot be voted on at a special meeting and tabled Agenda item 1 Minutes to previous meetings to the next regularly scheduled meeting.

8. Executive Session.

There are several attorneys in attendance that need to brief the Commission on client attorney privileged confidential information. So the WPCA does not have to spend additional attorney's fees by having them wait to the end of the Agenda the Chairman made a motion to move up the Executive Session.

MOTION made Lynch seconded Egri to move up the Executive Session and close the special meeting of the WPCA at 7:10 p.m. and to go 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 3 and Contract 4
- Regionalization and/or re-negotiation of Bridgeport Sewer Treatment Contract
- Mihaly v Trumbull WPCA, et al
- Bridgeport Sewer Contract – Interim Agreement

Staying in executive session will be the Commission members that are present, Tim Hampford upon his arrival, Joe Solemene, John Marsilio, Fred Mascia, Frank Smeriglio, Neal Moskow and Henry Perles.

No Discussion. MOTION CARRIED UNANIMOUSLY.

At 7:10 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 8:15 p.m. and the recorder was turned on.

MOTION made Lynch seconded Egri to come out of executive session and reopen the special meeting at 8:25 p.m., to state that Tim Hampford joined the executive session at 8:15 p.m. and to confirm that no vote was taken. No discussion. MOTION CARRIED UNANIMOUSLY.

The Chairman acknowledged 2 residents in attendance and asked if there was anything specific the Commission could address for them. Jon Greene said he was interested in the audit status and the interim Agreement with Bridgeport and Tony Dequila wanted to know if the public would have access to the Agreement. The Chairman indicated the Agreement will be voted on today and will be available to the public.

MOTION made Lynch seconded Egri to move up on the Agenda Old Business item number 6 Bridgeport Sewer Contract Interim Agreement. No Discussion. MOTION CARRIED UNANIMOUSLY.

6. Old Business:

Bridgeport Sewer Contract Interim Agreement. The Chairman's comments included:

- The Commission will vote on the Interim Agreement between the City of Bridgeport and Trumbull WPCA that will be in effect through December 31, 2012 with renewable rights upon mutual agreement.
- Bridgeport has confirmed that they will not bill our clients directly as they indicated they would in some of the media and that is very beneficial to us. They are waiving the right to do that which we think is appropriate and fair.
- The arbitration that was initiated under the Contract that expired in July is going to be stayed through December 31, 2012.
- During this time period the City of Bridgeport and the Trumbull WPCA, through our attorneys and Public Works Director, are going to continue their meetings, strategies and negotiations to come up with the right plan that is beneficial for both Trumbull and Bridgeport whether that be extending the Contract or regionalization.
- This document will be on file for anyone who would like to read it.

The Chairman asked if anyone had any questions, comments or concerns with respect to this before a vote is taken and the Commissioners indicated they had none.

MOTION made Lynch seconded Egri to approve the Standstill Agreement that is presented to us today by our Town Attorneys with the terms that were briefly discussed. The document will be on file for anyone who would like to read that. No Discussion. MOTION CARRIED UNANIMOUSLY.

Attorney Kokenos noted for the record in being consistent with how the expired Contract was signed the Standstill Agreement will be signed by the First Selectman.

MOTION made Lynch seconded Egri to move up on the Agenda Old Business item number 6 update audit status of 59 and 20 accounts. No Discussion. MOTION CARRIED UNANIMOUSLY.

6. Old Business.

Up-date: Audit of the 59 and 20 accounts. Chairman Lynch's summary of the status of the WPCA's efforts to obtain an audit of the 59 and 20 accounts included:

- The last audit was done in 2004 and the scope of service that was initially done by Commissioners Egri and Kallmeyer went from 2004 to the beginning.
- The scope of services that went out to bid was very extensive and there were very few bidders.
- Seward and Monde was awarded the bid and after several months they determined they could not comply with the scope and that hampered and delayed the audit process.
- Commissioner Egri revised the scope and it has been reviewed by the Town Attorney and Director of Finance.
- The scope has been revised to a much smaller scope by taking it forward from the 2004 audit.

The Chairman also said the Town is going to do its normal audit of our 59 and 20 accounts through Blum Shapiro. The bid with the revised scope went out and Blum Shapiro came back with a proposal. Copies of the revised Request for Proposal were given to the Commissioners for their review. Commissioner Egri said she had a preliminary meeting with Blum Shapiro and tonight the Commission needs to vote to move forward to allow them to conduct this opinion. She highlighted the information the Commission will be getting and said it will be based off of the 2004 McGladrey report which was the last opinion that was given on the finances of the 20 and 59 accounts. Chairman Lynch said the Commission needs to authorize Blum Shapiro to move forward on the revised scope. The Chairman stated the revised scope is also available if anyone would like to see it. MOTION made Lynch seconded Pulie to authorize Blum Shapiro to formerly accept the proposal of the revised scope and to audit the 59 and 20 accounts moving forward. Discussion. MOTION CARRIED UNANIMOUSLY.

Jon Greene asked if both documents would be electronic and on line and the response was they will be on the Town website. A brief exchange with Tony Dequila took place regarding dates for the rescheduling of the public hearing.

2. Tighe & Bond.

Progress report. Fred Mascia said since the last meeting:

- Work has been concentrated in the Dogwood Pond area;
- Contractor has completed the easement between Dogwood Lane and where he left off the easement going to Golden Hill;
- Gone over into the easement between Dogwood Lane and Shelton Road and started laying pipe towards Dogwood Lane and is about half way through that easement;
- Contractor had some difficulty with his operation and last week stopped work on that trench;

- Brief discussion took place regarding Dogwood Lane;
- Contractor doing clean-up work and other work in other areas;
- Contractor has completed paving all of Huntington Turnpike.

There is about two percent of the project left or 1600 feet of pipe remaining to be put in. The following work remains to be done:

- Complete the easement between Shelton Road and Dogwood Lane;
- Then from that intersection at Dogwood Lane up to Powder Mill;
- Then the manhole in Dogwood Lane over to Teeter Rock Road.

Additional sewer project work summarized by Frank Smeriglio:

Guerrera Construction started the excavation work for the roadway on Shelton Road. This excavation was necessary because there was concrete under the road and if it was left in place and paved the road would end up with continuous cracks.

A bid went out for Twin Brooks restoration. Twin Brooks is part of the offsite mitigation that was part of the Army Corps of Engineers permit. The bids came back and the low bidder did not have all the certifications that were required as part of the specs and they tried to hire subs with certifications. As we were questioning the certifications because that work was critical as far as timing we're putting that on hold until the spring into the summer.

We also put out a bid for easement restoration work on the sewer project. The bid was put out for 15 days, but no one responded. Since there are a lot of easement areas there is a lot of risk. Because there were no bids we are working with the bid that went out for on call landscaping. We are working with that contractor to look at each of the easements individually to come up with a scope, do one at a time and see how far we can go this year and get set up for the spring to finish the rest of them. Fred said the easement restoration includes two items. The first is the onsite mitigation of the wetlands that were disturbed under the corps permit and the second is the five or six easements that had restoration work including one driveway and quite a bit of landscaping that was not included in the original bid package. We made the bid wide and bundled it altogether in one bid and nobody bid on the job.

Change Orders.

Fred Mascia summarized each of the following change orders:

At the last meeting the following change orders were tabled and Fred recommends they remain tabled so that we have more time to try to work with Mark IV on getting a better understanding of the numbers.

Change Order R117 dated 10/14/2011 in the amount of \$28,814.56 to install sanitary lateral at 49 Old Green Road. Change Order R118 dated 10/14/2011 in the amount of \$22,080.27 to install sanitary lateral at 2373 Huntington Turnpike. Change Order R127 dated 5/21/2012 in the amount of \$8,554.77 for lawn restoration at 2447 Huntington Turnpike. Change Order R128 dated 5/22/2012 in the amount of \$5,354.25 for lawn restoration at 20 MacDonald Road. Change Order R129 dated 6/01/2012 in the amount of \$2,693.20 for lawn restoration at 126 Hilltop Drive. Change Order R132 dated 6/05/2012 in the amount of \$661.25 to sawcut concrete roadway at 449 Shelton Road. Change Order R136 dated 6/26/2012 in the amount of \$7,175.18 to furnish four inches of stone for restoration work at Booth Hill to Route 108. Change Order R140 dated 7/09/2012 in the amount of \$457.52 to realign CB lateral to avoid conflict with sewer main (9/22/10).

Chairman Lynch said at Fred's suggestion she will make a motion so the WPCA has enough information to adequately address the change orders that are being requested and to work with Mark IV to table these change orders.

MOTION made Lynch seconded Egri to table change orders R117, R118, R127, R128, R129, R132, R136 and R140. Discussion. MOTION CARRIED UNANIMOUSLY.

Change Order R135R dated 6/26/2012 in the amount of \$49,292.68 for Jerusalem Hill road reconstruction. At the last meeting Fred did not have all the numbers to reconstruct Jerusalem Hill. Since then all the work has been done and the total is \$49,292.68. The original bid included raising the elevation of the road to accommodate the sewer. He gave a brief history of the area, problems and work that was done and noted there were no pay items in the contract for that work. He said it worked out very well and they ended up rebuilding 300 feet of roadway and the average grade change was about eighteen inches to two feet. The work is justifiable, but unfortunately it was not part of the bid. The Commission noted it should have been shown on the plan and part of the bid. All time, equipment and materials were verified and it was monitored by Tighe & Bond. MOTION made Egri seconded Hampford to approve change order R135R in the amount of \$49,292.68. Discussion. MOTION CARRIED UNANIMOUSLY.

Change Order R143R dated 7/24/2012 in the amount of \$2,000.00 to remove tree stump debris. This was submitted at the last meeting for removing and disposing of tree stumps that were excavated in an easement off of Dogwood Lane right opposite Powder Mill. Originally the contractor submitted a lump sum price of \$2,000.00. Fred went back to them asking for a breakdown and proof that the material was removed and disposed of. The price is still \$2,000.00, but they got the backup material they were looking for. Fred said this is a reasonable price and this is an unforeseen item. MOTION made Lynch seconded Egri to approve change order R143R in the amount of \$2,000.00. Discussion. MOTION CARRIED UNANIMOUSLY.

Change Order R144 dated 8/20/2012 in the amount of \$2,150.50 for relocation of 8" underdrains. This is for the same type of items at three locations, one on Tory Lane, one on Lobsterback and two on Shelton Road. Some locations where the Commission was paying for excavation and replacement of chimneys had an underdrain that was tightly laid next to the sewer pipe. The chimney configuration we use now has a concrete shoe at the bottom to hold the chimney up and the underdrains had to be relocated to go around them. The contractor submitted prices for that relocation work and Tighe & Bond verified what was done. It is the Commission's choice whether they feel that was extra work or was it because the chimneys were being paid for and replaced and things had to be readjusted. The Chairman commented it was being replaced because it wasn't done right in the beginning and Commissioner Pulie said it goes back to the correct spec. It was also noted the work to relocate these underdrains did not cause the chimney installation operation to be extended. It was done in the same time frame with no added labor or time to the project. MOTION made Pulie seconded Egri to approve change order R144 in the amount of \$2,150.50. Discussion. MOTION CARRIED UNANIMOUSLY.

Change Order R145 dated 8/23/2012 in the amount of \$847.26 for installation of furnco couplings for storm drainage work. This is for furnco couplings on drainage work to be installed at two locations on Booth Hill Road and Old Greene Road. In the past the Commission has not paid for furnco couplings, but the contractor was directed to do this in lieu of reconstructing headwalls. Fred briefly described the areas and reasons why the furnco couplings were necessary. After working with the town engineer and public works director Mark IV was directed to do the work because it probably saved the Commission thousands of dollars in rebuilding the headwalls. MOTION made Lynch seconded Pulie to approve change order R145 in the amount of \$847.26. Discussion. MOTION CARRIED UNANIMOUSLY.

Change Order R146 dated 9/6/2012 in the amount of \$326,706.23 to install permanent pavement on Route 108. At the July meeting the Commission removed request number R126 for paving on Huntington Turnpike from consideration. Mark IV had submitted it in advance of doing the permanent paving on Huntington Turnpike. At that time total paving of the project was still being analyzed by public works. Under the DOT permit the contractor was being forced by the State to do the final paving on 108 and the initial push was prior to school

starting. The director of public works directed them to have Mark IV pave the roads and satisfy the requirements of the DOT permit. This reflects the total cost to do permanent paving, some driveway aprons, permanent line striping and a little bit of shim cores, all required and demanded by the DOT. Discussion included no other option because this was out of the Commission's control, it should have been included in the bid, it should have been done much differently and it should have been a known situation that there was a concrete road underneath. Fred noted the \$326,706.23 is not a complete add on to the project because what it doesn't show is the Commission would have paid for an inch and a half milling and overlay under the paving portion. So the Commission probably would have paid a little over \$200,000.00 anyway and this had to be done the way DOT wanted it done and there is no negotiation. Fred said the work has been done and is completed. MOTION made Lynch seconded Hampford to approve change order R146 in the amount of \$326,706.23. Discussion. MOTION CARRIED UNANIMOUSLY.

Progress Report - additional topic. Frank Smeriglio said we are videoing all the existing storm lines on the roads we are getting ready to pave and some defects have been found. He is going to the sites to see if the defects are within the sewer trench or if they are just outside of the sewer trench. Correspondence has been sent to Mark IV making them aware that there are problems along the sewer line that have to be dealt with and we are negotiating with them. Thirty three defects were found along the sewer trench in sixteen streets that were videoed. Discussion followed regarding paving, defects, streets with no defects that will be paved, posting paving information on the website, updating paving schedules, discussions taking place with Mark IV, types of defects that are being found, cement bricks and cement around joints, settlement and if problems could be tracked by crews. Fred said a lot of it could be tracked to being prior to Tighe & Bond. Frank said Mark IV has no issues going back to each of these repair locations and starting to dig, but once they get to the pipe if its determined that it is not their fault they want assurance that they would get paid. He also noted Mark IV's point on some situations is if there is a gap in the pipe there could be concrete around it and that it can't be seen from the inside. Frank will have more to report next month. Fred said everything has been videoed except Primrose, Golden Hill, Dogwood Lane and Powder Hill and we are staying away from the areas where work is on-going.

3. Invoice Approval.

Application #36 - \$199,347.39. Application #36A- \$269,347.25.

Application #37 - \$445,957.98. Application #37A - \$150,544.00.

MOTION made Lynch seconded Hampford to table Application 36, Application 36A, Application 37 and Application 37A to the next regularly scheduled meeting. No Discussion. MOTION CARRIED UNANIMOUSLY.

4. Wright-Pierce PO 20121091-00 and Invoice number 84709.

Joe Solemene said Wright Piece has been working with Attorney Kokenos on the contract negotiation. We have a budget in place in the amount of \$65,000.00 and a PO from last fiscal year of \$40,000.00. We need approval to release the additional \$25,000.00 so Wright Piece can continue this work. The Chairman stated it was authorized in the WPCA budget as a specific line item allocation for \$65,000.00 for them to represent us with respect to understanding options of moving forward with Bridgeport and they have also been working along with Attorney Kokenos and John Marsilio. This is a request to release the remaining funds.

MOTION made Hampford seconded Pulie to release \$25,704.63 the remaining budget for Wright Pierce's remaining professional services. Discussion. MOTION CARRIED UNANIMOUSLY.

A brief discussion followed regarding Wright-Pierce's invoice number 84709, the current purchase order and what is needed to proceed.

4. Billing Statements.

Tighe & Bond and Wright-Pierce. The Commissioners reviewed the spreadsheets. There were no questions, comments or concerns regarding Tighe & Bond's statement.

The Chairman recapped the prior motion as it relates to Wright-Pierce's spreadsheet.

6. Old Business.

Update: SSEC. At this point Tim Hampford is the only member left. He said he will address it with the First Selectman after the elections. The Chairman noted this Commission is in favor of having it and we are available, ready, willing and able, but we don't know what and who the members are and whether or not they are moving forward. Commissioner Hampford said it is inactive and he will advise the clerk when to put it back on the Agenda.

Woodland Hills – Delinquent Sewer Connection/Use Charges. Attorney Kokenos said he met with the tax collector and explained this is a developer that was supposed to be paying the connection charges when the Woodland Hills units were done by building. That agreement was on the record in the Minutes of the meeting. The tax collector did not send bills because there was no communication between the WPCA and the tax collector that they had to send bills once that was done. This was forwarded to Attorney Kokenos because it is an outstanding balance. He explained he is happy to bring the law suit to try to collect these funds, but this is not a normal collection proceeding. There is no avenue of foreclosure and the tax collector wanted him to ask the WPCA what they want to do. Attorney Kokenos said there is a clear agreement on the record and the developer was supposed to remit payment, but he has not paid. Discussion followed regarding special defenses, asset checks of the company, judgment, collection issues, attorney fees, liens, collection law suit and probable outcome. The Commission asked Attorney Kokenos to send a collection letter and see what happens.

7. New Business.

Update as to Current Sewer Use Delinquencies/Collection. Attorney Kokenos said he met with the tax collector and Donna and they ran a list of sewer use delinquencies. They have a system of when these files are forwarded to the town attorney for collection. There is a significant amount of accounts that are approaching the amount for being turned over to the town attorney. He suggested the delinquency problem be addressed and suggested someone from the Commission, the tax collector's office and Maria Pires sit down and discuss these delinquencies and what effect they may have on the 20 account. Dennis will have Donna prepare a list of what is due and what the charges are for. The Chairman said the last time we worked with the tax office and authorized part time help was extremely beneficial to the WPCA because for a minimal amount of overtime and payment we were able to collect way beyond what was envisioned. The Commission would be more than happy to have a dialog and work through this because it is to everyone's benefit to get this collected. Attorney Kokenos said he will get the list for the next meeting.

There being no other business before the Authority,
MOTION made Lynch seconded Hampford to adjourn the special scheduled meeting for October 2, 2012 at 9:18 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

Submitted by,

Joyce Augustinsky
Clerk of the Commission