

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**  
**July 24, 2013**

Members Present:

Karen Egri, Chairman  
Laura Pulie, Vice Chairman  
Ennio DeVita  
Edna Colucci

Members Absent:

Timothy Hampford

Also Present:

Frank M. Smeriglio, PE, Town Engineer  
Joseph Solemene, Assistant WPCA Administrator  
Dennis Kokenos, Esq. Town Attorney  
Christine Kurtz, Wright-Pierce

Chairman Egri called the July 24, 2013 meeting to order at 7:00 p.m.

Chairman Egri asked for a motion to move up Old Business, 2013-2014 sewer usage rates.

MOTION made Pulie seconded DeVita to go out of order of the agenda to move up Old Business, 2013-2014 sewer usage rates. No discussion. MOTION CARRIED UNANIMOUSLY.

**6. Old Business.**

2013-2014 sewer usage rates. The Chairman said on July 17, 2013 a public hearing was held regarding the 2013 sewer usage rate increase. The residential sewage treatment per CCF is currently \$4.43 and the proposed increase is to \$5.95; the industrial sewage treatment per CCF is currently \$4.82 and the proposed increase is to \$6.51; flat rate (well water) treatment per quarter is currently \$130.26 and the proposed increase is to \$170.00. She noted for the record the new rates will be reflected in the next quarterly billing cycle covering the billing period through September, 2013. She explained the rates are being increased due to Bridgeport's increase in the rates as part of their budget process. The main increase in the usage rates are due to the costs associated with their new management service agreement. Our rate is being proposed to keep in line with what Bridgeport is raising our rate to. Commissioner DeVita requested to have it noted that at the public hearing there was no one from the public in attendance. The Chairman noted for the record that the commission did hold a public hearing that was noticed accordingly and no one from the public attended the public hearing. The Chairman asked if there was a motion to approve the sewer user rate increase. Commissioner Pulie wanted it stated for the public that we are looking at alternates to sewage treatment in the future because this contract expires in 3 years and she encourages people to reduce their water consumption as Aquarian's water rates are going to be rising twenty percent or higher and our rates will be rising as well. It is prudent and wise to look at ways to conserve water use. Frank Smeriglio also noted that residents on a sprinkler system are able to add a second meter so that when they get their sewer usage it would be the rate coming into the house minus the rate used in the sprinklers. Chairman Egri said this rate is due to Bridgeport increasing the rates and we must pass it on. We inherited this contract and we have to abide by it and the thirty five percent increase. Commissioner DeVita said we are working with our consultant to look for other possible avenues because Trumbull must get away from Bridgeport because this won't stop and it is going to keep going up and we must create ourselves independent of Bridgeport. Frank Smeriglio said an alternative to

discharging to Bridgeport is designing our own treatment plant and obviously the big issue is where to locate it. Another alternative is to discharge to another town and this is something that is being explored. It was reiterated that this is an increase we inherited and have to pass it along and this Commission has actively been exploring other alternatives moving forward.

MOTION made DeVita seconded Pulie to approve the sewer user rate increase. Discussion. MOTION CARRIED UNANIMOUSLY.

MOTION made Egri seconded Pulie to go out of order of the agenda and move up New Business, 5 Springwood Drive proposed sewer lateral expansion for proposed building lot. No discussion. MOTION CARRIED UNANIMOUSLY.

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

5 Springwood Drive: Proposed sewer lateral expansion for proposed building lot. The Commission reviewed the information that was submitted by Spath-Bjorklund Associates. Joe Solemene said this is an interior lot off of Springwood Drive and there is existing sanitary sewer main line in the road. They are asking to extend the lateral connection from the main line to serve this new lot. He explained in the past we have allowed using the existing lateral connection, putting in a manhole and branching out as an extension. But, since they have to go into Springwood Drive to extend the water and the gas main they are going to open up the trench wide enough to extend a new lateral connection for this added lot. They will have to expose the main line and put in a saddle and a connection and run a lateral connection to the lot. In response to Commissioner DeVita's comments Joe confirmed that this is a new connection and they will put in a new "Y" and it will be inspected by the town. The plan and profile were discussed. It was noted this is a proposed new house and they will pay an assessment based on the assessments when the main line was installed in 1979. The size of the trench and galleries shown on the plan were discussed and changes were requested. Commissioner DeVita noted there appears to be a conflict between the gallery and sewer and he wants it corrected on the plan.

Frank Smeriglio summarized the two issues:

- Conflict between galleries and water sewer lateral - one of them has to be moved;
- The minimum distance between the sewer lateral and the water line - need to insure that there is a minimum that they achieve.

Chairman Egri asked if there was a motion to approve 5 Springwood Drive proposed sewer lateral for the proposed building lot.

MOTION made DeVita seconded Pulie to approve 5 Springwood Drive proposed sewer lateral for the proposed building lot with the two stipulations remedying the conflict between the galleries and the water sewer lateral and achieving the minimum distance between the sewer lateral and the water line. Discussion. MOTION CARRIED UNANIMOUSLY.

MOTION made Egri seconded Pulie to go out of order of the agenda and move up New Business, Ejector pump status Contract 4. No discussion. MOTION CARRIED UNANIMOUSLY.

Ejector pump status – Contract IV. Joe Solemene said this is a resident that qualified for the grinder pump installation and called when they received their sewer assessment which included the extra pump charge of \$3,500 to cover the cost of running the two inch line from the existing septic tank to the lateral connection. They objected to the fact that the assessment was in place with the \$3,500 and the pump was not installed yet. They requested a rebate on the interest for the 24 days on the \$3,500 because they were being charged interest on something that had not been connected. Joe said the line is in place, the pump is in place and they are just waiting on the electrician to connect the control panel inside the house and it should be completed by Friday. Frank said this property discharges through the Dogwood area sewer line so we couldn't install the pump system until that was on line which ended up being after the testing and issues were done in the spring. Then our subcontractor got busy with other pumps and his own work. We are in the process of doing that house. The total for one

month's worth of interest is between \$8.00 to \$12.00. Options are either to say no or give a credit under sewer usage that equals the interest from July 1<sup>st</sup> until she's up on line. Another thing to note is that the 2.75 interest rate that we have is historically low and if we waited until the pump was completely done to charge interest the rates have gone up close to a percent between the beginning of the year until now. So, if we waited she would have been paying the higher interest rate on the full assessment, but we were able to take advantage of the low interest rate.

Joe Solemene said it is important to mention: the street wasn't released until March; they were sent the pump agreement on April 11<sup>th</sup> and they returned it signed May 15<sup>th</sup>; the pump, the control panel and the installation was all part of a package they received that was paid for by the contract as a whole and that package is probably worth around \$8,000.00. He also pointed out the pump is installed and should be on line by the end of the month and if we allow compensation we still have fifteen pump packages to be installed and are being done according to the schedule of the installer we hired. Discussion included assessments and being charged whether connected or not connected, time frames, remaining pump installations, \$3,500 charge included in assessments with signed pump agreements, reasonable requests, and changing and/or setting a precedent. Frank summarized the details relating to pump agreements. Joe explained we have installed over a hundred of these pumps and this has never come up before. It has been the same situation in all three contracts and the installation is according to the installer and some have been delayed as long as six months.

Attorney Kokenos pointed out for the Commission's consideration that these are benefit assessments. They are not assessed based on someone being able to use the system and there are people who are not using the system and they are still paying assessments. It seems like the resident is saying if they are not using it I should not be assessed, but that is not the way these assessments work.

The Chairman asked if there was a motion to deny the request for a credit for the ejector pump status. After further discussion the commission agreed to set a policy relating to this contract and future contracts and Chairman Egri amended her motion request because it was specific to just this one property.

MOTION made Egri seconded Pulie to deny the request for a credit on the interest as a matter of policy for the residents hooked up under this Contract and Contracts going forward. Discussion. MOTION CARRIED UNANIMOUSLY.

### **8. Executive Session.**

MOTION made Egri seconded Pulie to go out of order of the agenda and move up Executive Session 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 3 and Contract 4
- Regionalization and/or re-negotiation of Bridgeport Sewer Treatment Contract.

Staying for the executive session will be the WPCA Commission, Attorney Kokenos, Joe Solemene, Christine Kurtz and Frank Smeriglio. No Discussion. MOTION CARRIED UNANIMIOUSLY.

At 7:39 p.m. the tape recorder was turned off, the clerk left the room and the Commission went into executive session.

At 9:02 p.m. the clerk was called back into the room and the recorder was turned on.

MOTION made Egri seconded Pulie to come out of executive session and to state for the record that no vote was taken. No discussion. MOTION CARRIED UNANIMIOUSLY.

MOTION made Egri seconded Pulie to reopen the July 24, 2013 WPCA meeting at 9:03 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

MOTION made Egri seconded Colucci to go out of order of the agenda and move up item number 2 Tighe & Bond progress report Contract 4 and change orders Contract 4. No discussion. MOTION CARRIED UNANIMOUSLY.

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

Progress report. Fred Mascia was not in attendance.

Frank Smeriglio said since the last meeting:

We continue to work on drainage between the highway department and Julian and we are still talking with Mark IV about major and minor pipe lines that we think should get done. The paving is ongoing and we are doing the second layer of asphalt on some of the roads. We have set roads that we are going to start milling next week and then there is another set of roads that we are going to be reclaiming starting the week after. The four week look ahead is posted on the web site and is updated every week and a half.

### Change Orders:

Frank Smeriglio summarized the following change orders:

R156 - 1/24/2013 – \$517,440.00 for additional borrow. Mark IV is estimating that additional borrow had to be used on the project. Basically they are looking for a change in price per cubic yard of borrow that they had to install and they are looking to change their price per cubic yard and are asking for \$517,440.00. It looks like they just went back and where they removed rock in other areas that they are saying they used borrow versus extra material that was on site. He explained their claim is that since in their estimate they had one price for borrow and because the amount they claim they used is a certain percentage above and beyond that amount that they are entitled to a higher unit price. Commissioner DeVita questioned if there is a record that they actually put in this extra material and Frank said no. The Commissioners commented that they are supposed to negotiate and usually the price goes down if the quantity goes up. Frank said there is language that talks about it if the quantity is different than what was in the bid, but we do not have records that show what they used. He does not agree with their price per cubic yard and he will not approve this. Commissioner Colucci questioned if more information is needed and if the price is unreasonable and the response was yes. Commissioner DeVita noted that it is not just needing more information we don't have information that they used it and they have not given any information that they actually used this extra material. Attorney Kokenos asked Frank to state how long we have waited for them to provide that additional information and when was it initially submitted. Frank indicated it was submitted to Tighe & Bond back in January, 2013. Attorney Kokenos stated that there has been no additional information since January, 2013 that has been provided to us and Frank said that is correct. It was noted when change orders are normally received they come with backup and what is attached to this change order request is what was submitted and there is nothing.

MOTION made Pulie seconded DeVita to deny change order R156 for \$517,440.00 for additional borrow because there is no information they actually installed this extra material. Discussion. MOTION CARRIED UNANIMOUSLY.

R157. 1-24-2013 - \$1,025,040.84 - Granular fill. For the material that was installed one foot above the sewer main our detail calls for the installation of granular fill and the bid item is called gravel fill. They are saying it is two different items. The specifications for gravel fill refer back to the State 816 manual and both items refer back to the same 816 materials manual. They are claiming that it is different and they believe that they should charge us \$57.48 per cubic yard. Commissioners Pulie and DeVita agreed with Frank that it is the same and Commissioner Pulie commented that it is the same item that they bid a penny for a yard. Frank said in our spec the item that goes two feet above the pipe is called granular fill and our line item for that material is called gravel fill. What was installed was questioned. Frank explained they would have installed material that qualifies for what is in the 816 manual and both these line items refer to that part so it is same spec. Commissioner DeVita pointed out that again they gave no details. Frank indicated the contractor said he installed granular fill and our bid item called for

gravel fill. Commissioner DeVita questioned why did he put in the other material and call it the other one and that question could not be answered. Frank said they both refer to the same item in 816. He explained there is a definition of a certain type of material that is defined in the 816 manual and both these items refer to that definition.

Chairman Egri asked for a motion.

MOTION made DeVita seconded Pulie to deny change order R157 for \$1,025,040.84 because there is no information why and no explanation. Discussion. MOTION CARRIED UNANIMOUSLY.

R166. 12-1-2011 - \$915,759.00 – Process gravel fill and lost production. This is for work that occurred on Huntington Turnpike which is a state road. Mark IV claims the state representative said to them you cannot put that material back in and you have to put process back in. Our specs say when you take material out in areas, some are dedicated on the project, you are allowed to let the material dry so it becomes suitable to put back in the trench. We don't have any records of what the state told Mark IV. But, our specs say that they are allowed to let the material dry and then that would be suitable to put back into the trench compacted at certain depths for it to be considered suitable for back in the trench. So, the disconnect here is that Mark IV is saying that they couldn't put back the material, that they put process in the whole trench, they lost their production rate on how many feet they can do per day and we are in disagreement that they could have just let the material dry. So, you excavate, you let the material dry, you stock pile it in a different area, so as material dries you put back the material that has already dried back into the trench. That is what our specs called for. They didn't have to put process and if they did put in process it was not our requirement.

MOTION made Egri seconded Pulie to deny change order R166 for \$915,759.00. Discussion. MOTION CARRIED UNANIMOUSLY.

### **1. Minutes to previous meetings.**

June 26, 2014. The following correction was requested by Commissioner Pulie:

Page 4 – second to last line – “pipe line....” should be “pipe lining....”

MOTION made Egri seconded DeVita to approve the June 26, 2013 Minutes with one change. No discussion. MOTION CARRIED UNANIMOUSLY.

July 17, 2014. There were no questions, comments or additions.

MOTION made Egri seconded DeVita to approve the Minutes of the Public Hearing from Wednesday, July 17, 2013 as written. No discussion. MOTION CARRIED UNANIMOUSLY.

### **3. Invoice Approval:**

Mark IV. No invoice this month.

### **4. Wright-Pierce Update.**

Phase 3. Christine Kurtz informed the commission the work is done and the draft report is being reviewed and when that is finished they will get it to Frank.

Phase 4. The field work has begun and manhole inspections have started in the study area. Some of the manholes in easement areas are too overgrown and they are working with the town crew to get access. Smoke testing will start next week and residents received a mailing notifying them of the testing and information is also on the website. It is a much smaller area than what was done in the past and they anticipate it will take two to three days depending on weather. The fire marshal is aware of the schedule and what streets are involved. Next will be the CCTV work, but right now the two field efforts are the manhole inspections and the smoke testing.

### **5. Billing Statements - Tighe & Bond and Wright-Pierce.**

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

**6. Old Business.**

Tighe & Bond Engineering Services Proposal Contract III Settlement Assistance. Frank explained there is currently a purchase order for \$45,000.00 for Tighe & Bond to assist us with Contract 3 engineering assistance and there is about \$5,000.00 left on that purchase order. We are requesting to do a new purchase order for \$15,000.00 and to be able to utilize Tighe & Bond for any engineering assistance on Contract 3 negotiations. The Chairman asked Frank if he thinks all \$15,000.00 is needed and he thinks it is. This will come out of the 20 account and the Commission budgeted money for this.

The Chairman asked if there is a motion to approve.

MOTION made Pulie seconded DeVita to approve \$15,000.00 for engineering services for Tighe & Bond. Discussion. MOTION CARRIED UNANIMOUSLY.

**7. New Business.**

Owens, Schine & Nicola Monthly Invoices.

Invoice #13343: Re: Bridgeport Regionalization Sewer Agreement - \$1,720.00.

MOTION made Egri seconded Pulie to approve Owens, Schine & Nicola invoice number 13343 in the amount of \$1,720.00. No Discussion. MOTION CARRIED UNANIMOUSLY.

Invoice #13344: Mark IV – Contract 4 Litigation - \$663.00.

MOTION made Egri seconded Colucci to approve Owens, Schine & Nicola invoice number 13344 in the amount of \$663.00. No Discussion. MOTION CARRIED UNANIMOUSLY.

Invoice # 60958 Ury & Moskow: Contract Dispute – Town of Trumbull v. Mark 4 Construction, et al - \$2,992.50.

MOTION made Pulie seconded DeVita to approve invoice number 60958 for Ury & Moskow in the amount of \$2,992.50. No Discussion. MOTION CARRIED UNANIMOUSLY.

**9. Any other business that may come before the Authority.**

Guerrera Construction Company, Inc. – Application 7 - \$588.00. The Commissioners reviewed the invoice Frank passed out. He said two months ago we closed out the Guerrera Shelton Road project. Last week Guerrera received an invoice from the police department in the amount of \$588.00. It was noted this invoice is just for police.

MOTION made Egri seconded Pulie to approve Application 7 for Guerrera Construction Company in the amount of \$588.00. Discussion. MOTION CARRIED UNANIMOUSLY.

There being no other business before the Authority,

MOTION made Egri seconded Pulie to adjourn the July 24, 2013 meeting of the WPCA at 9:31 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

Submitted by,

*Joyce Augustinsky*  
Clerk of the Commission