

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**  
**November 12, 2014**

The Trumbull Water Pollution Control Authority held their monthly meeting on Wednesday, November 12, 2014 at 7:00 p.m. in the Long Hill Room, Town Hall, 5866 Main Street, Trumbull, Connecticut.

Members Present:

Jeffrey Wright, Chairman (left 8:20)  
John Gray  
Laura Pulie  
Paul Whetstone, Alternate (Voting)

Also Present:

Frank M. Smeriglio, PE, Town Engineer  
Dennis Kokenos, Esq. Town Attorney  
Christine Kurtz, Wright-Pierce (arrived 7:11)

Members Absent:

Fred Palmieri, Vice Chairman  
Timothy Hampford

Chairman Wright called the November 12, 2014 meeting of the Trumbull WPCA to order at 7:04 p.m. and a vote was taken to open the meeting.

MOTION made Wright seconded Whetstone to open the meeting. No discussion. MOTION CARRIED UNANIMOUSLY.

MOTION made Wright seconded Pulie to directly go to item number 4 which is Old Business and then move right to item number 5 which is New Business. No discussion. MOTION CARRIED UNANIMOUSLY.

**4. Old Business.**

Frank Smeriglio explained requests are made to the Commission for permission to connect into our sewer system and Bill Carboni from Spath-Bjorklund has three items on the agenda: MGM Properties, 6528 Main Street; 2440 Reservoir Avenue; and 147 Daniels Farm Road.

Bill Carboni summarized the following sewer connection requests and went over the plans for each site:

MGM Properties, LLC, 6528 Main Street. This is for Main Street, Broadway, Marisa's Restaurant to the north of their site. They are proposing a 7280 square foot commercial building on one floor. There is an existing eight inch sewer that crosses the property paralleling the stream. There is an existing lateral and they are asking to connect the building into the sewer. There is also a thousand gallon grease trap proposed so if a restaurant ever goes into this building it will already be equipped with the proper sewage facilities. Frank said a couple hours before the meeting we found that there is a lateral provided for this property. When the sewer project occurred there was an assessment on the property and the assessment was such that they anticipated six lots there and this is one of those six lots. The owner of the property at that time already paid an assessment for this and they had left a lateral for this. So what we found is that he doesn't have to seek approvals from the board for this property because there is a lateral there and the assessment was already paid for this. The only thing that we have to do

with this project is before a building permit is issued he has to work with us to coordinate all the sanitary sewer details for this site. This is the parking lot where the bridge is.

The Kennedy Center, Inc., 2440 Reservoir Avenue. This is the corner of Reservoir Avenue and Woodside Avenue. There is an existing two story building used by the Kennedy Center and they are proposing the construction of a 1500 square foot garage on the lot they own behind the building. It will be used for a garage and storage and it will have one sink and one toilet which has to be hooked into the sewer. Because of the elevations they will have to take the effluent through a pump station and force main it to a gravity sewer that exists in Woodside Avenue. He pointed out the location for the pump station and the two inch force main which will be if possible kept on their property and then hooked in to the existing sewer. Commissioner Pulie questioned if it is a separate parcel and if an easement was going to be obtained.

Frank's comments included:

- Even though they own both parcels there still has to be an easement because they certainly can sell off the property;
- The force main which is one of things they previously talked about has been moved out of the right of way and we still have to review the final details before they come in for a building permit;
- Prior to our signoff there is a \$2,500.00 connection fee required.

Mr. Carboni said some of the details they will use is that this is a standard lateral connection which will reuse 15 feet down from the manhole and then they will take the two inch force main into and through a reducer into the six inch standard laterals. It is a very low head system and the difference between the two areas is about a foot, but it just doesn't work so they will be using a grinder pump and a two inch force main to go from one to the other because of the low head. He noted the toilet will be in a garage and will have infrequent use.

Franks recommendations:

- Establish an easement;
- Final details into the engineering department;
- \$2,500.00 connection fee.

Brief comments and questions regarding connection fees and/or assessments took place.

MOTION made Pulie seconded Wright to approve the proposed sewer connection for 2440 Reservoir Avenue and Woodside Avenue. No discussion. MOTION CARRIED UNANIMOUSLY.

#### **4. New Business.**

Rivers Edge Homes, 147 Daniels Farm Road. Mr. Carboni went over the plans and pointed out the site, the Pequonnock River and the shopping center. This is a sixteen lot subdivision that will be connected except for the house on lot 1 which is already connected to the sewer. All of the lines will go to the west and hook into an existing twenty inch sewer that parallels the Pequonnock River and will tie in with a standard doghouse manhole. It is a straight forward and simple gravity sewer system for the first floors of all the buildings and an ejection pump may be needed if they chose to sewer their basements. Commissioner Pulie wanted to know where the floodway line is because there has to be a floodway for the Pequonnock River. Mr. Carboni said the flood plain is a hundred year elevation. Commissioner Pulie pointed out the floodway is different from the base flood or the hundred year storms and she is wants to know where the new manhole will be because if it is in the floodway it is going to be taking in water and should be water tight. Mr. Carboni indicated it will be water tight like the others. Frank Smeriglio indicated the status of the subdivision is that they are still dealing with inland wetlands and then they go before planning and zoning so as of now this is still one parcel. Commissioner Pulie asked if this could go out Daniels Farm Road instead. Frank noted all the design plans for this sewer system have to be finalized and still submitted to the engineering department. Commissioner Pulie also wanted to know if they went out Daniels Farm Road would they have to pump because it's deeper and Mr. Carboni indicated they would. Frank said the existing house ties into the Jog Hill project. Mr. Carboni said it is an existing lateral and they are proposing to replace that house and he showed the locations of the existing lateral and manhole. As far as assessment or fees

Frank said there are sixteen lots and one is still being assessed as part of the Jog Hill project, but the other fifteen tie into this sewer line so it would \$2,500.00 times fifteen. Lot 1 is the existing lot and house that has an assessment. The Commission had additional questions and comments regarding tying in below the floodway line in a flood zone, putting in a manhole in a floodway or flood zone because they leak and take in water as soon as the river overtops the banks, and how it could all be eliminated if they went the other way. Mr. Carboni said the only way it could go that way is with a pump station above the base flood elevation and then a force main back. The manhole they put in will have a water tight top. He said they have a standard drop manhole and rather than doing that they might want to consider a direct connection inside the manhole to eliminate any open sewers and that could be another possibility. Frank said we can think about this for this month and then make decisions for December. Discussion included suggestions to have the frame and cover above the flood plain, elevations and floodway; who would maintain the additional pump station; creating an opening in a line that is sealed; cutting into the sewer line with a manhole causing joints in the line. Commissioner Pulie commented that we are sealing manholes that leak and they are not even near rivers. It is not a question of what happens in the next five or ten years it is what happens in the next twenty, twenty five years when you have another option the other way with a pump. The Commission would like to table this to the next meeting. Mr. Carboni and Frank will have additional information for the next meeting. Frank said he will get a list questions and get that worked out this month for the next meeting.

MOTION made Wright seconded Pulie to table 147 Daniels Farm Road proposed sewer connection to the next meeting. No discussion. MOTION CARRIED UNANIMOUSLY.

31 Ceil Road. Gerald and Harriett Busker were present. Mr. Busker said they put in a seventeen by thirty seven pool in their backyard in September, 1995. On November 11, 1995 we had a nor'easter and a big oak tree in their yard landed in the pool and destroyed it. In March, 1996 they were ready to put the new pool in and found out there was an underground spring in the corner of their yard. They had to put in a curtain drain from one end all the way to the other end of the yard and after that they put a pool in. Three or four years ago they put a new liner in the pool and found out that the underground spring went underneath the curtain drain and had to install a pump to pump the water out from underneath the pool. The water still got in there and eroded the sand base from under the liner and this year they found that they had a leak in two spots of the pool. He summarized the process of looking for and eventually finding two leaks. They were putting water in the pool constantly until they found out they had the additional leak. The reason they are here is because they received a water bill from Aquarion Water Company in the amount \$846.83 and during the same time period last year the bill was \$128.91. They paid the bill to Aquarion and then got a bill from WPCA of \$1,169.45. Mr. Buskar said the pool holds between 22,000 and 23,000 gallons. Chairman Wright summarized their normal usage history is about 16,000 for \$131.00 and during the period in question they went through 143,000 for \$846.83 so in essence they filled the pool seven times and Mr. Buskar said that is the bill they got from the water company. Chairman Wright noted the hose must have been on constantly and Mr. Buskar said it was it was in the pool out of the pool, then in again. Mrs. Buskar wanted to know if he thinks they were billed unfairly and he responded no it just seems an enormous amount of water for them not have noticed. They are not complaining about the water bill that is not why they're here. She said nothing went through the sewer line. Chairman Wright explained our hands are tied on that and he understands and they will probably need to bring this to Bridgeport. Frank explained the dilemma that we have is that we are contracted with Bridgeport to give them all the Aquarion readings. We give them a reading either at the end of quarter or the end of the year based on the water usage. So, what will have to happen is they would have to approve this. Chairman Wright said since he has been on the board there have been numerous different situations along these lines, but it is the relationship that we have with Bridgeport. Mr. Buskar asked if they present it to the commission first and then does the commission present it to Bridgeport. Frank explained Bridgeport has to be involved and the only thing that we present would be sending them this package. There is no issue with Frank sending them a letter saying we had this item on the agenda. Frank can say they came to our meeting, but they would also have to go to Bridgeport's meeting and present the same thing. The Chairman explained Bridgeport needs to sign off on this. What is unique is that we have never had cases before where we

requested a credit from Bridgeport, but he has no problems with sending them correspondence saying that is one of the items on the agenda and this is what they gave us, they still have to come see you. Frank said he will have to send the correspondence and then the Buskars would have to follow up and send a request to come to their meeting. When Frank sends the correspondence he will send a copy to Mr. and Mrs. Buskar.

**1. Minutes to previous meetings.**

There were no questions, comments or modifications regarding the October 22, 2014 Minutes. MOTION made Wright seconded Whetstone to approve the Minutes of October 22, 2014as presented. No discussion. ONE ABSTENTION (Pulie) MOTION CARRIED.

There were no questions, comments or modifications regarding the November 5, 2014 Minutes. MOTION made Pulie seconded Gray to approve the Minutes of November 5, 2014 as presented. No discussion. MOTION CARRIED UNANIMOUSLY.

**2. Contract 4.**

Progress report. Frank Smeriglio said since the last meeting:

There is no change from last month. He did send another correspondence to the owner of the last easement that we are working on. We will keep trying to make contact with that owner. What we have to set ourselves up for is meeting with the property owner in the winter and get it all set up for as soon as the weather breaks. Commissioner Pulie noted all the roads held up beautifully and they did a nice job.

**3. Wright-Pierce Update.**

Phase 3, Phase 4 & I/I Study. Christine Kurtz said it is the same status quo on the three projects right now. They will have a draft to Frank on Phase 4 next month.

**5. New Business.**

699 Booth Hill Road. Frank Smeriglio said:

This is a property on the Jog Hill sewer project that was granted an extension of time to connect in January 2009 and the system is 18 years old. There is no regulation that says it has to be within a certain age you just take the age of the system into consideration. The owner is in the process of selling the house and the lateral run is 425 feet from the house to the street. When there is a request for an extension of time we don't evaluate the septic system the health department does. Then after the health department inspects the septic system they give us their recommendation saying there are no problems and we then allow for an extension. We file it on the land records with a caveat in the requirements that it is only good for the current owners. The homeowner is in the process of attempting to sell the house and she is looking for us to grant the new owners an extension of time to connect. Our regulations say that acceptance is only good for the current owners. Her issues are that the sewer run from the house to the street is about 425 feet long, there are wetlands on both sides of the driveway, there is a bridge that has to be crossed and it is in her driveway. Frank said they don't have to approve this now and if we need time to think about that we can table this and discuss it. They are currently paying the assessment and that will continue to get paid so it's just the connection and the usage. The Health Department has not gone out this time yet because what the homeowner is trying to find out from the commission is that she wants our approval to not deny it because she is trying to sell the house. So, the next step would be that she would put in a formal application and then that application goes to the health department and they would do an inspection. Frank explained the commissioners are not approving the extension they are just approving that they are not going to deny it because the house is going to sell because she is in the process of selling her house. Frank reiterated that they are not approving the second extension and the first step is that they are not going to deny it because they are selling the house and then she has to apply. The commissioners want her to apply to the health department to see the condition of the septic system because they want to know that first. The chairman suggested to table this item

with conditions and have Frank let her know that we would like the health department to evaluate it and when that is done to come back to us.  
MOTION made Pulie seconded Wright to table Agenda item 699 Booth Hill Road. No discussion. MOTION CARRIED UNANIMOUSLY.

Owens, Schine & Nicola Monthly Invoices:

The commissioners reviewed the invoices.

Invoice 13852: Mihaley – Town of Trumbull WPCA Sewer Assessment Appeal - \$860.00. There being no comments or questions the Chairman asked for a motion to approve the invoice.

MOTION made Pulie seconded Gray to approve and pay Owens, Schine & Nicola invoice 13852 in the amount of \$860.00. No Discussion. MOTION CARRIED UNANIMOUSLY.

Invoice 13853: Mark IV Contract 4 Litigation - \$240.00. There being no comments or questions the Chairman asked for a motion to approve the invoice.

MOTION made Pulie seconded Gray approve and pay Owens, Schine & Nicola invoice 13853 in the amount of \$240.00. No discussion. MOTION CARRIED UNANIMOUSLY.

Invoice 13854: Von Stein – Town of Trumbull WPCA - \$340.00. Attorney Kokenos said this is another appeal for the sewer assessment. There being no other comments or questions the Chairman asked for a motion to approve the invoice.

MOTION made Pulie seconded Gray to approve and pay Owens, Schine & Nicola invoice 13854 in the amount of \$340.00. No Discussion. MOTION CARRIED UNANIMOUSLY.

Invoice 13855: Bridgeport Regionalization Sewer Agreement - \$11,735.50. It was noted this is current up to November 3<sup>rd</sup>. Attorney Kokenos said this is for the mediation and preparation for it for both himself and Attorney Nicola. Chairman Wright inquired if Attorney Kokenos anticipated additional charges in the future for both attorneys. Attorney Kokenos said considering the magnitude of the case he does anticipate it will involve co-council at times unless the Commission wants otherwise. There being no other or questions the Chairman asked for a motion to approve the invoice.

MOTION made Pulie seconded Gray to approve and pay Owens, Schine & Nicola invoice 13855 in the amount of \$11,735.50. No Discussion. MOTION CARRIED UNANIMOUSLY.

Ury and Moskow Monthly Invoice:

Invoice 61350: Contract Dispute – Town of Trumbull v. Mark IV Construction, et al - \$2,218.10.

The commissioners reviewed the invoice. It was noted this is for Contract 3. There being no other comments or questions the chairman asked for a motion to approve the invoice.

MOTION made Pulie seconded Wright to approve and pay Ury and Moskow invoice 63150 in the amount of \$2,218.10. No discussion. MOTION CARRIED UNANIMOUSLY.

2015 WPCA meeting dates. Chairman Wright noted meetings are scheduled for the fourth Wednesday of the month at 7:00 p.m. except for the months of November and December. The chairman asked for a motion to approve the meeting schedule.

MOTION made Pulie seconded Wright to approve the 2015 WPCA meeting schedule as presented. No Discussion. MOTION CARRIED UNANIMOUSLY.

**6. Executive Session.**

MOTION made Wright seconded Pulie to close the regular meeting and 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

Remaining in the executive session will be Jeffrey Wright, Frank Smeriglio, John Gray, Paul Whetstone, Laura Pulie, Christine Kurtz, and Attorney Dennis Kokenos. No discussion. MOTION CARRIED UNANIMIOUSLY.

At 7:56 p.m. the tape recorder was turned off, the clerk left the room and the Commission went into executive session.

At 8:35 p.m. the clerk was called back into the room and the recorder was turned on.

MOTION made Pulie seconded Whetstone to come out of executive session at 8:35 and to state for the record that no vote was taken. No discussion. MOTION CARRIED UNANIMOUSLY.

It was noted for the record at 8:17 Chairman Wright had to leave and commissioner Pulie is stepping in to close the meeting.

MOTION made Pulie seconded Gray to reopen the regular November 12, 2014 WPCA meeting at 8:36 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

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

There being no other business before the Authority,

MOTION made Pulie seconded Whetstone to adjourn the meeting of November 12, 2014 at 8:37 p.m. No discussion. MOTION CARRIED UNANIMOUSLY.

Submitted by,

*Joyce Augustinsky*  
Clerk of the Commission