

WATER POLLUTION CONTROL AUTHORITY
Town of Trumbull
CONNECTICUT

TOWN HALL
(203) 452-5048



5866 MAIN STREET
TRUMBULL, CT 06611

FEBRUARY 24, 2016
MINUTES

CALL TO ORDER: Chairman Wright called the regular meeting of the Trumbull Water Pollution Control Authority to order at 7:08 p.m.

MEMBERS PRESENT:

Jeffrey Wright, Chairman
Timothy Hampford,
Paul Whetstone, Alternate
Richard Boggs, Alternate

ALSO PRESENT:

Frank M. Smeriglio, PE, Town Engineer
Dennis Kokenos, Esq. Town Attorney
Vincent Marini, Esq., Town Attorney
Christine Kurtz of Wright Pierce.

MEMBERS ABSENT:

Fred Palmieri, Vice Chairman
John Gray
Laura Pulie

1. Minutes to Previous Meeting:

Motion made by Whetstone, seconded by Boggs to approve the January 20, 2016 meeting minutes as submitted. VOTE: Motion CARRIED unanimously.

2. Old Business: None

3. New Business:

- Owens, Schine & Nicola Monthly Invoices: Motion made by Wright, seconded by Whetstone to approve payment of Invoice #14353 dated February 17, 2016 in the amount of \$6,557.50. VOTE: Motion CARRIED unanimously.

The Chair stated invoice #14354 represents the mediation statement and the attendance. Motion made by Wright, seconded by Whetstone to approve payment of Invoice #14354 dated February 17, 2016 in the amount of \$10,280.00 (Commissioner Hampford arrived at the meeting at 7:10 p.m.) VOTE: Motion CARRIED unanimously.

- Carmody Invoice: Motion made by Wright, seconded by Whetstone to approve payment of Invoice #294040 dated January 27, 2016 in the amount of \$2,250.00.

This invoice represents the attorney who acted as the mediator for the Mark IV mediation. This bill is also partially paid for by Mark IV. VOTE: Motion CARRIED unanimously.

- Ury & Moskow Monthly Invoices – None
- Professional Services Account/Consulting Summary: Mr. Smeriglio reviewed the professional services account/consulting summary spreadsheet with the commission as follows:

Consultant Services for Contract 3 Sewer Project - This item was originally budgeted for \$50,000. \$29,745 has been spent year to date. This item represents issues with the Contract 3 sewer project. The fiscal year ends June 30th. The purchase order was issued for \$35,000, of the \$35,000, \$29,745 has been spent. There is \$15,000 remaining of the total budgeted amount.

Contract IV Closeout Assistance - This item was originally budgeted at \$50,000 and \$1,636 has been expended this fiscal year. Atty. Kokenos stated if the trial does move forward it will be in June 2016 and these funds will be used within this fiscal year.

Contract Negotiations with Bridgeport - This item was originally budgeted at \$75,000 and \$14,978.64. The purchase order amount was \$40,000.

- Plumb Tree Lane - Sewer Connection:
Mr. Smeriglio stated the Plum Tree Lane property is currently vacant land. A resident wants to develop the property and is seeking permission to connect to the sanitary sewer system. This property is unique because the Trumbull/Easton town line runs through the property. Atty. Kokenos explained if the house is built and has an Easton address, based on Trumbull's old contract with Bridgeport if a property was in another town the developer needed to go to the Bridgeport WPCA first for permission to connect to the sewer system. Once the developer obtained the approval from Bridgeport they would then come back to the Trumbull WPCA for their approval. After the approvals are in place the Trumbull WPCA assesses the connection.

Mr. Smeriglio explained what makes this property further unique is if the house is put on the Trumbull side of the property the developer will need to go to the Trumbull ZBA due to a zoning issue and if the house is built on the Easton side there is also a zoning issue and they will need a zoning variance from the town of Easton. If the house is put on the Trumbull side, only approval by this commission is required, but if the house is on the Easton side the approval of this commission and the Bridgeport WPCA is necessary. Atty. Kokenos agreed, but further explained he would need to review both the Trumbull ordinance and Bridgeport's ordinance because currently Trumbull does not have a contract with Bridgeport.

Mr. Smeriglio explained the proposal is to build the house in Trumbull. The motion at this meeting is if the house was built in Trumbull would this commission approve the connection to Trumbull's sanitary sewer system? Design/plans were not done to date because the owner is seeking permission to connect first before incurring that cost. Mr.

Smeriglio explained the next critical path for the owner is how to place the house on the lot so whoever purchases the house would be able to send their children to Trumbull schools. The commission questioned what percentage of the house has to be on the Trumbull portion of the property to be considered a Trumbull address. A general discussion took place of what the address of the proposed house would be based on the drawing submitted. Atty. Kokenos explained when the house is built they would have two tax bills, one to Easton and one to Trumbull.

Mr. Smeriglio explained there are two parts of this process, permission to connect and a zoning variance are required. There are approximately 30 houses bordering other towns where the town line goes through the property. Atty. Kokenos stated the address of those properties is a critical element, if the address is in another town, based on previous dealings with Bridgeport, permission from the Bridgeport WPCA to connect is required first. If it is a Trumbull address an approval and assessment per Trumbull's ordinance from the Trumbull WPCA and the Town Engineer's review of the design/plan would be required just as any other connection in town.

Mr. Smeriglio recommended approval subject to the following conditions:

- A zoning variance is granted by ZBA if the house is built on the Trumbull side and the house has a Trumbull address.
- The design/plans would be subject to the Town Engineer's approval.
- If the house is built on the Easton side of the property a zoning variance would also be necessary and the owner would need to come back to this commission for approval.

Atty. Kokenos confirmed for the commission. If the house is in Trumbull the connection could be approved by Trumbull only, they would not need to go to Bridgeport. This would be the same as any other sewer connection in Trumbull.

Moved by Hampford, seconded by Whetstone to approve the proposed sewer connection on Plum Tree Lane conditionally upon the Town Engineer's discussion (recommendation) at this meeting and review of the address of the property.

VOTE: Motion CARRIED unanimously.

- Executive Session:
MOTION made by Wright, seconded by Boggs the WPCA to close the regular session and enter 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 contractVOTE: Motion CARRIED unanimously.

The WPCA entered into Executive Session at 7:25 p.m. with WPCA members, Chairman Jeffrey Wright, Paul Whetstone, Alternate, Timothy Hampford, Richard Boggs, Alternate,

Town Engineer/Sewer Administrator Frank Smeriglio, P.E., Dennis Kokenos, Esq. Town Attorney, Vincent Marino, Esq., Town Attorney and Christine Kurtz of Wright Pierce present.

At 7:26 p.m. the tape recorder was turned off, the clerk left the room and the Commission entered into Executive Session.

At 8:53 p.m. the clerk was called back into the room and the recorder was turned on.

Moved by Wright, seconded by Hampford to end Executive Session. The Chair noted for the record that no vote was taken.

VOTE: MOTION CARRIED unanimously.

Executive Session ended at 8:54 p.m.

Motion made by Wright, seconded by Boggs to open the regular meeting session.

VOTE: Motion CARRIED unanimously.

The regular session was reopened at 8:55p.m.

Motion made by Hampford, seconded by Boggs to direct the Town Attorneys to reject the proposed wastewater contract presented by the City of Bridgeport. After discussion with the attorney and this commission the Trumbull WPCA believes the contract does not represent a reasonable rate and does not provide the proper savings to the users. If there is any change from the City of Bridgeport that the attorneys are aware of they should bring it back to the Trumbull WPCA.

VOTE: Motion CARRIED unanimously.

4. Any other business that may come before the Authority - None

There being no further business to discuss and upon motion made by Wright, seconded by Whetstone the Trumbull WPCA adjourned by unanimous consent at 8:56 p.m.

Respectfully Submitted,

Margaret D. Mastroni, Clerk