WATER POLLUTION CONTROL AUTHORITY

Town of Trumbull

CONNECTICUT

TOWN HALL
(203) 452-5048

5866 MAIN STREET
TRUMBULL, CT 06611

MINUTES
November 16, 2016

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
Fred Palmieri, Vice Chairman
Laura Pulie
Paul Whetstone, Alternate
Richard Boggs, Alternate

MEMBERS ABSENT:
John Gray
Timothy Hampford

ALSO PRESENT: Frank M. Smeriglio, PE, Town Engineer, Town Attorney Dennis Kokenos, Fred Mascia of Tighe & bond and Christine Kurtz of Wright Pierce

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1. Minutes to Previous Meeting: Motion made by Palmieri, seconded by Boggs to approve the September 28, 2016 regular meeting minutes as submitted 4-0-1 (ABSTENTION: Pulie)

2. New Business:
   - Owens, Schine & Nicola Monthly Invoices
     Town Attorney Kokenos explained this invoice is a result of a lawsuit against the Trumbull WPCA by HBR Trumbull, LLC, (St. Joseph's Manor), for a claim reimbursement of overpayments of sewer use fees. The Town filed a motion to dismiss the case two weeks ago. They do anticipate an objection. When the objection is filed Atty. Kokenos will argue it in court. HBR has 30 days to file the objection unless they ask for an extension. The Town's position is that they have really brought a rate appeal, and that timeframe has passed.

     Moved by Boggs, seconded by Palmieri to approve payment to Owens, Schine & Nicola in the total amount of $3,080, representing Invoice #14517 dated November 16, 2016 in the amount of $700, and Invoice # 14502 dated October 7, 2016 in the amount of $2,380, HBR Trumbull, LLC, St. Joseph's Manor) v. the Town of Trumbull.

     It was confirmed for the commission that there are two invoices and the total to be paid is $3,080.

Moved by Pulie, seconded by Boggs to approve the invoice(s) total of $3,080. VOTE: Motion CARRIED unanimously.

- Ury & Moskow Monthly Invoices – NONE

- 2017 Meeting Schedule
  Moved by Pulie, seconded by Whetstone to approve the WPCA 2017 meeting schedule as submitted.

  The commission reviewed the draft schedule. The Chair's intention is to not meet in either December 2016 or December 2017, if all of the commission's work is done. The December 2017 meeting will remain on the schedule and will be cancelled if no business needs to be conducted.

  VOTE: Motion CARRIED unanimously.

- General Projects
  Mr. Smeriglio explained the Board of Finance meeting is November 17th and is seeking authorization to bond the 2017 capital projects. The 5-Year Capital Plan was approved a few months ago, the 2017 capital projects are the first projects of the 5-Year Plan. There are four projects totaling $565,000.

  The four projects are as follows:
  1. *Town-Wide Repairs $150,000* - As part of the paving program the sewer lines are video'ed. This litem is $150,000 representing repairs of the lines in the roads the Town is planning to pave. It is the Town's duty to investigate the sewer lines.
  2. *Flow Discharge Alternative $150,000* – This line item represents investigating alternative discharge points for the Town's sanitary sewer system. It includes staying with Bridgeport as one of the alternatives.
  3. *Replacement of the Old Town Road Pump Station Generator $65,000.*
  4. *Repairs for the Park Avenue Pump Station $200,000* – This year (2016) there was money put aside for the design of the repairs and are now requesting bonding of $200,000 for the repair work.

Mr. Smeriglio explained they are requesting to bond $565,000 in total for these 4 projects. The commission does have the option at a later date not to bond the projects if the commission recommends to the Finance Department to pay for the projects from their operating budget. The Chair stated he believed some of the items should be paid out of current receivables if the WPCA has the funds to pay for it. Mr. Smeriglio stated the Town is currently going through the audit process. The WPCA Retained Earnings was at $7,367,000 after the last audit in 2015. Since then funds for the Bridgeport and Mark IV settlements were appropriated, bringing the balance to $3,739,000. After the current audit is completed it is anticipated the FY 2016 Fund Balance to be approximately $4.2 million, (unaudited). The delinquent sewer usage fee balance is approximately $929,000. This amount has been stable and has remained just under $1 million for a couple years. In the WPCA budget there is a line item which pays for personnel to handle sewer user fee collections which is why the number has remained stable.

Mr. Smeriglio confirmed for the Commission that the bond request is an authorization to issue a bond. The Chair asked that Mr. Smeriglio convey to the BOF it is the commission's preference to pay for the projects if the funds are available. When Mr. Smeriglio works on the operating and capital budgets he looks at what has 20+ year life and what does not. Items that do not have a 20-year life are included in the operating budget, (i.e. the videoing of the sewer lines), while the capital projects have more than a 20-year life. As the projects near completion he will put them as a regular agenda item for the commission to discuss. The audit that is being conducted now is of the operating budget, the other audit will be the 59 account. This is the account where all the past sewer projects had been charged to. Now that the settlements have taken place he has indicated to the Finance Director to initiate the audit of the 59 account. This audit will not start until the operating budget audit is complete. The Chair indicated they may have the results of the 59 account audit by May.

Mr. Smeriglio indicated to Ms. Kurtz project #4, includes pumps and the control panel. If the money would be used for a different pump station they would need to go back to the board. The money could only be used for the pump station as written in the bonding paperwork.

Ms. Kurtz explained Fairfield is going through the planning process of their own system. Fairfield has not approved that plan to date. Wright Pierce has been waiting for the last three months for Fairfield's decision. The Wright Pierce engineers have a proposal directly linked to flows and loads. They are waiting for the Fairfield to finalize their plan before they put anymore of an effort into Trumbull going to Fairfield analysis. Through recent discussions with the Town Attorney and Mr. Smeriglio it has been determined that an ad-hoc committee could be created and a meeting would need to set up with Fairfield. Attorney Kokenos stated the agreement was settled in July and this is something that cannot wait. We need to look at options, this would not rule out regionalization with Bridgeport. They would like to see of the commission would want to set up a sub-committee because this issue could take over the board's time and meetings. The Chair stated the ten-year clock is ticking and per the Charter this would be a referendum item, there would not be enough time for this to be on the 2017 ballot, the dollar amount would still be an unknown. This would ideally line up for the 2018 election. The commission should proceed in gathering all of the pertinent information so all parties are fully informed. Ms. Kurtz agreed that all parties need to be educated so everybody is in involved, knowing what decisions are being made and understand the impacts of going down both paths on the Bridgeport side and the Fairfield side. The Chair noted that there needs to be a willingness on the counter party to move forward. Ms. Kurtz stated the right parties have to get together to see if we are on the same page. The Chair stated he will do his part and is sure the First Selectman and the Town Attorney will do theirs.

Atty. Kokenos noted he had been dealing with the litigation but now that it is done he is coming to the board for direction. He is now seeking the board's direction on this matter. They have rough ideas of how the deal would work if they were to go to Bridgeport or if they were to go to Fairfield. Both are going to require some sort of response from either Bridgeport and/or Fairfield saying they understand the plan in principle and are not dismissing it. The next step would be to work with Wright Pierce to develop the model and how it would look for Bridgeport or what the model would look like if we were to go to Fairfield. After we get that model we would then have the commission see which one makes sense. The Chair stated that they could look at both options concurrently, all present agreed.

Atty. Kokenos spoke against spending the money on studies before they approach Bridgeport and Fairfield. One or the other may dismiss the notion at hand. Atty. Kokenos is happy to work on this, starting by going to Bridgeport and having a discussion with them and explaining to them what they think this would be in theory and to do the same in Fairfield. One of the ideas is to request to be on the

Fairfield WPCA agenda to explain what they are thinking in principle and explain to them what an arrangement with Fairfield would look like. We will tell both parties Trumbull will do our due diligence and are approaching both Bridgeport and Fairfield with this option and then would do our due diligence to develop hard numbers so both parties can look at it. Bridgeport did the same with Trumbull in 2010, at that time Trumbull realized what Bridgeport had proposed was not something they wanted to do. Atty. Kokenos stated if the board agrees he would like to contact the Bridgeport attorneys to explain what we are thinking with regard to regionalization of the plants only and not the collection system, and to explain to them Trumbull will do their due diligence on the numbers and ask them candidly if this is something they are not interested in doing or not and to please let us know. In Fairfield he would like to get on their agenda and present to them. Atty. Kokenos will defer to the Chairman. The Chair stated this has to come to a conclusion by November 2018. Atty. Kokenos stated they would explain to Fairfield they are contemplating doing studies to connect to their system. Trumbull understands this would increase their capacity, there would be a cost to connect to the system and would not expect Fairfield to pay that. There would be a cost associated with the increased capacity at Fairfield's plant. This would need to be discussed to see what the cost sharing would be. The end result, if it does work out, we would be billed by Fairfield based on our percentage of the waste water flow.

Ms. Kurtz explained if Trumbull was to join Fairfield we would pay for the capital infrastructure to be built for Trumbull. It would cost Fairfield nothing, Trumbull may support some of Fairfield's capital infrastructure. With us joining them, their operation and maintenance cost would go down. Atty. Kokenos indicated the point would be to begin the discussion to see if they had strong feelings one way or the other. Atty. Kokenos did not think Fairfield would completely dismiss the idea.

Ms. Kurtz explained Fairfield's plan will be developed and submitted to the state within the next three months, after review by the state, maybe in the summer of 2017 Fairfield's utility plan would be approved. They would then develop the scope. By that time Trumbull would know if this is a possibility or not. The commission agreed and noted that Trumbull could be a "module add-on" to Fairfield's plan. It was confirmed for the commission the intent is to have this all done before our current contract expires.

Ms. Kurtz stated no matter what path Trumbull takes, public education is paramount, noting that is what went wrong in Stratford. The Chair agreed and added Trumbull will come out organized and informed. The Chair requested Ms. Kurtz to prepare Bridgeport rate structure projection for the next ten years for the January 2017 regular meeting. Ms. Kurtz confirmed that Bridgeport has a contract on the treatment side and added that Bridgeport has CSO projects coming up which would not lead to stabilizing their rates. The rates will increase in 2-3 years. The Chair stated before this is brought to the citizens he wants to make sure the projected rates are explained in as an easy and concise way as possible and explain where it will track for the next ten year period and where it will track for the ten years past that. There would be no sense in moving forward if it based on projections that don't support. Trumbull's residents will ask why, how and what is the justification behind this. The commission noted it is not just the rates but it is qualitative and cost. Ms. Kurtz will send the Chair a preliminary draft. The Chair would like this commission to meet one more time in January and not to request to be on Fairfield's agenda until after the regular January meeting.

The Chair stated it is his intention for Commissioner Boggs and Whetstone be brought up to full members. This is something that would be brought to the First Selectman and noted engineers are always a good choice for this commission and asked all present to keep your ears and mind open to people that can bring value and good judgement to this commission regardless of party affiliation.

Ms. Pulie stated Aquarion has changed their billing periods and are now going to bill on a monthly basis not quarterly as they have in the past. Mr. Smeriglio stated the WPCA bills go out in February, May, August and November. As we get closer to February, the way the system is set up we take Aquarion's previous reading on every parcel and use the reading to charge the sewer usage bill. The February billing will be a difficult one because when computers pulls the data from the last Aquarion reading, but will now have to pull from the last three readings now that Aquarion will be billing on a monthly basis. There will be some confusion, some of the bills will be lower and others will be higher, this will correct itself by the May billing. We were notified yesterday with an effective date of December 2016. They are planning a meeting with their vendor on this matter. The vendor has already done this for other towns. In May they will be able to pull the last three monthly readings.

3. Old Business:

- Mark IV Progress

  Mr. Smeriglio stated Mark IV has completed all of the chimneys and point repairs and are in the process of going back to do the permanent patches,25 in total. Mr. Mascia stated they will be completed by Wednesday of next week.

  Mr. Smeriglio requested the commission approve the invoice contingent upon his approval once Mark IV has completed on Wednesday. Attorney Kokenos stated per the settlement agreement there are funds being held in escrow by his office until such time our engineers determine all of the work has been completed to their liking. There would be something needed from the Town in writing sent to his office to authorize the release of the funds in escrow. Atty. Kokenos suggested the approval of the invoice be contingent upon the Town Engineer's approval and to authorize release of the funds in escrow.

  Mr. Smeriglio stated per the agreement Trumbull is paying for the additional thickness of asphalt above 3". As part of the agreement Mark IV was paying for the first 3" of asphalt, because the Town wants more than the 3", the Town is paying for the additional 3". The Town wants to match the existing thickness. The Town is telling the WPCA that we have to put back what was there. In some areas it is 4, some are 5", so they put in the contract 6" of asphalt. That invoice will not come before December. There are two proposed change-orders due to certain spots where chimneys were proposed, there are curtain drains that were part of the contract, but what was not part of the bid item was the replacement cost for those underdrains. There is a handful curtain drains that were along the sewer mains that had to be replaced. There was no way to do the work without disturbing the curtain drains. The value of that work representing the first change-order is $2,932.76. The second change-order represents out of the 180 locations, one location was marked wrong. It was not Mark IV's fault it was due to a combination of drawings that they had. Mr. Smeriglio stated Mark IV had to excavate again and should be paid T & M (time and materials). The value of that work is $4,344.95.

  It is Mr. Smeriglio's recommendation to approve the remaining 25% subject to the engineer's review and approving these two change-orders. Atty. Kokenos explained the settlement agreement states that under no circumstances should they ask for a change-order, they negotiated hard for this provision. He understands in this scenario the work was not even in the same spot. If they are approved Atty. Kokenos suggested a letter be sent to Mark

IV noting this does not begin to waiver the settlement agreement's language pertaining to change-orders.

Moved by Palmieri, seconded by Pulie to authorize payment of the remaining 25% to Mark IV for the work being done as part of the agreement on Contract 3 subject to the following items:

a. The work shall be in compliance with the agreement between the Town of Trumbull WPCA and Mark IV agreed upon earlier this year.
b. That Frank Smeriglio, the Town of Trumbull Engineering Department sign off and authorize that the work is in full compliance with said agreement.
c. Any subsequent invoices received from Mark IV in conjunction with this matter that are above and beyond what we are discussing, be likewise approved by Frank Smeriglio prior to any disbursement of funds.

VOTE: Motion CARRIED unanimously.

Atty. Kokenos explained per the settlement agreement his office needs to release the funds held in escrow upon completion of the work at the satisfaction of our engineers or by final payment whichever is earlier. In this scenario the completion of the work is earlier. There should be authority for Mr. Smeriglio to provide Atty. Kokenos written authorization once the work is approved to his satisfaction so Owens, Schine & Nicola can release the funds. Mr. Palmieri stated the authority was implied in the motion just passed. The Chair requested they be kept up-to-date via email.

The Chair stated he would like to follow up with regards to his comments about bringing Richard Boggs and Paul Whetstone up to full membership. The Chair requested the clerk to issue an email to the First Selectman, cc'ing himself, Frank Smeriglio, Town Engineer and Town Attorney Dennis Kokenos asking that action be taken at his earliest convenience

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

There being no further business to discuss and upon motion made by Palmieri, seconded by Pulie the Trumbull Water Pollution Control Authority adjourned by unanimous consent at 8:11 p.m.

Respectfully Submitted,

Margaret Mastroni, Clerk

WATER POLLUTION CONTROL AUTHORITY

Town of Trumbull

CONNECTICUT

TOWN HALL

(203) 452-5048

5866 MAIN STREET

TRUMBULL, CT 06611

2017 MEETING SCHEDULE

4th WEDNESDAY OF THE MONTH 7:00 P.M. (UNLESS OTHERWISE NOTED)

JANUARY 25	LONG HILL ROOM
FEBRUARY 22	LONG HILL ROOM
MARCH 22	LONG HILL ROOM
APRIL 26	LONG HILL ROOM
MAY 24	LONG HILL ROOM
JUNE 28	LONG HILL ROOM
JULY 26	LONG HILL ROOM

NO AUGUST MEETING

SEPTEMBER 27	LONG HILL ROOM
OCTOBER 25	LONG HILL ROOM
NOVEMBER 15 **(THIRD WEDNESDAY)**	LONG HILL ROOM
DECEMBER 20 **(THIRD WEDNESDAY)**	LONG HILL ROOM
JANUARY 24, 2018	LONG HILL ROOM