

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 September 29, 2010

In attendance:

Jeanine Maietta Lynch, Chairman
Paul Kallmeyer, Vice Chairman
Ennio DeVita
Laura Pulie
Jack Goncalves
Karen Egri, Alternate
Timothy Hampford, Alternate

Also In Attendance:

Joseph Solemene, Assistant WPCA. Administrator
Stephen M. Savarese, PE/LS, Town Engineer
Timothy M. Herbst, First Selectman
John Marsilio, Director of Public Works
Dennis Kokenos, Esq., Town Attorney
Fred Mascia, Tighe & Bond, Project Manager
John Block, Tighe & Bond, Principal-In-Charge

The following is a brief summary of the meeting. A recording was made on tape and is on file in the office of the WPCA/Town Engineer, Town Hall, Trumbull, CT.

Jeanine Maietta Lynch, Chairman, called the meeting to order at 6:30 p.m.

MOTION made (Commissioner Lynch) 2nd (Commissioner Kallmeyer) to go out of order on the Agenda and open it up for public comment and discussion. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

The Chairman acknowledged the residents in attendance and invited them to speak.

Marty Shapiro, 36 Dogwood Lane. Requested the Commission try not to use executive session for some of the new issues and the people do want to hear and he commented on procedures for executive session. He also requested the Commission be very clear on reasons for going into executive session.

Councilman Robert J. Pescatore, Jr. from District 2. He and Councilman Mary Beth Thornton held a public forum on September 18th for the residents of Districts 2 and 7 and he highlighted a few of the issues.

1. Complaints of trash being left around the sites where construction is being done.
2. Suggestion that Tighe & Bond inspectors wear a different colored vest. He has received complaints that Tighe & Bond are not present while crews are working. It was his understanding that one member of Tighe & Bond, the inspectors, were supposed to be present with every construction crew.
3. Received reports that Mark IV's construction equipment caused an accident at the corner of Hillandale and one of the side streets up there. He wants that looked into as to how the equipment is being parked, making sure we're enforcing regulations on Town roads, etc.
4. Members of the Districts that came out to speak had some serious concerns about Tighe & Bond being paid for mainly in part by the North Nichols residents.

Mr. Pescatore stated they appreciate the work the Commission is doing. Commissioner Lynch asked if the accident was report and documented. He said it was filed with the Trumbull Police Department. He was asked to explain number 4 above. He stated they got the feeling that a lot of residents are concerned that the majority of the costs, for the engineering firm will be shouldered and burden by the residents and there is no cost cap.

Cindy Penkoff, 101 Columbine Drive. Stated she was at the forum. She commented on the audit that was done and the portion of North Nichols that was done prior to Tighe & Bond. She stated it is very unclear to her exactly what the chain of command is. She understands there is a bid, signed contract, change orders that happen and people in the field are signing off and then change orders that come to the Commission to be approved, etc. It seems to her there really isn't a cohesive chain of command. Also commented on the people who were out in the field and were allowing the changes to happen and how those changes could affect the project. She wants the Commission to develop a clear line of chain of command that the people understand that includes who's in charge of what, who residents should be going to, who gets talked to, and if there is an error or problem where the blame is going to fall. The Chairman asked if there was anyone else who would like to speak.

No one else came forward.

MOTION made (Commissioner Lynch) 2nd (Commissioner Kallmeyer) to go out of order on the Agenda and add under number 8 any other business that may come before the authority for specific residents that Steve Savarese has asked us to listen to. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Madeline Fromageot, 76 Golden Hill. She stated she looked at the drawings and would like to connect differently from what is on the drawings. Steve Savarese stated she has a documented septic problem and an immediate need for sewer hookup. The issue is she is on the side of the Golden Hill that is maybe a year and a half or a year away from being hooked up to an active line. He stated they asked Mark IV to prioritize the Golden Hill area in a number of letters but due to other problems with the contract it's not going to happen in a reasonable time. The homeowner is pumping out regularly and she has spoken with Town officials regarding her immediate needs. She is proposing to tie into the other manhole which is number 12 and it would entail 350 feet of lateral and a pump system. Mrs. Fromageot stated she is not sure she will need a pump system. The question is if the Commission is willing to undertake a design at this time to elevate this problem to get this homeowner hooked up for an additional cost to a system that is going to go on line in maybe a year sooner. The Commission wanted to know if the homeowner is willing to bear any of the costs or does she expect the contract will bear the costs. Discussion took place on how this could be done, elevations, flows, a pump, cuts, added costs, engineer design, etc. Mrs. Fromageot again stated she needs to get connected and it doesn't make any sense to have repairs done to her septic system at this time. She doesn't believe it makes sense to add to her system when there is a manhole one house down and she needs the sewer. She also stated this is also a public health issue. She also questioned why the contractor ended up in other areas when they knew there was a priority need here.

The Commission highlighted details and questions they want answered. It was suggested that Steve Savarese look at this and make a recommendation to the Commission and put it on the agenda of the regular meeting. The Chairman indicated it would be helpful to have several alternative designs and a cost value. Commissioner DeVita stated this is the wrong time to discuss this matter because this is not what tonight's meeting is for.

Mark IV Construction: Submitted for approval 9/16/2010 – Application No: 28 – Contract III final payment – return of \$100,000.00 remaining retainage. Discussion. The Commission questioned if the work is done, the status of the punch list items and list of items regarding the quality of work that was performed and whether or not the Contractor was informed about these problems areas. Attorney Kokenos said no, the list is going to be finalized by Tighe & Bond if the Commission hires them for Contract 3. The list is incomplete and insufficient we need to look into whether or not we're going to release the bond and the retainage of Contract 3. The First Selectman and Attorney Kokenos will be meeting with people next week with regards to this issue. He does not think the

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Commission should be releasing any retainage or anything with regards to this bond at this time. A determination of what is wrong with Contract 3 and a course of action needs to be done.

- MOTION made (Commissioner Kallmeyer) 2nd (Commissioner Goncalves) to table discussion on Mark IV Construction: Submitted for approval 9/16/2010 – Application No: 28 Contract III final payment – return of \$100,000.00 remaining retainage until the next scheduled meeting. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Mark IV: Change Orders.

R-1 04/06/10: 40 Columbine Drive - \$1,000.00 - Furnish and install an uncharted storm drainage pipe that required removal and replacement to facilitate installation of a sanitary sewer lateral.

Discussion: Fred Mascia from Tighe & Bond provided the Commission with an updated change order request spreadsheet. He indicated R-1 through R-6 are all drainage that came up during the construction in April before Tighe & Bond was involved in the project and work on those items have been completed. Commissioner Pulie read the following into the record “the location and placement of these extra items not indicated on the drawing if required will be at the discretion of the Town road inspector in the field and unit prices will prevail.” The Commission decided to go item by item through the list. Mr. Mascia informed the Commission that Steve Savarese attempted to renegotiate the prices of the change orders with the contractor and Tighe & Bond did the same on the more recent ones.

- MOTION (Commissioner Pulie) 2nd (Commissioner Lynch) to deny change order request R-1 for \$1,000.00. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

R-2 04/07/10: 17 Tamarack Circle - \$675.00 – Furnish and install an uncharted storm drainage pipe that required removal and replacement to facilitate installation of a sanitary sewer lateral.

Same issue and position as previous change order request R-1.

- MOTION made (Commissioner Lynch) 2nd (Commissioner Pulie) to deny change order request R-2 for \$675.00. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

R-3 04/09/10: Golden Hill Road – \$1,650.00 - Remove and dispose of 24 L.F. of the 12” RCP at approx. Sta. 17+50. Furnished and installed 2 bulkheads on this line at approx. Sta. 18+53 and 18+44. Furnish and install 8 L.F. of 12” CPP into an existing catch basin at Sta. 18+58. Discussion took place regarding pipe sizes, depths, and separating out the price of the installation of the bulkheads. Commissioner Pulie made a motion to deny and then withdrew her motion.

- MOTION made (Commissioner Goncalves) 2nd (Commissioner Kallmeyer) to amend change order request R-3 from \$1,650 down to \$500.00 to cover the cost of the two bulkheads. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

R-4 04/13/10: Columbine Drive – \$350.00 - Connect the under drain to the existing catch basin on Booth Hill Road at Sta. 122+00.

Discussion took place as to whether or not this type of charge was previously approved and if the price seems fair.

- MOTION made (Commissioner Goncalves) 2nd (Commissioner Kallmeyer) to approve change order request R-4 for \$350.00. Discussion. FOUR IN FAVOR (Lynch, DeVita, Kallmeyer, Goncalves) ONE OPPOSED (Pulie). MOTION CARRIED.

R-5 04/15/10: DOT. ROW. At Route 127 – \$350.00 - Install 26 L.F. of 8” under drain including a connection to an existing catch basin.

This is the same issue as R-4 above except installation was for 26 lineal feet of pipe. This item was under an existing line item and the \$350.00 was for the attachment.

- MOTION made (Commissioner Kallmeyer) 2nd (Commissioner Goncalves) to approve change order request R-5 for \$350.00. Discussion. FOUR IN FAVOR (Lynch, DeVita, Kallmeyer, Goncalves) ONE OPPOSED (Pulie). MOTION CARRIED.

R-6 04/16/10: Partridge Lane – \$450.00 - Tie into Existing Manhole.

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The depth of the tie in and type of manhole were questioned and the Commission does not know if it is pre-cast or not. Fred Mascia said it was a tie in of an 8 inch under drain so it was a storm drain. Fred will get information regarding the manhole.

- MOTION made (Commissioner Kallmeyer) 2nd (Goncalves) to table change order request R-6 and find out more about the manhole. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

R-7 04/23/10: 163 Columbine Drive - \$345.00 – Furnish and install an additional 8"x6" TY.

This change order was previously discussed by the Commission.

- MOTION made (Commissioner Kallmeyer) 2nd (Commissioner Pulie) to deny change order request R-7 in the amount of \$345.00. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

R-8 05/04/10: 71 Greenbrier Road - \$690.00 - Video inspection of storm line as requested by inspector.

This is not related to this Contract it is from Contract 3 and does not belong with these change order requests.

- MOTION made (Commissioner Goncalves) 2nd (Commissioner Kallmeyer) to remove item R-8 from these change order requests. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

R-9 06/22/10: 276 Booth Hill Road - \$225.00 – While installing 6" lateral connection for this residence an uncharted 4" drain line had to be removed and replaced.

This item is the same as item R-2.

- MOTION made (Commissioner Lynch) 2nd (Commissioner DeVita) to deny change order request R-9 in the amount of \$225.00. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Steve Savarese stated for the record July 5, 2010 was when Tighe & Bond began.

R-10 08/30/10: 449 Booth Hill Road - \$135.00 – While installing 6" lateral connection for this residence UN uncharted 4" drain line had to be removed and replaced.

It was pointed out that Tighe & Bond was on the job when this happened and Fred Mascia stated the contractor broke a pipe and he replaced it. The Commission indicated they are not opposed to paying but want a reasonable price.

- MOTION made (Commissioner Pulie) 2nd (Commissioner DeVita) to deny change order request R-10 in the amount of \$135.00. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

R-11 08/26/10: 40 Green Ridge Road - \$6,800.00 – Cut in new Tee-Y into 8" main on Green Ridge Road.

This item is not complete yet. Fred Mascia explained the plans called for a lateral to be in a particular location. In the past before laterals were installed Town inspectors would confirm with the homeowner the location of where they wanted the lateral before it gets installed. This is a situation where the inspectors confirmed with the homeowner to install the lateral on the opposite side of the driveway and that was done when the sewer main was put in and now they want it installed back to where it was shown on the plans. This area on Green Ridge Road is all rock and another Tee-Y needs to be installed. The Commission wanted to know if the inspectors got it in writing or verbal and Fred said it's usually verbal. It's usually the case where one of the homeowners told them one place and the other homeowner says it should be back on the other side. It is currently installed in the way in which the homeowner is now saying it should not have been and they want it in the other location. Discussion continued and the Plan was reviewed. It was suggested it to mention to the homeowner if they are willing to pay for it they could have it.

- MOTION made (Commissioner Lynch) 2nd (Commissioner Kallmeyer) to deny change order request R-11 in the amount of \$6,800.00. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

R-12 08/23/10: 18 Overhill Drive - \$250.00 – While installing 6" lateral connection for this residence an uncharted 6" drain line had to be removed and replaced. Letter shows comparison to costs on a T&M basis and indicates that cost is fair and all similar CO's should be approved. Comparisons to R-1 and 2 and this change order were discussed and again the cost and whether or not it is a fair price was brought up. It was noted that the letter stating this should be approved was not from Tighe & Bond.

- MOTION made (Commissioner Lynch) 2nd (Commissioner Pulie) to deny change order request R-12 in the amount of \$250.00. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

R-13 09/09/10: 261 Unity Road - \$3,100.00 – Additional cost for ¾” stone for curtain drain.

Chairman Lynch gave a brief synopsis of the history of this request. Fred Mascia said the homeowner stated the water in the basement only came up after the sewer was installed and the property is along an easement. This was previously before the Commission and they wanted to know if there was causal relationship between the sewer project and the flooding of the basement at this address. There was no evidence that was produced that could tie those things together other than coincidence of time. It was the understanding of the Commission that Mark IV was going to put it through their insurance company. Fred stated they put in the under-drainage which was on the last pay requisition. They were originally looking for the total and they wanted to be paid under the drain price. Fred went over the pricing for the Commission and indicated if they consider anything the drainage drain will have to be paid under one item and extra material would have to be considered separately and that’s why they separated the two items and payment has been made for the pipe. Fred said Mark IV was directed if they want to repair the area they are welcome to do it but they’re not getting paid at all so the next pay requisition they are looking to take that back up. Commissioner Kallmeyer verified that in the next pay requisition they are going to back out the pipe and Fred said yes.

- MOTION made (Commissioner Lynch) 2nd (Commissioner Pulie) to deny change order requested R-13 in the amount of \$3,100.00. Discussion. FOUR IN FAVOR (Lynch, DeVita, Pulie, Goncalves) ONE OPPOSED (Kallmeyer). MOTION CARRIED.

R-14 05/12/10: Additional costs for the pump station as a result of the changes provided in revised drawings S-1, P-120, P-121, M-1, E-1, E-2, E-3 letter dated 6/23/10 reduced it from \$175,081.61 to \$169,716.32 - \$169,716.32.

R-15 07/29/10: Additional costs for the pump station as a result of the changes provided in revised drawings S-1, P-120, P-121, M-1, E-1, E-2, E-3 & D-5 - \$6,027.91.

Attorney Kokenos indicated he is reviewing the maps and suggested this matter be tabled until the next regular meeting.

- MOTION made (Commissioner Lynch) 2nd (Commissioner Goncalves) to table change order requests R-14 and R-15 to the next regularly scheduled meeting. No Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

R-16 04/29/10: Pavement of trench at Calvary Evangelical Church parking lot - \$2,700.00.

Steve Savarese told the Commission that this has been completed and he recommends it be approved. Fred Mascia stated they verified the work was done and the trench was 135 square yard.

- MOTION made (Commissioner Goncalves) 2nd (Commissioner Kallmeyer) to approve change order request R-16 for \$2,700.00. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

R-17 07/29/10: Wells Hollow Outfall Restoration - \$7,620.11 – Pursuant to RFI dated 5/12/10, the additional work has been completed. Absent of the requested information the resident engineer provided the scope of work and witnessed the operation from start to finish.

It was questioned why this is not regular restoration. Fred stated the project was bid with sewer going underneath the culvert and it was determined during construction it was on ledge and could not be built so the sewer had to be re-routed to go around. This was extreme restoration that was not included in the original bid package.

- MOTION made (Commissioner Lynch) 2nd (Commissioner Pulie) to approve change order request R-17 in the amount of \$7,620.11. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

R-18 08/10/10: 440 Shelton Road - \$2,415.00 – tree removal.

Fred Mascia explained the tree was a multi trunk maple. This tree was compromised during the installation of the lateral when it was installed where the homeowner wanted the lateral. The tree is on Town property and the tree warden inspected it and eventually the tree will have to come down. This has not been done and Mark IV submitted a price in the amount of \$2,415.00 and he got a quote from Long Hill Tree Service for \$1,475.00 plus tax. Attorney Kenos commented suggested the Commission should let the tree warden know that it’s not coming down as part of this project so if the Town decides since they identified this then it should come down if they decide to do it.

- MOTION made (Commissioner Lynch) 2nd (Commissioner DeVita) to deny change order request R-18 in the amount of \$2,415.00. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

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R-19 09/08/10: Old Green Road - \$3,070.00 – Removal of multi trunk ash tree.

Fred Mascia advised the Commission that the tree is already down and he recommends the Commission not approve this because even though the tree was not shown on the plan the tree was visible during the time of bidding. The Commission stated it should be part of clearing and grubbing.

- MOTION made (Commissioner Pulie) 2nd (Commissioner DeVita) to deny change order request R-19 in the amount of \$3,070.00. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

R-20 09/08/10: 528 Booth Hill Road - \$6,500.00 – Tree removal.

This is a large tree about 40 to 45 inches in diameter. There is a circular driveway and the tree is right in the middle of it where the lateral is shown to be connected to the house. The tree warden looked at this and determined with not even putting the lateral in with just the blasting of the ledge on Booth Hill Road probably compromised the tree. The tree warden took a second look and working with the inspector found another location that a lateral can be put in without taking the tree down. The Commission made a motion to remove the change order from the list.

- MOTION made (Commissioner Goncalves) 2nd (Commissioner Pulie) to remove change order request R-20 in the amount of \$6,500.00 from the change order request list. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

R-21 08/19/10: 405 Shelton Road - \$9,562.00 – Pursuant to letter of 8/12/10, additional costs to remove the stone column chimney and install a precast unit.

R-22 08/20/10: 408 and 421 Shelton Road - \$10,601.79 – Pursuant to letter of 8/12/10, additional costs to remove the stone column chimney and install a precast unit.

R-23 08/20/10: 412 Shelton Road - \$7,922.40 - Pursuant to letter of 8/12/10, additional costs to remove the stone column chimney and install a precast unit.

R-24 08/23/10: 418 Shelton Road - \$8,438.31 - Pursuant to letter of 8/12/10, additional costs to remove the stone column chimney and install a precast unit.

R-25 08/30/10: 420 Shelton Road - \$8,816.34 - Pursuant to letter of 8/12/10, additional costs to remove the stone column chimney and install a precast unit.

R-21 through R-25 are the same. Fred Mascia described the situation regarding the chimneys. There are six laterals in the section of Shelton Road between North Avenue and the old gas station. The chimneys are installed the way a lot of chimneys were installed on this project and before Tighe & Bond's involvement. They were installed in accordance with the detail that the contractor was directed to use for the project. During the contractor's TV inspection he noticed a spill area around a couple of these chimneys. Before this they informed the contractor not to use the alternative chimney to go back to the cast and place chimney that is on the plans and he opted to use a pre-cast unit and has been installing those ever since. The contractor has submitted time and material for each one. Fred said this is an area where the sewer is 25 feet deep. The contractor was using a chimney that's not part of the original plans but he was approved to do so. The Chairman questioned the time period of when this took place, how it got approved and who approved it, and what documentation the Town has to show the approval. It was also questioned why is this an extra when it was what the contractor bid on. Steve Savarese informed the Commission that prior to this contract the Town opted for the plastic chimney built with gravel or stone and that changed when the chimney design carried forward to the North Nichols project.

Fred showed the Commission a letter from Mark IV to the Sewer Department stating that the project would use this detail under this contract. Attorney Kokenos reiterated the above and further discussion took place which included pricing and the bid. Joe Solemene stated he previously asked Mark IV if they installed the chimneys and they failed don't they owe us a replacement. Commissioner DeVita said it still goes back to the two reasons why this can not be approved – 1) because he changed the plan; 2) the other because they failed. It was his job and his job failed and needs to be replaced and it needs to be established how many were installed and if they are functional. Commissioner Lynch also questioned whether or not a credit should be issued.

- MOTION made (Commissioner DeVita) 2nd (Commissioner Pulie) to deny change order requests R-21, R-22, R-23, R-24, R-25. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Easements:

Approval to take (Condemnation) of the Teeter Rock Road easement.

Attorney Kokenos said he is in the process of finalizing the easement and getting it signed.

There is no need to vote on this issue.

J-9 131 20C Hilltop Circle – Acquisition of State parcel (Appraised value \$145,000.00) for easement.

Attorney Kokenos stated we proposed an appraisal to the State of Connecticut for \$5,500.00 and the State came back with \$23,000.00 as a release value of the property. He explained the difference between the full value of the property and the release value and stated the State offered to the Town to acquire the property for \$23,000.00 (\$22,000.00 plus \$1,000.00 administrative fee). Discussion took place as to the process required if the purchase is agreed to and then get the appropriate approvals from the Town. The Commission is recommending to the Town to acquire the property for \$23,000.00 and the funding for the \$23,000.00 will come from the bonding.

- MOTION made (Commissioner Kallmeyer) 2nd (Commissioner DeVita) to recommend that the Town purchase parcel J-9 131 20C Hilltop Circle for no more than \$23,000.00. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

3. Motion to approve funding in the amount of \$15,000.00 as a retainer to the law firm of Owens, Schine & Nicola, P.C. for legal services provided to the WPCA on Contract 4 North Nichols from WPCA fund 20 retained earnings #20-315200 to professional services account #20100000-522202.

- MOTION made (Commissioner Lynch) 2nd (Commissioner Kallmeyer) to move item number 3 on the agenda the motion to approve the funding in the amount \$15,000.00 as a retainer to the law firm of Owens, Schine & Nicola, P.C. for legal services provided to the WPCA on Contract 4 North Nichols from WPCA fund 20 retained earnings #20-315200 to professional services account #20100000-522202 until after item number 7 the executive session. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

4. Discussion – Review of RFQ for Tighe & Bond on-call engineering and inspection services and possibly expand the RFQ to completed work on Contract 3 Jog Hill sewer expansion project.

Attorney Kokenos stated the terms and conditions will be same as Contract 4 and the only thing changes are the scope of services. John Braccia from Tighe & Bond indicated the proposal is to go through Contract 3 and look at all the available records. He outlined what they will do and the services they will provide. Discussions included reasons why the Town should hire Tighe & Bond, costs, who would pay, who would benefit, bonding, recovery, who would be doing repairs.

- MOTION made (Commissioner Kallmeyer) 2nd (Commissioner Goncalves) that the Town hire Tighe & Bond for \$57,500.00 under the proposal as stated under Agenda item number 4. Discussion. TWO IN FAVOR (Kallmeyer, Goncalves) THREE OPPOSED (Lynch, Pulie, DeVita). MOTION FAILED.

4. Discussion – Review of RFQ for Tighe & Bond on-call engineering and inspection services and possibly expand the RFQ to completed work on Contract 3 Jog Hill sewer expansion project and 5. Motion to approve WPCA account and payment for RFQ for on-call engineering and inspection services as stated in number 4 above.

After the above vote further discussion took place including reasons why Tighe and Bond should be hired and previous actions that may have contributed to problems the Commission is facing. Commissioner Kallmeyer stated he believes the Town should pay and it should come out of the Town's account. John Marsilio briefly highlighted some of the audit findings and issues that need to be addressed.

- MOTION made (Commissioner Lynch) 2nd (Commissioner Pulie) to recommend that the WPCA enter into the proposed contract that was given to us today for review subject to Board of Finance and Town Council approval in the amount of \$57,500.00 to be paid out of the WPCA fund 20 retained earnings account number 20-315200 also known as professional service account number 20100000-522202. Discussion. THREE IN FAVOR (Lynch, Pulie, DeVita) TWO OPPOSED (Kallmeyer, Goncalves) MOTION CARRIED.

- Motion made (Commissioner Kallmeyer) 2nd (Commissioner Lynch) to take a five minute recess. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.
- Motion made (Commissioner Lynch) 2nd (Commissioner Pulie) to reconvene the meeting. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

5. Discussion – Engineering and Issues – Dogwood Pond Lake – engineering installation of sanitary sewer system.

Fred Mascia stated this is needed and will aid in determining if construction activities in this area will impact the Lake. Easements and residents' concerns were also addressed. This is an expansion of the scope of services that were previously approved. The Commission wanted to make sure Tighe & Bond would be working along with the contractor and that they will be coordinating everything with the contractor. John Marsilio highlighted the responsibilities and services that will be provided and he also stated he is requesting Tighe and Bond do an examination of the existing asphalt conditions. It was also questioned if this will have to go back to the Board of Finance and in the future a letter should be sent to the Board of Finance about the added scope of services costs for Tighe and Bond.

- Motion made (Commissioner Lynch) 2nd (Commissioner Pulie) to approve the expansion of the scope of services for the on call engineering and inspection services under the RFQ for Tighe & Bond to expand the scope of services for Dogwood Lake in the amount of 20,007.00. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY. (Commissioner Goncalves recused himself and Commissioner Egri voted in his place.)

EXECUTIVE SESSION:

Motion (Commissioner Lynch) 2nd (Commissioner Pulie) to close the special meeting for September 29, 2010. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

The tape recorder was turned off and the Commission went into executive session. The following were present: WPCA Commission, Fred Misca, John Marsilio, Dennis Kokenos, Joe Solemene.

Motion made (Commissioner Lynch) 2nd (Commissioner Kallmeyer) to close the executive session which discussed the request for installation of sanitary sewer system items and to confirm that no vote was taken. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Motion made (Commissioner Lynch) 2nd (Commissioner Kallmeyer) to reopen the special meeting of the WPCA for September 29, 2010. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Discussion: It was questioned why it is coming out of retained earnings when it is a contract cost for Contract 4.

- Motion made (Commissioner Lynch) 2nd (Commissioner Pulie) to approve funding in the amount of \$15,000.00 as a retainer to the law firm of Owens, Schine & Nicola, PC for legal services to be rendered in a possible arbitration matter to be provided to the WPCA on Contract 4 North Nichols to come from the WPCA fund 20 retained earnings number 20-315200 to professional service account number 20100000-522202.

Discussion: Where the money would come from was discussed and taking it from Contract 4 bonding was questioned. Commissioner Goncalves expressed his reasons on why this should not be funded.

- Motion made (Commissioner Kallmeyer) 2nd (Commissioner Pulie) to amend the above motion. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY. (Commissioner Goncalves recused himself and Commissioner Egri voted in his place.)

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- Motion made (Commissioner Kallmeyer) 2nd (Commissioner Pulie) to amend the above motion to have the money come from the bond for Contract 4. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY. (Commissioner Goncalves recused himself and Commissioner Egri voted in his place.)
- MOTION made (Commissioner Lynch) 2nd (Commissioner Pulie) to adjourn the special meeting of September 29, 2010 at 10:45 p.m. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Submitted by,

Joyce Augustinsky

(Not present at meeting – transcribing from tapes on file in the Town Engineer’s Office)