

WATER POLLUTION CONTROL AUTHORITY

Town of Trumbull

CONNECTICUT

TOWN HALL
(203) 452-5048



5866 MAIN STREET
TRUMBULL, CT 06611

Water Pollution Control Authority
July 28, 2010

In attendance:

Ennio DeVita
Jack Goncalves
Paul Kallmeyer, Vice Chairman
Jeanine Maietta Lynch, Chairman
Laura Pulie

Also In Attendance:

Joseph Solemene, Assistant WPCA. Administrator
Stephen M. Savarese, PE/LS, Town Engineer/WPCA
Administrator

PUBLIC HEARING
JULY 28, 2010
SEWER USER RATE INCREASE

Pursuant to section 7-255 of the Connecticut General Statutes, the Trumbull Water Pollution Control Authority hereby gives notice of a Public Hearing, Wednesday, July 28, 2010 at 7:30 p.m. in the Nichols Room, Town Hall, 5866 Main Street, Trumbull, Connecticut. A 1.96% increase in the Sewer User Fee will be proposed.

Residential Sewage Treatment Per CCF, currently \$4.19..... Proposed \$ 4.272

Industrial Sewage Treatment Per CCF, currently \$4.56 Proposed \$ 4.649

Flat Rate (well water) Treatment per quarter, currently \$121.02 ... Proposed \$123.392

The increase is necessary to offset the City of Bridgeport's proposed 1.96% increase in Sewage Treatment costs. The Trumbull WPCA is co-dependent with Bridgeport's West Side Treatment Plant for wastewater disposal and must pass on the increase it inherited when the Bridgeport WPCA approved a 1.96% increase in the consumption rate budget for Fiscal 2010-2011.

The new rates will be reflected on the next billing cycle mailed in **August**, covering the billing period through **September**.

Dated this 14th day of July 2010

Jeanine Maietta Lynch, Chairman
Trumbull Water Pollution Control Authority

Jeanine Maietta Lynch, Chairman, called the public hearing to order at 7:30 p.m. and read the public hearing notice, then invited public comment.

Tony D'Aquila, 29 Valley View Road

Mr. D'Aquila made the following comments:

- The WPCA has editorialized the legal notice published in the CT Post newspaper, specifically the following sentence; "The Trumbull WPCA is co-dependent with Bridgeport's West Side Treatment Plant for wastewater disposal and must pass on the increase it inherited when the Bridgeport WPCA approved a 1.96% increase in the consumption rate budget for Fiscal 2010-2011." Mr. D'Aquila stated he believes the phrase "must pass on the increase" is misleading and suggests the WPCA has made a pre-determination or has a pre-disposition on the outcome of this public hearing and believes it is illegal.

- It has become a practice of the WPCA of not documenting rules and regulations. This method of conducting business is both arbitrary and capricious. The lack of written policies has created serious problems for this WPCA.
- Without an approved policy, the legal notice presents the following concerns; how does the WPCA determine the amount of residential sewage treatment measured in CCF. Does the WPCA actually measure the discharge from each residential unit? If not, why not? Where is a copy of the approved policy that describes how the WPCA determines the amount of discharge into the sanitary sewer system?
- The previous WPCA did agree to a method to determine residential discharge. They elected to accept the water company's consumption data during the winter months and use this total for the summer months, presumably to accommodate residents with irrigation systems and pools. Two major concerns with this methodology are: the Bridgeport WPCA uses the water company consumption number for the entire year, including significant amounts of water never discharged in the West Side Treatment Plant resulting in less affluent families subsidizing more affluent families who have irrigation systems and pools. There is also a sizeable population who spend the winter months in Florida, they will not have any water consumption in the winter time. We have a system forces some users to subsidize the sewer fees for others. This represents a serious equity and fairness problem that must be rectified immediately.
- The previous WPCA adopted a policy of charging an additional fee to cover the operational expenses; Administrative Fee. Since the legal notice failed to state Administrative Fee, he assumed this fee was eliminated from the sewer use charge.
- Historically the WPCA holds rate public hearings in May and the new fee structure would become effective the following July 1. This WPCA has elected to delay the public hearing until July 28, beyond the start of the fiscal year. State statutes do not allow you to have your fee structure retroactive to beginning of the fiscal year. This may lead to significant shortfall in revenues compared to operating expenses during July.
- The Chair allowed alternate members of the WPCA to participate in discussion at previously held public hearing, even when all five regular members of the WPCA were present prior to a final vote. Mr. D'Aquila alerted the Commission that this practice has been deemed to be illegal. The Town Attorney has issued a legal opinion regarding this practice. He cited case law that found that this practice violates statutes requirements of a five member commission. Effectively, this WPCA increased the number of commissioners from five to six and you don't have that right. That person should not have been allowed to be part of the discussion. Mr. D'Aquila suggested the Chair comply with the Town Attorney's legal opinion and restrict the alternate members from work session discussions if all regular members are present.

The Commission asked for a copy of Mr. D'Aquila's comments and a copy of the legal opinion regarding alternates so that the WPCA attorney can confirm that this applies to the WPCA. The Commission thanked Mr. D'Aquila for his comments.

There being no further comments from the public,

- **Motion made (LYNCH) seconded (KALLMEYER) to close the public hearing scheduled for July 28, 2010 to discuss the sewer user rate increase. No discussion. Motion carried unanimously.**

MINUTES OF PREVIOUS MEETINGS

Chairman Lynch stated minutes from four previous meetings require approval; the June 23rd regular meeting, the June 29th special meeting; the July 1st public hearing, and the July 7th special meeting, and they would be voted on individually.

June 23, 2010 – Regular Meeting

Commissioner Kallmeyer referenced the top of Page 2, and stated the minutes properly reflect the comment that "The Town has been carrying the cost for the last year." That was stated at the hearing but we all know that the

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Town doesn't carry the cost of the bonds, it came out of our funds. The cost did not come out of the General Fund. However, the minutes are stated correctly. Commissioner Kallmeyer referenced Page 3, Update – On-Call Engineer, replace the word **executive** with **execution**. The sentence will now read, "Would the Commission like to see the final contract prior to **execution**." There being no additional corrections,

- **Motion made (KALLMEYER) seconded (LYNCH) to approve the minutes of the June 23, 2010, as amended. No discussion. Motion carried unanimously.**

June 29, 2010 – Special Meeting

- **Motion made (KALLMEYER) seconded (DEVITA) to approve the minutes of the June 29, 2010 Special Meeting as written. MOTION WITHDRAWN.**

Commissioner Kallmeyer recommended that on Page 1, the word **Sidewalk** be replaced by **Public Works** to read "**Public Works** improvements."

- **Motion made (KALLMEYER) seconded (DEVITA) to approve the minutes of the June 29, 2010 Special Meeting as amended. No discussion. Motion carried unanimously.**

July 1, 2010 – Public Hearing

- **Motion made (KALLMEYER) seconded (PULIE) to approve the minutes of the July 1, 2010 public hearing as written. No discussion. Motion carried unanimously.**

July 7, 2010 – Special Meeting

At the July 7th special meeting, Commissioner Kallmeyer received unanimous consent of the Commission to include his email about the assessments to be attached to the minutes and made part of the record. The minutes will be amended to include the following statement: "Commissioner Kallmeyer sent an email dated July 6, 2010 at 4:43 p.m. to fellow Commission members who acknowledged the email and rather than reading it, agreed to attach it as an exhibit."

- **Motion (LYNCH) seconded (GONCALVES) to approve the minutes of the July 7, 2010 Special Meeting as amended. No discussion. Motion carried unanimously.**

PROGRESS REPORT

Mr. Solemene gave the following report:

Tino's main line crew finished Rennison Road, completed a small easement from Rennison to Booth Hill Road. From there he proceeded up Booth Hill and has currently reached the intersection of Pachaug Road. Abel's crew worked on Beverly Road, left town for a couple of weeks, then returned and started construction on Green Ridge Road and is approaching the intersection of Rennison Road. Mario's crew is laboring away on Shelton Road and has reached the intersection of Powder Mill Lane. The lateral crew completed all of Beverly Road, Rennison Road, continued on Booth Hill Road, Green Ridge Road and Shelton Road. Temporary Paving has been completed on Rennison Road, Beverly Road, and continued on Pachaug Road, Green Ridge Road, and Booth Hill Road.

Approximately 80 homes were released for connection. Letters went out informing them that they should make arrangements to connect within 90 days or apply for an extension of time. The streets are: Booth Hill Road, Briar Hill Drive, Columbine Drive, Erwin Street, Gingerbrook Drive, Long View Road, Shelton Road, St. John's Drive, Twin Circle Drive, Wheeler Drive, and Woodcrest Avenue.

Fred Mascia of Tighe & Bond gave a summary of the progress since coming on board two-and-a-half weeks ago. Resident Engineer and two inspectors working on the project.

- Walked and reviewed the sewers that were constructed prior to getting involved. With active crews on Shelton Road, Booth Hill, Beverly, and Green Ridge. Construction on Shelton Road is extremely slow due to rock. Issues with contractor deviating from construction drawings and construction methodology.
- One issue is the contractor has not been saw cutting the pavement before trenching, which causes problems including uneven trench, disturbing more pavement than needed, some trench patches are five feet wide and some are almost the full width of the road. They have been sawcutting on the upper portions of Booth Hill and Green Ridge and staying to a manageable width.
- Reviewing permanent pavement conditions for the roads. Shelton Road different because existing pavement is asphalt over concrete.

- Working with contractor to ensure proper traffic detouring.
- Implemented construction meetings every two weeks with contractor and staff.
- Pushing contractor to tighten up soil erosion controls and install silt fences along stream crossings.
- Looking at what drainage fixes need to be done prior to releasing the contract for permanent paving.
- Cross country – some have been completed, some restored and some have yet to be restored. Pushing the contractor for a schedule of when it can be done. The ones that have been restored still need work. The specs call for top soil. Putting together a list of areas for the contractor to go back and clean up.

Commissioner DeVita inquired about the penny items and drainage to be done. Mr. Savarese stated he received an email from the Contractor, which he forwarded to the Chair and Counsel, with their response. The Contractor's response states they can't perform these functions, there is no methodology for payment. Chairman Lynch stated the Contractor is laying the foundation that they will not be doing any of this work and also that the Commission hasn't given them specific guidance and direction, particularly with the erosion and soil control. As discussed in prior meetings these issues will go to arbitration.

- **Motion (LYNCH) seconded (GONCALVES) to go out of order of the agenda to Old Business, 52 Colonial Drive. No discussion. Motion carried unanimously.**

David Fattaha, sanitary engineer for City of Waterbury, stated he designed the system with a pump and now has learned that a pump is not acceptable. Needs road profile and map of manhole. Mr. Fattaha withdrew the application and asked that it be moved to the next regularly scheduled meeting.

- **Motion (LYNCH) seconded (KALLMEYER) to go out of order of the agenda to Old Business, Wright Pierce update. No discussion. Motion carried unanimously.**

Wright-Pierce – Update

Christine Kurtz, P.E. distributed and summarized a Project Status Update. A copy is attached to these minutes. The DEP is working with the Trumbull Finance Director on the logistics of getting financing. Regarding the facilities plan, using some of the information from the I/I study to determine the flows for the potential treatment plant. Started contacting vendors to get a general idea of the cost. With regard to a regionalization approach, contacted Fairfield, Shelton and Stratford and none of those facilities have the capacity to take Trumbull's flow right now.

John W. Braccio, P.E., Sr. Vice President, distributed and summarized the Infiltration and Inflow Study. A copy is attached to these minutes. Mr. Braccio stated Trumbull has a lot of inflow and infiltration, an excessive amount, which contributes to periodic overflows at several location. One of the worst areas is the Reservoir area. It appears the pump station may have insufficient capacity. The other area is the Nichols area. These are two high priority areas of leakage. The two pump stations that are critical and have insufficient capacity are the main pump station, Beardsley, and the Reservoir pump station. A plan is being developed to locate specific sources of inflow and infiltration which the DEP would like us to identify. That consists of smoke testing, TV inspections, manhole inspections and ultimately house-to-house inspections to look for sump pumps and illegal connections. Eight areas have been identified and recommended to start proceeding with these additional steps of investigation. The approximate cost would be \$750,000, a combination of hiring specialized consultants, smoke testing and manhole inspections. Ultimately the DEP wants to see a report with a recommended plan. This is not a one year plan, it is a multi-year plan, to be done as you can afford it. Wright-Pierce doesn't want to recommend a plan that the WPCA is not willing to implement. The good news is the DEP has Clean Water Fund money to do this work, it does qualify for a 55% grant on a first-come/first-served basis. Mr. Braccio recommends the WPCA determine what funding is available on an annual basis.

- **Motion made (LYNCH) seconded (GONCALVES) to go out of order of the agenda to New Business, Easement – 449 Shelton Road and Comments by Homeowner. No discussion. Motion carried unanimously.**

Easement – 449 Shelton Road and Comments by Homeowner

Homeowner Adelia Hawie submitted a letter from her attorney Jordan R. Lustig of Becker & Zowine, LLC. The letter will be attached to the minutes. Mr. Solemene explained that Mrs. Hawie objected to the original design of the easement because it went through the middle of her property. Mrs. Hawie agreed to donate the easement if it was moved to be border of her property. Moving the easement required a jog to line it up to the neighbor's property, two additional manholes and extending the length of construction by 50 feet, and moving a utility pole. None of the work has been done. The legal description in the easement agreement is incorrect, reflecting the original easement, but Mrs. Hawie signed the document with representation from counsel. In the meantime, Mrs. Hawie hired a new attorney and is now asking for compensation because of legal costs she incurred. The Commission asked Mrs. Hawie to tell them what she would like them to do. Mrs. Hawie replied that she would like to subdivide her property into two lots. The Commission replied that is not within their authority to subdivide the property.

- **Motion made (LYNCH) to read into the record and attach as an exhibit to the minutes a letter to the Water Pollution Control Authority of the Town of Trumbull dated July 28, 2010 from The Law Offices of Becker & Zowine, LLC, 3295 Main Street, P.O. Box 6468, Bridgeport, Connecticut 06606-6468, signed by the attorney Jordan R. Lustig. Discussion followed.**

Commission Kallmeyer stated he was concerned over the following excerpt from the letter, "It follows that there will be various workmen coming on to the property from time to time after construction has been completed. This will probably also involve the use of equipment coming into the easement area." Commissioner Kallmeyer advised the Commission that the easement document clearly states that. Commissioner Kallmeyer also stated that the Town could build the easement according to the original design, although they would not want to do that. Commissioner Kallmeyer also suggested that the Town has expended extra money, and should consider subtracting that from what we would have paid her, and consider giving her the difference. The Commission will revisit this issue at a future meeting.

- **Motion made (LYNCH) seconded to go out of order of the agenda to New Business, Mary Ellen Lemay – Cross country easement on Dogwood Lane. No discussion. Motion carried unanimously.**

Mary Ellen Lemay – Cross country easement on Dogwood Lane

Mr. Savarese provided a copy of the mostly recently revised Sheet 103, the Dogwood Lake easement. Mary Ellen Lemay of 50 Turkey Meadow Road, accompanied by Laura Loretan of 101 Golden Hill Road, addressed the Commission regarding the cross country route for the main sewer line that is to go along the buffer of Dogwood Lake. Ms. Lemay is Chair of the Conservation Commission. Ms. Lemay provided pictures of the view of the lake, and expressed concern that trees would be cleared through to the edge of the lake, and she hoped to move the easement as far away from the lake shore as possible to increase the buffer. Ms. Lemay stated that after walking the easement it became clear why the original plan was drawn as it was. There is much ledge and mature trees and the easement is designed to jog down to avoid the ledge. There are smaller trees and sapplings in the original plan and clearing them would not be as dramatic as the bigger trees.

Ms. Lemay continued that after seeing cross country easements that have been cleared so far between Booth Hill Road and Huntington Turnpike, they have been extreme and unnecessarily careless. Ms. Lemay asked she be informed ahead of time, that it be staked out, and that when the clearing is done it is kept as tight as possible. The Commissioners assured Ms. Lemay that with new inspectors on the project, they will not allow any tree to be cut if it's unnecessary. Mrs. Loretan asked what precautions she needs to take to safeguard her pool from the blasting. The Commission encouraged Mrs. Loretan to take pictures and also have a pre-blast survey. Ms. Lemay also expressed concern for the affect on the level of the lake.

Ms. Lemay thanked the Commission, Mr. Salvarese and Mr. Kallmeyer for their help with this matter.

INVOICE APPROVAL:

Mark IV Construction Co., Inc., Phase IV, Part B – Contract 4 – North Nichols Project, Application #11 in the amount of \$1,145,979.08.

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Last invoice to be signed by Mr. Savarese and Mr. Garard. Future invoices will be signed by Tighe & Bond. Discussion of lump sum amounts, Items 1, 3, 4, 5 & 76. Mr. Savarese stated that he would recommend reducing those items to the following sums: Item #1 – \$13,500; Item #3 – remains at \$9,000; Item #4 – 0; Item #5 – 0; Item #76 \$3,000. Chairmain Lynch will contact the Town Attorney to begin the arbitration process. Discussion of cost of traffic men. The Commission expressed concern that the quantity for traffic men will be exceeded, and authorized Mr. Savarese to bring this issue to the Director of Public Works. Also, discussion of the rock quantities and possibility of looking at the design and raising the depth.

- **Motion made (DEVITA) seconded (PULIE) to approve payment of Application #11 with the following changes: Item #1 Maintenance & Protection of Traffic - \$5,000; Item #3 Clearing & Grubbing - \$3,000; #4 Water Pollution Control (soil erosion) – \$1,000; Item #5 Temporary Sediment Control Measures – \$1,000; #76 Restoration – \$3,000. Discussion followed.**

The Commissioners clarified that the invoice amount of \$1,145,979.08 would be reduced by \$42,500. Mr. Savarese confirmed that item #71 Temporary Bituminous Repair in the amount of \$102,624.00 is correct, and that hopefully sawcutting will reduce the number for next month. Commissioner Goncalves stated he would be more comfortable with the Town Engineer's recommendation.

- **Motion made (GONCALVES) seconded (KALLMEYER) to amend the motion to make the following changes to Application #11: Item #1 Maintenance & Protection of Traffic - \$13,500; Item #3 remains at \$9,000; Item #4 – 0; Item #5 – 0; Item #76 - \$3,000. No discussion. Four in favor, one opposed (DEVITA). Motion carried.**

OLD BUSINESS:

Forensic Audit Update

Nothing to report.

Discussion – Jog Hill/Contract 3 punch list

Punch list included with package to Commissioners. Heatherfield to be added to list. Mr. Savarese will be working with the Director of Public Works and counsel on this matter. The Commission authorized the staff to use the best method possible to protect the Town within the statutory period of giving notice.

Status – Contract Negotiations with Bridgeport

Commissioner Kallmeyer reported on a meeting held on July 12th. Three opportunities the Committee is looking at: Regionalization; our own waste treatment facility; or new contract with Bridgeport. Went over Malcolm Pirnie report, highlights are: the new regional authority will cause \$50 million worth of debt to all the towns (Trumbull, Monroe, Bridgeport); the Authority will pay pilot payments to each city; will be paying less in user fees. A point of contention: the 25% subsidy that the Town now pays, Malcolm Pirnie is assuming that is in our rate structure, but it's not, it is separate. Committee is looking into hiring a consultant and will be working on that direction next. With regard to the waste treatment facility, Wright-Pierce reported that they are still thinking that the facility will be in the \$60 million range. Wright-Pierce also reported that one of the reasons the DEP wanted to fund our study was because they felt it was very possible that the reduced flow to the West Side Sewage Treatment Facility will be better for Long Island Sound and the creation of a new plant with a cleaner outfall will be better for Long Island Sound. Our own waste treatment facility is not an unreasonable target for us to be looking at.

Update – North Nichols Pump Station Revisions

Mr. Savarese reported the submittal process is not complete, cannot begin construction. The Contractor has stated they are not getting another price and it is not standard practice to get another quote. This item will be addressed at the next construction meeting. The Commission believes it is in the contract that change orders over \$100,000 require more than one price. Mr. Mascia added the Contractor is refusing to do so. An option would be to bid this portion of the project separately. Postponed to September meeting.

Spath-Bjorklund Associates, Inc. Invoice #14132, re-design of the Merritt Boulevard pump station

Original design calls for overhead wiring. The wiring is underground, and the owner of the property does not want overhead wiring. Design change in the amount of \$3,600 authorized by former Director of Public Works. The

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Commission learned after looking at the plan it appears as if Spath-Bjorklund found a U.I. pole they felt was appropriate to take the power from and were creating a pole line and making the connection with new poles. It appears as if Spath-Bjorklund designed this with overhead electric as the cheapest way to do it, rather than come up out of the ground. The owner objects to the overhead wiring. It was determined that the design firm is not at fault.

- **Motion made (GONCALVES) seconded (KALLMEYER) to approve payment of Spath-Bjorklund Invoice #14132 in the amount of \$3,600. No discussion. Motion carried unanimously.**

CCR, LLP Invoice #7097 in the amount of \$24,000

Postponed from June 23rd meeting.

- **Motion made (LYNCH) seconded (PULIE) to approve payment of CCR, LLP Invoice #7097 in the amount of \$24,000 and Invoice #7843 in the amount of \$14,000 for a total of \$38,000. No discussion. Motion carried unanimously.**

CCR, LLP Invoice #7853 in the amount of \$2,500 for services rendered regarding one additional day of on-site inspection services related to the current sewer project ~~postponed until September meeting.~~

Wright-Pierce Invoices: #70715 - \$4,740.67; #70717 - \$20,623.33; #72476 - \$5,210.44; #72477 - \$34,988.50

- **Motion made (KALLMEYER) seconded (PULIE) to approve Wright-Pierce invoices 70715, 70717, 72476, and 72477 totalling \$65,562.94. No discussion. Motion carried unanimously.**

Change Orders

Change Order dated July 15, 2010, redrill extra costs Green Ridge Road to Overhill Drive \$7,161.34. Mr. Savarese explained this was a quick decision, construction was on the street about 100 feet away, had an opportunity to lower the pipes and eliminate some pumps. After doing a quick cost benefit analysis, it was cheaper than putting in the pumps. Mr. Savarese recommends approval. Commissioner Pulie recommended reducing overhead and profit to 10%.

- **Motion (GONCALVES) seconded (KALLMEYER) to approve change order for redrill extra costs at Green Ridge Road to Overhill Drive in the amount of \$7,161.34. No discussion. Four in favor, one opposed (PULIE). Motion carried.**

Change Order dated July 16, 2010, additional work at 33 Beverly Road. Mr. Savarese does not recommend approval.

- **Motion (PULIE) seconded (DEVITA) to deny change order dated July 16 for additional work at 33 Beverly Road in the amount of \$585.00. No discussion. Motion carried unanimously.**

Public Hearing

- **Motion (GONCALVES) seconded (PULIE) to approve the 1.96% Sewer User Rate Increase as follows: Residential Sewage Treatment per CCF - \$4.272; Industrial Sewage Treatment per CCF - \$4.649; Flat Rate (well water) Treatment per quarter - \$123.392, effective second quarter of fiscal year 2010-2011. No discussion. Motion carried unanimously.**
- **Motion (LYNCH) seconded (PULIE) to ask for legal opinion if alternate commission members can participate in discussion after public hearing has been closed. MOTION WITHDRAWN.**

There being no other business before the Authority,

- **Motion (LYNCH) seconded (GONCALVES) to adjourn. No discussion. Motion carried unanimously.**

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The meeting was adjourned at 11:40 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jenny Francese". The signature is written in black ink and is positioned above the printed name and title.

Jenny Francese
Clerk of the Commission

Jenny Francese

From: Paul Kallmeyer [pak.pels@gmail.com]
Sent: Monday, July 12, 2010 11:42 AM
To: Jenny Francese
Subject: Fwd: Jog Hill Sewer Cost & Assessment Sheet

The email below is the one that I referred to at the meeting on July 7th, and asked to be made part of the Minutes of the meeting. You will likely recall that I asked if I should read it into the record, or has everyone read it; I also offered copies. By general acknowledgment, and specifically the words of our chairperson, it was agreed that that they had read it, and they accepted that it be part of the minutes. Thank you for your help by including it as an attachment to the minutes.

----- Forwarded message -----

From: Paul Kallmeyer <pak.pels@gmail.com>
Date: Tue, Jul 6, 2010 at 4:43 PM
Subject: Re: Jog Hill Sewer Cost & Assessment Sheet
To: "C. & B. Verna" <candbverna@yahoo.com>
Cc: Jeanine Maietta Lynch - WPCA Chairperson <jraygolf@earthlink.net>, "Laura M. Pulie" <lpulie@charter.net>, Maria Pires - Trumbull Director of Finance <mpires@trumbull-ct.gov>, Stephen Savarese - WPCA Administrator <ssavarese@trumbull-ct.gov>, Tim Herbst - Trumbull First Selectman <therbst@trumbull-ct.gov>, Dan Nelson - Trumbull Chief of Staff <dnelson@trumbull-ct.gov>, Ennio De Vita <e.devita@att.net>, "Timothy P. Hampford" <thampford@hampfordresearch.com>, Karen Egri <karenegri@sbcglobal.net>, Jack Goncalves <jackgoncalves@sbcglobal.net>, Joe Solemene <jsolemene@trumbull-ct.gov>, John Marsilio <jmarsilio@trumbull-ct.gov>

Bob poses important questions. The WPCA needs the details, and should not vote on the assessments until this basic math is known.

Bob also posed a question the other day that I feel is critical to the assessment relief that we are contemplating: he basically asked if the purpose of the 59 account was defined. I feel very strongly that it has been defined in many ways over all of the years of its existence, without being perhaps as formally defined as some people think it needs to be today.

Historically there are basically 3 income parts to the fund: (1) The monies directly related to the assessments; (2) the sinking fund comprised of each \$500 unit assessment; (3) the excess monies from interest on cash balances/re-financing/lump sum up-front payments/etc

Past Sewer Commissions (now WPCAs) amassed the sinking fund when the system was new; they anticipated future capital expenses; they knew that without a sinking fund, the only source of income would be the User Fee or a supplemental assessment. They also knew that the Town budget would not be a source for money as the law requires separation of "town" v. "users" money. This is why there are the 20 and 59 accounts . . . for the benefit of the sanitary sewer system.

In conclusion, the account IS defined (and operated) by public accounting principals.

This is an account accumulated by the "users", to be used for their overall benefit, within the narrow context of sanitary sewer system improvements.

Interestingly, the 25% town supplement to the assessments has also not been officially defined. But it has been throughout its history as 'the benefit the entire town gains as each of its parts is sewered'. In its

inception, the town fathers realized that everyone benefitted from the cleaner waters (brooks, lakes, ground water) as the sewers were installed. We all don't remember (as I do) that St. Joseph's Manner's septic system leaked into the Pequonnock River, that the community septic system on Grove St. fouled that neighborhood, that Trumbull Shopping Park's (former) owner regularly pumped its 80,000 gal septic tank into the Rooster River . . . and more. These same Town administrators/financial volunteers/town council persons knew the separation of funds requirements. They also knew that once everyone got their 25% supplement, paid by all properties, all properties would actually be treated equally (it's a math thing; figure it out).

These facts lead me to several conclusions:

- The 20 & 59 accounts are for sanitary sewer improvements. Regardless of how you or I may feel about 'excessive' public works improvements during the Jog Hill Project, neither of these accounts can legally pay for that work. The sitting WPCA at the time decided to approve of this work as ancillary to the project, because the Town's staff recommended the extra work. Therefore the Town's General Fund, or the assessments, should pay for the work. As stated at the public hearing, the Town delayed road improvements for years; either the Town should pay, or the the people who are the ones largely benefiting from the work, should pay for it. Conversely, properties from Phases I & II that paid their \$500 to a sanitary sewer repair/improvement fund, should not see the money used for Town delayed/deferred public works improvements.

[Note: I do not expect the general fund to pay for the extra public works work at this time, AND I realize that the Town will have supplemented the assessments by some \$4 million . . . so one could conclude that the Town has paid for that work. Remember, there were assessments on other projects where the Town's 25% was actually less than 16%! The Jog Hill assessments are bigger benefactors from the Town than most previous projects.]

- The 59 Account is not to be 'raided' to overly benefit these assessments. I believe there is a legitimate issue however, because of the extensive cross-country pipes. All projects have cross-country and/or easement work, so that is not unusual. What is somewhat unusual is the extent of the CC on this project, due to the Open Space zoning. But note that many projects have big cost items: both the canoe Brook Lake and the Pinewood Lake projects had to be assessed for their large public pumping stations. When I originally proposed that the 59 account be used to supplement the Jog Hill assessments, I envisioned it as an off-set to the extensive CC, e.g. if the "extra/extraordinary" CC costs were \$1.7 million, then subtract \$400,000 . . . an average cost of a pump station . . . then credit the assessments for Jog Hill from the 59 Account with \$1.3 million.

- The 59 Account is looking at a lot of other expenses. First, the account was conceived when the system was new. It is no longer new; major pump stations repairs are becoming more prevalent, and the repairs necessary to comply with our NOV relating to I&I will likely take a sizable toll. And what of the costs for a new WTF? It is unconscionable to overly raid the 59 Account for the Jog Hill assessments when system wide repairs are needed, we are hoping to build our own plant, and we are under an NOV from the CtDEP.

My career in public service has seen strong governmental agencies think long term; act long term. We cannot think about today, without thinking about tomorrow. I have also seen "savings" squandered. For short term gains, work of decades of planning goes to a few, while the greater good of the many is harmed. We need to protect ALL of the Users of the system, not 'raid the piggy bank' when we all know that in our hearts it is the wrong thing to do.

On Tue, Jul 6, 2010 at 2:22 PM, C. & B. Verna <candbverna@yahoo.com> wrote:

Jeanine, Paul & Laura.....at the Public Hearing last week, the calculation sheet handed out to all

reported two specific "summary" amounts that I have some concern with. They are as follows:

Total Project Cost.....\$ 21,986,120

Total Project Footage.....108,165 lin ft of homesite frontage

Since the 3 of you have spent a great amount of time and energy in examining the engineering & contractual issues, I hope I can stir your interest to look at the dollars and assessment footage of the Jog Hill project.

First, a detailed Project Cost report for \$ 21,986,120 is needed. The last one prepared on August 11, 2009 does not reconcile to this amount and the last one still posted on the Town web site of April 23, 2009 is outdated. So.....what makes-up the current \$21,986,120 total project cost ?

Next, the total assessable homesite footage of 108,165 ft. has DECREASED from the original detailed printout of each street & homesite at 109,032 ft. What caused the decrease of 867 assessable homesite footage and the dollars that go with it ? And, the original printout had 732 homesites listed and the "whisper" number I heard at the public hearing was less than that, so what happened ?

Can I suggest a working review meeting to go over some of this historical financial info...not an official WPCA meeting, but rather a review meeting with sewer & financial staff similar to what took place when you were looking at engineering & contractual issues ? I hope this is doable.

Thanks. Bob

post scriptum.....as you continue your pursuit of items such as cross country lines which relate to the whole sewer system rather than just the Jog Hill project, please look back at some of the items that were added to Jog Hill costs, but really might be deemed whole system items. Here's some suggestions:

Spath-Bjorklund additional design services...\$23,173, \$28,906 & \$68,790

Pump Station Restoration...\$19,060-Matty's Const., \$64,308-Garrity, \$8,693-CT PreCast, \$4,321-Repairs ?, \$2,832 restore landscaping

Grinder Pumps & Controls...\$220,700-Guerra, \$31,776-Stancor

Final Traffic Control....\$10,742-Mark V

Thanks again, Bob

Trumbull, CT WPCA
Project Status Update
July 28, 2010

WPCA Facilities Plan

- Based on the I/I work (below), the design flow for a future Trumbull WPCF is being studied for the following flow conditions:
Average Daily Flow: 5 MGD
Peak Flow: 16 MGD
- Formal request to DEP Bureau of Water Protection and Land Reuse has been submitted and we are in contact with DEP for end-of-pipe water quality requirements.
- Working with DEP to determine if an Environmental Justice Public Participation Plan is required (due to Bridgeport's distressed community status).
- Fairfield, Shelton and Stratford do not have the capacity to accept Trumbull's waste water and thus there is not the potential of regionalizing with these facilities (as requested by CT DEP).
- Treatment vendors have been contacted to obtain potential sizing requirement needs and cost estimate needs.
- Cost estimate for West Side Pumping Station in preliminary stages.

I/I Study

- Town survey crew is locating manholes (north of Unity Park, beneath the Merritt Pkwy to White Plains Rd) in advance of the remaining field investigative work associated with the interceptor.
- Metering and flow isolation has yielded the following general flow summary:

	Approximate ADF (MGD)	Approximate Peak Flow (MGD)
West Side (Gravity)	1.4	3.6
Beardsley (Force Main)	2.8	11.5*
Total	4.2	15.1

* Max pumping capacity at Beardsley PS appears to be approx. 7.4 MGD.

- **SEE ATTACHED** Memorandum outlining preliminary recommendations.

Schedule

- Anticipate Draft of Facility Plan / I/I report for review by October 22, 2010.

Contract / DEP Clean Water Funding

- Paul Grochowski (DEP) has just received the Town's CWF Agreement from the Attorney General's office.
- Both the Facilities Planning Section and CWF Section agreed to accept amendments to the Contract and Agreement should the anticipated work move forward; 55% grant funding is still available on a first-come-first-serve basis.



TO: FILE DATE: 7/28/2010

FROM: JGH PROJECT NO.: 12051B

SUBJECT: Status of Current Study
Trumbull, CT - Infiltration and Inflow Study

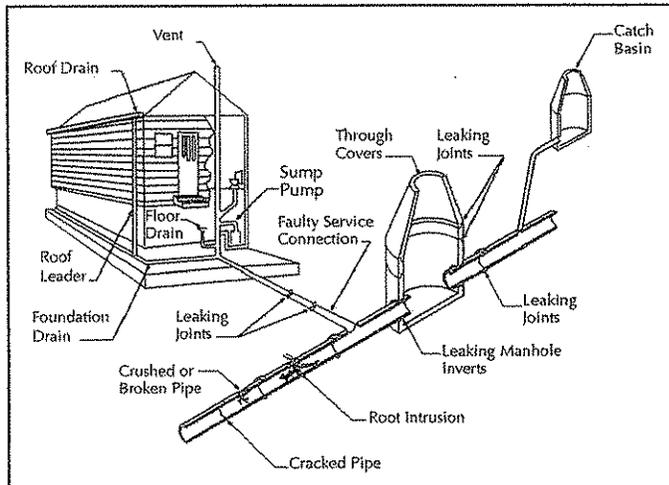
BACKGROUND

The Town of Trumbull wastewater collection system can generally be described as follows:

- 130 miles of sanitary sewers
- 3,700 sanitary sewer manholes
- 11 pump stations
- 9,000 individual services
- a population of approximately 35,000 with current sewer service provided to about 65% to 70% of the Town

The system is subject to excessive Infiltration and Inflow (I/I). Figure 1 illustrates the locations of typical I/I sources, which are further described below.

Figure 1
Typical I/I sources



- **Infiltration** is defined as additional flow leaking into the system due to high groundwater and system defects. Typical examples include leaking pipe joints, leaking manholes, and leaking service laterals.
- **Inflow** is defined as direct connections of storm water or other excess flows. Typical examples include catch basins, yard drains, sump pumps or roof leaders.

Infiltration and Inflow can be a significant problem in many systems, as the additional flow can result in the following issues:

- Combined Sewer Overflows (CSOs) or Sanitary Sewer Overflows (SSOs), where untreated wastewater is discharged directly to streams or other waterbodies.

- Reduced capacity in pump stations, sewer pipes and treatment plants, which reduces the available capacity for future development and sewer growth.
- Increased operations and maintenance costs resulting from conveying, pumping and treating the increased flows.
- Because of the excessive I/I which contributes to periodic SSOs, the CT DEP issued a Notice of Violation (NOV) dated July 17, 2008. This NOV requires Trumbull to perform I/I evaluations in order to identify specific I/I sources and to develop a plan to repair those identified sources.

WORK PERFORMED TO DATE

Wright-Pierce was hired to perform an initial evaluation to determine the magnitude of the I/I problem within the system and to identify an overall plan and scope of work to reduce the I/I within the system. In order to achieve these goals, Wright-Pierce has performed the following tasks to date:

- Review existing sewer mapping to understand the layout of the existing system
- Installed 8 portable flow meters for 6 weeks in the Spring of 2010 in order to identify the magnitude of the I/I problem in various parts of the system
- Reviewed pump station and flow meter data made available for the 11 pumping stations (one station is offline and thus could provide no data) and the Sunnydale and Leeland gravity flow meter.
- Performed initial field investigations including general inspection of the manholes of one interceptor along the Pequannock River, and one day of flow isolations to acquire more information on the potential location of I/I sources.

SUMMARY OF RESULTS TO DATE

- Based on the flow data available to us at this time, Wright-Pierce can confirm that there is a significant amount of I/I within the Town of Trumbull sewer system, although the ultimate quantity, or peak rate, of the additional flows are still unknown at this time.
- Wright-Pierce has identified the areas which can be confirmed as high priority areas for additional study to locate and quantify I/I sources that are determined to be cost-effective to remove, as identified in the Recommendations section below.
- Based on our investigations, it is also apparent that the Beardsley and Reservoir Ave Pump Stations do not have sufficient capacity to handle the current range of flows. Due to the capacity limitations and age of these stations, we believe that an evaluation of these two stations is justified to identify upgrade needs.
- For the highest confirmed priority areas, Wright-Pierce has outlined the scope of Sewer System Evaluation and Study (SSES) tasks to be performed in those areas, and have estimated a cost associated with those Study tasks.
- I/I remediation in Trumbull will require a significant effort over many years.

- With additional sewer service extensions, there will likely be additional capacity issues in the main interceptors and the Beardsley Pump Station with additional frequency of SSO events.

RECOMMENDATIONS

Based on the information obtained to date, we recommend the following tasks be performed in the areas described. This list only includes the highest priority areas in Town. Recommendations for the remaining areas in town are still being worked on. Once recommendations for those areas are available, they will be sorted into a priority listing for further work.

1. Conduct additional SSES tasks in highest priority areas listed below to locate specific I/I sources to be rehabilitated. SSES tasks to perform include:
 - Additional Flow Metering - Install additional portable flow meters in larger drainage areas to further isolate the locations for additional tasks and reduce overall costs of study work.
 - Flow Isolations - Use flow meter to take instantaneous measurements of flow rates during high groundwater, dry weather, night-time hours when residential and commercial sources are very low to further isolate infiltration sources.
 - Manhole Inspections - a visual inspection of manholes to locate leaks or potential structural concerns
 - Smoke Testing - involves blowing a non-toxic smoke through sewer pipes to identify open connections where inflow sources are connected
 - Television Inspection - Use a camera (Town's or a subcontractor) to visually review the sewer pipes to identify leaks, cracks or other structural concerns or I/I sources
 - House to House Inspections - Visual inspections within resident homes to identify I/I sources on private property including foundations drains, sump pumps, roof leaders, and yard drains.
2. Perform additional Flow metering during next spring's wet weather to further prioritize subareas of larger drainage areas as currently defined (Such as the Drainage areas for Flow Meters 2, 3, 4 and 8, as well as the direct drainage area to the gravity flow meter).
3. Consider performing evaluations of the Beardsley and Reservoir Ave Pump Stations (at a minimum) to determine upgrade needs.

CONFIRMED PRIORITY AREAS

1. Reservoir Ave P.S. Drainage Area (Including FM #5 Drainage Area)

- This area is the highest priority due to indications of excessive infiltration and inflow leading to overflows at this stations and at the downstream Beardsley Pump Station
- Perform Smoke Testing, TV Inspection, House to House Inspections and Manhole Inspections

2. Flow Meter #2 Drainage Area (Including Hawley Lane PS and Merritt Blvd PS Drainage Areas)

- This area is a high priority due to indications of infiltration over a large system area, and indications of severe infiltration in localized areas. This Drainage area contributes to overflows at this stations and at the downstream Beardsley Pump Station
- Perform Additional Flow metering and flow isolations to further isolate areas, then perform Smoke Testing, TV Inspection, House to House Inspections and Manhole Inspections

3. Park Ave Pump Station Drainage Area

- This area is a high priority due to indications of excessive infiltration in a small system area. Because this station does not contribute to the overflows at Beardsley P.S., it is a lesser priority than other locations.
- Perform flow isolations to further isolate areas, then perform TV Inspection, House to House Inspections and Manhole Inspections

4. Trefoil Drive Pump Station Drainage Area

- This area is a high priority due to indications of excessive infiltration in a small system area. Because this station does not contribute to the overflows at Beardsley P.S., it is a lesser priority than other locations.
- Perform Additional Flow metering and flow isolations to further isolate areas, then perform Smoke Testing, TV Inspection, House to House Inspections and Manhole Inspections

5. Wildwood Pump Station Drainage Area

- This area is a high priority due to indications of infiltration over a large system area, and indications of severe infiltration in localized areas. This Drainage area contributes to overflows at this stations and at the downstream Beardsley Pump Station
- Perform Additional Flow metering and flow isolations to further isolate areas, then perform Smoke Testing, TV Inspection, House to House Inspections and Manhole Inspections

Memo to: File
7/28/2010
Page 5

Total costs to perform SSES tasks for all five identified high priority areas is approximately \$775,000; refer to the following table and figure for additional details. A reduced effort at lower costs could be conducted in each area based on available funding. The CT DEP Clean Water Fund 55% grant funding program is available for this additional study work and can be secured as an amendment to the existing application.

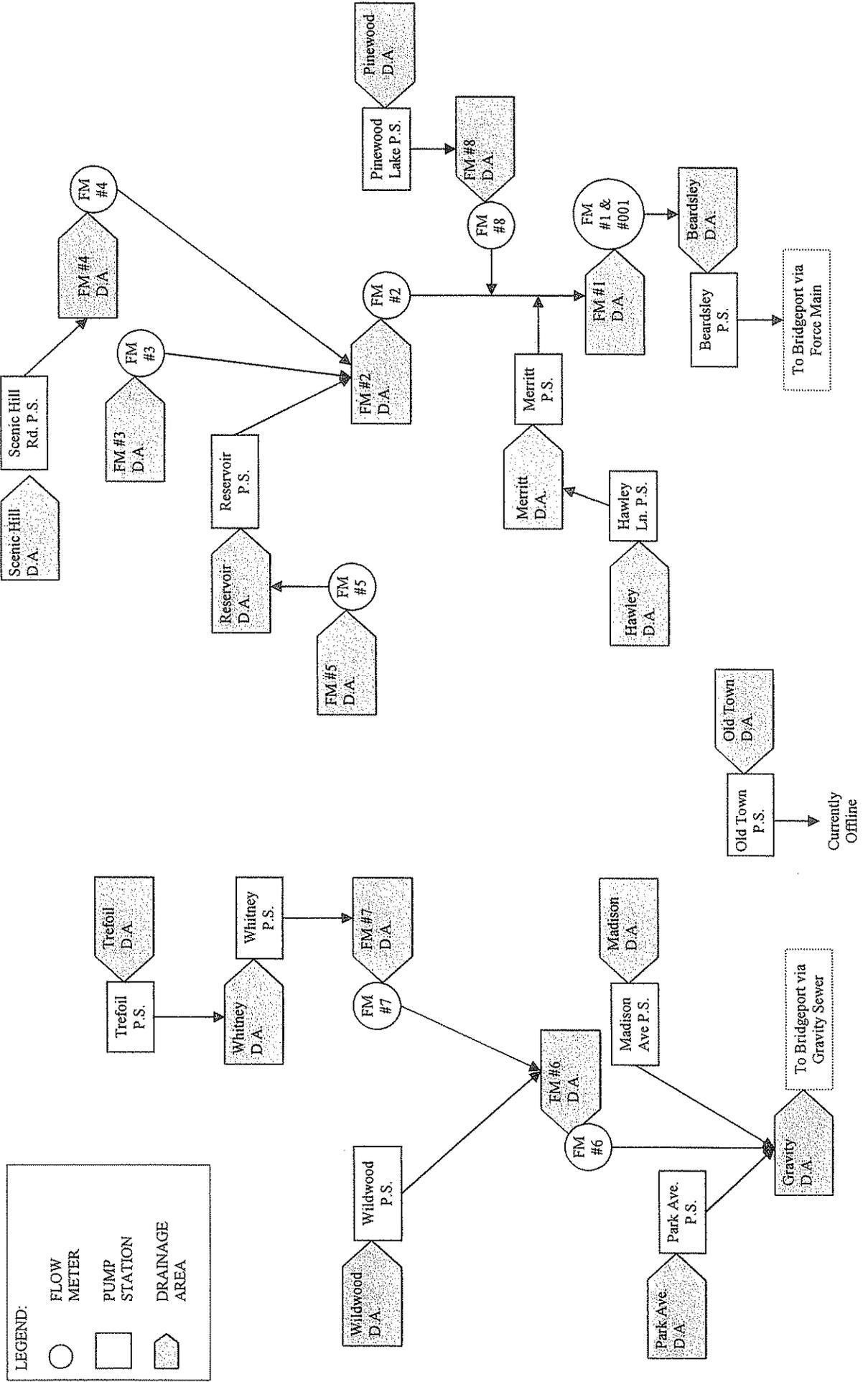
It is important to understand that there are additional areas following these 5 confirmed priority areas that should still be investigated. These 5 confirmed priority areas represent approximately 60 miles of sewer, or less than half of the overall system. Also note that the estimated costs in this memo are only for the effort required to identify sources to be rehabilitated. The design and construction of rehabilitation methods for eliminating the I/I sources would be determined after the SSES work and would be in addition to these costs.

Town of Trumbull, CT
 Inflow/Infiltration Study And Sewer System Evaluation Survey
DRAINAGE-BASIN PRIORITY LIST

Basin Number	Basin Name	SSES Work Status	Future Work Effort	Approximate Level of Effort		
				Field Work Subtotal	Engineering	Total
East Side (Forcemain)						
1	Beardsley	Undetermined				
2	FM 1	Undetermined				
3	Hawley	Confirmed	TV, MH Inspection			
4	Merritt	Confirmed	TV, MH Inspection			
5	FM 2	Confirmed	Meter Further - Then TV, Smoke Testing, TV, House	\$ 298,600	\$ 29,900	\$ 328,500
6	FM 8	Undetermined				
7	Pinewood	Not Required				
8	FM 5	Confirmed	Smoke Testing, TV, MH Inspection, House-to-House			
9	Reservoir	Confirmed	Smoke Testing, TV, MH Inspection, House-to-House	\$ 249,500	\$ 30,000	\$ 279,500
10	FM 3	Undetermined				
11	FM 4	Undetermined				
12	Scenic Hill	Undetermined				
West Side (Gravity)						
13	Old Town	*				
14	Gravity	Undetermined				
15	Park Ave	Confirmed	Flow Isolation, TV, MH Inspection, House-to-House	\$ 23,000	\$ 15,000	\$ 38,000
16	Madison Ave	Not Required				
17	FM 6	Not Required				
18	Wildwood	Confirmed	Smoke Testing, MH Inspection, House-to-House	\$ 84,000	\$ 20,000	\$ 104,000
19	FM 7	Undetermined				
20	Whitney	Not Required				
21	Trefoil	Confirmed	Flow Isolation, TV, MH Inspection, House-to-House	\$ 15,000	\$ 10,000	\$ 25,000
				\$ 670,100	\$ 104,900	\$ 775,000

* No Data

Town Of Trumbull, Ct
 Inflow/Infiltration Study And Sewer System Evaluation Survey
 WASTEWATER SEWER SHED FLOW SCHEMATIC



THE LAW OFFICES OF
BECKER & ZOWINE, LLC

3296 MAIN STREET
P.O. BOX 6468
BRIDGEPORT, CONNECTICUT 06606-6468

JANINE M. BECKER*
LOUIS C. ZOWINE

JORDAN R. LUSTIG
OF COUNSEL

(203) 374-1173

FAX (203) 371-0498

www.beckerzowine.com

info@beckerzowine.com

*ALSO ADMITTED TO NEW YORK BAR

July 28, 2010

Hand Delivered
Water Pollution Control Authority
Town of Trumbull

Dear Commissioners:

Due to a family commitment I am unable to appear on behalf of my client Adilia Hawie. I have asked Attorney Kokenos if he would extend me the courtesy of reading this letter to the board.

Mrs. Adilia Hawie is the owner of 449 Shelton Road, Trumbull, Connecticut. Apparently, in November of 2008, she granted an easement to the Town of Trumbull. Earlier this year, when she saw the engineer marking the easement location, she came to my office as the agreed easement was being incorrectly laid out.

As I was not her attorney in those initial discussions or negotiations, I reviewed her documents and discovered that the description used in the easement was incorrect. The initial location of the easement, that was to be revised, was used to describe the easement location as opposed to the revised location. I contacted the Town Attorney to advise him of the mistake. I also advised him that this necessitated a release of that easement by the Town and the execution by Mrs. Hawie of a corrected easement with the correct legal description.

During preparation of this revised easement I questioned whether there would be any permanent monuments or manholes in the easement area. The response was that there would be two manholes on the property at the location of the turns.

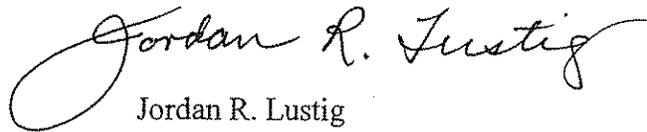
This now presents additional concerns. It follows that there will be various workmen coming on to the property from time to time after construction has been completed. This will probably also involve the use of equipment coming into the easement area. What was once assumed to be total underground sewer line with a landscaped covering will now result in the easement becoming used more often and perhaps become more difficult to maintain. Further, construction time on the property will be much longer.

I do not know the answer at this time. I only have questions. Is this route necessary? Is there an alternative route over the roads that can be used that would accomplish the same result without the necessity of this taking and the inconvenience and loss of property rights to Mrs. Hawie? Can this revised location be used without permanent manholes?

From what I understand she is receiving no compensation for this easement. Originally the easement was going to go about 40 feet east of her west property line which would have caused a considerable financial lost to her for her property. In order for the Town to move the easement adjacent to her property line she is receiving no compensation for this 4400 square foot easement.

Where lies the justification for this resulting situation?

Sincerely,

A handwritten signature in cursive script that reads "Jordan R. Lustig". The signature is written in dark ink and is positioned above the printed name.

Jordan R. Lustig

JRL/jvf