

WATER POLLUTION CONTROL AUTHORITY

Town of Trumbull

CONNECTICUT

TOWN HALL
(203) 452-5048



5866 MAIN STREET
TRUMBULL, CT 06611

Water Pollution Control Authority June 23, 2010

In attendance:

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

Also In Attendance:

Joseph Solemene, Assistant WPCA. Administrator
Stephen M. Savarese, PE/LS, Town Engineer/WPCA
Administrator
Timothy M. Herbst, First Selectman
Maria Pires, Finance Director
Dennis Kokenos, Esq., Town Attorney
Robert Nicola, Esq., Town Attorney

Jeanine Maietta Lynch, Chairman, called the meeting to order at 7:30 p.m.

- **MOTION (LYNCH) seconded (KALLMEYER) to move the meeting to the Council Chambers. No discussion. Motion carried unanimously.**

The meeting was recessed and reopened in Council Chambers at 7:36 p.m.

MINUTES TO PREVIOUS MEETING:

- **Motion (PULIE) seconded (LYNCH) to approve the minutes of the May 26, 2010 meeting as written. No discussion. Four in favor, one abstention (KALLMEYER). Motion carried.**

PROGRESS REPORT:

Mr. Solemene gave the following report:

The project is approximately 40% complete. Two main line crews worked most of the month, a third crew started on June 14th. Looking at the map provided, the yellow crew (Mario) on Shelton Road. This crew has a slow dig, installing 10" PVC main line at 15'-20' in solid rock. They installed approximately 300 feet this month. Orange crew (Abel) showed the most progress. They started the pay period on Booth Hill Road until they reached the intersection of Fern Circle. They completed Fern Circle, Ethel Road and Oriole Lane, then went back to Booth Hill Road and are continuing north. Third crew (Tino) began on June 14th. They completed the short section of Ease Lake Road, continued north on Booth Hill Road to the intersection of Rennison Road, completing approximately 50% of Rennison where they are working right now.

- **Motion (LYNCH) seconded (PULIE) to go out of order of the agenda to New Business, Jog Hill Assessments and July 1 Public Hearing. No discussion. Motion carried unanimously.**

First Selectman Timothy Herbst addressed the Commission and gave an overview of the two public hearings held in 2009 regarding Jog Hill assessments. Mr. Herbst stated that a review of the minutes and tapes of the meetings, it was the consensus of the WPCA and the former First Selectman that once construction was complete they would have a third public hearing at which time they would have more clear answers regarding the interest rate, a better understanding of the total cost of the project and then approve the assessments accordingly. It was originally slated for the assessments to begin January 1, 2010. An internal audit was conducted by then Finance Director Lynn Heim. McGladrey & Pullen had been enlisted to provide a review. Mr. Herbst thought it would be more prudent to have a full forensic audit of the project because of all the questions that were raised with respect to \$2.5 million in change orders 18% above the original bid specifications, contract extension, concerns over the quantities,

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concerns with respect to whether work performed was consistent with the plans submitted by the design team, and Mr. Herbst did not feel comfortable with the WPCA levying an assessment without understanding, analyzing and fully vetting the total costs associated with the project. The WPCA voted to proceed with a forensic audit of this project. A preliminary draft report should be submitted within the next several weeks. When the original assessments were calculated last year there were costs associated with this construction that were not included in those assessments. In the preliminary statements sent out the residents, some residents have seen an increase in their overall assessment. The bonding on this project is in excess of \$20 million. Twenty five percent is covered by the Town through the General Fund, 75% of the cost is covered through individual homeowner assessments. The Town has been carrying the cost for the last year. Residents of District 1 have had use of the system without paying the assessments. We need to start collecting revenues to pay for the outstanding bonding.

A question and answer period followed. Joseph Fasi, Bond Counsel, explained the bonding for this project; \$17.4 million in 2008 at a rate of 3.36% and \$4.1 million in 2009 at a rate of 3.91%. A weighted average of 3.804% will be used for the assessments. Bob Verna of 12 Brookside Drive addressed the Commission regarding the methodology of the interest accrued on the balance of the assessment. The Commission discussed extending the term of payment beyond 18 years and also the possible removal of the costs of certain public works improvements and/or the cost of the cross country easement.

A special meeting will be held on Tuesday, June 29, 2010 at 6:00 p.m. for further discussion of the Jog Hill Assessments.

- **Motion (LYNCH) seconded (PULIE) 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. addressed the Commission with an update of the Clean Water Funding, Facilities Plan and I/I Study. A Project Status Update was submitted for the record. In summary, Connecticut DEP has contacted the First Selectman's office for information needed to process the planning grant. WPCA Facilities Plan status unchanged. Flow information obtained from the I/I portion will be used to size the potential treatment plant facility. With regard to the I/I study, the interceptor walk occurred after the last meeting.

The Commission returned to the regular agenda.

INVOICE APPROVAL:

Mark IV Construction Co., Inc., Phase IV, Part B – Contract 4 – North Nichols Project, Application #10 in the amount of \$700,121.26.

- **Motion (GONCALVES) seconded (PULIE) to table approval of the invoice until after the Executive Session. No discussion. Motion carried unanimously.**

OLD BUSINESS:

Forensic Audit Update – including discussion regarding funding approval and June 10th Board of Finance meeting
Commissioners Lynch and Pulie attended June 10th Board of Finance meeting. BOF approved payment of the audit. Will go before the Town Council on July 9th for final approval.

Discussion – Jog Hill/Contract 3 punch list (Daniels Farm Road repaving – notification to Mark IV with regard to list of roads in need of repair)

Getting close to August deadline, list is substantial. Mr. Solemene to draft letter to Mark IV with preliminary list of roads in need of repair, email to the Commissioners for approval and include deadline date. Mr. Solemene to have the road inspector drive through the project to evaluate roads.

Easement Condemnation – State of Connecticut Property at 131 Hilltop Circle

Attorney Kokenos reported once appraisal has been received we will go back to the State to negotiate a price for the purchase of the property.

Update – Condemnation of Bombero Golden Hill Property

Attorney Kokenos reported the hearing has been continued and we do not have a new hearing date. Anticipating it will be in August. Once that date has been received he will update the Commission.

Update – On-Call Engineer

Commissioners Pulie and Hampford reported they received two proposals from Tighe & Bond and Weston & Sampson. Recommended Tighe & Bond to Mr. Marsilio. They can start quickly, within a week. They will run the job and report to Mr. Savarese. Attorney Kokenos reported the Public Works Director will be meeting with Tighe & Bond tomorrow (June 24) to go over details with regard to scope of services and rates. Would the Commission like to see the final contract prior to executive to get them working or allow the Public Works Director and the Town to enter into this contract so we can get this moving? The Commission agreed to rely on the attorneys and the Public Works Director.

Status – Contract Negotiations with Bridgeport

Commissioner Kallmeyer spoke with Mr. Marsilio who indicated there has been substantial amount of discussion about regionalization. There will be a meeting of the chief elected officials of the three communities (Bridgeport, Trumbull and Monroe) regarding the more difficult aspects of how they are going to propose this regionalization to the three communities. We need to examine the possibility of regionalization as an adjunct to whether or not we are going to negotiate with Bridgeport on a new contract. There is a lot of fact-finding which will help us understand whether it is prudent to consider regionalization or to consider pursuing a contract. Next meeting scheduled for July 12.

User Fee – Second water meter for irrigation systems

Mr. Kallmeyer has contacted Charles Frelotte, President & CEO of Aquarion Water Company. Mr. Kallmeyer will send him information and he will discuss with his staff. Mr. Kallmeyer will set up a meeting with John Marsilio and a representative of Aquarion.

North Nichols Permanent Paving

Mr. Savarese reported this will be addressed with Tighe & Bond. Most recent correspondence from our office to Mark IV is March 26 stating that no permanent paving should be done. Mark IV is pushing to go forward with the paving. Mr. Savarese is looking forward to starting permanent paving very shortly, but we are still in the moratorium that we issued to Mark IV and they are waiting for us to lift that.

Proposed revision of sewer plans on Hillandale Terrace and Round Ridge Trail

Commission questioned if this work can be done within the Town right of way. Mr. Savarese answered yes. Mark IV's response is they prefer to stick with the original design. The Commission asked if this change is necessary or is it an accommodation? Mr. Savarese replied it is not necessary. A staff member in the Engineering Department made the design change and Mr. Savarese saw the merit of the change. It saves the Town a little bit of money if you use the bid items in the contract. The Commission asked if an easement is needed. Can it be built 13.5 feet deep, five feet from the property line and not need an easement? Mr. Savarese replied it can be done. Attorney Nicola suggested requiring the Contractor to put up an indemnity bond. The same issue exists on Round Ridge Trail.

Commissioner Egri excused herself at 9:47 p.m.

Talat Fattaha, 52 Colonial Drive – Permission to connect to the Trumbull sanitary sewers

Applicant is seeking permission to run a sewer gravity line in the Town right of way. Attorney Kokenos stated questions remain on the maintenance of the line and how to document that. Essentially, the applicant is asking for an easement over Town land. There has been no update, the homeowner has not presented anything further. The Commission is waiting for a the applicant to submit an engineered plan. Item was postponed until the next meeting at which time the applicant will have the opportunity to present the documents need so that a proper decision can be made. The Commission is in agreement that this homeowner will be fully assessed, regardless that the sewer line

is not in front of her property. Mr. Solemene will determine the amount of the assessment and include in a letter to the applicant.

Update – North Nichols Pump Station Revisions

Per Mr. Solemene, in negotiating with the Contractor, there are issues that need to be resolved. Mr. Solemene is asking for approval of the change order in order to move this pump station along. At the May meeting, the Commission asked for more than one estimate for the work to back up the price. Mr. Solemene stated the Contractor's response was to reduce the overhead and profit from 15% to 10%, lowering the cost from \$175,000 to \$169,000. Mr. Solemene will go back to the Contractor and re-state that two estimates will be required by the Commission. Mr. Savarese stated he and Mr. Solemene were very clear with Mark IV based on the Commission's direction. Mr. Savarese also stated at this point we don't have a full design of the revised pump station. There are some outstanding supplementals between Mark IV and Spath-Bjorklund, and he doesn't feel the need to approve the change order at this time. The Commission is again requesting back-up to determine that the price of the electrical is appropriate. Mr. Savarese also stated that the lump sum item in the contract for the pump station is \$400,000, and the Contractor insists the change order would be in addition to that price. The Commission states it fair to ask the Contractor to explain how he developed the \$400,000 price and for a detail of the numbers for the change.

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

Discussion postponed from May meeting. After speaking with Spath-Bjorklund, Mr. Solemene stated their position is that this was approved and they are expecting the payment. The Commission stated Spath-Bjorklund should have known there is no overhead service at this sight and this is an error in the design. The letter of December 18, 2009 accepting their proposal to re-design the pump station was from John Del Vecchio, former Public Works Director. The Commission authorized Mr. Savarese, as Sewer Administrator, to confront Spath-Bjorklund and state that the WPCA is unhappy about this and that it should have been caught beforehand, and return to the WPCA with a report. The WPCA will then decide if they want to approve this.

Discussion – funding approval of Old Town Road Pump Station (BOF meeting of 6/10/10 attended by Joe Solemene

Mr. Solemene reported he received Board of Finance approval, the design is in place. The item will go before the Town Council for final approval.

Drainage Installation Schedule

To be discussed in Executive Session.

- **Motion (GONCALVES) seconded (DEVITA) to go out of order of the Agenda to New Business. No discussion. Motion carried unanimously.**

Bob Verna, 12 Brookside Drive

Mr. Verna discussed financial statement of the #20 account prepared by Maria Pires. Suggested WPCA receive a statement every month.

Discussion – WPCA filling of open staff position

Mr. Solemene addressed the Commission, stating that when he started working for the Sewer Department in 1989 there were four maintenance pump station mechanics, a sewer administrator, and an assistant sewer administrator. At present Mr. Solemene has one employee. There was a catastrophic pump station failure this week that he relates directly to lack of manpower in the department. Mr. Savarese stated an electrician is needed. The open position is for an electrician mechanic at \$27/hour. The maintainer makes \$22.50/hour. Mr. Savarese suggests hiring another maintainer and use an on-call 24 hour service electrician. Positions are paid through the WPCA. What level of involvement does the WPCA want to have in the hiring process? After further discussion,

- **Motion (LYNCH) seconded (KALLMEYER) that the WPCA approve the Sewer Administrator to post the Civil Service full-time maintainer position as well as an on-call electrician service. No discussion. Motion carried unanimously.**

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

- **Motion (LYNCH) seconded (GONCALVES) to postpone approval to next meeting. No discussion. Motion carried unanimously.**

Pump Station Failures

Mr. Solemene took steps to prevent future failures. The high water alarm did not go through a phone line that was down. Cellular phone system has been installed as a back-up to the land line. He is working on putting a new float in the pump chamber as well as a float that will be directly wired to the alarm system in the wet well. Will install cellular line and floats at every pump station at the beginning of the fiscal year.

Change Orders

Mr. Savarese presented two change orders for consideration, all work has been completed:

June 14, 2010 Additional Work Furnish/Install Inside Drop at East Lake Road P-99 – \$1,680.00

Based on previous change order approvals made by the Commission at \$350/vertical foot.

Mr. Savarese recommends approval.

June 16, 2010 1. Additional Work #30 Oriole Lane, Furnish/Install 4" PVC Drain 6 LF@\$45 – \$270.00

Commission has not accepted this price, Mr. Savarese does not recommend approval

2. Additional Work #7 East Lake Road & #365 Booth Hill Road 2 TYs @ \$375.00/each minus credit of \$345 for a total of \$405.00. Follows past practice from this Commission. Mr. Savarese recommends approval.

- **Motion (KALLMEYER) seconded (GONCALVES) to approve Change Order dated June 14 in the amount of \$1,680.00 and Change Order dated June 16, item #2 in the amount of \$405.00. No discussion. Motion carried unanimously.**

Per Attorney Kokenos, Executive Session is allowable by FOI Regulations 1-231, 1-200 and 1-210. The discussion with regard to the storm drainage would require the disclosure of attorney-client privileged information which allows us to go into Executive Session.

- **Motion (PULIE) seconded (LYNCH) to go into Executive Session regarding storm drainage improvements and erosion control issues at 10:50 p.m. No discussion. Motion carried unanimously.**
- **Motion (LYNCH) seconded (DEVITA) to come out of Executive Session at 11:21 p.m. No discussion. Motion carried unanimously.**

The Commission returned to the regular meeting.

- **Motion (PULIE) seconded (LYNCH) authorizing Steve Savarese, Sewer Administrator, to send a letter to Mark IV Construction Co., Inc. directing them to install catch basins, drainage and pipes of various sizes for one penny per the contract documents; or install the requested items and continue the work and we will go to arbitration over the matter. If they refuse to do the work, we would obtain a third party to install it and back charge the services to Mark IV's account. No discussion. Motion carried unanimously.**
- **Motion (PULIE) seconded (LYNCH) to authorize Steve Savarese, Sewer Administrator, to send a letter to Mark IV Construction Co., Inc. directing them to install proper sediment and erosion controls. If they are not proactive about this and do not install properly, we will hire a third party to install and back charge Mark IV's account. No discussion. Motion carried unanimously.**

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- **Motion (DEVITA) seconded (KALLMEYER) to approve for payment Mark IV Construction Co., Inc. Application #10 North Nichols Project in the amount of \$700,121.26, minus \$9,000 for items 4 and 5. No discussion. Motion carried unanimously.**
- **Motion (GONCALVES) seconded (LYNCH) to adjourn at 11:26 p.m. No discussion. Motion carried unanimously.**

There being no other business before the Authority,

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

The meeting was adjourned at 11:26 p.m.

Respectfully submitted,

Jenny Francese
Clerk of the Commission