

WATER POLLUTION CONTROL AUTHORITY

# Town of Trumbull

CONNECTICUT

TOWN HALL  
(203) 452-5048



5866 MAIN STREET  
TRUMBULL, CT 06611

**Corrected Minutes  
Water Pollution Control Authority  
March 24, 2010**

In attendance:

Ennio De Vita  
Jack Goncalves (8:07 p.m.)  
Paul Kallmeyer, Vice Chairman  
  
Jeanine Maietta Lynch, Chairman  
Laura Pulie  
Karen Egri, Alternate  
Tim Hampford, Alternate (8:00 p.m.)

Also In Attendance:

Joseph Solemene, Assistant WPCA. Administrator  
Clair Garard, Public Works Inspector  
Stephen M. Savarese, PE/LS, Town Engineer/WPCA  
Administrator  
Robert Nicola, Esq., Town Attorney  
Dennis J. Kokenos, Esq., Town Attorney

Chairman Lynch called the public hearing to order at 7:30 p.m. and read the public hearing notice.

Pursuant to Section 7-247a of the Connecticut General Statutes, the Trumbull Water Pollution Control Authority hereby gives notice of its intention to conduct a public hearing, Wednesday, March 24, 2010 at 7:30 p.m. in the Nichols Room at Trumbull Town Hall, 5866 Main Street, Trumbull, Connecticut, regarding the proposed extension of a 6" sewer connection lateral from an existing one-story sewer connection of the dwelling located at 8 Pine Street to provide service to a proposed dwelling on Lot 267 Prospect Avenue. Applicant: Emilio Ferri

Emilio Ferri, 8 Hickory Street, addressed the Commission. He proposes to put in a clean-out and connect the second house into the same line at 8 Pine Street with a manhole.

There being no one present to speak for or against the application;

- **Motion (KALLMEYER) seconded (LYNCH) to close the public hearing. No discussion. Motion carried unanimously.**

## REGULAR MEETING

### MINUTES TO PREVIOUS MEETING:

- **Motion made (KALLMEYER) seconded (LYNCH) to amend the minutes of February 24, 2010 as follows: Page 2, second paragraph, remove the words "in balance," replace with "imbalanced." The sentence will now read, "When and where can this drainage be put in so the Town can take advantage of the imbalanced bid quantities." Page 4, \$500 Unit Charge, fifth sentence, remove the words "when it is not part of the assessment." The sentence will now read, "The people end up paying interest on the \$500." No discussion. Motion carried unanimously.**

There being no other corrections or changes;

- **Motion (LYNCH) seconded (PULIE) to approve the minutes of the February 24, 2010 meeting as amended. No discussion. Motion carried unanimously.**

- **Motion made (KALLMEYER) seconded (PULIE) to go out of order of the agenda to Old Business, Jewish Home for the Elderly – proposal by Robert Scinto, Developer. No discussion. Motion carried unanimously.**

Robert Scinto, real estate developer with an office in Shelton, addressed the Commission. He owns a piece of property in Monroe where he would like to build the Jewish Home for the Elderly. Mr. Scinto proposes the following: (1) put storage tanks on the property to hold the 80,000 gallons a day of waste material and pump it at approximately 1:00 a.m. thus taking the question of capacity off the table; (2) Whatever the tax revenue to Monroe, approximately \$1.5 million, will be divided 1/3 each to Monroe, Trumbull and Bridgeport. All three towns must agree; (3) will pay wheeling charge based on a per gallon basis; (4) Flow would not count against Trumbull capacity. Questions and answers followed.

- **Motion made (PULIE) seconded (KALLMEYER) to go out of order of the agenda to Old Business, Wright-Pierce – Clean Water Fund Application and I/I Study. No discussion. Motion carried unanimously.**

#### Wright-Pierce – Clean Water Fund Application and I/I Study

Christine E. Kurtz, P.E., representing Wright-Pierce, reported Tim Hampford was meeting with the Town Council L&A Committee regarding the resolution which would authorize First Selectman Timothy M. Herbst to apply for and sign on behalf of the Town of Trumbull an agreement with the Department of Environmental Protection Clean Water Fund Financing Grant. She stated the DEP has approved the I/I scope of study. Flow meters installed on Monday and Tuesday. Ms. Kurtz passed out copies of contracts approved by DEP of the facility plan and the I/I, signed by Wright-Pierce and needs to be signed by the First Selectman, needed for the application for the Clean Water Fund. The total of the I/I with added scope is \$106,000. The combined total with the facility plan is \$191,500. With a 55% grant, the Town would ultimately be responsible for approximately \$86,000. Application should go in by end of April, it is at least 80% done. The resolution has to be publicized and becomes effective 15 days after publication. The work related to the facility plan is on hold until that process happens. DEP did agree to allow us to go ahead with the flow meters so as not to miss the spring season. The flow meters are scheduled to stay in the manholes six weeks, a rain gauge was installed.

Commissioner Hampford arrived at 8:00 p.m. from the Town Council L&A Committee meeting and reported the Committee sent the resolution to the Town Council with no opinion because they want to see the contract, but they are in favor. April 5 is the Town Council meeting where it will be voted on. They understand it is time sensitive.

#### **PROGRESS REPORT:**

The following report given by Clair Garard, Public Works Inspector:

Three main line crews, two lateral crews and two drilling rigs working this month. Richie's crew completed Lobsterback Road. Mario's crew moved from Unity Road to Partridge Lane easement, that is completed. He now has gone up Tamarack and is halfway up Heartwood. The other main line crew (Able) has been working Columbine. Today they ended up at the bottom of Kenwood. The two lateral crews have been moving from Columbine, finished Saybrook, Partridge, most of the laterals are completed on Lobsterback. They have now moved a lateral crew back to Columbine. The clean-up crew is scheduled to start next week. One is restoring easements and cleaning them up. The compaction company is supposed to come out next week to start compaction on the roads that have been completed that are unpaved done during the winter months. The drilling rigs have been moved. They completed all of Columbine. They are now running one drilling rig on Wisteria and one on Booth Hill Road.

Commissioner Pulie questioned the erosion control during the rain we've been having. Commissioner Egri reported receiving an email from a resident on Columbine Drive regarding a pre-blast survey that has been scheduled after blasting has already been performed a few houses away and resident has popped nailheads. The homeowner stated she expects this damage will be handled along with any additional damage that may occur as the

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blasting gets closer to her home and also believes these inspections should have been done prior to work being done on the street.

Commissioner Goncalves arrived at 8:07 p.m.

Commissioners questioned if there is any progress on installing storm drainage. Mr. Garard replied we are identifying the areas where the work will begin but the work has not begun yet. Mr. Garard reported the areas will be looked at by the Town Engineer and the Deputy Public Works Director.

### **INVOICE APPROVAL:**

Mark IV Construction Co., Inc., Phase IV, Part B – Contract 4 – North Nichols Project, Application #7 in the amount of \$700,959.45. Quantities verified by Clair Garard, Public Works Inspector. Amounts not verified by Accounting Manager, as was requested by the Commission and done with last month's invoice. Commissioner DeVita stated the payment should be certified by the Town before it comes to the Commission for approval. After further discussion;

- **Motion (GONCALVES) seconded (PULIE) that the Sewer Inspector, the Town Engineer and a representative of the Finance Department certify all future invoices prior to submittal to the Authority for approval. Discussion followed. Motion carried unanimously.**

The invoice was submitted to the office by Mark IV on Friday, March 19 and mailed to the Commissioners that afternoon. The invoice was received by the Commissioners today, and it was felt that more time is necessary to go over the invoice. The Commission requests in the future the invoice be delivered to the office on Wednesday, one week before the meeting, the required checking and signatures completed, and hand-delivered to the Commissioners by Clair Garard on the Friday before the meeting. Ask Steve Savarese why Item #10 Temporary Line Striping on Change Orders is not included in the pricing of Item #1 Maintenance and Protection of Traffic.

- **Motion (LYNCH) seconded (PULIE) to move approval of Phase IV, Part B, Contract 4 – North Nichols Project, Application #7 in the amount of \$700,959.45 to a special meeting to be held on Wednesday, March 31, 2010 at 7:30 p.m. in the Nichols Room. No Discussion. Motion carried unanimously.**

### **OLD BUSINESS:**

#### Update – Jog Hill Forensic Audit

Commissioner Lynch report that on Monday, March 22 a panel met and interviewed three different firms that provided proposals. CCR, LLC of Glastonbury, Connecticut was selected to do the forensic audit. Engineering firm chosen was Beta Group of Connecticut and Rhode Island. Bid price was \$40,000. Still waiting for as-builts from Mark IV, have received 19 of 102. They will be needed for the audit. The Commission discussed how to get the Contractor to abide by its contract terms and provide what we need in order to finalize this job and move on, particular now that we have a forensic auditor coming on board. There is no cross default provision, meaning if they default under Contract 3, payment on Contract 4 could be withheld. Town Engineer/Sewer Administrator Steve Savarese arrived.

- **Motion (LYNCH) seconded (KALLMEYER) to authorize Town Attorney Bob Nicola to draft a letter to Mark IV Construction Co., Inc. asking them to forward the as-built surveys in accordance with the contract provisions, specifically paragraph 6 AS-BUILT RECORDS and 6a As-built Drawings. Discussion followed. Motion carried unanimously.**

Commissioner Kallmeyer stated that in accordance with the RFP, the Commission needs to vote on whether to accept the committee's recommendation for the forensic audit.

- **Motion (KALLMEYER) seconded (LYNCH) to approve the firm CCR, LLC and the engineering company Beta Group to perform the Jog Hill forensic audit. Discussion followed. Motion carried unanimously.**

Commissioner Goncalves stated he is opposed to paying out of retained earnings for an audit that benefits only Jog Hill. Commissioner Pulie stated the user fees from the Jog Hill are going for repairs that may be needed in other sections of town, that we are all in this together.

- **Amendment to previous Motion (KALLMEYER) seconded (GONCALVES) that half of the cost of the forensic audit be part of the Jog Hill assessment and half come from retained earnings.**

**Discussion followed.**

Commissioner Lynch is opposed to splitting the cost. The Town, by virtue of its 25% contribution, benefits. The Jog Hill area residents will benefit primarily but the Town as a whole benefits moving forward on future projects. Commissioner Kallmeyer suggested that those members who are residents of the Jog Hill Project should not vote. The Town Attorney disagreed and allowed those members to vote.

**Two in favor (KALLMEYER, GONCALVES), three opposed (LYNCH, PULIE, DEVITA).**

**Amendment defeated.**

#### Trumbull-Bridgeport Sewer Contract Negotiations

Commissioners Lynch and Kallmeyer met with the Town Attorney to go over the process. The contract expires 2012. Discussed appointing a subcommittee. Commissioners Kallmeyer and Hampford volunteered.

- **Motion (DEVITA) seconded (GONCALVES) to appoint Commissioners Hampford and Kallmeyer to a sub-committee to work with the attorneys on the Trumbull/Bridgeport Sewer Contract negotiations. No discussion. Motion carried unanimously.**

#### Jog Hill CPP Drainage Detail

Tabled from February meeting. Hand drawing done by Clair Garard. Steve Savarese, Town Engineer and newly appointed Sewer Administrator addressed the Commission. The trench detail on the North Nichols project is proper, below the sanitary piping, and according to the design. Regarding Jog Hill Contract 3, he has seen the hand sketch and what Clair did and read some correspondence. He will try to get a satisfactory answer, but is not aware of anybody who was approving it at that time. Mr. Savarese stated he doesn't anticipate the same amount of water on North Nichols as Jog Hill, so the amount of pipe should be less.

#### User Fee – Second Water Meter for Irrigation System

Tabled from February meeting. Commissioners Lynch and Kallmeyer met with the Town Attorney on the subject. Town Attorney Dennis Kokenos discussed legal and practical issues and the effect on the contract negotiations with Bridgeport. The Commissioners discussed a possible ordinance to be reviewed by the Town to require residential owners to have a separate meter for their irrigation system.

#### Tom Lee - Challenge to Maintenance Charge for residents with Extension of Time to Connect

Town Attorney Dennis Kokenos reported his office has not heard anything from Mr. Lee. The account is currently delinquent. The connection is available and therefore he derives a benefit from having the ability to hook up. Attorney Kokenos is researching a recent superior court case on the subject. This item will be removed from the agenda until the Town Attorneys bring it again.

#### Shelton Road Culvert Report

Mr. Savarese stated when Spath-Bjorklund engineers designed the North Nichols sewer project this culvert was shown in plan but not in profile. This created a problem for Mark IV when they started to lay out the construction on Shelton Road. Having not seen a detail or plan of what was to be constructed there they questioned the Town as to what the plan was. The WPCA approved a plan to go around the culvert. A revision was made by Spath-Bjorklund adding an additional manhole to the project. Mark IV does not like this plan. There is conflict with existing water line and they asked for another manhole to be designed and think we should replace the culvert. A field meeting held this day at 3:00 p.m. The engineer recommends sticking with the plan to go around the culvert. The Commission concurred. The Commissioners asked that photos be taken of the work.

#### **NEW BUSINESS:**

##### Request for Change Orders (2): Columbine Drive and Tamarack Circle

Mr. Savarese recommends the Commission approve both requests. On Columbine Drive there is a completely plugged catch basin and pipe. It is recommended the catch basin be replaced and additional catch basin be placed on the other side of the paved area, the pipe length be replaced, the outlet pipe be replaced and a flared end section

be placed at the outlet. This would greatly help the drainage problem on Columbine Drive. The second item recommends the entire roadway on Tamarack Circle be reconstructed up to Town standard. The Commission requires a price on the paving before a decision can be made. Regarding the drainage on Columbine Drive, why is this not part of the penny items?

- **Motion made (LYNCH) seconded (KALLMEYER) to go out of order to Penny Items. No discussion. Motion carried unanimously.**

Penny Items

Mr. Savarese stated the origin of the quantities came from the engineer. The engineer pro-rated the Jog Hill contract for the North Nichols contract. What the contract reads is something different. They put an asterisk on it which says it is based upon the Town's information. This is an argument we will have to present to the Contractor. Mr. Solemene added that they (the Contractor) think the prices only prevail within the trench width and there is something in the contract that states that. That is their position. Mr. Savarese stated we need a written directive from the Commission. Commissioner Pulie stated Joe Solemene gave them a written directive back on March 26, 2009 in an email; "if the contractor bids a penny for these items, they should be prepared to install the materials at that price." It was sent to all the contractors that were bidding on this job. Mr. Solemene stated the reason this is on the agenda is so we can go back to the Contractor and say we've been directed by the Commission to have these items installed and we expect to pay a penny. Commissioner Kallmeyer instructed Mr. Savarese to look at some of the earlier change orders where we paid for pipe at the \$55-\$65 price. We had a recommendation from the staff to approve those change orders. As far as we are concerned that sets no precedent. Going forward we are looking for these penny prices.

The Commission returned to Change Orders,

- **Motion made (KALLMEYER) seconded (GONCALVES) to reject both change order requests on Columbine Drive and Tamarack Circle because of incorrect pricing and not enough information. No discussion. Motion carried unanimously.**

Mr. Solemene introduced three additional change orders:

Change Order #11, approved at last month's meeting, repair of electric sign in the amount of \$295. Contractor is requesting additional \$44.25 overhead and profit.

- **Motion made (LYNCH) seconded (GONCALVES) to approve additional \$44.25 submitted by Mark IV Construction Co., Inc., for overhead and profit on Change Order #11. Discussion followed. Motion carried unanimously.**

Change Order #12, pre-drilling necessary to relocate lateral at 14 Kenwood Lane, \$405.58 at homeowner's request. Mr. Savarese stated this was a time-sensitive decision made in the field. If we waited for this meeting they would have moved the drill rig to another portion of the job and the remobilization would have added more cost. This was to accommodate the homeowner. Mr. Savarese has emphasized to the two inspectors that this is not acceptable, we should be ahead of the crews. Mr. Savarese believes this to be a fair and reasonable price.

- **Motion made (LYNCH) seconded (KALLMEYER) to approve Change Order #12 in the amount of \$405.58, to relocate lateral at 14 Kenwood Lane at request of homeowner. Discussion followed. Motion carried unanimously.**

Change Order #13, furnish additional 8" x 8" x 6" TY at 23 Columbine Drive, \$345. Lateral installed in main line. Homeowner states it was not in line with the septic system. Had to cut pipe and install a new wye at different location.

- **Motion made (LYNCH) seconded (KALLMEYER) to approve Change Order #13 in the amount of \$345.00 to install additional 8" x 8" x 6" TY at 23 Columbine Drive. No discussion. Motion carried unanimously.**

Mr. Solemene reported Mark IV submitted a change order for two wyes installed at the request of the homeowners of the easement on Shelton Road for future use if they are able to subdivide. Mark IV billed \$350 for each. Mr. Solemene believes this billing is inappropriate and should be denied.

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Discussion of seminar “Municipal Meetings: Understanding Parliamentary Procedures” given by the Connecticut Conference of Municipalities. Attended by Jeanine Maietta Lynch and Laura Pulie

Commissioner Lynch reported the seminar was interesting and helpful and recommends all commission members attend. She briefly discussed what is defined under the statute as a meeting and what applies to freedom of information. There has been some recent case law in Connecticut that has said that an email from a commission member and copied to all the commission members is not a meeting, but any responses could be deemed a meeting. The emails would be subject to FOI.

### 2010 Supplemental Assessments

The clerk explained there are six supplemental assessments to be assessed for July 1 and asked the Commission to approve a public hearing.

- **Motion made (CONCALVES) seconded (LYNCH) to approve a public hearing for the 2010 supplemental assessments. No discussion. Motion carried unanimously.**

### Douglas Columb, 1237 Daniels Farm Road

Mr. Solemene explained Mr. Columb owns 1237 Daniels Farm Road. His daughter lives in the house. Mr. Columb is requesting an Extension of Time to Connect. Mr. Solemene explained to Mr. Columb that the house is not owner-occupied and therefore does not qualify for an extension. The Commission asked if it is a difficult connection. Mr. Solemene did not know. The Commission decided they should not set a precedent for family members.

- **Motion made (GONCALVES) to postpone Mr. Columb’s request for an Extension of Time to Connect in order to get information on the difficulty of the connection. MOTION WITHDRAWN.**
- **Motion made (PULIE) seconded (KALLMEYER) to deny the request of Douglas Columb for an Extension of Time to Connect for his property at 1237 Daniels Farm Road. No discussion. Motion carried unanimously.**

### Grinder Pumps – sole source Stancor Pump Model SG-200/1 and Simplex Controller

Mr. Solemene explained this is the grinder pump system used in all our sewer contracts. Our inspectors are familiar with the control panel. Mr. Solemene asks that this is the system we use for North Nichols. The First Selectman wants Commission approval of the sole source.

- **Motion made (KALLMEYER) seconded (GONCALVES) to standardize the grinder pump bid to a sole manufacturer, Stancor Pump Model SG-200/1 and Simplex Controller. No discussion. Motion carried unanimously.**

### Inspector’s Daily Reports

Mr. Savarese reported the inspectors are filling out daily inspector logs. They are hand written and are filed in the office. Making digital images of the pages and emailing them to the Commissioners will not make it out of our firewall. It was the consensus of the Commission that one copy of the logs kept on file in the office is sufficient. The Commissioners would be welcome to view the logs at any time.

### Trench Compaction

Mr. Savarese requests clarification from the Commission regarding trench compaction. Compaction tests required at intervals of 100 feet along trench at various levels.  $5,280 \text{ feet per mile} \times 20 \text{ miles} \div 100 = 1,056 \times 3 = 3,168 \text{ tests}$   $\times \$55 \text{ each} = \$174,240$ . Mr. Savarese stated the compaction requirements in the contract are excessive and not standard engineering practice. The Town is paying for every test that passes, and to date they have all passed. Another problem is, when we get into these large cuts, 20 plus cuts, how are we taking a compaction test 18 feet in the ground? Mr. Savarese recommends two tests every 100 feet. Mr. Savarese stated he knows the Commission questioned the compaction of the Jog Hill contract. Looking at the North Nichols contract, he wants to make sure the Commission’s standards that they are requiring for compaction are met. Mr. Savarese is submitting to the Commission that what is written as the compaction standards is too strict and costs a lot of money. Mr. Savarese recommends in the deeper cuts two every 100 feet, in shallower ones just one, which is more than what the

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inspector was doing previously but not at this level. The Commission is also requiring random compaction of the laterals. Mr. Savarese asked for a written directive. The Commission replied that Mr. Savarese is the Town Engineer and the decision is his to make. Mr. Savarese will submit a written directive to the Contractor.

### **PUBLIC HEARING:**

- **Motion made (KALLMEYER) seconded (LYNCH) to accept the connection at Lot 267 Prospect Avenue with a manhole. No discussion. Four in favor, one abstention (EGRI). Motion carried.**

### Additional Certified Inspector for Paving

Mr. Savarese stated the two inspectors are looking after three construction crews and two lateral crews. The paving will be starting soon. It will be very difficult to check every load of paving for temperature and for quantity. He believes it warrants having somebody there during the paving. Mr. Savarese was informed by the Public Works Director that we did get an on-call engineering surveying architectural services. Does this inspector qualify as on-call or do we have to do another bid altogether. The estimated expense is \$35-45 per hour for an inspector, approximately 50 hours a week for four to five months, about \$40,000. The Commission was in agreement.

- **Motion made (LYNCH) seconded (KALLMEYER) to approve an additional inspector for paving, either through the on-call contracting RFP that has gone out or through hiring a temporary inspector. No discussion. Motion carried unanimously.**

### Jewish Home for the Elderly

The Commission will discuss at special meeting on March 31.

### Easement Condemnations

Attorney Kokenos reported on the outstanding easement condemnation. He finally convinced the probate judge to open up an estate because finding the heirs is impossible. He just got an agreement from an attorney who would act as the fiduciary. His hope is the family will come to the table because they should be the fiduciary. This should be done soon.

Regarding a parcel owned by the State of Connecticut, Attorney Kokenos has been in conversation with the Department of Transportation to see if they have accepted our appraisal and hopefully will find out soon.

### 59 Account

Commissioner Kallmeyer stated we need to get our arms around our money. We have no idea how much is in our 59 account. There is \$4.5 million of \$500 fees plus interest, plus any excesses from the assessments. We should not ignore this.

There being no other business before the Authority,

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

The meeting was adjourned at 11:21 p.m.

Respectfully submitted,

Jenny Francese  
Clerk of the Commission