

WATER POLLUTION CONTROL AUTHORITY

Town of Trumbull

CONNECTICUT

TOWN HALL

(203) 452-5048



5866 MAIN STREET

TRUMBULL, CT 06611

Minutes

Water Pollution Control Authority

Special Meeting

September 1, 2010

In attendance:

Jeanine Maietta Lynch, Chairman
Paul A. Kallmeyer, Vice Chairman
Laura Pulie
Karen Egri, Alternate (voting)
Tim Hampford, Alternate (voting)

Also In Attendance:

Joseph Solemene, Assistant WPCA. Administrator
Stephen M. Savarese, PE/LS, Town
Engineer/WPCA Administrator
Dennis Kokenos, Esq., Town Attorney
Maria Pires, Finance Director
Daniel Nelson, Chief of Staff
Fred Mascia, Tighe & Bond, Project Manager
John Block, Tighe & Bond, Principal-In-Charge

Chairman Lynch called the special meeting to order at 7:00 p.m.

The Chairman acknowledged the residents in attendance and invited them to speak and made a motion to hear public comments.

MOTION made (Commissioner LYNCH) 2nd (Commissioner KALLMEYER) to open the floor for public discussion if anyone would like to speak prior to the Special Meeting. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Marty Shapiro, 36 Dogwood Lane. Former Board of Finance member. Addressed funding of the project, engineering and public work duties and the sewer project itself and what should and should not be included and how costs could be distributed.

Mary Beth Thorton, 24 Cherrygate Lane, representative to Town Council for District 2. Her main concerns were the same as the previous speaker. She also commented on the hiring of an engineering firm to oversee the project, believes prior problems were not engineering issues but a completion issue and this project should not be burdened with additional costs other projects did not have.

Andy Palo, 434 Dayton Road, member of the Board of Finance. He wants a compare/contrast of how things were done in the past and why are they being done differently this time.

Cindy Penkoff, 101 Columbine Drive. She does not want estimated assessments to go up because of hiring an engineering firm or because costs were reduced in Jog Hill area. She wants to see clear

justification of increases, reports showing how and why and wants to make sure all residents of Trumbull benefit from this and not just the residents of the Jog Hill area.

Dennis Miko, 9 Kenwood Lane. He wants the same benefit from this project and consideration on cross country easements that were taken out of Jog Hill project. He anticipates the same benefits reduction and assessments for the cross country easement that were given in Jog Hill to bring the assessments down.

MOTION made (Commissioner LYNCH) 2nd (Commissioner PULIE) to close the public comment portion. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

The Chairman asked Attorney Dennis Kokenos to give an update regarding the contract between WPCA and Tighe & Bond for on call engineering services for North Nichols, Contract 4. He stated the contract has been finalized and sent to the Commissioners and he is satisfied with the legal terms of the agreement. As to the proposal for scope and services he can not comment on because they are issues for WPCA. He stated there is also a contingency that it has to go to before the Board of Finance and Town Council for approval.

Documentation for additional costs, in addition to Tighe & Bond, for supplemental bonding were given to the Commission to review.

Maria Pires, Finance Director explained bonding procedures and the history of this bonding. On April 23, 2009 the Board of Finance had a bonding resolution for \$610,000 plus \$850,000 that was done previously for a total of \$1,460,000 for the Huntington Road extension. On August 13, 2009 the resolution was again amended to \$27,000,000. All bonding was for the Mark IV contract which was bided at 24,902,073 plus \$1,460,000. The \$27,000,000 included a 2% bonding fee of \$422,000. Maria explained that was the beginning of this bonding resolution. Commissioner Kallmeyer reiterated that all of the bonding was for construction.

Maria stated they are in the process of going out to bond and counsel requested a budget for each project that is going out to bond. Maria listed costs associated to this project that were not previously included in bonding resolution: residential and Stancor grinder pumps, appraisals, acquisitions, easements, maps, design, and Tighe and Bond for a total of \$28,441,693 plus 2% bonding costs of \$568,000 for a total of \$29,010,527. Discussion and questions took place on costs, previous bonding amounts, design costs, grinder pump bid, title searches, and easements.

Attorney Kokenos commented on and answered questions regarding easements, acquisitions, 20C Hilltop Circle and appraisals. He also summarized the negotiations with the State regarding 20C Hilltop Circle. Maria will look into previous bonding and Board of Finance authorizations.

Joe Solemene answered questions and addressed issues regarding easements, costs for acquisitions of the easements, inspector costs, and contingency costs. He detailed previous proceedings regarding the contracts with the Board of Finance and Town Council and on how bonding was handled. He also highlighted the Shelton Road change order and Steve Savarese said Fred Mascia estimated the costs to be about a half million dollars. A brief description of the saw cutting, trench box and shoring was given to the Commission by Joe, Steve and Fred Mascia.

During discussion it was pointed out that other major items to deal with are the buried power, Shelton Road, approximately 20 outstanding change order requests, and rock removal. Commissioner Kallmeyer stated engineering costs were always provided by the Town and the Town should absorb the cost for engineering services and that cost should not be put on this project. Discussion followed on previous projects, previous Town staffing compared to staffing now, and what Tighe & Bond is providing. John Block explained the figure was based on man hours and the tasks associated with the scope of work defined in the proposal and the amount could change and is not a guaranteed maximum price. Commission Kallmeyer again stated the Town always provided the engineering services and should continue to provide the engineering services and he does not think it is fair to include engineering on the bond and the Town should pay for it. He wants the First Selectman to put this request on the Agenda for the Board of Finance to consider. Discussion followed concerning site inspections, inspectors, verification of the work and quantities. Commissioner Hampford stated these costs are tied directly to the project and they are there to save money for the project and he believes it is a project cost.

MOTION made (Commissioner KALLMEYER) 2nd (Commissioner HAMPFORD) to request the First Selectman of the Town offer resolution to pay for Tighe & Bond. Discussion followed. ONE IN FAVOR (KALLMEYER), FOUR OPPOSED (LYNCH, PULIE, HAMPFORD, EGRI). MOTION DENIED.

Vote to approve the contract between WPCA and Tighe & Bond for on call engineering services for North Nichols, Contract 4.

Discussion included reasons for using Tighe & Bond and how utilizing these services will save a significant amount of money; the need to make sure the project works correctly, eliminate decisions made by inspectors, prevent repeat of problems that happened on previous projects, and to keep the project going forward.

MOTION made (Commissioner LYNCH) 2ND (Commissioner HAMPFORD) to approve the contract between WPCA and Tighe & Bond for the on call engineering services for North Nichols, Contract 4. Discussion followed. ALL IN FAVOR MOTION CARRIED UNANIMOUSLY.

Amendment to previous MOTION (Commissioner LYNCH) 2nd (Commissioner PULIE) to Amend Motion to approve the contract between WPCA and Tighe & Bond for the on call engineering services for North Nichols, Contract 4 in the form agreement of the contract that was submitted to the Commission in its packet for today's meeting which contract is subject to Board of Finance approval and Town Council approval and which contract currently has a bond resolution amount of \$961,000.00. ALL IN FAVOR. AMENDMENT CARRIED UNANIMOUSLY.

Vote to approve an additional \$2,010,000 to the existing \$27,000,000 bond authorization for North Nichols, Contract 4 for a total bond authorization of \$29,010,000.

Further discussion took place regarding the items that were discussed earlier which included:

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| \$ 336,000 | grinder pump installation |
| \$ 86,016 | grinder pumps |
| \$ 17,450 | appraisal PO's |
| \$ 171,300 | acquisitions of easements |
| \$ 145,000 | Hilltop Circle – acquisition |
| \$ 76,000 | map invoice #13574 |

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| \$ 1,750 | map invoice #13715 |
| \$ 1,200 | map invoice #13911 |
| \$ 5,100 | map invoice #13917 |
| \$ 570,402 | design – Spath |
| \$ 1,000 | design invoice #13567 |
| \$ 20,401 | design invoice #13592 |
| \$ 875 | design invoice #1361 |
| \$ 270 | design invoice #13697 |
| \$ 5,988 | design invoice #13918 |
| \$ 2,000 | design invoice #13920 |
| \$ 3,600 | design invoice #14132 |
| \$ 105 | design invoice #14152 |
| \$ 500 | design invoice #14158 |
| \$ 961,000 | Tighe & bond |
| \$ 80,000 | additional inspector fees |
| \$ 1,997 | electric invoice #01-3232 |
| \$ 121 | invoice #9786 – Automatic Rain Inc |
| \$ 900,000 | contingency costs |

Maria Pires stated the total is \$30,010,127. Commissioner Lynch requested the additional amount for the funding request and the total amount of the new bond authorization:

Maria Pires provided the following:

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|---------------------|--------------------------|
| \$28,441,693 | before the bonding costs |
| \$ + 80,000 | inspector costs |
| <u>\$ + 900,000</u> | contingencies |
| \$29,421,693 | Total |
| <u>\$ + 588,434</u> | 2% bonding cost |
| \$30,010,127 | Grand total |

The additional amount of bond resolution (\$30,010,127 - \$27,000,000) equals \$3,010,127.

Maira Pires stated she will review the Board of Finance minutes to verify the \$300,000 bond amount.

Attorney Kokenos addressed the issue of the easement for 20C Hilltop Circle and stated that the \$145,000 is the ceiling amount. He also highlighted the Tighe & Bond contract's language regarding obtaining approvals according to Town Charter and he will also look into the request for overhead utilities versus underground utilities.

MOTION made (Commissioner Lynch) 2nd (Commissioner PULIE) to approve the additional \$3,010,127 of bond resolution to the existing \$27,000,000 bond authorization for North Nichols, Contract 4 for a total bond authorization of \$30,010,127. Discussion followed. FOUR IN FAVOR (LYNCH, PULIE, HAMPFORD, EGRI), ONE OPPOSED (KALLMEYER). MOTION CARRIED.

Invoice approval – Mark IV Construction Company, Inc., Application Number 12, Phase IV Part B, Contract 4, North Nichols Project.

Steve Savarese stated the invoice was included on the Agenda because the Commission did not meet in August and payment is due.

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Discussion took place regarding invoice items. Fred Mascia explained some items on the invoice and indicated the project is about 48% complete. Chairman Lynch questioned whether or not Mark IV applied for the DEP permit and Mr. Mascia indicated they have not made application yet and he briefly summarized the status to date. This subject will be discussed in more detail at another time. The issue of drainage was also discussed. That issue and other bid line items will be followed up at the next meeting, possibly in executive session. Commissioner members should e-mail the Clerk, with a copy to Attorney Kokenos, items they want included on the Agenda for the executive session.

Steve Savarese informed the Commission that there have been a lot less complaints regarding traffic, road closures and other issues. The estimate for police is close to being exhausted and they are aware of it.

MOTION made (Commissioner PULIE) 2nd (Commissioner KALLMEYER) to approve invoice number 12 for the amount of \$869,140.27. Discussion followed. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

The Commissioners will pick up meeting packets for review prior to scheduled meetings.

There being no other business before the Authority,
MOTION made (Commissioner LYNCH) 2nd (Commissioner HAMPFORD) to adjourn at 9:20 p.m. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

The meeting was adjourned at 9:20 p.m.

Respectfully submitted,
Joyce Augustinsky
Clerk of the Commission