

WATER POLLUTION CONTROL AUTHORITY

# Town of Trumbull

CONNECTICUT

TOWN HALL  
(203) 452-5048



5866 MAIN STREET  
TRUMBULL, CT 06611

## MINUTES

### Water Pollution Control Authority February 10, 2011

In attendance:

Jeanine Maietta Lynch, Chairman  
Paul Kallmeyer, Vice Chairman  
Ennio DeVita  
Laura Pulie (left meeting at 8:50)  
Karen Egri, Alternate (voting)

Members absent:

Timothy Hampford

Also In Attendance:

Joseph Solemene, Assistant WPCA Administrator  
Stephen M. Savarese, PE/LS, Town Engineer  
Dennis Kokenos, Esq., Town Attorney (arrived at 7:40)  
Fred Mascia, Tighe & Bond, Project Manager  
John Braccio and Christine Kurtz, Wright-Pierce

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

The Trumbull Water Pollution Control Authority held their January monthly meeting (postponed from January 26, 2011) on Thursday, February 10, 2011, in the Long Hill Room, Trumbull Town Hall. Chairman Jeanine Maietta Lynch called the meeting to order at 7:30 p.m.

A moment of silence was taken to remember long time resident and Board of Finance Chairman, Bill Crooks.

MOTION made (Lynch) 2<sup>nd</sup> (Kallmeyer) to move up on the Agenda item number 6 sub-item Election of Officers for 2011. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS:**

Election of Officers – 2011. Commissioner Pulie nominated Jeanine Maietta Lynch as Chairman. There being no other nominations, a vote was taken.

MOTION made (Pulie) 2<sup>nd</sup> (Kallmeyer) to nominate Jeanine Maietta Lynch as Chairman. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Chairman Lynch nominated Paul Kallmeyer as Vice Chairman. There being no other nominations, a vote was taken.

MOTION made (Lynch) 2<sup>nd</sup> (Pulie) to nominate Paul Kallmeyer as Vice Chairman. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Commissioner Kallmeyer nominated Laura Pulie as Secretary. There being no other nominations, a vote was taken.

MOTION made (Kallmeyer) 2<sup>nd</sup> (Egri) to nominate Laura Pulie as Secretary. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2<sup>nd</sup> (Egri) to move up on the Agenda item number 4 Invoice Approval. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

**INVOICE APPROVAL:**

Mark IV Construction Co., Inc., Phase IV, Part B – Contract 4 – North Nichols Project, Application #17 dated January 21, 2011 in the amount of \$527,955.15. Fred Mascia stated the invoice represents work up to January 17, 2011. It was noted that item number 68 trench excavation-rock is at 82%. He also said completion of main line pipe for the entire project is at 66%. The Commission questioned and discussed the lack of quantities listed on the invoice. They also discussed the numerous items that are over or close to being over 100% and recourse and renegotiating item prices that go over 25% of the bid price that will be addressed close to the end of the project. Discussion took place regarding the invoice form and Commission DeVita was asked to submit a different form for the Commission to review.

MOTION made (Lynch) 2<sup>nd</sup> (Pulie) to approve invoice number 17 in the amount of \$527,955.15. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2<sup>nd</sup> (Pulie) to move up on the Agenda item number 2 Tighe & Bond sub-item Change Orders. No Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

**TIGHE & BOND:**

Change orders. Change Order R32 11/02/10 Shelton Road – additional concrete pavement removal. Fred Mascia stated he verified all quantities, re-measured and verified all concrete pavement that was removed. He also said it is a valid change order and it is at the same unit prices that were previously approved. It is noted for the record that the Commission will revisit this when they look over all the quantities at the end.

MOTION made (Kallmeyer) 2<sup>nd</sup> (Lynch) to approve November 2, 2010 change order R32 Shelton Road for additional concrete pavement removal. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2<sup>nd</sup> (Kallmeyer) to continue with item number 2 Tighe & Bond the remaining sub-items Progress Report and Pavement Coring. No Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Progress Report. Fred Macia noted weather has been a factor and this is the first week since the beginning of the year that Mark IV got five full days in. He gave a summary of the contractor's work, locations, air testing, and conditions which included excessive ground water areas. He also said the contractor was waiting for the value engineering plans to be completed. Fred explained they are working on Golden Hill and as expected there is rock almost up to the surface and it is slow going. At this time there are two crews working and they are catching up on air testing. The ground water issue was discussed and Fred said they are waiting for the contractor to come back with a plan. The borings around Dogwood Pond have been completed and are being reviewed.

Pavement Coring. The pavement coring is complete and the preliminary recommendations were given to and are being reviewed by John Marsilio the Public Works Director.

MOTION made (Lynch) 2<sup>nd</sup> (Pulie) to move up on the Agenda item number 6 sub-item Tighe & Bond accounting - billing statement. No Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

**Tighe & Bond accounting – billing statement.**

The Commission reviewed and discussed Tighe & Bond Inspection Services spreadsheet showing expenditures and balance as of January 27, 2011.

MOTION made (Lynch) 2<sup>nd</sup> (Kallmeyer) to move item number 5 sub-item Donald and Marylou Greer, 100 Teeter Rock Road – trees up on the Agenda. No Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

**OLD BUSINESS:**

Donald and Marylou Greer, 100 Teeter Rock Road – trees. Donald and Marylou Greer and their attorney James Cordone were present. Attorney Cordone stated the Greers purchased 100 Teeter Rock Road in 1982. The 18 white pine trees along the property boundary line between the Greer’s property and the vacant lot were planted by the previous owner. He stated the Town is in the process of obtaining an easement on the vacant lot to construct a sanitary sewer line and it is the Town’s obligation to restore any disturbed property as nearly as possible to its original condition. He submitted a copy of the easement, photographs of the area showing the trees and an estimate from Jim’s Tree Service into the record. The homeowners are requesting the easement be moved and not disturb the trees or be compensated for the trees. Discussion included location of the easement, compensation, condition and appearance of the trees prior to and after the work, height of the machinery that will be used, removal and/or trimming of branches, State Law referencing destroying and/or damaging trees, root pruning, and concerns voiced by Mr. and Mrs. Greer.

Donald Greer stated they are also concerned about the appearance of the trees after the branches are removed. Marylou Greer inquired about moving the easement and Attorney Kokenos explained the reasons why it is not an option and summarized the history of trying to obtain the easement. He also addressed two speculative issues, one that the trees are going to die and two that they’re going to look ugly in the process of them dieing. Attorney Kokenos also mentioned that he would suggest an escrow be set up if any compensation takes place. The homeowners also said after the work is done they want the slope returned to the condition it is now. The Commission explained all other options have been exhausted and the location of the pipe can not be moved. No work will be done on the property until after the next meeting and until the easement is signed.

Commission Pulie left the meeting at 8:50 p.m.

**Minutes to previous meetings:**

December 15, 2010 the following corrections and/or additions were requested:

Page 2, last sentence: “Commissioner DeVita stated that the area of the portion of the road which was relocated has been raised, and the fill could be ten feet high, and he did not anticipate too much rock, but we won’t know until the area is predrilled.”

Page 3, 4<sup>th</sup> sentence: “As he understands, the town moved that portion of the road.”

Page 3, addition to the last sentence: “Ms. McMahon has two choices, stay in Contract IV assessment, which includes the installation of the pump by the Town, or be in the old contract assessment, but the pump installation would be done at the owners’ expense. Electrical work will be done by the owner in each case. Ms. McMahon will get back to the Commission with her decision.”

MOTION made (Lynch) 2<sup>nd</sup> (Kallmeyer) to approve the Minutes of the WPCA for the December 15, 2010 meeting with the three changes that were discussed. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

January 5, 2011 no corrections and/or additions were requested.

MOTION made (Lynch) 2<sup>nd</sup> (Egri) to approve the WPCA special meeting Minutes of January 5, 2011. No Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

**Wright-Piece:**

Plan of action for I&I Study and Feasibility Study drafts. I&I Study. John Braccio and Christine Kurtz were present and John Braccio summarized the I&I study. Based on the study the sewer system evaluation is next and

then implementation of the study's findings. The draft report is complete and review comments from Commissioner Kallmeyer have been incorporated into the recommended plan which has steps phased over a four year period. After the WPCA's approval the next step is to submit the report and agreement to the DEP with a Clean Water Fund application for the whole amount. Once the WPCA advises Wright-Pierce that they agree with the study and the recommended approach to satisfy the first part of the NOG they are committing to proceed with the work. The first phase for this current fiscal year is to do the evaluation of the two pump stations. In subsequent years the next three phases are the investigations of the collection system by TV inspections, smoke testing and house to house testing. The up-dated final report will be sent to Commissioner Kallmeyer to review prior to the next meeting and the I&I Study will be put on the February 23<sup>rd</sup> meeting Agenda. Christine Kurtz briefly highlighted the application process.

Feasibility Study. The draft report was submitted in December and Commissioners Kallmeyer and Hampford will meet with John Braccia and Christine Kurtz to discuss the report. Wright-Pierce has a presentation planned to highlight the report.

### **OLD BUSINESS:**

Discussion: Status of Town's audit of the 59 and 20 accounts and Discussion: Status of the RFQ for the WPCA's independent audit of the 59 and 20 accounts. The Commission reviewed and discussed information from Maria Pires regarding Fund #20. The Commission wants Ms. Pires to attend the next WPCA meeting to discuss the Town's audit of the 59 and 20 accounts and also wants an up-dated monthly report from Finance. The Commission clarified that there are two separate audits the WPCA's independent audit and the Town's audit which is being done by McGladrey & Pullen.

Discussion: Status of the RFQ for the WPCA's independent audit of the 59 and 20 accounts. Commissioners Kallmeyer and Egri provided the Commission with the draft RFP they prepared for the independent audit. Commissioner Kallmeyer gave a brief history and synopsis for the scope of services and information to be included in the RFP. It was noted that the requested scope of services also includes background. Commissioner Kallmeyer asked the Commissioners to review the draft and e-mail any comments to him so this matter can be voted on at the February 23<sup>rd</sup> meeting.

### **NEW BUSINESS:**

Discussion: Delinquent sewer use fees. Chairman Lynch summarized her discussion with the tax collector's office regarding the process, procedure and policy on collection of delinquent sewer use charges and the collection of liens. Attorney Kokenos explained the process they use for delinquent taxes and said he is working with them to up-date procedures and establish criteria and policy. Delinquent sewer use fees will be put on the Agenda for the March meeting.

### **OLD BUSINESS:**

Discussion: Owens, Schine & Nicola retainer information regarding Mark IV Arbitration. Attorney Kokenos recapped the bill for services rendered through December 23<sup>rd</sup> and said the bulk of the funds that were used from the retainer was for the AAA arbitration filing. He will provide the Commission with an up-date at the March meeting.

### **NEW BUSINESS:**

Discussion: Increase in unit charge. The last time the maintenance or unit charge was increased was four years ago. Joe Solemene stated in 2006 it was \$20.50 and it is currently \$23.83. Discussion included an explanation of how the charge is calculated, examples of how the funds could be split into separate sub-accounts in the 59 account, charging a surcharge, funds for capital improvement and whether or not the WPCA is allowed to build a reserve. In the future the Commission will address the averaging used for billing. Attorney Kokenos will research sewer charges and fees. This item will be put on the Agenda for the March meeting.

**EXECUTIVE SESSION:**

MOTION made (Lynch) 2<sup>nd</sup> (Egri) to close the regular meeting of the WPCA for February 5, 2011 and move into Executive Session at 10:00 p.m. to discuss with the Town Attorney strategy and negotiations with respect to pending litigation as defined by 1-200(6) and/or to discuss attorney client-privileged information as set forth in 1-210 relating to the following:

- Discussion/Status: Mark IV Arbitration, Contract IV, North Nichols

No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Attending the Executive Session: Commission members Jeanine Maietta Lynch, Paul Kallmeyer, Ennio DeVita and alternate Karen Egri, Attorney Kokenos, Steve Savarese and Joe Solemene. At 10:00 p.m. the tape recorder was turned off, the Clerk left the room and the Commission went into executive session.

The Clerk was called back into the room at 10:50 p.m. and the recorder was turned on.

MOTION made (Lynch) 2<sup>nd</sup> (Kallmeyer) to close the executive session at 10:50 p.m. and to state for the record that no vote was taken during the executive session. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Attorney Kokenos informed the Commission that the WPCA item that was on the Town Council Agenda for February 7, 2010 passed.

MOTION made (Lynch) 2<sup>nd</sup> (Egri) to close the regular meeting of February 10, 2011 at 10:53 p.m. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Submitted by,

*Joyce Augustinsky*  
Clerk of the Commission