

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 June 15, 2011

Members Present:

Jeanine Maietta Lynch, Chairman
Paul Kallmeyer, Vice Chairman
Laura Pulie
Ennio DeVita
Timothy Hampford (arrived 7:40)
Karen Egri, Alternate (voting until T. Hampford arrived)

Also Present:

Joseph Solemene, Assistant WPCA Administrator
Dennis Kokenos, Esq. Town Attorney (arrived 7:30)
Roberta Rubenstein, Assistant Tax Collector (left 9:00)

Members Absent:

None

Chairman Lynch called to order the special meeting for the Trumbull Water Pollution Control Authority for June 15, 2011 in the Long Hill Room at 7:10 p.m.

1. David Briganti, 23 Dogwood Lane: Easement.

Joe Solemene highlighted the private easement request by Nicholas Karayeanes of 22 Dogwood Lane to David Briganti of 23 Dogwood Lane. Mr. Solemene gave the Commission copies of his Memo and costs analysis dated May 19, 2011, a copy of plan showing the location and a copy of Attorney's Reale's June 15 letter stating he represents David Briganti with regard to the easement. The easement will allow Mr. Karayeanes to tie directly into the cross country line and eliminate the pump system and eliminate main line construction in Dogwood Lane with a potential savings of about \$36,000.00. He also told the Commission they were looking for compensation in the neighborhood of about \$6,000.00 each for driveways. Discussion included lateral price, compensation and repairs to both driveways, elimination of a manhole and part of the line on Dogwood, possible project savings and service for 26 Dogwood. The Commission wants more facts and clarification on the repairs before they make a decision and Commissioner DeVita suggested going to the site. They stated they did not have a problem with the concept but would like to have more information. The Commission wants answers and/or confirmation for the following: 1) Why is the request to pay for 2 driveways when only 1 will be cut? 2) Confirmation this will not affect the connection for house number 26. 3) Concept was to approve the repair of the saw cut in the driveway and that would be all. The Commission continued this item to the next meeting on June 22, 2011.

Commissioner Kallmeyer suggested Agenda item number 3 be taken next and he provided the Commission with a handout.

MOTION made (Lynch) 2nd (Pulie) to move Agenda item number 3 billing procedures up on the Agenda. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Attorney Dennis Kokenos arrived at 7:30 p.m.

3. Leaks and irrigation issues.

Leaks. Commissioner Kallmeyer highlighted his handout “Discussion points concerning NEW USER FEE BILING PROCESS” for the record and a copy is attached and made a part of these Minutes. The discussion that followed included unit fees, change to consumption billing, deductions to Bridgeport for leaks and flows that do not go into the sewers. Further discussion took place regarding actual consumption billing which will result in charges for all water used and suggestions on ways to notify and warn users that within approximately 2 years if you have an irrigation system you’re going to have to either install a separate meter at your expense with a potential rebate or if you don’t you’re going to be paying for that irrigation as consumption. It would have to be determined if it would be done as a policy issue or as an Ordinance and Attorney Kokenos will look into it. The Commission wants to deduct billing adjustments and credits from payments to Bridgeport.

Irrigation issues:

Commissioner Kallmeyer questioned if the Commission wants to make 2 billing changes and Chairman Lynch stated there are 2 distinct billing issues. Discussions included irrigation systems, separate meters, verification of second meter, meter readings, policies and strategy, finding out the estimated cost of a meter, rebates, obtaining an estimated number of irrigation systems in Town, deciding if it will be done by a policy, a rule of regulation or an Ordinance and setting the rebate amount and determining how it will be funded. Roberta Rubenstein will request information from Computel showing the number of irrigation systems in Town.

Discussion took place regarding adjustments for leaks and irrigation systems and if the Commission wanted a legal opinion for both. The Commission requested a legal opinion for leaks and Attorney Kokenos said he will have it for the next meeting. It was mentioned that there is a meeting with Bridgeport scheduled for Friday.

Commissioner Hampford arrived at 7:40 and is now voting and Commissioner Egri is no longer voting.

2. Billing procedures:

As to leaks. Commissioner Paul Kallmeyer referenced and read his “POLICY regarding water service leaks” into the record and a copy is attached and made a part of these Minutes. Discussion addressed proposed ways to handle leaks and adjusting bills after Aquarion makes an adjustment and using averaging based on prior quarters to make billing adjustments. Roberta Rubenstein summarized the prior adjustment procedure that was used to make an adjustment to a sewer usage bill. Further discussion focused on some of the proposed points referenced in the “POLICY” handout included deducting the difference between the actual and the adjusted consumption from Bridgeport’s invoice whenever an adjustment is done. Another proposal discussed was that the WPCA will file a written complaint with the DPUC whenever Aquarion fails to make a reasonable adjustment on a water bill. After the Tax Collector’s Office receives verification from Aquarion that they made an adjustment to their bill the Commission authorized the Tax Collector’s Office to also adjust the sewer usage bill and to follow the same protocol that was previously used to make an adjustment. Aquarion usually adjusts their bill in half and then the Tax Office and the sewer coordinator do an averaging and adjusts the sewer usage bill accordingly. The only difference in the new proposed adjustment policy is that it will be deducted from Bridgeport and the complaint notification to the DPUC. It was suggested to advise Bridgeport monthly of the adjustments but the deduction will occur at the time of the year end true up. The Commission requested a policy be drafted and will be reviewed and voted on at the next meeting.

As to Consumption. Transition to actual consumption billing, average billing in arrears or quarterly billing for actual usage, adjustments and final readings for closings were some of the topics that were discussed. Issues the Commission has to determine are what steps need to be set to make and implement the new policy,

establish a time frame, cost of installing a second meter, ways to inform the users of the billing change, and if the billing transition could be done during the 2 averaging quarters. It was suggested to set up an informational meeting in September or October to discuss and explain the new billing. The Commission wants to make sure the users are aware of the new billing procedures prior to it being implemented. Some suggested ways to alert residents of the billing change are a notice enclosed with the next sewer user bill or written on the bill itself, notices posted on the Town web site, Trumbull Patch, Channel 17, press releases in the CT Post newspaper and Trumbull Times and informational meetings. Commissioner Kallmeyer offered to write a press release to be reviewed by the Commissioners. Consumption billing might result in a reduction in the consumption portion of the bill and the Commission will look into that aspect. A tentative time frame for the informational meeting will be early October. The Commission will try to get the information ready so that it can be included with the August 2011 sewer usage billing.

Assistant Tax Collector Roberta Rubenstein had a billing issue that needed to be addressed and requested it be added to the Agenda under Agenda item 5.

MOTION made (Kallmeyer) 2nd (DeVita) to move Agenda item number 5 any other business that may come before the Authority up on the Agenda and a letter from Roberta Rubenstein regarding 5048, 5050 and 5052 Main Street be added to the Agenda under Agenda item number 5. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY. (Commissioner Egri voted in place of Commissioner Lynch.)

5. Any other business that may come before the Commission:

Sewer usage billing for 5048, 5050 & 5052 Main Street was added to the Agenda.

Roberta Rubenstein submitted into the record, a copy is attached and made a part of these Minutes, her Memo to Joe Solemene dated June 15, 2011 summarizing the current billing situation involving 5048, 5050 & 5052 Main Street that the tax collector's office became aware of after a lien was placed on the property. The water company confirmed that there is 1 water meter for all 3 addresses and the tax office learned there are 3 gas meters for these addresses. Mrs. Rubenstein stated this problem with the billing has been going on since February 1999 and was not detected because we were doing flat rate billing. Currently 5048 is being billed consumption and 5050 and 5052 are being billed flat rate with 5048 paying the consumption for all 3 addresses. What it breaks down to is we are getting consumption for one unit and then we're billing consumption again for 3 units. Mrs. Rubenstein gave a short synopsis of documentation recorded on the land records regarding arrangements for water bill payments. The Commission agreed that 5048 is responsible for the bill and it was pointed out that we have also been billing 5050. Installation of additional water meters was also discussed. It was pointed out that the documentation pertaining to payment of the water bill has nothing to do with us. Mrs. Rubenstein stated since there is only one meter there should only be one bill and let them decide how to divide it. She recommended that the money paid by 5050 be applied to 5048, but only the consumption portion would be deducted. To date they have only been billed one maintenance fee and the other house should also be billed the maintenance fee. If the Commission grants the tax collector's office authorization to do the transfer of the monies then it has to determine whether or not to leave it as one account and the number of maintenance fees to charge. Roberta reiterated that we should do one bill just like the water company and let them figure it out. Attorney Kokenos stated the language on the Warranty Deed regarding sharing the water readings is a contractual obligation and not the Town's responsibility. It was the consensus of the Commission that the consumption portion paid at 5050 be transferred, as recommended by Roberta Rubenstein, to 5048's account. The Commission agreed that 3 flat rates will be billed to 5050 and 100% of the consumption will be billed to 5048. The Commission requested the tax office try to obtain the account names for the three gas meters so they can be used for the sewer usage bills.

4. F.O.G. Ordinance RE: discussion on fees, fines, etc.

The Chairman stated the Commission has to implement the policies so the Town Council can proceed to a vote. Examples of fees and fines from other Cities and Towns were reviewed and discussed. Commissioner Hampford read a general statement from Stamford’s Ordinance regarding a time schedule for violations. Attorney Kokenos relayed his conversation with Patrice from the Health District regarding her willingness to do interior inspections and notifying the WPCA of violations. She informed him that the enforcement of violations is not something the Health District can do.

Attorney Kokenos proposed the following general statement for the violations and fines: Installation, maintenance and time required to correct violations including, but not limited to the ones listed below shall be set at the discretion of the WPCA.

Joe Solemene explained that a letter will be sent out to all class 3 or 4 food preparation establishments notifying them that this is a mandate and we will be following it. The policies regarding fees and violations will be included with the letters to the food preparation establishments.

The following fees and fines were discussed and the Commission requested it be put on next week’s agenda to be implemented as policy.

Fees:

Initial Application	\$100.00
Renewal Application	\$ 50.00
Late Fee - 1 st 30 days—thereafter it goes under the violation section	\$ 25.00
Failure to remit records	\$100.00
Disallow an inspection	\$100.00
Failure to maintain records	\$100.00
Failure to maintain interceptors in proper working order	\$500.00 (starting on day 8)
Failure to clean out interceptor-clean quarterly or when 25% filled	\$500.00 (starting on day 8)
Source of sanitary sewer blockage	not less than \$500.00/not more than \$10,000.00
Source of sanitary sewer overflow	not less than \$500.00/not more than \$10,000.00
Falsification of records	\$1000.00

Violations:

Days from inspection to correct Violation:

Equipment not registered	30 days
Installation violations (outdoor and indoor)	90 days
Operational violations	30 days
Failure to remit records	30 days
Disallow an inspection	30 days
Failure to maintain records	30 days
Failure to maintain interceptors in proper working order	7 days
Failure to clean out interceptor	7 days
Source of sewer blockage (minimum)	24 hours
Source of sanitary sewer overflow (minimum)	24 hours

Installation, maintenance and time required to correct violations including, but not limited to the ones listed above shall be set at the discretion of the WPCA.

The above will be WPCA policies and shall not be part of the F.O.G. Ordinance.

MOTION made (Lynch) 2nd (Hampford) to adjourn the special meeting of June 15, 2011 at 9:30 p.m. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Submitted by,

Joyce Augustinsky

Discussion points concerning NEW USER FEE BILLING PROCESS

PAK-061511

(. . . this is a 'first cut' at it . . .)

The purpose of this paper is to help in creating a change from the current billing method (summer/winter quarters, and with the "irrigation" penalty) to a system that bills for all of the actual consumption. This paper presumes that residents will install water meters dedicated to their irrigation systems so that irrigation flow can be subtracted from the domestic consumption.

What needs to be done:

- Take formal action to identify irrigation water as not billable under the current Bpt/Trum Wastewater Treatment Contract.
- Promulgate a WPCA Requirement/Rule/Regulation that all irrigation systems must have a metering system that can separate that flow from the domestic consumption, and the readings of these meters must be read by the local water company. The water company shall report to the WPCA domestic consumption portion of the water use. [We should likely hold a Public Hearing before doing this.]
- The Regulation shall take effect July 1, 2013 (one year from the date of the expiration of the current Bpt/Trum Contract
- The WPCA shall notify all Users of this Regulation, and warn them that they have approximately 2 years to install the new meters.
- We should estimate the number of residential irrigation systems. Knowing this, and the estimated cost of the installation of the new meters, calculate a "rebate" that will be provided by the WPCA to any homeowner to help with the cost of said irrigation meter.
[Strategy: The current method costs *everyone* \$500,000 +/- . If there are 400 irrigation systems, and if the new meter installation costs \$1,000 per household, we could consider a 1/3 rebate . . . \$333. $\$333 \times 400 = \$133,200$. The rebate takes the sting out of this homeowner expense, and the effect is to quicken ALL of our losses. It is spending a possible up-limit one-time of \$133k, to avoid paying for the \$500k annually. These numbers need verification.]
- There will be no rebate for non-residential properties, including condos, multifamily, apartments, etc.
- Immediately inform the residents thru bill inserts, a press release, and the Trumbull website (besides the Public Hearing notice and the newspaper story that might result there from).
- Immediately start deducting any known irrigation flows from the calculations for the "consumption" payments to the City of Bpt's WPCA
- Clarify what we already believe is true about these flows* in the re-negotiated successor Contract.

If this policy and strategy is implemented, should we really change the current methodology, only to change again in 2 years?

RECEIVED

JUN 15 2011

Water Pollution
Control Authority

*That separated irrigation flow is not "consumption" under the terms of the contract.

Gmail - POLICY regarding water service leaks

https://mail.google.com/mail/?ui=2&ik=d261cd5095&view=pt&q=w...



Paul Kallmeyer <pak.pels@gmail.com>

POLICY regarding water service leaks

Paul Kallmeyer <pak.pels@gmail.com>

Tue, Apr 26, 2011 at 4:23 PM

To: Jeanine Maietta Lynch <jraygolf@earthlink.net>, Ennio De Vita <e.devita@att.net>, Karen Egri <karenegri@sbcglobal.net>, Laura Pulie <lpulie@charter.net>, "Timothy P. Hampford" <thampford@hampfordresearch.com>, "Kokenos, Dennis J." <djk@osn-pc.com>, Stephen Savarese <ssavarese@trumbull-ct.gov>, Joe Solemene <jsolemene@trumbull-ct.gov>, John Marsilio <jmarsilio@trumbull-ct.gov>

I think it is time we changed the policy for water service leaks. The Aquarion method of 'cutting the baby in half' is grossly unfair. So when our policy follows theirs, the results on our residents is patently unfair. If Aquarion could be reasonable, the old policy could work. I am disappointed that I never knew that our policy created this level of distrust for the programs of government; our policy is not credible. We can do simple math better than Aquarion can.

I would like to propose the following as our policy for future or current water service leak issues, as well as proposing a strategy for a business plan to deal with the ramifications of such a policy.

- The Town must determine that the leak is inconspicuous to said owner. Toilet leaks, pool fillings, etc, which may appear as a higher usage on a bill, i.e. a billing incompatible with a simple review of past billings, would not apply. And the leak must be corroborated in this manner by Aquarion.
- The town would look back to 8 consecutive billings and establish what they feel is a reasonable average or mean usage had that kind of leak not occurred.
Example for n/f Barchem, 472 Daniels Farm Rd: (based on only 6 readings, not 8) **17 CCF**
- The User Fee would be based on the 17 CCF. Any penalties or interest that were charged the resident would be "written off" (or whatever the right terminology might be) presuming that the resident promptly pays the fees associated with the adjusted consumption.
- In order to qualify for the WPCA adjustment, the resident must also seek an fair adjustment from Aquarion. (This is for our use; see below).
- The difference between the actual and adjusted fees will be subtracted from the WPCA's invoice to Bridgeport's WPCA. The water could not possibly have gone "down the drain".
- When (or if) this adjustment part of the policy is enacted as part of the policy, notice of such change will be sent to notify the BWPCA.
- Each time that Aquarion fails to adjust consumption in an unreasonable manner, the TWPCA shall file a written formal complaint with the DPUC.
- The Sewer Administrator shall develop a list of Connecticut municipalities that bill User Fee's based on water company consumption. The purpose of the list will be to
 - (A) acquire from them their rules and regulations about consumption based billing (Also from the APWA as a national baseline) and
 - (B) to ask that those municipalities join us in formal complaints about their water companies IF those water companies use similar draconian methods as Aquarion.

Our WPCA subsidizes sprinklered lawns to the tune of over \$500,000 a year. Mr. Barcham is right when he says that that policy is ridiculous especially when compared to the leak policy we have. The leak as defined above is not the residents fault. "Overtaxing" the residents who don't have a sprinkler is the WPCA's fault.

I hope this is a good starting place for discussion. All comments, corrections and additions will be considered! We may need the Tax Collector and possibly the Town Attorney to approve of this policy. With regard to the effect on the BWPCA billing, I consider our actions to be appropriate under our contract. If the BWPCA disagrees, there are provisions in the Contract for them to arbitrate.

Roberta Rubinstein

From: Roberta Rubinstein
Sent: Wednesday, June 15, 2011 2:59 PM
To: Joe Solemene
Cc: Joyce Augustinsky; Donna Pellitteri; Mary C. Moran
Subject: Sewer usage billing for 5048, 5050 & 5052 Main Street, Trumbull, CT

To all the members of the Sewer Commission:

Recently, a Demand letter was sent by Donna Pellitteri, in the Tax Office, to the owner of 5048 Main Street for a total of unpaid sewer use charges of \$6,858.17. Mrs. Souza then brought to my attention a very unusual arrangement that must be addressed by the Commission so that the billing on the properties located at 5048, 5050 & 5052 Main Street can be corrected.

Donna, in checking the Town Clerk's records found that in Book 297 Page 102 dated 6/5/74, that there is only one water main/meter to service 5048 & 5050 Main Street and that each party will pay 2/4ths of the water bill. This agreement was again mentioned in the Warranty Deed in Book 1250 Page 428. Since the Sewer Commission or I was aware of this, the town has been billing the owner of 5048 Main Street, a bill based on all the water when in fact only part of this water pertains to that address. There is also an account for 5050 (aka 5052 Main Street) but it is a flat rate as there is no meter listed with Aquarion.

At our insistence, Beverly from Aquarion, went out to verify this situation. She verified that this is the situation that exists and that because this is a State Road, it would cost an exorbitant amount to put another water line in. When asked about the number of inhabitants in 5050/5052, she said that there are three gas meters and it her best estimate there were about 15 people living there. Mrs. Souza, in her own admission, stated that there is an in-law apartment in 5048 Main Street, and that there is a total of 7 people living in her house.

Since there are two bills, 5048 Main St which is based on actual usage and 5050/5052 that is charged a flat rate, I feel that 5048 Main Street has been double billed. I would like the authority to remove the consumption portion on the flat rate bill for 5050/5052 apply this amount to the bill on 5048 Main Street and adjust the interest accordingly. It is up to the Sewer Commission to determine how far back I should go.

At the next meeting, scheduled for next week, I will need the Sewer Commission to decide on how the future bills will be calculated.

Sincerely,

Roberta S. Rubinstein
Assistant Tax Collector

6/15/2011