

WATER POLLUTION CONTROL AUTHORITY
Town of Trumbull
CONNECTICUT

TOWN HALL
(203) 452-5048



5866 MAIN STREET
TRUMBULL, CT 06611

MINUTES
Water Pollution Control Authority Meeting
Wednesday July 27, 2011

Members Present:

Jeanine Maietta Lynch, Chairman
Laura Pulie
Ennio DeVita
Timothy Hampford

Members Absent:

Paul Kallmeyer, Vice Chairman
Karen Egri, Alternate

Also Present:

Stephen M. Savarese, PE/LS, Town Engineer
Joseph Solemene, Assistant WPCA Administrator
Dennis Kokenos, Esq., Town Attorney
Fred Mascia, Tighe & Bond, Project Manager
Christine E. Kurtz, Wright-Pierce
Neal L. Moskow, Esq.

The Chairman called to order the regularly scheduled meeting of the Trumbull WPCA for July 27, 2011 in the Long Hill Room at 7:30 p.m.

MOTION made (Lynch) 2nd (Pulie) to go out of order and move Agenda item number 2 up on the Agenda. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY

2. Resident Request.

Martha Accardi, 23 Teeter Rock Road: Elimination of individual grinder pump system. Martha Accardi was present and passed out copies of the proposed sanitary sewers plan showing her property. She stated they built the home in 1978 and has never had a problem with the septic system. She stated she recently found out her house needs a pump system and she was also told because of cut backs from the Town they decided to put in pumps. She does not want a pump system she wants a gravity connection. She also said she never received any notification or information from the Town about the sewer installation and the contractor told her about the pump system. Inspector Kurt Goldbach from Tighe & Bond did an inspection and told her she could get gravity towards the Huntington Turnpike side. However when they dug the next day they realized there was a water main issue and she could not be hooked up to the Huntington Turnpike side. She told the Commission that Inspector Clair Garard re-inspected the pipes in the basement and he confirmed Kurt's findings that the only way she would get gravity sewers was by drilling a hole in the foundation to hook up to the Huntington Turnpike connection. She also said Clair told her to request an extension of the sewers to the Dogwood Lake area where the gravity would work perfectly from her property and she was under the impression other people had obtained extensions and received exceptions in the Nichols and Jog Hill areas already. The Commission informed her that information is not correct. She indicated her property is one dwelling away from the gravity sewer and she is not concerned about the extra cost and she stated the Town's extra cost is not her fault. She does not want the responsibility of future pump maintenance and electrical expense she also does not feel it will enhance her property value and she just doesn't want the responsibility and she respectfully requested an extension of the gravity sewer from her house. She does not feel it is acceptable to single out people whose properties are appropriate for a gravity sewer and can't have one because the Town has decided to cut back and

she thinks they should make the situation right and complete the project fairly. The Chairman stated for the record this was always a pump and there has been no change to this plan since the original design and Fred Mascia stated that no one in her area is hooked up yet. Mrs. Accardi acknowledged she was misinformed. The Commission explained to her that these four houses were designed for pumps and the plans were and are available for review. The Chairman said it is up to the homeowner to do the research and understand the plan for their property. The Commission explained it was originally designed for a pump and in order for her to have gravity we would have to extend the main across the front of her property and is adding to the cost of the project. The Chairman told Mrs. Accardi she was misinformed that it's been done before because to the best of the Commission's knowledge this Board has never approved anything that deviated from the plans other than if it was a cost saving. Fred Mascia summarized the process used in the field for pump system inspections and stated they are not redesigning the sewers in the field, they are not extending mains and no one has the authority to add costs to the project without going through the Commission. Mr. Mascia also explained if the septic tank is lower than the sewer in the road the only way to take care of it is to either pump it or re-plumb inside the house to come out higher to make gravity. He also said some people are opting to do that and that may be an option for her. He further explained that if it is a gravity connection the town brings it up to your property line, if you have to run the extension of the main from the street to the house you pay for that. If you have a pump system the Town installs the pump and hooks it up to the sewer in the street and you pay \$3,500.00. Joe Solemene informed her she will get a letter when the system is released and he suggested at that time she come into the office and talk to the pump contractor Scott Taylor to see if she could get a gravity connection by an interior plumbing change. The Commission did not agree to alter the main line and the request to extend the main line was not approved.

The Commission wanted it noted for the record that they do not want inspectors answering residents' questions in the field.

MOTION made (Lynch) 2nd (Pulie) to go out of order and move Agenda item number 7 up on the Agenda. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

7. Executive Session:

It is anticipated that the WPCA will vote to go into executive session 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 by 1-210 relating to the following:

Town of Trumbull v. Mark IV Construction.

MOTION made (Lynch) 2nd (Pulie) to close the regularly scheduled meeting for July 27, 2011 at 7:50 p.m. and open it up for executive session 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 by 1-210 relating to the following: Town of Trumbull v. Mark IV Construction. Remaining in the executive session meeting will be all the Commission members, Steve Savarese, Joe Solemene, Fred Mascia, Attorney Dennis Kokenos and Attorney Neal L. Moskow.

No Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

At 7:50 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 8:50 p.m. and the recorder was turned on.

MOTION made (Lynch) 2nd (Pulie) to close the executive session at 8:50 p.m. and move back to the regularly scheduled meeting for the WPCA for July 27, 2011 and to confirm that no vote was taken. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2nd (Pulie) to move Agenda item number 6 New Business discussion of smoke testing notification procedure up on the Agenda. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

6. New Business:

Discussion: Smoke testing notification procedure. Christine Kurtz of Wright-Pierce was present and passed out an anticipated field work calendar and examples of notices to residents. She said they will start with smoke testing then property/building inspections in the Reservoir pump station area and the last phase is the manhole inspections. They will also do some televising of the sewer pipes. The first 2 items involve the public and the smoke testing won't affect anyone unless there are illegal connections or bad traps. The door notice hangers include information and phone numbers for problems. There is a 1-800 number or the person's field phone they can get a hold of directly if something is happening immediately. Wright Pierce will notify the police and fire departments daily to let them know where they are testing. Joe Solemene informed the Commission the road inspector found illegal connections to the sewer and discussion followed regarding illegal connections outside the testing area, identifying problem areas and extending the testing area along the Merritt Parkway area. The Commission wants notices of the smoke testing in the Trumbull Times, Trumbull Patch, Town Hall offices, and libraries, on bulletin boards, and libraries, on the Town web site and Channel 17. The Commission also wants the map of the testing area and testing schedule calendar on the web site. The Chairman confirmed the Commission previously authorized Wright-Pierce to do this testing and gave them authorization to proceed.

MOTION made (Lynch) 2nd (Pulie) to move Agenda item number 6 New Business discussion of State of Connecticut Department of Environmental Protection Engineering Agreement Amendment Approval up on the Agenda. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

6. New Business:

Discussion: State of CT Department of Environmental Protection Engineering Agreement Amendment Approval. Christine Kurtz from Wright-Pierce summarized the DEP's approval for the engineering, scope of services and monies relating to the DEP's approval of the Engineering Agreement dated April 13, 2010 between the Town of Trumbull and Wright-Pierce for engineering services as follows: Engineering Agreement for Planning Services for Feasibility Study for a New Wastewater Treatment Plant, I/I Study, and SSES. Also, DEP's approval of the Engineering Agreement Amendment signed May 26, 2011 for Professional Design Services between the Town of Trumbull and Wright-Pierce for engineering services in four phases. A copy of the ENGINEERING AGREEMENT AMENDED APPROVAL dated June 30, 2011 is attached and made a part of these Minutes.

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

3. Tighe & Bond.

Progress report. Fred Mascia provided updates on catch basin installations, work on Huntington Turnpike, Teeter Rock Road, the pump station, gravity lines, Corps of Engineer's and stormwater discharge permits. He also said about 82% of the main line pipe has been installed and work under the jurisdiction of the DOT continues on Huntington Turnpike and may not be completed before school starts.

Change Orders.

Change Order R58: dated May 21, 2011 for a credit in the amount of \$-8,037.88 was approved June 22, 2011. As a result of a mathematical error the incorrect credit of \$-8037.88 was submitted for approval. The amended credit amount is \$-7,737.99.

MOTION made (Hampford) 2nd (Pulie) to accept the amended amount of change order request R58 from last month's number of \$-8,037.88 to the correct credit which is \$-7,737.99. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Fred Mascia from Tighe & Bond summarized each of the following change orders.

Change Order R48 (tabled 5/25/11 & 6/22/11). March 18, 2011 in the amount of \$251,900.00 for additional cost for borrow. The rates are being disputed and Tighe & Bond and Mark IV will be meeting to discuss numbers. Fred recommended it be tabled until a revised charge is submitted. TABLED.

Change Order R59: dated June 3, 2011 in the amount of \$3,981.16 for down time for water main conflict in Huntington Road. Tighe & Bond disagrees with the hours and asked Mark IV to hold off until the total cost of the water main relocations is done and then they will reevaluate all the records at one time. TABLED.

Change Order R61 dated June 10, 2011 in the amount of \$16,600.00 to furnish and install furnco coupling at storm drainage connections 12" @\$365.00, 15" @\$465.00 (assume 40 @ \$415.00). No resolution yet on hourly rates and The Commission questioned the difference in the work for installing the different sizes and stated the difference should only be for the material. TABLED.

Change Order R63: dated June 15, 2011 in the amount of \$12,800.00 to provide soil erosion control at "new" catch basins. Mark IV is charging \$100.00 for each catch basin they are putting in for soil erosion control. This should be part of the lump sum and payment is not recommended.

MOTION made (Hampford) 2nd (Lynch) to deny change order R63 in the amount of \$12,800.00 to provide soil erosion control at "new" catch basins. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Change Order R64: dated July 16, 2011 in the amount of \$4,160.00 to furnish and install loam and seed at new catch basins \$6.50 SY (Assume 5 SY/CB x 128 x \$6.50 = \$4,160.00). This is the same as Change Order R63 above regarding catch basins and is part of the lump sum restoration for the entire project. Payment is not recommended.

MOTION made (Lynch) 2nd (Hampford) to deny change order R64 in the amount of \$4,160.00 to furnish and install loam and seed at new catch basins \$6.50 SY (Assume 5 SY/CB x 128 x \$6.50 = \$4,160.00) Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Change Order R65: dated June 17, 2011 in the amount of \$9,162.01 for pre-drilling in Teeter Rock Road and Dogwood Lane. They are looking for reimbursement because the re-evaluation engineering plan raised the sewers 2 or 3 feet. Commission DeVita pointed out it is not a requirement in the original contract and it was Mark IV's option to pre-drill. Fred said no other charges for pre-drilling have been submitted to date.

MOTION made (Lynch) 2nd (Pulie) to deny change order R65 in the amount of \$9,162.01 for pre-drilling in Teeter Rock Road and Dogwood Lane. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Change Order R66: dated June 28, 2011 in the amount of \$8,036.00 for equipment down time at Jerusalem Hill Road and Route 108. This is from the water main break and they pulled the crew off and they previously requested \$3,900.00 for down time. The crew was sent somewhere else and the machine was left there. The charge is for having the hydraulic excavator sit on the site for 14 days.

MOTION made (Hampford) 2nd (Pulie) to deny change order R66 in the amount of \$8,036.00 for equipment down time at Jerusalem Hill Road and Route 108. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Change Order R67: dated June 29, 2011 in the amount of \$399.64 for rock removal at catch basin on Saybrook Road. To get the new catch basin in they had to mechanically remove some rock and the charge is for equipment to remove the rock in lieu of the \$100.00 per cubic yard that's in the spec. The claim is that it is mechanical methods versus blasting. There are similar change orders in this month's group of change orders. The Commission asked Fred to check the spec. TABLED.

Change Order R68: dated June 29, 2011 in the amount of \$1,203.67 to replace catch basin on Partridge Lane with oversize pipe. The catch basin had 30" RCP and contract only has piping up to 24" so they had to do some block work on the catch basin and some labor. This charge is for replacement of an existing catch basin. Payment is not recommended.

MOTION made (Lynch) 2nd (Pulie) to deny change order R68 in the amount of \$1,203.67 to replace catch basin on Partridge Lane with oversize pipe. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY

Change Order R69: dated July 1, 2011 in the amount of \$817.35 – Dewatering for catch basin replacement on Wisteria Drive. This is part of the contract.

MOTION made (Lynch) 2nd (Hampford) to deny change order R69 in the amount of \$817.35 for dewatering for catch basin replacement on Wisteria Drive. No discussion. ALL IN FAVOR. MOTION CARRIED

Change Order R70: dated July 6, 2011 in the amount of \$1,440.00 to saw cut pavement in Shelton Road for catch basin installation. Previously concrete was removed from the center of the road for sewer and this charge is for removing concrete for catch basin replacement.

MOTION made (Pulie) 2nd (Hampford) to approve change order R70 in the amount of \$1,440.00 for saw cut pavement in Shelton Road for catch basin installation. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Change Order R71: dated July 11, 2011 in the amount of \$998.75 for yard drain at 412 Shelton Road. Joe Solemene stated there was an existing small catch basin that was connected to a curtain drain and the homeowner said due to the drilling and mud and silt accumulated which caused a huge puddle in front of his house and Joe requested the drain be fixed. The Commission stated they should have had erosion controls up so that this did not enter into the property and the contractor should have been called to clean it out and replace the drain. The Commission said it was right for Joe to have them do it, but we shouldn't pay for it because the contractor had to fix it.

MOTION made (Pulie) 2nd (Hampford) to deny change order R71 in the amount of \$998.75 for yard drain at 412 Shelton Road. Discussion. THREE IN FAVOR (Lynch, Hampford, Pulie) ONE OPPOSED (DeVita). MOTION CARRIED.

Change Order R72: dated July 11, 2011 in the amount of \$10,460.58 for extra work at 32 Blue Ridge Road. Fred said they were directed by the Town to take care of this driveway. There were a couple drains and an easement along side the property and the sewer is in the easement. Part of the agreement on the easement was that the drains are reconnected and the driveway gets rebuilt. There was no drainage in the road to connect to so it had to be connected across the street and this bill is for pavement repair of the driveway and roadway. The Commission questioned if this could be covered under a different pay item. Fred summarized the easement portion of the specifications and stated the contractor is responsible to do all the work described in the easements and this easement agreement is not in the spec book. Tighe & Bond was asked by the Public Works Director and the First Selectman's office to take care of this driveway because the work was not getting done in accordance with their easement. The Commission and Fred commented that it appears not all easement agreements are in the book. The Chairman suggested R72 be tabled for the following reasons: 1) to find out whether or not this

easement is on the final bid and final spec; and 2) to see whatever payment items this could be found under that's already in the bid. TABLED.

Change Order R73: dated July 12, 2011 in the amount of \$1,631.64 for rock removal at catch basin in Shelton Road. This is the same as R67. TABLED.

Change Order R74: dated July 14, 2011 in the amount of \$1,061.75 for additional work for T-Y at 90 North Street. Fred said the plans clearly say 90 North Street was already hooked up and it was not and the contractor had to go back to do this work.

MOTION made (Hampford) 2nd (Lynch) to approve change order R74 in the amount of \$1,061.75 for additional work for T-Y at 90 North Street. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY

Change Order R75: dated July 13, 2011 in the amount of \$7,458.10 for utility downtime at Teeter Rock Road. Fred said the gas line is too close to the trench in the field and they claim they lost half a day one day and half a day another day. Under the specs the contractor is responsible for maintaining the trench and if they need to move something for their convenience it clearly says it is on the contractor. Payment is not recommended.

MOTION made (Pulie) 2nd (Lynch) to deny change order R75 in the amount of \$7,458.10 for utility downtime at Teeter Rock Road. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Change Order R76: dated July 15, 2011 in the amount of \$910.07 for encountered multiple pipes in catch basin during replacement at Shelton Road. This is the same as previously denied change orders.

MOTION made (Hampford) 2nd (Pulie) to deny change order R76 in the amount of \$910.07 encountered multiple pipes in catch basin during replacement at Shelton Road. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Change Order R77: dated July 15, 2011 in the amount of \$465.00 for furnco coupling at Shelton Road. This is the same as previously denied change orders.

MOTION made (Lynch) 2nd (Hampford) to deny change order R77 in the amount of \$465.00 for furnco coupling at Shelton Road. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY

Change Order R78: dated July 15, 2011 in the amount of \$630.45 for rock removal for catch basin at Hillandale Terrace. This is the same as R67. TABLED.

Change Order R79: dated July 15, 2011 in the amount of \$673.00 for removal of concrete pavement in Shelton Road for catch basin installation. Fred said this is a legitimate charge.

MOTION made (Lynch) 2nd (Pulie) to approve change order R79 in the amount of \$673.00 for removal of concrete pavement in Shelton Road for catch basin installation. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY

Change Order R80: dated July 15, 2011 in the amount of \$365.00 to furnish and install 12" furnco coupling at 229 Hilltop Circle. This is the same as previously denied change orders.

MOTION made (Lynch) 2nd (Pulie) to deny change order R80 in the amount of \$365.00 to furnish and install 12" furnco coupling at 229 Hilltop Circle. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY

Change Order R81: dated July 20, 2011 in the amount of \$502.59 for catch basin installation at 229 Hillside Circle. This is the same as previously denied change orders.

MOTION made (Hampford) 2nd (Pulie) to deny change order R81 in the amount of \$502.59 for catch basin installation at 229 Hilltop Circle. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY

Review Tighe & Bond/Wright Pierce spreadsheets: the Commissioners reviewed the spreadsheets. It was noted there is approximately \$20,381.00 remaining for Tighe and Bond under the original contract.

MOTION made (Lynch) 2nd (Pulie) to move Agenda item number 5 New Business update for SSEC up on the Agenda. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

5. Old Business.

Update: SSEC. Commission Hampford summarized the July 12th meeting with himself, Commissioner Kallmeyer, Christine, John, and Michael from Wright-Pierce. Michael is Wright'-Pierce's expert in negotiations and regionalization issues and represents clients on the engineering. He said they received a proposal from Christine regarding an extension of Wright-Pierce's contract. He said the SSEC is working on getting a date for a tour of the water pollution control plant in Bridgeport. They are focusing and working on getting information for negotiations with Bridgeport and regionalization. Discussion and questions included information needed, bid process and proposals, services needed, obtaining better information and facts, what is Trumbull's share, how much is Bridgeport based, current contract, inventory, and value of system in regionalization. Attorney Kokenos inquired if they are at the point where they want an attorney at meetings. Tim and Paul are working on a list of things they should have and Attorney Kokenos might have or be able to get. Tim and Attorney Kokenos discussed ways to proceed.

1. Minutes to previous meetings.

Commission Pulie commented on the wording in two areas on page 2. MOTION made (Pulie) 2nd (DeVita) to accept the meeting Minutes of June 22, 2011 as written. No discussion. THREE IN FAVOR (Pulie, DeVita, Hampford) MOTION CARRIED UNANIMOUSLY. ONE ABSTENSION (Lynch).

4. Invoice Approval.

Mark IV Construction Co., Inc., Phase IV, Part B – Contract 4 – North Nichols Project, Application #23 dated July 18, 2011 in the amount of \$569,544.56.

The Commissioners reviewed the invoice. Discussion included pipe testing, video tapes, paying for pipe work when the work is deficient and performance bond. Fred Mascia said they have received new video tapes and they review them as they come in. The Commission does not want to pay for pipe that is not passing because it is not being installed according to the specs. Steve Savarese said the Commission asked him to write a letter to Mark IV to ask them to get more television camera work done. He said this month came out to be about 71% of the installed pipe has been cameraed. Fred said they inventory them and add to the list of items that need to be repaired. Attorney Kokenos said he is in the process of trying to resolve issues relating to defects and he will bring this to the attorneys representing Mark IV's.

Further discussion took place regarding reviewing the camera testing and finding problems and defects and setting a policy for withholding payment.

The Commission suggested setting a policy and having Fred come up with an estimate on what's defective and from this point on every invoice gets that deducted.

The Commission asked Fred to get an estimate on what percentage of what has been reviewed is defective. Attorney Kokenos said he will try to open a dialog and try to reach some kind of an agreement before the September meeting.

The Commission wanted it stated that we will continue to do what we said we are going to do. We are going to watch this and if you are not performing we will keep putting the pressure on and the Commission is making a statement tonight that if those things aren't done we're going to retain a percentage.

Commissioner DeVita noted an error with the following invoice item numbers 60, 61, 62 do not match with 86 and 87. There is more quantity removed than actually put in and Fred Mascia will check on it. It was noted the project is at 85% and rock is close to 100%.

MOTION made (Lynch) 2nd (Hampford) to approve Mark IV invoice 23 in the payment amount of \$569,544.56. Subject to Fred Mascia checking those numbers that may be adjusted on the invoice for the next month to the policy that we just discussed with respect to the defective pipe and the camera testing. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

5. Old Business.

Discussion: Policies leaks and fees. The Commission reviewed and approved the POLICY for WATER SERVICE LEAKS that was submitted.

MOTION made (Hampford) 2nd (Lynch) to approve the Policy for Water Service Leaks as submitted. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

David Briganti, 23 Dogwood Lane: Easement. The Commission reviewed the revised cost savings analysis in the amount of \$17,065.00 that Joe Solemene prepared.

MOTION made (Hampford) 2nd (Lynch) to accept the proposed easement for 22 Dogwood Lane and 23 Dogwood Lane as detailed on the July 19, 2011 summary from Joseph Solemene. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Up-date: South Nichols Project. Joe Solemene summarized Spath-Bjorklund Associates' letter dated July 25, 2011. Joe and Steve Savarese looked at the location at Juniper Circle and Juniper Ridge Road and agree with the location. It was noted the Commission needs completed plans and specs.

2218B Huntington Turnpike. Fred Mascia reviewed the map and aerial of the location and explained the property owner wants out of the contract. The lateral stub is on private access and it is 283 feet to get the lateral up to the property and then another 335 feet to the septic tank. The property is land locked and there is no access to the sewer without going through another person's property. Attorney Kokenos will look into this and review the deeds and asked the Commission table this item.

Discussion: Tighe & Bond extension. Discussion: Tighe & Bond extension.

Attorney Kokenos informed the Commission, in accordance with the May 25, 2011 meeting minutes, that the Town Council approved the funding. The Commission authorized Attorney Kokenos to send a letter to extend Tighe & Bond's contract.

MOTION made (Lynch) 2nd (Hampford) to authorize Owens, Schine & Nicola, P.C. to send the letter of extension to Tighe & Bond. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

End of year true up with Bridgeport. The Commission reviewed Bridgeport Water Pollution Control Authority's June 3, 2011 invoice number 2011-11.

Discussion: Force main break. Discussion: Force main break. Joe Solemene highlighted bid specs, map, and other related information relating to the job and the Call Before You Dig notice. The Commission wants procedures set for dealing with Call Before Your Dig notices relating to other towns and cities. Discussion included how the Town responds to CBYD's, what should have been done and how to avoid problems in the future. The Commission wants a written policy for the September meeting.

Approval of press release regarding new billing changes. The Commission reviewed the draft press release and made changes suggested by the Commission.

MOTION made (Lynch) 2nd (Pulie) to approve the press release as amended by both Commissioner DeVita and the other Commission members as well and given to the Clerk. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Discussion: Marta and Rudy Revello – 261 Unity Road Remedial Drain.

The Commissioner reviewed Ormond & Romano's letter dated July 20, 2011 to Attorney Kokenos. Attorney Kokenos stated the sewer pipe was installed and there is an easement and the residents were paid approximately \$11,000.00 for the easement. The claim is that after the sewer pipe was installed there was water damage to the home and they also claim an additional pipe needed to be installed to correct the problem. Mark IV installed the pipe and it goes across their back yard. They now want to be compensated for the pipe in their back yard. It was noted that the Commission did not authorize the installation of the pipe. Discussion included the residents' claim of mold in the house, easements, drainage problems and installation of the pipe. Steve Savarese gave a brief history of the events. It was noted for the record that the WPCA never took responsibility for the drain, never authorized the pipe or drain and the WPCA denied putting the drain in.

Discussion: Sewer Use Delinquency – Bennigan's/Westfield Mall.

Attorney Kokenos stated he has had numerous conversations with the mall and counsel and they have agreed to pay the entire principal balance of the delinquency, but they are asking for a waiver of a portion of the interest. The reasons they gave for the request is they did not receive proper notice and they would have paid if they had received proper notice and if they had paid it would have been attributed to the delinquency which would have reduced the interest rate. He disagrees with the claim that they did not get proper notice. He does agree with their claim regarding the application of the payments. There is no statute that says we have to apply payments that way, but there was a policy in the tax office to apply payments in the manner of delinquency first. He believes there was a mistake of a policy which would warrant a reduction in the interest. They want us to calculate it at 5% and pay half of it. They have paid the principal and they want to pay 2.5% interest. Attorney Kokenos recommends the proposal. There will be a waiver of the interest and the attorney's fees that were involved. The attorney's fees are paid from the tax collector's account and the tax collector has already given him the authority to do it. The statute allows a waiver if there is a determination that a mistake was made by the tax collector. The tax collector asked Attorney Kokenos to inform the Commission that she is okay with the proposal as proposed by the mall.

MOTION made (Hampford) 2nd (DeVita) to accept the Bennigans/Westfield Mall proposal as presented by Attorney Dennis Kokenos. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2nd (Pulie) to move Agenda item number 6 New Business discussion of sewer use and assessment delinquencies up on the Agenda. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

6. New Business.

Discussion: sewer use and assessment delinquencies. Attorney Kokenos highlighted his discussions with Mary Moran and the tax office. He said there really needs to be a policy by the WPCA on how they are going to track and monitor delinquencies. The question of who is going to monitor all the delinquencies that are less than \$3,000.00 needs to be answered because the tax office does not have the staff. Discussion included hiring part time staff, using a contractor or collection agency or selling the liens. The Commission needs to set a policy regarding delinquencies. The Chairman offered to meet with the tax collector and continue to address these issues.

Discussion: Approval of Seward & Monde for audit services of the 20 and 59 accounts.

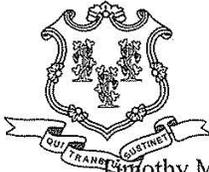
The Chairman said after meeting and interviewing for the audit services Commissioners Kallmeyer and Egri recommend Seward & Monde.

MOTION made (Lynch) 2nd (Pulie) to approve the award of the audit services of the 20 and 59 accounts to Seward & Monde. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2nd (Pulie) to adjourn the regularly scheduled meeting for July 27, 2011 at 11:20 p.m. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Submitted by,

Joyce Augustinsky
Clerk of the Commission



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



ENGINEERING AGREEMENT AMENDMENT APPROVAL

June 30, 2011

Timothy M. Herbst, First Selectman
Trumbull Town Hall
5866 Main Street
Trumbull, CT 06611

Re: CWF-638-PG
Engineering Amendment No. 1

Dear Mr. Herbst:

This office has reviewed executed copies of the Engineering Agreement dated April 13, 2010, between the Town of Trumbull and Wright-Pierce and the accompanying Forms 5700-41 for the above referenced project. The Agreement is for engineering services as follows: Engineering Agreement for Planning Services for Feasibility Study for a New Wastewater Treatment Plant, I/I Study, and SSES:

This office has reviewed executed copies of the Engineering Agreement Amendment No. signed May 26, 2011, for Professional Design Services between the Town of Trumbull and Wright-Pierce and the accompanying Forms 5700-41 for the above referenced project. The Amendment is for engineering services in four phases: Phase 1 – Evaluation of Beardsley and Reservoir Pump Stations; Phase 2 – Evaluation of reservoir Ave PS and Flow Meter #5 Sewer Sheds; Phase 3 – Evaluation of Flow Meter #2 Sewer Shed and; Phase 4 – Evaluation of Flow Meter #1 and Flow Meter #3 Sewer Sheds. The cost breakdown follows:

	Phase 1	Phase 2	Phase 3	Phase 4	Total	Eligible Amount
Direct Labor	\$10,970	\$44,580	\$42,910	\$29,590	\$128,050	\$128,050
Indirect Costs (167.54 %)	\$18,379	\$74,689	\$71,891	\$49,575	\$214,534	\$214,534
Eligible Profit	\$5,140	\$20,870	\$20,090	\$13,850	\$59,950	\$59,950
Other Direct Costs:						
Mileage	\$184	\$2,384	\$3,468	\$1,864	\$7,900	\$7,900
Truck Rental	\$0	\$2,040	\$1,800	\$600	\$4,440	\$4,440
Meals	\$0	\$240	\$240	\$180	\$660	\$0
Smoke Bombs	\$0	\$300	\$400	\$300	\$1,000	\$1,000
Smoke Equipment Rental	\$0	\$750	\$750	\$300	\$1,800	\$1,800
Portable Velocity Meters	\$0	\$60	\$0	\$0	\$60	\$60
Photography	\$0	\$40	\$50	\$25	\$115	\$0
CWF % requirements through subcontract work	\$0	\$6	\$6	\$6	\$18	\$0
Scanning	\$30	\$0	\$0	\$0	\$30	\$0
Photocopies	\$250	\$350	\$250	\$150	\$1,000	\$0
Postage	\$50	\$100	\$50	\$50	\$250	\$250
Miscellaneous	\$0	\$90	\$100	\$50	\$240	\$0
Subcontracts						
TV & Cleaning	\$0	\$129,000	\$132,000	\$70,000	\$331,000	\$331,000
Flow Metering	\$0	\$0	\$27,000	\$38,000	\$65,000	\$65,000
Printing	\$0	\$1,000	\$1,000	\$1,000	\$3,000	\$3,000
Eligible Profit on Subs (5%)	\$0	\$6,500	\$8,000	\$5,450	\$19,950	\$19,950
TOTAL COST	\$35,003	\$282,999	\$310,005	\$210,990	\$838,997	\$836,934

The Department of Environmental Protection hereby certifies that it has reviewed the subagreement and has determined that it is in compliance with the regulatory procedures contained in

Section 22a-482-3 of the Regulations of Connecticut State Agencies. Approval is given for the amounts shown above as these are the amounts that pertain to the services to be provided under this project.

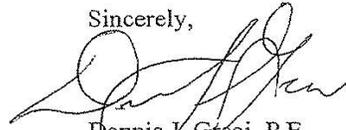
The approval by DEP of an engineering amendment does not relieve the consulting engineer from the certified understanding that the subagreement price may be subject to downward renegotiation and/or recoupment where the cost and price data submitted have been determined, as a result of audit, not to have been complete, current and accurate as of the certified date. The Approval of Engineering Amendment and the associated fees should not be interpreted as approval for additional grants funds.

You are reminded that the Clean Water Fund MBE/WBE requirements are applicable to this approval. The goal for participation by subconsultants is 2.0% of the total approved contract amount for Minority Owned Business Enterprises (MBEs), and 3.0% of the total approved contract amount for Women Owned Business Enterprises (WBEs). The engineer is required to submit executed subagreements meeting or exceeding this goal within fifteen (15) days of executing the engineering contract or the date of this approval, whichever is later. No payments will be processed by DEP for engineering services until these goals have been met and the appropriate executed subagreements have been submitted. Please submit one copy of each subagreement to Paul Grochowski, DEP Bureau of Financial and Support Services, 79 Elm Street, Hartford CT 06106-5127.

This APPROVAL does not relieve you of the obligation to obtain any other authorizations as may be required by Federal, State or Local Laws or regulations.

If you have any questions regarding this matter, please contact Ann A. Straut-Esden at (860) 424-3137.

Sincerely,



Dennis J. Greci, P.E.
Supervising Sanitary Engineer
Planning & Standards Division
Bureau of Water Management

cc: Joe Solemene, Town of Trumbull WPCA Administrator
Jeanine Maietta Lynch, Town of Trumbull WPCA Chairman
Christine E. Kurtz, Project Manager, Wright-Pierce
Paul Grochowski, DEP

RECEIVED

JUL 07 2011

Water Pollution
Control Authority
BY _____