

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, November 16, 2011**

Members Present:

Paul Kallmeyer, Vice Chairman  
Ennio DeVita  
Laura Pulie  
Timothy Hampford (arrived 7:43)  
Karen Egri, Alternate (voting)

Members Absent:

Jeanine Maietta Lynch, Chairman

Also Present:

Stephen M. Savarese, PE/LS, Town Engineer (arrived 9:30)  
Joseph Solemene, Assistant WPCA Administrator  
Dennis Kokenos, Esq., Town Attorney (left 10:45)  
Fred Mascia, Tighe & Bond, Project Manager

The Vice Chairman called to order the regularly scheduled meeting of the Trumbull WPCA for November 16, 2011 in the Long Hill Room at 7:40 p.m.

**1. Minutes to previous meeting.**

The Commission had no changes or corrections to the October 26, 2011 meeting Minutes.

MOTION made (Kallmeyer) 2<sup>nd</sup> (Pulie) to accept the meeting Minutes of October 26, 2011 as written. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Kallmeyer) to move the executive session out of order – Motion was not seconded and the motion was withdrew.

**2. Tighe & Bond.**

Progress report. Fred Mascia said since the last meeting about 800 feet of pipe was laid and the permanent patch on Huntington Turnpike was completed. There is approximately 8,000 feet of pipe left to be installed and most of that is in the cross countries. Need to finish up Kingsbury, Jerusalem Hill and a small section of Dogwood Lane in the pavement and then the rest is all in the cross countries.

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

Change Order R61 dated June 10, 2011 in the amount of \$16,000.00 to furnish and install furnco coupling at storm drainage connections 12” @\$365.00, 15” @465.00. Fred Mascia recommended this change order be removed from consideration. He said if a drainage situation arises and a coupling has to be put in we will deal with it on an as needed basis.

MOTION made (Kallmeyer) 2<sup>nd</sup> (Hampford) that change order R61 be removed from consideration based on Tighe & Bond’s report. 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 in Saybrook Road and Change Order R73 dated July 12, 2011 in the amount of \$1,631.65 for rock removal at catch basin in Shelton Road. Change orders R6 and R73 were discussed at the same time because they are both for additional rock removal at catch basins. It was noted that the contract spec does not specify removal by hand or machine and previously the Commission did not approve similar requests. Fred Mascia did not recommend payment. MOTION made (DeVita) 2<sup>nd</sup> (Hampford) to deny change orders R67 in the amount of \$399.64 and R73 in the amount of \$1,631.64 based on Tighe & Bond's recommendations. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Change Order R72 Revised October 28, 2011 in the amount of \$6,995.19 for extra work at 32 Blue Ridge Road. The original change order dated July 11, 2011 was for \$10,460.58 and Mark IV revised the numbers. This was for a driveway that was part of the easement agreement and was not part of the bid package. Discussion included roadway paying, price still on the high side, removal of old driveway, prep work, regarding, paving, permanent patch, unit pricing and driveway repair pricing. Fred Mascia thinks this is still high and it was noted there are 2 or 3 other driveways like this left.

MOTION made (Kallmeyer) 2<sup>nd</sup> (Pulie) to approve change order R72 in the amount of \$6,995.19 for extra work at 32 Blue Ridge Road. Discussion. FOUR IN FAVOR (Kallmeyer, Pulie, Hampford, Egri) ONE ABSTENTION (DeVita). MOTION CARRIED.

Change Order R97 dated October 28, 2011 in the amount of \$444.00 for saw cut for permanent patch in Route 127 and Change Order R98 dated October 28, 2011 in the amount of \$25,500.00 for saw cut permanent patch on Route 108. These charges are for saw cutting for the permanent patch in State highways. Mark IV is claiming the second saw cut was not in their bid. Fred explained after last month's meeting when the Commission approved pricing for permanent patch work the contractor went back and did saw cutting and permanent patch. Tighe & bond disagrees with the second saw cut and the trench should have been maintained better. When the sewer was connected the contractor installed only a temporary patch and went back after the other State road was approved and did the second saw cut. Tighe & Bond believes second saw cut was required but it is part of the price and does not recommend payment.

MOTION made (Hampford) 2<sup>nd</sup> (DeVita) to deny change orders R97 in the amount of \$444.00 and R98 in the amount of \$25,500.00 per Tighe & Bond's recommendation. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Change Order R99 dated November 9, 2011 in the amount of \$1,092.50 for line striping on Route 108 from Willowbrook Road to Carriage Drive. This is for temporary paint and the Commission previously paid similar charges.

MOTION made (Hampford) 2<sup>nd</sup> (Pulie) to approve change order R99 in the amount of \$1,092.50 for temporary line painting on Route 108. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

### **3. Invoice Approval.**

Mark IV Construction Co., Inc., Phase IV, Part B – Contract 4 – North Nichols Project, Application #27 dated November 7, 2011 in the amount of \$517,913.63. Fred Mascia informed the Commission that most of this invoice is for paving. Currently there is one lateral crew working and an additional 829 feet was installed since last month. Pipe line inspection is at 76% and Tighe & Bond has inspected everything that has been billed. Discussion included retainage, payment of lump sum amounts, percentages, totals, and the possibility of payments linked to percentage of completed pipe. Commissioner DeVita commented on payments for charges in advance and does not want to pay for what has not been done.

MOTION made (Kallmeyer) 2<sup>nd</sup> (Pulie) to approve Mark IV Application #27 in the amount of \$517,913.63. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

**4. Billing statement – Tighe & Bond and Wright-Pierce.**

Review Tighe & Bond/Wright Pierce spreadsheets. The Commissioners reviewed the spreadsheets and had questions and comments on the Wright-Pierce spreadsheet regarding reimbursement from the State. It was the Commission's understanding that the WPCA would pay 100% and then 55% would be reimbursed. The Commission asked Joe Solemene to get a status update and time frame for the reimbursement.

MOTION made (Kallmeyer) 2<sup>nd</sup> (Hampford) to take Agenda item number 8 Executive Session out of order. No Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

**8. 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:
  - o Contract 3 law suit – Town of Trumbull b. Mark IV Construction
  - o Tighe & Bond's invoice #102011666 in the amount of \$4,460.65.

MOTION made (Kallmeyer) 2<sup>nd</sup> (Pulie) to close the regularly scheduled meeting of the WPCA for November 16, 2011 at 8:32 p.m. and move 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:

- Contract 3 law suit - Town of Trumbull v. Mark IV Construction
- Tighe & Bond's invoice #102011666 in the amount of \$4,460.65.

Remaining in the executive session meeting will be all the Commission members, Joe Solemene, Fred Mascia, and Attorney Dennis Kokenos. No Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

At 8:32 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 9:15 p.m. and the recorder was turned on.

MOTION made (Kallmeyer) 2<sup>nd</sup> (Pulie) to close the executive session at 9:15 p.m. and note that no votes were taken. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Kallmeyer) 2<sup>nd</sup> (Hampford) to reopen the regularly scheduled WPCA meeting on November 16, 2011 at 9:16 p.m. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

**6. Wright-Pierce up-date:**

Christine Kurtz from Wright-Pierce sent a Project Status update and it was reviewed by the Commission. Joe Solemene stated a contractor was hired and completed the work to uncover and lift the 10 manholes Wright-Pierce asked us to uncover so they could proceed. Joe also said we can get to most of the cross country now because sewer department employees and Jason from Wright-Pierce cleared the easements and made it all passable. Every manhole has been located and they are able to inspect those areas now.

The report states 48 houses were located containing possible clean water hook-ups and 37 of those houses have confirmed sump pump connections into the sewer system. It was also noted that the Commission needs to make a decision on how to proceed. Commissioner DeVita wanted to know what other towns do when they can't get into homes. Additional information the Commission is looking for includes what homeowners were told when sump pumps were found, how to confirm they have been disconnected, how to proceed if they aren't disconnected, how to get into these houses, how to enforce removal of the pumps and what kind of follow-up should be done. Discussion included ideas for future inspections and obtaining access. Attorney Kokenos will do some research and get back to the Commission.

Vice Chairman Kallmeyer suggested moving up items pertaining to Attorney Kokenos and Fred Mascia and finishing up their business before proceeding with the regular order of the Agenda.

MOTION made (Kallmeyer) 2<sup>nd</sup> (Hampford) to move up on the Agenda item number 7 June 28, 2011 invoice for Contract 3 sewer evaluation, Agenda item number 7 Permanent patch for Shelton Road and Agenda item number 7 Booth Hill Road: striping of the roadway. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

In the process of making the above motion it was noted it should also include Booth Hill Road and the addition was accepted and added to the motion prior to the vote.

**7. New Business:**

June 28, 2011 invoice for contract 3 sewer evaluation. The invoice is for video inspections for Contract 3 that were done in June. The bill has been processed and submitted to Finance for payment and is shown on Tighe & Bond's billing statement. This matter has been resolved and no further action is required.

Permanent patch for Shelton Road design and presentation by Tighe & Bond. Fred Mascia said Tighe & Bond prepared a permanent pavement evaluation report for the Director of Public Works and referenced the portion regarding the permanent patch for Shelton Road. He stated Shelton Road is different from most of the town roads which have 3 inch permanent paving because at one time Shelton Road was a State road. When the sewers were being installed Mark IV found 7 inches of concrete pavement below the asphalt. Normally they recommend as well as DOT when you have concrete pavement you usually replace it with concrete or bituminous so you don't get settlement. What the Commission is looking at is another wide trench and roughly 9 inches of asphalt which is probably the same magnitude as Huntington Turnpike. It was noted that Shelton Road is a Town road and is no longer a State Road. Commissioner Kallmeyer questioned the load the road carries and if there has been adequate compaction on the top of the trench. Other questions the Commission discussed included suggestions for paving and saw cutting, using other materials, should it be replaced the same way and paved as a 20 year road, is there an option to change it, what else could be done, is it absolutely necessary and should a pavement analysis be done? Further discussion included the request for a 20 year road, removal and cutting of the concrete that was done for the sewer installation, current conditions, sections that have settled and prior work that was done years ago on the lower portion of Shelton Road. Steve Savarese said other alternatives have already been addressed and discarded and Fred Mascia mentioned even the DOT doesn't replace the concrete with concrete they use asphalt. He also said the center of the trench in the southern portion of Shelton Road that was done before Tighe & Bond has settled in almost the entire length of the trench. Commissioner Kallmeyer pointed out that the very lower portion of Shelton Road that was done years ago had no settling problems and he does not think 9 inches of asphalt was put back in. The town engineer and the consultants recommend the need to duplicate what is out there and replace what is there. The Commissioners stated it was not the intention of the sewer department to make the road that strong and making it a 20 year road was not in the contract documents. The WPCA is trying to keep costs down and does not want the people in this project to pay and would want a credit from the Town. The requests for reimbursements or credits and what the WPCA is proposing were discussed. The Commission wants the Public Works director to attend the next WPCA meeting to discuss a reimbursement scenario. Steve Savarese said if the WPCA is going to pursue the reimbursement Commissioner Kallmeyer proposed to do it the same way as the very lower portion of Shelton Road and wants core borings done to find out how the repair was done.

Booth Hill Road: Striping of the roadway. Joe Solemene and Steve Savarese summarized safety concerns, residents' complaints and requests for striping on Booth Hill Road and Fred Mascia gave an overview of the condition of the road. Fred will get a price from Mark IV for a single yellow stripe and tabled this matter to the next regularly scheduled meeting.

MOTION made (Kallmeyer) 2<sup>nd</sup> (Egri) to move up Agenda item number 6 Wildfire Lane: sewer extension, Agenda item number 7 5048 Main Street: sewer use collection, and Agenda item number 7 Wright-Pierce: expansion of scope of services. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

**6. Old Business:**

Wildfire Lane: Sewer extension. Attorney Kokenos stated the project design required an easement over portions of property owned by Firehouse Road station fire district and Miss Coe. An agreement was made in the field between the assistant fire chief and Miss Coe allowing the easement in return for the hook up. This agreement was rejected by the fire chief because he thought it would interfere with being able to expand the firehouse. An easement was never obtained and the sewers were not constructed, but it was never voted on to be removed from Contract 3. He said Contract 3 has been closed for sometime so as a housekeeping measure the WPCA could vote to remove Wildfire Lane from the Jog Hill Contract 3 Project and as a courtesy a letter should be sent to the Wildfire residents letting them know they are not a part of this and to come to the WPCA in the future if they'd like to be considered for a future project. He also recommended checking with the Finance Director to confirm the bond calculation did not include these houses. Discussion included voting to remove it, sending a letter updating the homeowners, removing the three houses from Contract 3, ability to hook up under other projects, price, connection, assessment and other connection scenarios. Joe Solemene will send a letter to the residents and Attorney Kokenos will look into whether or not a public hearing is required to remove them from the project.

The Commission agreed to table this matter to the next regularly scheduled meeting.

**7. New Business:**

5048 Main Street: Sewer use collection. Attorney Kokenos stated he has spoken with the owner of 5048 Main Street and has other houses hooked into her one water meter. The owner informed him that the other house pays part of the water bill because it is included in the Deed but the sewer use charge is not included. The delinquency was \$6,182.53 and a payment was made and the balance now is about \$4,000.00. He explained that the tax collector's office does not make payment plan arrangements and he stressed that this is an exceptional situation and the homeowner has recently made a substantial payment. He asked if the Commission would either allow him to make a reduction of her sewer use fee or consider doing a payment plan for her. If the WPCA agrees to a payment plan he will work it out with the homeowner and administer the payment plan himself. Discussion followed regarding liens on all the properties, usage bills, payment plan and the homeowner option to pursue through her own attorney reimbursement from the other users for usage fees. The Commission suggested liens be put on all of the properties not just the 5048 Main Street property.

MOTION made (Kallmeyer) 2<sup>nd</sup> (Hampford) to authorize Attorney Dennis Kokenos to enter into a payment plan with 5048 Main Street. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

**Write-Pierce: Expansion of scope of services.**

Attorney Kokenos highlighted the Legal Opinion he prepared regarding the potential requirement to solicit bids for obtaining an engineering expert for negotiations with Bridgeport and potential regionalization options. Commissioner Hampford commented on the original clean water fund contract rates. Commissioner Hampford passed out Wright-Pierce's proposal letter dated November 11, 2011 regarding consulting engineering support services. Commissioners Hampford and Kallmeyer briefly discussed the proposal letter and further discussion included rates, budget and what the Commission wants and is looking for in consultants. Commissioners will review the information and agreed to table this matter to the next regularly scheduled meeting.

**Old Business:**

Up-date: SSEC. Commissioners Kallmeyer and Hampford discussed consultants and the direction the SSEC is looking to go in. Commissioners Kallmeyer and Hampford met with Jeanette Brown who is a strategist and former director of Stamford WPCA and got a proposal that they will go over at the next month's meeting. Commissioner Kallmeyer briefly commented on Ms. Brown's wholesale approach, strategies, regionalization,

costs, Bridgeport's charges, breakdowns, and CSO's. They also discussed her concept and what they like about it and her experience with the State, what she can offer and bring with her compared to what Mike and Wright-Pierce can offer and bring. The wholesale approach sheet from Jeanette Brown was reviewed and is similar to the setup and information we will be looking to implement and use in the future. Right now the focus is on the negotiation steps and they will report back next month. It was he noted that there are 3 seats open on the SSEC. The Commissioners commented on their tour of the Bridgeport Westside treatment plant. Commissioner Kallmeyer said he was impressed by the plant and that it is a thirty million gallon a day plant and it treats up to a hundred MGD or five times the normal. A brief discussion followed regarding the treatment, condition, discharges, odor control, and the facility itself.

Up-date: Audit of the 59 and 20 accounts. Commissioner Kallmeyer read and highlighted his e-mail he sent to the auditors addressing his concerns regarding the service or lack of service the WPCA is receiving. He said he did speak with Pat Trotta on November 16<sup>th</sup> and he told him this is a bad time of year for this kind of work. Commissioner Kallmeyer said other choices at this point would be – one - go with the other auditor or – two - go out to bid again. During his conversation with Mr. Trotta he was informed that he would get a time plan by late December or early January and Paul said this seems to be the only thing the Commission can do. A brief discussion followed regarding the other bidder and the Commission agreed to not make any changes now.

Discussion: Update separate irrigation water meter and pricing. Commissioner Pulie said she contracted one contractor and got some prices. She will get additional prices and report back to the Commission. Commissioners Pulie and DeVita will meet with Aquarion in the next few weeks. Commissioner Kallmeyer passed out a summary report he compiled indicating there are 1241 irrigation systems and 89 snowbird accounts. He suggested the sewer department staff go through the spreadsheet and highlight the irrigation accounts and send out letters informing them of the sewer usage billing change. A lengthy discussion took place regarding getting more information first, what options are or will be available and should letters be sent. The Commission needs more information before the letters go out and Commissioners Pulie and DeVita will get more information for next month's meeting.

Matthew Mihaly, 116 Jerusalem Hill. Attorney Steve Reilly sent a fax requesting this matter be continued to the December meeting.

MOTION made (Kallmeyer) 2<sup>nd</sup> (Pulie) to table Matthew Mihaly, 116 Jerusalem Hill to the next regularly scheduled meeting. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY

**New Business:**

71 Greenbrier Road: Contract 3 sanitary sewer damage to be repaired. This is a town drainage easement with plantings and a shed over the drainage pipe. Is this a WPCA or public works problem? Problems were found on a video of the pipe and the homeowner says everything was fine until sewers were installed. Steve Savarese said a video from the time of the sewer install showed a problem with the pipe and water leaking through pipe in several sections. Storm water is not staying in the pipe or barrel. Commissioner Pulie said the shed has to be removed from the drainage easement. It was noted that easements have to be accessible and have to be able to get into to do work and maintenance. The Commission decided it is a public works issue and Steve Savarese will advise the Director of public works.

MOTION made (Kallmeyer) 2<sup>nd</sup> (Hampford) to adjourn the regularly scheduled meeting for November 16, 2011 at 11:15 p.m. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Submitted by,

*Joyce Augustinsky*  
Clerk of the Commission