

CITY OF NORWALK
WATER POLLUTION CONTROL AUTHORITY
February 27, 2017

Attendance: Darren Oustafine, Chairman
Lewis Clark, Vice Chairman
John Flynn
John Bove
Frederika Bikakis-Hajian
John Igneri

Staff: Bruce Chimento, DPW Director
Chris Torre, DPW Superintendent
Ralph Kolb, DPW Senior Environmental Engineer

Others: John Ahern, CH2MHill, OMI, Inc.
Paola Molloy, CH2MHill, OMI, Inc.
Kevin Dahl, CH2MHill, OMI, Inc.
Attorney Martha Gaythwaite, Verrill Dana
Attorney Matt Todaro, Verrill Dana

1. CALL TO ORDER

Chairman Oustafine called the meeting to order at 5:30PM

2. SCHEDULE PUBLIC HEARING FOR PROPOSED FY 2017-18 SEWER USE RATES ON MARCH 20, 2017 AT 5:30PM (DRAFT NOTICE INCLUDED)

**** MR. FLYNN MOVED TO SCHEDULE A PUBLIC HEARING.
** THE MOTION PASSED UNANIMOUSLY.**

3. APPROVE THE MINUTES FROM WPCA MEETING HELD ON JANUARY 17, 2017 (COPY INCLUDED)

**** MR. IGNERI MOVED TO APPROVE THE MINUTES.
** MOTION PASSED UNANIMOUSLY.**

4. AUTHORIZE THE CHAIRMAN OR THE VICE CHAIRMAN TO RETAIN VERRILL DANA, LLP. FOR ADDITIONAL LITIGATION SUPPORT SERVICES TO THE MAY 16, 2016 BOARD APPROVAL IN ACCORDANCE WITH ENGAGEMENT LETTER DATED FEBRUARY 23, 2017. (COPY INCLUDED)

Mr. Chimento said that Verrill Dana is a consultant that the WPCA has used before and that staff is requesting that they be used as additional litigation support services. He introduced Attorney Gaythwaite and said that she is an expert in product liability. Attorney Gaythwaite said that she is head of the trial group at Verrill Dana, and that they are proposing that she serve as the lead trial in a team with the existing counsel Scott Orenstein. She said that they would also like to propose that Mr. Todaro be part of the team to provide backup research and writing assistance, as needed. She said that they have developed a fee that will be cost effective and would provide the WPCA with protection against the unpredictability of litigation, and that they are proposing a base rate, and if the case is resolved without requiring a significant amount of legal work they would be paid on an hourly rate basis, using the rates that are currently being charged to the WPCA on other legal matters. Mr. Bove said that the engagement letter is very fair for both the hourly and base rate. Mr. Clark asked is Verrill Dana would be in charge of the depositions. Attorney Gaythwaite said that they would like to be. Mr. Oustafine said that there cannot be two strategies and that someone needs to be in charge. There was discussion ensued and it was decided that Attorney Gaythwaite would take the lead. Attorney Gaythwaite said that she is comfortable that she and Attorney Orenstein can work together as a team. Ms. Bikakis- Hajian asked if there would be any issues regarding the fees. Mr. Chimento said that there should not be.

**** MR. CLARK MOVED TO SUSPEND THE RULES.
** THE MOTION PASSED UNANIMOUSLY.**

**** MS. BIKAKIS-HAJIAN MOVED TO ENTER INTO NEW BUSINESS.
** THE MOTION PASSED UNANIMOUSLY.**

**** MR. FLYNN MOVED TO APPROVE THAT VERRILL DANA, LLP. BE DESIGNATED TO BE THE LEAD ATTORNEY ON THE LITIGATION.
** THE MOTION PASSED UNANIMOUSLY.**

**** MR. IGNERI MOVED TO TAKE THE AGENDA OUT OF ORDER AND ENTER INTO EXECUTIVE SESSION.
THE MOTION PASSED UNANIMOUSLY.

7. EXECUTIVE SESSION TO DISCUSS ONGOING LITIGATION WITH FLOWSERVE ABOUT MAIN LIFT PUMPS' FAILURE, SEWAGE OVERFLOW FINDINGS BY CONNECTICUT FUND FOR THE ENVIRONMENT

Executive session began at 6:00PM
Executive session ended at 6:15PM
No action was taken.

5. CONTRACT OPERATIONS REPORT:

a. OMI MONTHLY REPORT- JANUARY 2017 (COPY INCLUDED)

Mr. Ahern reported on the maintenance and said that the power cables to the primary pump building have been replaced, and that two of the four blowers have been removed for major overhaul. He reported on the violations and said on January 24, 2017, they received a permit and performance guarantee violation due to the cold temperatures. He reported on the collections system and said that they replaced a valve at the Red Oak pump station and replaced a pump at the Marvin Beach pump station. He said that there was a 200 gallon spill at the Westport Avenue pump station and that the spill was contained and the bubbler repaired, and that there was a 100 gallon spill at Isaac Street which was due to grease and that they cleared the blockage. He said last Friday there was an issue with the line at 152 Witch Lane and after investigating found that the line had collapsed, and that A.J. Penna was called in to perform the repair. Mr. Kolb said that OMI will be televising the remainder of the line to see if there are any other spots that may have issues and make repairs as needed. He reported on the production rate for CCTV and said that the monthly rolling average for tv'ing 0.47 miles and 7.52 miles a month for cleaning.

6. REPORTS

- a. FY 16/17 Revenues/Expenditures MUNIS Report (copy included)
Mr. Kolb reported and said that everything is tracking as expected.

- b. Draft FY 17/18 Capital and Operating Budgets (copies included)

Mr. Kolb reported and said that the operating budget is based on a 1.5% rate increase, and that he is working with the Finance Department on the inter-departmental charges.

- c. Discussion of WPCA long term strategic planning of capital projects, operations, and liability review by ARCADIS, U.S. Inc.

Mr. Chimento said that ARCADIS is under contract to analyze the Wastewater Treatment plant and its operations, and staff would like to have them do a strategic plan of all of the capital projects, operations and liability to analyze what the needs are for the future. He said that the OMI contract will expire in 2020, and that there are decisions that will need to be made to move ahead. He said that staff would like to move ahead with strategic planning of where we are going in the future, and that this is not necessarily a financial model but an operational model. Mr. Kolb said that the financial model is updated every couple of years, and it was updated this year, and will be updated again with the possible changes of a contract operator so the WPCA is in the best financial situation it can be in.

- d. Discussion on WPCA Projects:
 - 1) Main Lift Pump Replacement Project Update
Mr. Kolb said that all six pumps are in.
 - 2) Solids Handling, Aeration Improvements and Odor Control Evaluation
Mr. Kolb said this is still be evaluated.
 - 3) Sluice Gate Replacement
Mr. Kolb said that there have been some issues, and are hoping to have a plan within the next couple of weeks to have the gates replaced on the east side.
- e. Sewer Use Bill Appeals/Adjustments Update
 - 1) Appeal Status
Mr. Kolb reported and said that the adjustments to date are \$64,658
- f. Information copies:
 - 1) Town of Wilton Sewer Bill FY 16/17 (copy included)
No discussion.
 - 2) 2016 CSO Report (copy included)
Mr. Kolb said that there were no events in 2016.

8. ADJOURNMENT

**** MR. FLYNN MOVED TO ADJOURN**

**** MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 6:40PM

Respectfully Submitted,

Dilene Byrd