

**CITY OF NORWALK  
WATER POLLUTION CONTROL AUTHORITY  
JANUARY 25, 2010**

Attendance: Darren Oustafine, Chairman  
Lewis Clark, Vice Chairman  
Mayor Moccia  
Laurel Lindstrom  
Andrew Conroy  
Fred Wilms  
Frederika Bikakis-Hajian  
Doug Hempstead

Staff: Hal Alvord, DPW Public Works Director  
Ralph Kolb, DPW Wastewater Systems Manager  
Tom Hamilton, Finance Director

Others: Rick Lavoie, CH2MHill, OMI  
Attorney Grenier  
Attorney Stergas

**1. CALL TO ORDER**

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

**2. APPROVAL OF THE MINUTES FROM WPCA MEETING HELD ON DECEMBER 21, 2009**

**\*\* MS. LINDSTROM MOVED TO APPROVE THE MINUTES  
\*\* MOTION PASSED UNANIMOUSLY**

**3. AUTHORIZE THE CHAIRMAN OR THE VICE CHAIRMAN TO EXECUTE AN AMENDMENT  
TO THE NOVEMBER 3, 2008 AGREEMENT WITH SPINIELLO COMPANIES FOR A SUM  
NOT TO EXCEED AMOUNT OF \$675,000 FOR EMERGENCY REPAIR OF THE NORWALK  
RIVER INTERCEPTOR IN ACCORDANCE WITH THE LETTER DATED JANUARY 12, 2010.  
(COPY INCLUDED)**

Mr. Kolb said that the original claim submitted was \$924,422 that consisted of work above and beyond the amended scope. The amended scope tasks were expected to be completed within two weeks; however it took the contractor an extra 90 days to complete. He said that after several negotiations, Malcolm Pirnie and the City were able to reduce the additional claims down by 27% for a revised claim cost of \$675,000. He said that there is an open capital account that will be able to cover \$407,304.21 of the change order. Mr. Hamilton asked is there is a breakdown of work on the letter accepting the \$675,000. Mr. Kolb said "yes" and that he will provide that. Mr. Wilms asked where the additional \$267,695.79 would come from. Mr. Kolb said

that originally \$330,000 was approved for change orders and was not all used and that is where the additional funds will be paid from.

**\*\* MR. WILMS MOVED TO APPROVE THE ITEM**

**\*\* MOTION PASSED UNANIMOUSLY**

**4. AUTHORIZE THE CHAIRMAN OR VICE CHAIRMAN OF THE WATER POLLUTION CONTROL AUTHORITY TO EXECUTE AN AMENDMENT TO THE JUNE 25, 2009 AGREEMENT WITH GILBANE BUILDING COMPANY TO MODIFY THE FLOOD INSURANCE COVERAGE TO A MAXIMUM LIMIT OF \$10,000,000 IN LIEU OF TOTAL REPLACEMENT COST. (DRAFT AMENDMENT INCLUDED)**

Mr. Kolb said that when Gilbane went to obtain insurance for the phase I upgrade of the Wastewater Treatment Plant it was a lot higher than was initially anticipated. He said that Ms. Burns has been working with Gilbane in finding solutions on how to bring the insurance cost down. He said it was identified that if a maximum limit was done of \$10 million dollars that Gilbane would still be liable however, it would keep the cost of the insurance down. Mr. Wilms asked what if there is a storm the cause's damage in excess of the \$10 million dollars. Mr. Alvord said that he does not anticipate that the replacement value of something that could be damaged by flooding would exceed the \$10 million dollars. Mr. Hamilton asked if Diane Berry had looked at this. Mr. Kolb said "yes".

**\*\* MS. LINDSTROM MOVED TO APPROVE THE ITEM**

**\*\* MOTION PASSED UNANIMOUSLY**

**5. AUTHORIZE THE CHAIRMAN OR VICE CHAIRMAN TO RETAIN VERRILL DANA, LLP TO PROVIDE LEGAL SERVICES RELATED TO PREPARATION OF ENVIRONMENTAL, CONTRACTUAL AND OTHER MATTERS IN ACCORDANCE WITH ENGAGEMENT LETTER DATED JANUARY 20, 1010. (COPY INCLUDED)**

Mr. Alvord said that Ms. Mignone has been the Attorney that staff has relied on and she is very well versed in environmental issues. He said that she has one of the best rates and she is offering the same rate with Verrill Dana. Mr. Hempstead said that he understands moving this along temporally but that it should go out to bid. Mayor Moccia said this is a very specialized field. Ms. Lindstrom asked what the hourly rate is. Mr. Alvord said he believes its \$240 per hour. Mayor Moccia requested that the in the future that the Board be provided with any rate changes that are being requested to be approved.

**\*\* MAYOR MOCCIA MOVED TO APPROVE THE ITEM**

**\*\* MOTION PASSED UNANIMOUSLY**

**6. AUTHORIZE THE CHAIRMAN OR VICE CHAIRMAN TO TRANSFER FILES FROM PEPE & HAZARD, LLP TO VERRILL DANA, LLP IN ACCORDANCE WITH LETTER DATED JANUARY 6, 2010. (COPY INCLUDED)**

**\*\* MAYOR MOCCIA MOVED TO APPROVE THE ITEM**

**\*\* MOTION PASSED UNANIMOUSLY**

## 7. REPORTS

- a. FY 09/10 Revenues/Expenditures Report (MUNIS report included)  
Ms. Kolb discussed the MUNIS report.
- b. Draft FY09/10 Capital Budget (Copy Incuded)  
Mr. Kolb said that the only change is that the projected fiscal year 2014/2015 and a solids handling system has been added. Mr. Hamilton asked at some point if staff will be supplying additional information on the solids handling system. Mr. Kolb said "yes".
- c. WWTP Phase I Upgrade Project Update  
Mr. Kolb said that Gilbane and the excavation contractor LCI are onsite and that they broke ground on Tuesday. Mayor Moccia asked when the pile driving is expected to begin. Mr. Kolb said based on the current schedule it will begin in early April. Mr. Alvord said that outreach will be done with the residents in the area. Mr. Wilms asked how long the pile driving will take. Mr. Kolb said approximately six months.
- d. Discussion on the request made by the owner at 23 Lindenwoods Road (letter and map included)  
Mr. Kolb said that a 4 unit residential development is being built on the parcel at 23/25 Lindenwoods Road and in order to reach the city sewer they extended the sewer line approximately 250 feet. He said that they are requesting an agreement with the WPCA that when other parcel owners connect to the sanitary sewer line at a future date that they would help share in the cost of the sewer extension. Mr. Alvord said that staff is currently in discussions with Attorney Maslan on how to address this in the proper manner. Mr. Oustafine said that he has some reservations on this and said that this is probably the way to proceed in the future, but that a precedent will be set in making adjustments in arrears. He said by doing this that the WPCA is making an agreement about something that has already occurred, and the same courtesy should also be extended to other people who have done similar things. Mr. Alvord said that at next months meeting staff will have a recommendation on what the appropriate procedure will be.

**\*\* MAYOR MOCCIA MOVED THAT BASED ON THE LETTER FROM ATTORNEY GRENIER ON JANUARY 5, 2010, OUTLINING THEIR REQUEST THAT THE WPCA HAS CONSIDERED THE REQUEST AND HAS FORWARDED IT TO THE CORPORATION COUNSEL'S OFFICE FOR REVIEW WITH STAFF TO DETERMINE IF IT IS FEASIBLE.**

**\*\* MOTION PASSED**

**\*\* ONE OPPOSED- MR. OUSTAFINE**

- e. Sewer Use Bill Appeals/Adjustments Update
  1. Appeal Status  
Mr. Kolb said that the adjustments to date are \$84,334.
- f. Information Copies
  1. Clean Water Fund Planning Grant Request – FOG Receiving Station (copy included)  
No discussion
  2. Clean Water Fund - Interim Funding obligation CWF 612-C (copy included)  
No discussion.

3. 2009 GPLPE Annual Compliance Certification Form (copy included)  
No discussion.
4. NACWA Newsletter (copy included)  
No discussion.

### **8. CONTRACT OPERATIONS REPORT**

- a. Public Works Director Report:
  1. Odor Issues  
Mr. Kolb said that no odor complaints have been received.
- b. OMI Report:  
Mr. Lavoie said that a freezing situation with a chemical occurred for approximately 1 hour which caused two instantaneous limit exceedances on chlorine residual and that the DEP had been notified. He said that there were two storm flow events on December 9, 2009, and December 13, 2009.

### **9. ADJOURNMENT**

**\*\* MAYOR MOCCIA MOVED TO ADJOURN**

**\*\* MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 6:20PM

Respectfully Submitted,

Dilene Byrd