

The Special Meeting of the Water Pollution Control Authority was called to order by Chairman Michael DeAngelis at 9:00 a.m. on Friday, July 11, 2008 in Room 305 of Shelton City Hall, 54 Hill Street, Shelton, CT 06484.

The following Commissioners were in attendance to constitute a *quorum*:

Michael DeAngelis
Edwin Hellauer
Steve Morse
Regis Dognin
Todd Dowty
Anthony Presutto
Bronislaw Piotrowski
Richard Jager

Also attending were: Thomas Sym, Sewer Administrator
George Pendleton - Maguire Group
Alan Asikainen - Maguire Group

NOTE: It was originally decided a clerk was not needed - then at 9:15 a.m. Tom Sym came and asked me to attend. I did not get to the meeting until 9:20 after it had started.
L. Hooper

1. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

2. CONSENT DECREE

Objective: fulfill obligations of Consent Decree

- a. I&I study and repair
- b. CMON (Capacity, Management, Operation and Maintenance)
- c. Emergency Response

A. Action Plan:

- a. Identify and assess resources required
 - CMON Expert - do we have resources to a CMON expert (No)
 - Plant data - do we have resources to? Yes or No
 - Sewer system date - do we have resources to? Yes or NO
 - Collection System Asst Data - do we have resources to?
Yes or NO
 - Integrated emergency response - do we have resources to?
Yes or No

Alan Asikainen said we need emergency response plans at the plant. We still have other issues at the plant we have to address. I doubt that they have much in the way of emergency action plans for chemicals and things like that. In the past they had plans for chlorine.

Commissioner Morse said they better have plans for a cracked SBR and all system back-ups in Tom's case.

Commissioner Dognin said we need a mechanism for collection data and analysis.

Commissioner Presutto said we need a person to check the sewer lines.

Alan Asikainen said staffing plan is needed. It is more to get things in writing - things have not been in writing before.

George Pendleton said in many cases you need to write down what would be done and have an action plan - you don't have to change things across the board. How you implement stuff may not change - how you oversee and manage and plan everything will be a global change.

- Management Information Collection System
do we have resources to? Yes or No
- Designate a person on WPCA end to coordinate - a program
Administrator to coordinate timetable and generate reports
do we have resources to? Yes or No
- Need for software (said Alan Asikainen) to maintain
Management program for decree and equipment
do we have resources to? Yes or No

Mr. Sym said with all these requirements we need an assistant to coordinate the consent decree timetables. Commissioners Morse and Dognin said the current assistant job description needs revision.

B. Implementation of all of A Action Plan (1-8) above

- CMON Expert
- Develop phased approach for implementation depending on schedule
Alan Asikainen said Maguire can do phased approach of tasks with fees
Monthly update of task status - cost incurred

C. Schedule

George Pendleton said to authorize someone to proceed with the tasks. Term Contract.

Allan Asikainen said a Retainer.

Commissioner Morse said we need to develop language to get Maguire on board.

Commissioner Jager said he disagrees with Commissioner Morse. Inspect and assess the resources now, first.

Commissioner Morse said A is really done.

Commissioner Dowty said we need to have someone put things together so we can move ahead.

George Pendleton said the decree is not in force this date (7/11/2008). The first quarter status report is due July 15th - Tuesday. The Mayor and Corporation Counsel has to approve it.

We can do the status report without a signed contract between the City and Maguire.

Commissioner Morse said we need to provide a phased consent decree support on a time and material basis from 7/15/2008-6/30/2009 not to exceed \$100K.

Alan Asikainen said the blowers have fans in the enclosure and two of the fans were not operating and only one was. The guys at the plant did not know there were fans in the enclosure. Alan will get Jet Tech to look at them. That is a reason for all the alarms - the blowers are over heating. It would be good to have a log of the alarms. Jet Tech said

they are here to help and just call them. Alan said he cannot believe that the fans probably never worked and now are probably out of warranty - and the guys never knew there were even fans there and the alarms went off.

Tape 1 Side B 10:15 a.m.

Alan Asikainen said there needs to be a Grade 4 Operator at the plant at all times. So, the WPCA board needs to follow up on this. The plant is also under staffed.

George handed out the draft Consent Decree Engineering Support Agreement that Maguire drew up. So many of the tasks overlap.

“The Engineer shall assist the City with the performance of the Consent Decree tasks summarized in “Appendix E” - Timetable and Projects Costs” and detailed in “Appendix F” - Consent Decree”. The Engineer shall provide monthly status report to the WPCA at their monthly meetings.”

Tasks are in chronological order according to “due date” not necessarily start date.

Commissioner DeAngelis asked about the excluded item on page 6 under Article 2: Additional Services.

George said that item 2.1 Work related to “Additional Relief Sewer Design” was excluded because it was not required. Item 2.2 work related to “Eliminating Capacity-related SSOs from WCTS” is now Chromium Process only at this point. And 2.3 “purchasing and implementing Asset Management Software Program” is to be done at a later date until later on when we know what you need.

Commissioner DeAngelis said page 6 Article 3 shows exceptions and clarifications:

3.1 The Engineer will assist in the development of the necessary plans and procedures. However, the City is responsible for the timely implementation of all said plans and procedures.

3.2 Operational or safety training of City staff is not included.

3.3 The Engineer reserves the right to engage the services of subcontractors to provide expertise related to certain tasks.

Alan Asikainen said you need an implementation manager.

Commissioner DeAngelis said to both Alan and George that we are going to rely on you both - you are the parents and we are the kids and that you must remind us and direct us.

Alan Asikainen said he understands this.

Alan Asikainen said we should have a checklist that WPCA signs off on the task responsibility.

Alan Asikainen said our concern is that when we get the plan to you, things don't get approved in a timely manner and we have no control over that.

Tom Sym said Tom Welch will guide the Mayor with due dates.

Commissioner Morse said we will put on each item to be signed “Consent Decree due date of ____” at the top of each sheet.

Tom Sym said I want that July 15th due date that it is not due July 15th as the Consent Decree is not in force yet *in writing* to cover ourselves.

Commissioner Morse said we are waiting for the judge of the district court to sign it and then there is a 30 day wait period then it is in effect.

Commissioner Morse said the first quarter after date of entry. Let's do the quarterly report now anyway to get it started and show we are on it and see how long it takes - a trial run.

Commissioner DeAngelis said we spoke of going out for RFQ with Bill Hogan and we put one together and I sent it to Gene Sullivan in Purchasing and it never went through so we pulled it.

We are making Maguire our Engineer of Record and are no longer going out for RFQ (Request for Qualifications) and we cannot take that time now either.

Commissioner Hellauer asked how is this going to be financed?

Tom Sym said the penalty fine money came from us. This is the same thing.

Commissioner Hellauer asked is this a Capital Improvement?

Mr. Sym said "No".

Commissioner Hellauer asked then is there enough money in our accounts?

Mr. Sym asked how is this broken out? Can you give us a projected cash flow money of how much money we need this year and next year?

Alan Asikainen said "yes".

Commissioner Dognin said the definition of a Sinking Fund precludes us of paying fines or doing what we are talking about - the Sinking Fund is for putting money aside on a yearly basis to handle emergencies that have to do with the Plant capacity to function and do its job. The fine has nothing to do with the Plants capacity.

Mr. Sym said we don't know how much money is in the accounts, since the girl in Finance has been out for almost four months and we don't have a financial report. It is roughly \$300K less \$142K we have to pay.

There was discussion of where we are getting money to pay these fines.

Is it legal to pay the Consent Decree fines from the Sinking Fund?

Commissioner Morse said the Relief Sewer project is being paid from where?

Mr. Sym said right now from the Revolving Sewer Account. We can take connection fees that will be coming in, like from Avalon, and a couple of smaller projects and we can use that money. You cannot use the Revolving Sewer Account money for this by State Statute.

<p>Motion: A motion was made by Commissioner Morse and seconded by Commissioner Hellauer to use our Engineer of Record, Maguire Group, to assist the WPCA with the response to EPA/CTDEP regarding the Consent Decree. Time and materials not to exceed \$100K for the period July 15, 2008 - June 30, 2009 and to waive the right to go out to RFQ. All were in favor. Motion carried unanimously.</p>
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George Pendleton said there will be implementation costs over and above us. There will be costs out of the plans and studies as well as your own in-house costs.

Commissioner DeAngelis said he wants to know what the *exclusion* items are and wants Alan Asikainen to list them.

Alan Asikainen said that is fair.

Commissioner Morse said he will work out with the Finance Department to get in touch with DEP and EPA to do the payment electronically.

Commissioner Dognin said Lou Marusic was upset with the administration for not including him in the loop dealing with meetings on the Consent Decree, since he has to do the electronic payment and has to formulate it.

Commissioner Piotrowski asked is there no funding from DEP?

Everyone replied “no”.

DEP is upset that Shelton is dumping into the river. It is our “lack of reporting it” that is the biggest issue.

The next meeting is after Maguire does the Quarterly report. The July 18th meeting agenda is to include approving Nickerson’s and Maguire’s invoices and amend C/O #17 and review the draft of Maguire’s Consent Decree. The meeting will be at 4:00.

3. ADJOURNMENT

There being no further business to conduct this evening,

<p><i>Motion:</i> A motion was made by Commissioner Hellauer and seconded by Commissioner Jager to adjourn. All were in favor. Motion carried unanimously.</p>

The meeting adjourned at 11:00 a.m.

Respectfully submitted,

Linda M. Hooper
Clerk

1 Tape on file with the City/Town Clerk

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