

The Special Meeting of the Water Pollution Control Authority was called to order by Chairman Michael DeAngelis at 4:15 p.m. on Friday, July 18, 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 arrived at 4:35 p.m.
Anthony Presutto

Absent were: Bronislaw Piotrowski
Richard Jager

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

1. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

2. NICKERSON CHANGE ORDER #17

George Pendleton from Maguire Group indicated that Change Order #17 with the cover letter dated July 14, 2008; this is the final change order. Change Order #16 included projected costs for items like the bank stabilization, etc. This change order adjusts the items. This a *deduct change order for \$48,799.00* from what was projected in change order #16.

Item F on page three *Reconcile the cost (CO#16) associated with providing site work and concrete A-Jacks at the outfall for riverbank. PCO#00045 dated 6/20/2008 (\$59,589.00).* This is the deduct.

A couple of other items are slight increases once we got the final pricing in for the sump pump, etc. The items in C/O #16 are noted on this page.

Commissioner DeAngelis said he spoke to Bill Hogan yesterday and Mr. Hogan wants to know are we are doing about the foam?

Commissioner DeAngelis said he thinks it is 95% better and didn't think the foaming was too bad.

Mr. Hogan said if there is an issue, and there is a complaint, WPCA is still responsible.

Commissioner DeAngelis told Bill Hogan we are putting in anti foaming.

George Pendleton asked Stella "What is the definition of no foaming?"

She said "NO FOAM". If a fisherman takes a picture of the foam and sends it to her, then there is foaming.

Mr. Sym said it depends how fast it dissipates.

George will call Stella this Monday morning regarding the foam, so we can close this project out.

George said the discharge permit says no foam.

George said DEP will contact us if they see foam and we then are responsible to take care of it. Operational things can cause foam. There is a decant every few hours.

George continued that there are a few Nickerson items left that are warranty items that they are aware of like the doors, emergency lights, platform, back to C/O #17.

The original contract price was	\$17,153,987.00
Total increase from C/O #16	\$ 280,395.78
Contract price prior to this Change Order	\$17,434,382.78
Decrease amount from C/O #17	(\$ 48,799.00)
Contract Price incorp this C/O 17	\$17,385,583.78

George said he will attend the Board of Aldermen meeting next Tuesday.

Motion: A motion was made by Commissioner Dognin and seconded by Commissioner Hellauer to recommend to the Board of Aldermen to approve Change Order #17 dated July 14, 2008 of Nickerson for a deduct amount of \$48,799.00. All were in favor. Motion carried unanimously.

Commissioner DeAngelis said this tells me you guys (Maguire Group) did a good job on your design drawings.

The rest of the package is all backup information.

3. NICKERSON FINAL INVOICE

George Pendleton said this reflects the deduct items in C/O #17. Nickerson has not invoiced you in several months. So, this is catch up as well.

Motion: A motion was made by Commissioner Presutto and seconded by Commissioner Dognin to approve the final payment to Nickerson - final invoice dated July 18, 2008 Application NO. 32 Final - in the amount of \$229,214.85. Monies to come from the Referendum account. All were in favor. Motion carried unanimously.

4. MAGUIRE GROUP FINAL INVOICE

George Pendleton said this is for the O/M Manual lump sum fee, which was the only item remaining under our contract. Mr. Pendleton delivered two copies and will deliver a third if there are no comments.

Motion: A motion was made by Commissioner Hellauer and seconded by Commissioner Morse to approve payment to Maguire Group for their final invoice for \$5,600.00 for the O/M Manual. All were in favor. Motion carried unanimously.

Commissioner Presutto said there should be copies for the guys at the plant to look at when they are sitting around. George will provide some additional copies.

Note: Commissioner Dowty arrived.....4:35 p.m.

5. MAGUIRE GROUP AGREEMENT RE CONSENT DECREE ENGINEERING SUPPORT

George has reviewed and revised his proposed contract to include our motion from the last meeting on July 11, 2008 for *not to exceed \$100K* and clarified the additional services and clarifications as was requested.

The changes reflect things not included in the scope and why.

George handed out the City of Shelton EPA/CTDEP Consent Decree Quarterly Report draft.

The status report has three sections:

1. Summary of activities undertaken during the reporting period
2. List of deliverables submitted during reporting period
3. Activities anticipated during the next reporting period

George said the overall schedule and first deliverable which is the status report technically due October 15, 2008 but the intent was to try to get one in now.

Commissioner DeAngelis said Bill Hogan said it would be wise to stick to the July 15th date. And he would call Mike Fedak and get back to me.

George discussed his handout the EPA Consent Decree Schedule. This includes the tasks, start and finish dates.

There was a lot of discussion of the tasks and dates.

Insert the legal sized chart here if possible

Commissioner DeAngelis said he would like to see the start and end dates on the chart since it is so small it is hard to follow.

Commissioner DeAngelis said the items with the red bar are the critical ones right now and meeting the deadlines of these items: Final *close out of CWF, Phase I Construction advertise for bid and Sewer Administrator to identify items already completed.*

George said the inflow removal report is critical now as well.

Tape 1 Side B 5:00 p.m.

Commissioner DeAngelis said "Good Job, George - this will help a lot".

George said that the Phase I Construction Schedule is behind schedule. The bid openings are only done on certain dates and the next one is August 12th so that is why that one is behind.

Commissioner Morse asked how do we send this handout and cover letter to the EPA/Mike Fedak.

Commissioners Dognin and Presutto said we are OK for Commissioner Morse and George to improve it and run it by Tom Welch for his final review and try to send to the EPA next week.

There was discussion on how/who to follow up on Mayor Lauretti's signature in a timely manner to meet the deadline dates.

Tom Sym asked if the Consent Decree requires the Mayor to send in quarterly reports?

Commissioner Morse said that a few weeks ago the Mayor told Commissioner Morse that he wants to see/sign everything to do with the Consent Decree.

Commissioner DeAngelis said everything should go through Maguire and Maguire should send it out - we are paying Maguire to do this - they are our engineer of record (all the members present agreed).

Mr. Sym said page 30 of the Consent Decree says "certified representative of the City" and that is the Mayor or Tom Sym.

George said the Mayor can sign this cover letter then someone has to be sure it is mailed.

Commissioner DeAngelis wants Maguire Group to be responsible for delivery and that is why we are hiring them.

George - Maguire Prepares the documents
Maguire give to WPCA for their review
Then to Tom Welch for review
Then to the Mayor or Tom Sym for review and signature

Mr. Sym said this will all take too much time.

George said the problem is making sure this gets into the mail.

Mr. Sym said that Corporation Counsel read the consent decree and does not care about the tasks.

George said each report we submit proposes the City does certain things and that is a legally binding document and you are legally obligated or you will be fined if you don't do it. That is where the legal part comes in and is part of the consent decree.

The Mayor has to sign it or delegate it to Tom Sym or someone else like Mr. Sym. If he sits on it and a deliverable deadline passes we will be fined.

There was discussion that it does not have to go back to Corporation Counsel.

Tom Sym said lets talk to Tom Welch and have George write to Corporation Counsel saying that we prefer to use WPCA or Mr. Sym to complete the tasks without involving the Mayor and Tom Sym to be the authorized agent so that things will be submitted on time. We are trying to have an agent act for the Mayor and abide by pg. 30 article of the Consent Decree.

George will draft a letter next week saying this.

George and Commissioner Morse will work on getting the status report out next week to EPA and run it by Tom Welch.

George will work on the status report next week as well.

Motion: A motion was made by Commissioner Morse and seconded by Commissioner Dowty to amend the Consent Decree motion made on July 11, 2008 to eliminate “the period July 1, 2008 - June 30, 2009.” The revised motion would read: ***To use our Engineer of Record, Maguire Group, to assist the WPCA with the response to EPA/DEP regarding the consent decree. Time and materials not to exceed \$100K and to waive the right to go out to RFQ. All were in favor. Motion carried unanimously. Monies to come from the Revolving Sewer Account.***

Commissioner DeAngelis wanted to clarify who signs the Maguire Consent decree engineering support for WPCA?

Mr. Sym said Commissioner DeAngelis does.

George indicated that the \$100K may not be enough. Most of the work is in the next twelve months and we may need more money - the months July 1, 2008 - June 30, 2009 does not matter with regard to the \$100K.

6. Maguire Group Amendment No. 3 - Sanitary Collection System Improvement and Huntington Area I/I & SSES

George said the bid was withdrawn and so this amendment was withdrawn. This is a new agreement with Maguire Group. This is the rebidding of the three projects that are out there now.

Motion: A motion was made by Commissioner Morse and seconded by Commissioner Hellauer to approve Amendment #3 with Maguire Group for three (3) bid projects for the sanitary sewer collection system improvements and Huntington area I/I & SSES Program with modifications to clear up the title page and summary and reference amendment No 1 & 2 and delete the reference to “Huntington” as it has nothing to do with the Huntington area. The study was the original contract. Amendment #1 was the rebid of the Dewberry project. Amendment #2 was to rebid it again and split it into three because we only had one bidder. Amendment #3 is to cover construction phase services for the three split projects that are out to bid right now - and to forward the agreement to the Board of Aldermen for their approval. For a total of \$140,100. Monies to come from the Referendum monies. All were in favor. Motion carried unanimously.

Amendment #4 will be the design contract of number 2.

7. TRUMBULL CONSTRUCTION INVOICE #1.....\$57,000.00

This is for the downtown Relief Sewer.

Motion: A motion was made by Commissioner Hellauer and seconded by Commissioner Dognin to approve payment to Trumbull Construction Co. in the amount of \$57,000.00 for the downtown relief sewer. Monies to come from the Revolving Sewer Account. All were in favor. Motion carried unanimously.

6. ADJOURNMENT

There being no further business to conduct this evening,

Motion: A motion was made by Commissioner Morse and seconded by Commissioner Hellauer to adjourn. All were in favor. Motion carried unanimously.

The meeting adjourned at 5:45 p.m.

Respectfully submitted,

Linda M. Hooper
Clerk

1 Tape on file with the City/Town Clerk

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