

**Special Meeting Minutes**  
**Town of Montville Water Pollution Control Authority**  
**Monday, March 28, 2011**  
**6:00 p.m. – Council Chambers – Town Hall**

1. Call to Order

Chairman May called the special meeting to order at 6:00 p.m.

2. Pledge of Allegiance

3. Roll Call

Present were Commissioners Hillman, May, Schober, Siragusa and Thorn. Also present was Attorney Ron Ochsner and Superintendent Michael Didato.

4. Motion made by Commissioner Hillman, seconded by Commissioner Thorn to approve the Meeting Minutes of;

- a. Tuesday, March 22, 2011 Special Meeting;
- b. Wednesday, March 23, 2011 Special Meeting.

Discussion, Chairman May stated he asked to have the two special meeting minutes approved so that they could be filed as soon as possible. Voice vote, 5-0, all in favor, motion carried. Meeting minutes approved.

5. Remarks from the public regarding matters on the agenda

Chairman May inquired three times if there was anyone who would like to come forward to address the Commission regarding items on the agenda.

Chairman May discussed a correspondence he received from Attorney James Cobery who represents Rand Whitney stating he could not make this special meeting. Chairman May indicated Mr. Cobery and representatives from Rand Whitney have been invited to join both of the RFQ presentations held last week to discuss and interview for a rate consultant because the Commission is encouraging them to be an active participant in the selection. The correspondence states they will not be able to make it to the meeting and stated Rand Whitney has not declined to participate in the process and they want to discuss the cost percentage. The WPCA has documentation that Rand Whitney has been invited to participate in all public meetings and discussions regarding the hire of a company to conduct the Rate Study.

6. Old Business

- a. To consider and act on a motion to discuss Sewer Rate Study RFP bid packages.

Chairman May stated the Commission held interviews last Tuesday and Wednesday and he was very impressed with both of the presentations from the rate consultants. He encouraged everyone to look over the materials presented and to think about the best candidate for the job.

Motion made by Commissioner Hillman, seconded by Commissioner Siragusa, discussion, none, voice vote, 5-0.

Superintendent Didato submitted a letter to the Commission from Wright Pierce addressed to himself and the WPCA regarding the professional cost percentages analysis and Town Wastewater Treatment System Rate Study detailing the progression and the time frame of the rate study, specifically, the Rand Whitney Containerboard cost percentage analysis, draft technical memorandum submittal provided to the WPCA by June 24, 2011. (On File In The Town Clerk's Office).

Chairman May stated this date is past the date recommended in the RFP and inquired if a public hearing can be held on partial submittal. It is not recommended to go to referendum with a partial plan.

Attorney Ochsner stated the contract provides that when the WPCA gets the report it must be submitted to Rand Whitney for their review and they then have thirty days to review the document.

Superintendent Didato stated the letter states that Wright Pierce is willing to fast track the study to the best of their abilities but they might not be consistent with the desires of the WPCA. He recommends Wright Pierce as the number one choice, both companies are competent to do the project by Wright Pierce has been at many seminars and discussion groups and they network quite a bit in the State of Connecticut and have always been very professional and knowledgeable in all elements and aspects of wastewater treatment and billing. He stated both firms had their strengths and seemed very competent to do the job well. A background check was conducted and Mr. Didato called every reference Municipal Financial Services provided and the marks were high for both companies but the Wright Pierce people were emphatic that the company was fantastic. There were no bad or problematic experiences reported for either company. He stated if he had to pick one of the two companies it would be Wright Pierce.

Commissioner Thorn discussed the references and asked if there was any feedback regarding the timelines for fulfilling time schedules. Superintendent Didato stated parties for both companies were very satisfied with the completion due dates and all work were completed as proposed. Wright Pierce and MFS included in their packages the duration of time needed to complete the project. Wright Pierce thinks that it will take a little longer than Municipal Financial Services Group and he gives them credit for their convictions and held true to their beliefs.

A discussion was held regarding the timeline for completion of the project.

Commissioner Siragusa spoke in favor of hiring Municipal Financial Services Group because of their extensive experience with Rate Studies.

Attorney Ochsner reviewed the rules that were set out early on regarding the manner of which the WPCA selects an independent consultant. In the arbitration award one of the primary difficulties the arbitrators had was the rate consultant that the WPCA initially selected to do the study was not "independent" although it was not defined by the terms of the contract, but it was the feeling of Rand Whitney, based on how the process went that he was not truly independent and therefore they discounted the rate study, and as a consequence of that the WPCA set up a selection process that would make the selection a transparent operation and open to the general public and to any interested entities, specifically Rand Whitney and would be designed so that the WPCA would get a truly independent consultant. The rules provide that by written communication the committee will schedule and oral interview with each of the two consultants identified as finalists at a public meeting of the WPCA and the individual designated as the project manager of the consultant shall be in attendance at the interview, and consultants costs for travel to the interview will be the responsibility of the consultant. The consultant should be prepared to discuss all aspects of his/her proposal for the project and will be able to take questions from the public as well as the authority and/or committee members. The finalists will be based upon consideration of the following criteria; professional qualifications, previous experience, comments from references, ability to communicate effectively and the content of the consultants proposed scope of work for the project. Aside from the exchanges described there shall be no other oral or written communications between any candidate and either Montville or Rand Whitney. The candidate shall not be selected as the consultant if he/she performed work for either Montville or Rand Whitney in the last five years or has any other ongoing or pending engagement with either Montville or Rand Whitney. In the case of an entity candidate, this requirement shall apply only to the project manager and any other employee of the entity who is expected to be significantly involved in the project. After open discussion at a scheduled meeting, the WPCA will select a consultant. After approval by the Authority, the selected consultant will be promptly notified in writing, and the consultant shall then provide a draft agreement with the Town of Montville for the performance of the project which contract shall incorporate this document. All negotiations regarding the terms of the contract shall be

conducted in writing and not orally, if this contract is not negotiated with a consultant within twenty one days after the notice of selection, the WPCA has the option of terminating negotiations and selecting the alternate consultant. He explained those are the rules set up and they are direct and he does not see any excursions from those rules at this point. The candidates both have high levels of experience and expertise with respect to rate consultant work. The Municipal Group has broader experience from the standpoint of nationwide experience and types of projects they have undertaken, but the Wright Pierce group is more attuned to litigation support than the Municipal Group. In addition to the background examinations that Mr. Didato conducted, he conducted a judicial review of both companies, reviewing all state opinions as well as federal opinions with respect to whether either company has shown up in a state or federal court decision. One case involved Wright Pierce in Florida and this case was of no fault of their own and they did not do anything wrong, and there was nothing found for Municipal Financial Group. He stated Wright Pierce has an edge from a litigation standpoint, but this should not be the primary basis for making a decision, it should be based upon who the WPCA feels is the best consultant for the town.

A discussion was held regarding extra costs associated with litigation support. Commissioner Thorn is not in favor of paying additional money for litigation support, he believes if the company conducts a study and it contains flaws and is in no way the town's responsibility they should stand behind their study and mitigate the damages at no cost to the town.

Commissioner Hillman stated she is in favor of hiring Wright Pierce for the job, their presentation was put together professionally and the information that was presented in the RFQ was professional and there was more information and data regarding what they have done, where they have been, how they worked, etc. She stated she likes both companies but would vote for Wright Pierce.

Commissioner Siragusa spoke in favor of hiring Municipal Financial Services because they do not have anyone working for them that have worked for Rand Whitney and there is no conflict.

Chairman May stated once a firm is chosen he will ask for a meeting with the company and the two attorneys to sit down and discuss with them in an open workshop what the commission rules are and what is expected of them. After this meeting, the consultant will be on their own to conduct the rate study and there will be total transparency, there will be no executive sessions and all communication will be in writing or open forum for all to see. He believes the Municipal Financial Services has done extensive work for municipalities and private industry and working on high strength BOD and high TSS and they work nationwide. They were able to articulate they had done work in getting issues resolved. He stated the WPCA must treat every rate payer in the Town of Montville equally because the Town accepted Federal money and as part of the EPA the Town has to treat everyone the same, there are no other options. He stated if he has to pick one company he would pick the Municipal Financial Services Company, they are confident they will have the work completed by June 1<sup>st</sup> as requested in the RFQ.

A discussion was held regarding the availability of a company who is based out of state.

b. SAR 2011-008. The Town of Montville Water and Sewer Commission hereby resolves to authorize the Chairman of the Water Pollution Control Authority to enter into a contract for the preparation of a RW Containerboard LP cost percentage study and a town wide sewer rate study with Municipal & Financial Services Group of Annapolis Maryland for a contract amount not to exceed \$56,000.

Motion made by Commissioner Siragusa, seconded by Commissioner Thorn, discussion, none, Roll call vote, 3-2, voting in favor was Commissioners Siragusa, Thorn and May, voting in opposition was Commissioners Hillman and Schober. Motion carried, Municipal & Financial Services Group of Annapolis Maryland will be awarded the contract for the Rate Study in an amount not to exceed fifty six thousand dollars (\$56,000)

Chairman May thanked everyone for all their hard work on this endeavor and asked that the Municipal Financial Services Group be contacted regarding the WPCA's decision to contract

with them for the rate study and to send a letter to Wright Pierce regarding the decision and thank them for their presentation.

c. To consider and act on a resolution to authorize the chairman of the WPCA to enter into a contract for the preparation of a RW Containerboard LP cost percentage study and a town wide sewer rate study with Wright Pierce of Middletown, Connecticut for a contract amount not to exceed \$65,700.

Attorney Ochsner stated the Commission does not need to vote on this resolution because a favorable vote was taken to choose the Municipal Financial Services Group to conduct the rate study for the Town.

7. Remarks from the Public

Chairman May inquired three times if there was anyone who would like to come forward to address the Commission.

8. Adjournment

Motion made by Commissioner Siragusa, seconded by Commissioner Thorn to adjourn the meeting at 6:55 p.m. Discussion, none, voice vote, 5-0, all in favor, motion carried.

Respectfully Submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville