

TOWN OF DARIEN SEWER COMMISSION
2 RENSRAW ROAD - TOWN HALL
DARIEN, CT 06820-5397
TELEPHONE (203) 656-7363



ROBERT A. RIITH, CHAIRMAN
CRAIG J. FLAHERTY, P.E.
ROCCO GENOVESE
ANNE SHAW
PETER VAN WINKLE, ESQ.

TOWN OF DARIEN
DARIEN SEWER COMMISSION
MEETING MINUTES
JANUARY 7, 2014

ATTENDANCE: Anne Shaw, Acting Chairman,
Craig Flaherty,
Peter Van Winkle.

ABSENT: Robert Riith, Chairman
Rocco Genovese

STAFF: Robert Steeger, Director of Public Works (5:35 p.m.);Darren
Oustafine, Assistant Director of Public Works

OTHER: Colleen Lyons
Alan Gray
Michael Ervin
Robert F. Maslan, Jr., Esq.
Andrew Andruik
Marilyn Knox, Recording Secretary

1. CALL TO ORDER

Commissioner Shaw called the meeting to order at 4:30 p.m. and stated that the members as listed above were in attendance and that a quorum was present.

2. Approval of Meeting Minutes of December 3, 2013

- ** MR. FLAHERTY MOVED TO APPROVE THE MEETING MINUTES OF December 3, 2013 AS AMENDED WITH CORRECTIONS NOTED AS EDITED BY MR. OUSTAFINE.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

3. Sewer Extension, 103 Tokeneke Road CGS 8-24 PZC Application/Developer's Agreement.

Mr. Oustafine provided a review of the details of the extension profile and referred to a memo to the Planning & Zoning Commissioners outlining consistency with town plan of conservation and development, and that developer's agreement has been approved by both town and developer counsels. Mr. Oustafine noted that he would be in attendance at the PZC meeting associated with CGS 8-24 on January 7, 2014. Staff would request motion at future meeting to authorize chairman to enter into developers agreement. There was no action taken.

4. Sewer Damage Claim, Colleen Lyons, 15 Oak Park Avenue, Darien.

Mr. Oustafine referred to the letter sent to Wee Burn Country Club and reported that the invoice has been sent to Wee Burn and that Wee Burn has agreed to pay for damages. Mr. Oustafine reported that once money is received it will be transmitted to Ms. Lyons.

** MR. FLAHERTY MOVED TO FORWARD PAYMENT OF DAMAGES RECEIVED FROM WEE BURN COUNTRY CLUB TO MS. COLLEEN LYONS IN THE AMOUNT OF \$4,823.68 WHEN RECEIVED.

** MR. VAN WINKLE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

5. Post Road Sewer Internal Television Results

Mr. Oustafine explained that this was to give an update as discussed at the last meeting. He stated that since chunks of asphalt were found in the manhole area, it was suggested to use the drain camera system to view it, and this has not yet been done due to the timing involved. The item remains on the agenda pending receipt of results.

6. Westmere Group, Inc., Discussion

Mr. Oustafine explained that easement work is in progress and settlement negotiations continue. There was discussion on the length of time for the resolution and Mr. Oustafine said he had no guesstimate.

7. Cindy Brown, 8 Devon Road, Fence in Sanitary Sewer Easement.

Mr. Oustafine presented the background on the item that the request is to install a fence for the owner's puppy but the area includes the sewer easement through her property. There was discussion on having a gate and it was noted that the Town would not be responsible for any damages to the fence in the event of that it needed to come down to get to the sewer. Mr. Oustafine stated he would provide a copy of the waiver for the record.

** MR. VAN WINKLE MOVED TO APPROVE THE INSTALLATION OF THE FENCE OVER THE SEWER EASEMENT WITH THE UNDERSTANDING THAT THE SEWER COMMISSION WOULD NOT BE RESPONSIBLE FOR THE REPAIR OF DAMAGES IN THE EVENT THAT THE FENCE HAD TO BE MOVED TO GET TO THE SEWER.

** MR. FLAHERTY SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

8. 174 Middlesex Road, Oak Crest Development, Sanitary Sewer Connection

Mr. Oustafine explained that the other 3 corner properties at the intersection of Hollow Tree Ridge Road and Middlesex Road, are already connected to sanitary sewer, negating the need for a sewer extension beyond the subject property, and that an assessment had been paid for 174 Middlesex Road, but that 174 Middlesex Road had not been connected to the sewer.

Attorney Maslan presented the documents and map for the area and explained the request for lateral extension is based on the original assessments at the time of the project.

** MR. VAN WINKLE MOVED TO APPROVE THE THREE CONNECTIONS FROM THE SUBDIVISION TO THE MAIN SEWER CONNECTION AS REQUESTED WITH NO ADDITIONAL ASSESSMENT FEES DUE.

** MR. FLAHERTY SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

9. Sewer User Fee Appeals:

a) 13 Edgerton Street - Michael Ervin

Mr. Michael Ervin was in attendance and presented his claim and referred to data he had collected. There was discussion over the supporting documents, the actual date when he purchased the property, and the prior tenant occupancy situation.

Mr. Oustafine referred to the supporting documents and there was a review of the bills. Mr. Ervin stated that he had paid the bills so not to fall in arrears, and he requested a credit reduction to his account based on the quarterly average of past bills. There was further discussion over the water bills and a review of the average usage, and Mr. Flaherty recommended a reduction based on the actual last quarter billing.

** MR. FLAHERTY MOVED TO APPROVE THE APPEAL TO LOWER THE BILL TO \$473.44.

** MR. VAN WINKLE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

b) 213 West Avenue - Douglas Donohue

Mr. Oustafine referred to the supporting documents and there was discussion over the occupancy and the bills. Mr. Van Winkle suggested that there was insufficient information to determine the accuracy of discharge of bankruptcy case.

** MR. FLAHERTY MOVED TO DENY THE APPEAL DUE TO INSUFFICIENT INFORMATION WITHOUT PREJUDICE.

** MR. VAN WINKLE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY

c) Boston Post Road, Darien Library - Alan Gray

Mr. Oustafine referred to the letter to Mr. Gray and the supporting documents and bills. Mr. Gray came forward and gave an overview of the history of the appeal and explained that data was not included because it predated the construction of the new Library. There was discussion over the commercial requirement for a meter installation for the garden areas and the corresponding bills, and Mr. Flaherty explained the procedure to average the bills over the previous and next quarters. It was suggested there should be a meter installed on the irrigation system for consideration of future appeal requests.

** MR. FLAHERTY MOVED TO APPROVE THE APPEAL TO ADJUST THE SEWER USAGE BILL DOWN TO \$2,776.08 AND THAT A METER WOULD BE REQUIRED PRIOR TO CONSIDERATION OF FUTURE APPEALS.

** MR. VAN WINKLE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY

d) 17 Pine Brook Lane, Mary Morant

There was discussion over the water bills and a review of the average usage, in consideration of previous owner/new owner situation. Mr. Flaherty recommended a reduction based on the actual last quarter billing.

** MR. FLAHERTY MOVED TO APPROVE THE APPEAL TO LOWER THE BILL TO \$258.24.

** MR. VAN WINKLE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY

12. Stephanie Lane Connection Fees

Mr. Oustafine referred to his letter to Ms. Jacqueline Scott and the request for a list of residents and the payments that were made. Mr. Oustafine reminded the commission that this matter has been brought to their attention at previous meetings, that the current system of collecting and paying for assessments is extremely convoluted and confusing, that the current system should be changed so that the town is in the loop and to simplify procedures in the future, that the town has collected fees for a recent connection and that money needs to be disbursed to proper recipient, and that he was hopeful that Ms. Scott would be in attendance at the February 2014 regular meeting with a list of who was paid, how much and how much remains to be paid. There was no further action taken.

13. Payment of Invoices

- ** MR. VAN WINKLE MOVED TO AMEND THE ORDER OF THE AGENDA AND TO ADD INVOICES AS SUBMITTED AT MEETING.
- ** MR. FLAHERTY SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

Approval of the following invoices was recommended for payment:

Curtis Brinkerhoff & Barrett, PC –

Westmere v. Town of Darien \$12,928.31 + 1,707.72*

*Additional invoices submitted Total = \$14,636.03

City of Stamford Contract Negotiations \$ 850.00

- ** MR. FLAHERTY MOVED TO APPROVE PAYMENT OF THE ABOVE INVOICES.
- ** MR. VANWINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

Mr. Steeger entered the meeting at 5:35 p.m.

10. Superintendent's Report

Nothing to report.

11. Proposed FY 15 Sewer Budget

Mr. Steeger provided the following chart and reviewed the impact of contract savings based mostly on nitrogen credits.

	Est. FY 2014 Charges per old agreement			Est. FY 14 Charges per new Agreement		
	FY 2014 Budget	Percent attributable	\$ Attributable to Darien	FY 2014 Budget	Percent attributable	\$ Attributable to Darien
Operations: Administration						
Direct Wages	\$ 321,557			\$ 321,557		
Direct Other	\$ 353,114			\$ 353,114		
Total: Operations Administration	\$ 674,671	20%	\$ 134,934	\$ 674,671	0%	\$ -
WPCA						
WPCA Administration	\$ 4,406,012	100%	\$ 4,406,012	\$ 4,406,012	100%	\$ 4,406,012
Process Control	\$ 2,918,555	100%	\$ 2,918,555	\$ 2,918,555	100%	\$ 2,918,555
Laboratories	\$ 416,693	100%	\$ 416,693	\$ 416,693	100%	\$ 416,693
Sludge Processing	\$ 2,331,704	100%	\$ 2,331,704	\$ 2,331,704	100%	\$ 2,331,704
Regulatory Compliance	\$ 101,218	100%	\$ 101,218	\$ 101,218	0%	\$ -
Building Maintenance	\$ 259,500	100%	\$ 259,500	\$ 259,500	100%	\$ 259,500
Equipment Maintenance	\$ 1,017,244	100%	\$ 1,017,244	\$ 1,017,244	100%	\$ 1,017,244
Pump Station Maintenance	\$ 747,043	36%	\$ 268,935	\$ 96,817	36%	\$ 34,854
Sanitary Sewer Maintenance	\$ 230,954	36%	\$ 83,143	\$ 378,622	0%	\$ -
Hurricane Barrier Maintenance	\$ 247,000	35%	\$ 86,450	\$ 237,000	0%	\$ -
Total:WPCA			\$ 11,889,454			\$ 11,384,562
Grand Total			\$ 12,024,388			\$ 11,384,562
Darien's operating Share		12.50%	\$ 1,503,049		12.50%	\$ 1,423,070
plus: Capital Contribution due			\$ 701,298			\$ 694,573
Total Fiscal Year Charges			\$ 2,204,347			\$ 2,117,643
				Nitro credits \$ 848,484		<u>\$(106,061)</u>
						<u>\$ 2,011,583</u>
				Savings		\$ 192,764.24

Mr. Steeger stated that the Town may be in a position to take on a capital project based on the above savings.

- ** MR. VAN WINKLE MOVED TO AMEND THE AGENDA TO ADD THE FOLLOWING ITEM UNDER NEW BUSINESS:
DISCUSSION OF POTENTIAL SEWER CONNECTION FOR A PARCEL OF PROPERTY AT ST. PAUL'S CHURCH.
- ** MR. FLAHERTY SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

Mr. Oustafine reported that a member of the public was in attendance regarding clarification if there was a sewer connection for property at St. Paul's Church. There was discussion and although there was no documentation of the location, it was noted that based on staff input it is a billable lot. Based on consensus of the Commission it was noted that there was a lateral for sewer connection that could be approved on the property.

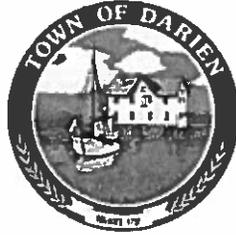
15. Adjournment

- ** MR. VAN WINKLE MOVED TO ADJOURN THE MEETING.
- ** MS. SHAW SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 5:54 p.m.

Respectfully submitted,
Marilyn Knox,
Telesco Secretarial Services

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TOWN OF DARIEN
DARIEN SEWER COMMISSION
MEETING MINUTES
FEBRUARY 4, 2014

Meeting Cancelled due to lack of quorum.

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TOWN OF DARIEN
DARIEN SEWER COMMISSION
MEETING MINUTES
MARCH 4, 2014

ATTENDANCE: Robert Riith, Chairman;
Craig Flaherty,
Rocco Genovese,
Anne Shaw,
Peter Van Winkle.

STAFF: Darren Oustafine, Assistant Director of Public Works;

OTHER: Robert F. Maslan, Jr., Esq.
Jacqueline Scott
Pam Dysenchuk
David Dysenchuk
Allan Gray
Marilyn Knox, Recording Secretary

1. CALL TO ORDER

Chairman Riith called the meeting to order at 4:30 p.m. and stated that the members as listed above were in attendance and a quorum was present.

2. Approval of Meeting Minutes of January 7, 2014

Mr. Oustafine stated that corrections were red-lined as noted.

- ** MR. FLAHERTY MOVED TO APPROVE THE MINUTES OF JANUARY 7, 2014 AS AMENDED WITH CHANGES MADE BY MR. OUSTAFINE.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

Meeting of February 4, 2014

Mr. Riith stated that there were no minutes because the meeting was cancelled.

3. Sewer Extension, 103 Tokeneke Road CGS 8-24 PZC Application/Developer's Agreement.

Mr. Oustafine referred to the developer's agreement and noted that the location is off the exit ramp of I-95. He stated that the agreement has been reviewed and approved by Town Counsel.

- ** MR. FLAHERTY MOVED TO AUTHORIZE THE CHAIRMAN TO ENTER INTO THE DEVELOPER'S AGREEMENT WITH ABC, INC. AS APPROVED BY TOWN COUNSEL.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

4. Penelope Glassmeyer, Locust Hill, Settlers Trail, Knobel Bros. Property Development

Attorney Maslan, representing the applicant, presented an overview of the intention to have more density development of the property. He referred to maps as provided and outlined in the packet. He outlined potential sewer areas and noted that this is similar to 103 Tokeneke Road development. There was discussion on other recommended areas and type of connection that would be most accessible.

Mr. Oustafine stated that he had outlined an area on a map for the sewer commissions review and approval that would represent the limit in terms of potential future extensions of this proposed sewer. Mr. Oustafine stated that the sewer commission should try to avoid a situation where in the future another extension is contemplated for the remainder of Settlers Trail and there is not enough capacity. Mr. Oustafine stated that he is not suggesting that this developer extend sewers on Settlers Trail, only that the commission should contemplate building in capacity for a future potential expansion and the area outlined on map submitted with agenda is a reasonable limit. Mr. Oustafine explained that the developer will need to obtain an easement to get to a sewer main on private property previously installed by John Clarke and that another item on this agenda recently approved will also connect to the Clarke sewer and that this is the closest sewer. Mr. Oustafine stated that he has explained to the developer, Ms. Penny Glassmeyer, that a capacity analysis to include five mile river pump station will be required. Mr. Oustafine asked the commission for a motion to approve the concept as presented so that the developer could proceed as presented. Mr. Flaherty stated that he saw no red flags with this application going forward. It was agreed by the consensus of the Commission to approve this pre-application in concept for further development.

5a. Sewer User Fee Appeals:

213 West Avenue, Douglas Donohoe – Mr. Donahoe was not present and it was suggested that the item be tabled pending further documentation on bankruptcy status.

5b. Boston Post Road, Darien Library - Alan Gray

Mr. Oustafine referred to the letter the supporting documents and bills in relation to another reduction request from Library, following the recent appeal granted back in November 2013. Mr. Gray came forward and explained that they are disputing a recent invoice received for 2012 that was never received prior to the closing of the year's books. He reviewed the history of bills from 2009, 10, 11 and the recent appeal that was granted for a reduction from those year's adjusted bills. There was discussion over why the bill was never sent and why the minimum amount was billed, which resulted in a large discrepancy of the amount due. Mr. Gray explained that the street address number had changed from 1421 to 1441; which may have been the problem.

Mr. Oustafine clarified that it was determined that the bill was never sent. Discussion ensued over why this bill was not sent and why the amounts were only billed at a minimum. Further discussion occurred on why the Library only budgeted \$300 for the year 2012, and Mr. Gray noted that this based on three years of invoices. Mr. Van Winkle asked why the large difference between the water bills and sewer bills was never analyzed or questioned.

There was further discussion on the billing practices with Computil Services. Mr. Van Winkle suggested that cross reference procedures with control numbers be put into place to avoid this situation in the future.

Mr. Gray then provided a chart of actual usage and it was reviewed by the Commissioners. It was agreed to make the following adjustments to the 2012 bill along with an additional reduction to the recent bill.

- ** MR. FLAHERTY MOVED TO APPROVE THE APPEAL TO ADJUST THE SEWER USAGE BILL FOR THE LIBRARY DOWN TO \$2,030.00 FOR THE YEAR OF 2012 AND TO \$2,030 FOR THE YEAR 2013. REVISED BILLS ARE TO BE ISSUED ACCORDINGLY.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY

7. Mr. Oustafine stated that there were members from item 7 that had been in attendance since 4:30, and as a courtesy to them requested the item be moved up in the agenda.

- ** MR. FLAHERTY MOVED TO SUSPEND THE RULES TO MOVE THE ORDER OF THE AGENDA TO HAVE STEPHANIE LANE CONNECTION FEES NEXT ON THE AGENDA.
- ** MR. GENOVESE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY

7. Stephanie Lane Connection Fees

Mr. Oustafine gave an overview of the history of the organization that was set up as a separate company to handle the sewer connection fees on Stephanie Lane and Stephanie Lane South. Ms. Scott and Mr. and Mrs. David Dysenchuk were present and spoke about the closing of the corporation and turnover of the collection of fees as part of the Town Sewer process. Ms. Scott asked about disposition of the funds that were sent to the Town, and Mr. Oustafine explained that he had held the check pending review and direction by the Commission.

Following a discussion on the legal issues with the separate corporation dispersing funds, it was agreed that a legal and accounting review would be needed. Regarding the check, it was suggested that the Town forward the amount of funds paid and rebate this to the builder.

** MR. FLAHERTY MOVED TO REFER THE ITEM TO TOWN COUNSEL FOR REVIEW OF THE LEGAL ISSUES RELATIVE TO THE DARIEN SEWER COMMISSION BUYING OUT THE STEPHANIE LANE SEWER ASSOCIATION LLC.

** MR. GENOVESE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

** MR. FLAHERTY MOVED TO AUTHORIZE THE TOWN TO ISSUE A CHECK IN THE AMOUNT OF \$12,775 (THE AMOUNT ORIGINALLY SENT AND DEPOSITED BY THE TOWN) TO THE BUILDER (WOODLAND PARTNERS LLC) TO BE RETURNED TO THE BUILDER UPON RECEIPT OF PAYMENT DIRECTLY TO MS. SCOTT BY BUILDER OR OWNER.

** MR. GENOVESE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

6. Superintendents Report

a) 16 Whaling Road Sewer Lateral Repair.

Mr. Oustafine referred to the photographs and explained that there is no evidence that this issue originated within the town installed portion of the Goodwives River Sewer Extension (Contract 58) Mr. Oustafine stated that it is their position that the resulting problem was not the fault of the DPW.

b) Sewer Damage Claim, Colleen Lyons, 15 Oak Park Avenue.

Mr. Oustafine referred to the payment verification of Wee Burn Country Club that the invoice has been paid and that the file is now complete.

c) Post Road Sewer Internal Television Results

Mr. Oustafine referred to the photographs and explained this shows a clean pipe with no visible damage at the site of a previous clog that resulted from asphalt deposition in pipe and that the photo was provided at the request of commissioner Genovese who was present when sewer pipe was clogged.

8. FOG Ordinance.

Mr. Oustafine provided a draft of the Fats, Oils, and Grease Ordinance for review. He provided spreadsheet and photos under superintendents report to show the result of non-compliance by establishments. He provided a list of those in and non in compliant and those that are unknown. He noted that the intention is to avoid situations were damages were result of blatant violations.

- ** MR. FLAHERTY MOVED TO REFER TO TOWN COUNSEL THE FOG ORDINANCE FOR REVIEW.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

9. City of Stamford, Sewer Interceptor Rehabilitation and Meter Installation.

Mr. Oustafine presented the agreement and noted that according to the formula for rehabilitation charges Dariens share is estimated at \$500,000. He stated that they will review this to determine the billing impact for next year.

10. Payment of Invoices

A) Curtis Brinkerhoff & Barrett, PC,	
Westmere v. Darien, Services January 2014	\$4,997.00
b) A. J. Penna & Son Construction Inc.	
Sewer Lateral Repair, 240 Long Neck Point Road	\$3,127.20

- ** MR. FLAHERTY MOVED TO APPROVE PAYMENT OF THE ABOVE INVOICES.
- ** MR. VANWINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

11. Other – New Business

- ** MR. FLAHERTY MOVED TO ACCEPT NEW BUSINESS ITEM.
- ** MS. SHAW SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

Mr. Oustafine provided a copy of the Amended and Restated Sanitary Sewer Easement between The Westmere Group and the Sewer Commission for the Town of Darien. He noted that there will be a meeting this Friday at 3:00. He explained that if the matter is

not settled in a timely manner, the judge calls back the case for conference. This will be held in Bridgeport, if not resolved before that time.

- ** MR. VAN WINKLE MOVED TO ADJOURN THE MEETING.
- ** MS. SHAW SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 6:35 p.m.

Respectfully submitted,

Marilyn Knox,
Telesco Secretarial Services

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Darien Sewer Commission Abbreviated Meeting Minutes Regular Meeting

Tuesday, April 1, 2014 at 4:30 PM

Room 206 of the Darien Town Hall

2 Renshaw Road, Darien, CT 06820

Attendance:

Robert A. Riith, Chairman
Craig J. Flaherty

Absent:

Rocco Genovese
Anne Shaw
Peter Van Winkle, Esq.

Staff:

Robert S. Steeger
Darren Oustafine

Other:

Jacqueline B. Scott
Marilyn Knox, Recording Secretary

Discussions and Action:

Meeting and business were not conducted due to lack of quorum.

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TOWN OF DARIEN
DARIEN SEWER COMMISSION
MAY 6, 2014

ATTENDANCE: Robert Riith, Chairman;
Craig Flaherty,
Anne Shaw,
Peter Van Winkle.

STAFF: Darren Oustafine, Assistant Director of Public Works;

OTHER: David Dysenchuk,
Pamela Dysenchuk;
Susan Hathaway;
Bo Malpass,
Claudia Sheehan.

Absent: Rocco Genovese
Robert Steeger, Director of Public Works

CALL TO ORDER

1 Commissioner Riith called the meeting to order at 4:30 p.m. and stated that the members as listed above were in attendance and that a quorum was present.

2a. Approval of Meeting Minutes of March 4, 2014

** MS. SHAW MOVED TO APPROVE THE MEETING MINUTES OF MARCH 4, 2014 AS AMENDED WITH CORRECTIONS NOTED AS EDITED BY MR. OUSTAFINE.

** MR. VAN WINKLE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

2b. Approval of Meeting Minutes of April 1, 2014

** MR. FLAHERTY MOVED TO APPROVE THE MEETING MINUTES OF APRIL 1, 2014 AS AMENDED WITH CORRECTIONS NOTED AS EDITED BY MR. OUSTAFINE.

** MR. VAN WINKLE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

3. Stephanie Lane Connection Fee. Authorize Disbursement of Connection Fee and Direction for Transfer of Ownership to Town of Darien

Mr. Oustafine explained that he had prepared the check to Ms. Scott and could not release funds until approval from the Commission was received.

** MR. FLAHERTY MOVED TO APPROVE THE RELEASE OF FUNDS OF 26 STEPHANIE LANE CONNECTION FEES TO MS. SCOTT AS PREPARED BY MR. OUSTAFINE FOR DISBURSEMENT TO STEPHANIE LANE ASSOCIATION MEMBERS.

** MR. VAN WINKLE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY

Mr. Oustafine stated that with regard to the transfer of ownership they are looking for direction from Town Counsel on the action needed. A discussion ensued regarding the required wording of legal documents and the parameter of accounting audits required. It was agreed that the Stephanie Lane group would prepare a draft of the transfer documents for consideration and review by Town Counsel. Item will remain on the agenda until documents are approved.

Mr. Flaherty noted that it is the intention of the Commission to move this ownership transfer along with the proper due diligence and legal review.

4. 16 Whaling Road, Sewer Lateral Repair Claim

Mr. Oustafine gave an overview of the supporting documents as provided and explained that there is a discrepancy of what has happened and who is now responsible for the approximately \$12,000.00 bill. Mr. Oustafine stated that field personnel indicated that the rock that caused the blockage was moved from the homeowners side of the shut off valve and that the rock was pushed by repairmen to pipe on main side of valve and that the rock could not be pushed further because the lateral pipe on the main side of the shut off valve is too small. The Contractor, Bo Malpass, and owner Claudia Sheehan were present and provided details of their position of the situation. Mr. Malpass asserted that the trench was not bedded in stone on the homeowner side of the valve and therefore the stone must have originated in the portion of the trench installed by the towns contractor. There was discussion over the location of the blockage and the actual rock was provided as evidence. Further discussion ensued on sizes of the pipes and the connections, and how the rock was wedged beyond the valve. Mr. Flaherty requested more information on the check valve. It was agreed to table the item pending additional information. The additional information requested by the commission is; details on shut off and check valves, when town system was accepted, when Sheehan property was connected to system, and that Anthony Taccone attend the next sewer commission meeting in June.

5. Nearwater Main Pump Station Pump Repair/Replacement

Mr. Oustafine described the issue of blockages due to cotton products that clog the pumps. Mr. Oustafine explained that Mr. Pat D'Arinzo was in discussions with GA Fleet company about the use of submersible pumps to replace the 3 Nearwater Main pumps. Mr. D'Arinzo believes that the pumps will be less clog prone and more able to pass cotton products with "N-peller" technology. Mr. Oustafine explained that he believed that an independent engineer should make that recommendation, not a manufacturer's representative and that he is unaware of submersible pumps being the industry standard for a station of this size. A discussion ensued over whether to hire an engineer to develop a recommendation on replacement with submersible pump. Further discussion occurred over consumer product packaging issues where labels should include clear instructions on proper disposal. It was suggested that some industry regulations should be examined as to the fabric content on biodegradability. It was agreed to continue with an in-house survey. The commission asked that GA Fleet provide a list of other municipalities that have chosen to use submersible pumps on similar scale and asked staff to provide pictures of clogged pumps.

6A. Penelope Glassmeyer, Locust Hill, Settlers Trail, Knoble Bros.

Mr. Oustafine provided an update that the survey is in progress for the concept approval due next month. He noted that gravity system is possible pending feasibility evaluation. There was no action taken.

6B. ABC House, 103 Tokeneke Road Sewer Extension

Mr. Oustafine gave an update and explained that the project is moving along with bid reviews and pricing evaluations.

6C. FOG Ordinance

Input and feedback from Atty. Schmidt were provided and Mr. Oustafine explained that Town Counsel recommends to follow with Stamford guidelines.

It was noted that Stamford has a full time person devoted to this area, and summary comments on the draft regulations are as follows:

- The proposed regulations are very similar to Stamford.

- The definitions are nearly the same.

- Copy of the Stamford Section 200-34 is requested.

- Consider a phase-in period for the 1000-4-17 compliance schedule

6D. City of Stamford – Pumps/Soundview

There was discussion on the City of Stamford installing by-pass for the pumps, for bypassing sewage on Soundview Avenue interceptor project. Darien has provided pump information and flowrates to assist them in sizing their pumps. The previous week the City of Stamford received bad press for solids excursion as resulted from heavy precipitation. Stamford is looking for inter-agency cooperation and enforcement of guidelines relative to illegal sump pump connections and infiltration and inflow elimination. It was agreed for Mr. Oustafine to talk to the Building Department and report back relative to utilizing the building department to determine if there are illegal sump pump connections in existence in buildings that are being inspected by the building department.

6e. General Reports

Mr. Oustafine reported that the large amount of rain has raised havoc throughout the system, but no major issues resulted.

7. Payment of Invoices

Approval of the following invoices was recommended for payment:

Curtis Brinkerhoff & Barrett, PC –

Westmere v. Town of Darien – February \$5,996.38

Westmere v. Town of Darien - March 2,432.38

Stephanie Lane Sewer Agreement \$ 1,350.00

** MR. FLAHERTY MOVED TO APPROVE PAYMENT OF THE ABOVE INVOICES.

** MR. VAN WINKLE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

8. Robert Steeger Retirement

Mr. Steeger's letter was presented to the Board announcing his retirement effective May 9, 2014 along with his thoughts and recommendations on future sewer commission issues and projects. The Commissioners acknowledged Mr. Steeger to thank him for his thoughts and will send a letter of appreciation to thank him for his service and dedication to the Commission. The commission asked if there are any alternatives to Computil based upon Mr. Steegers comments and asked what rate the town now pays Computil.

9. Enter Executive Session, Discussion of Westmere, LLC V. Darien Settlement.

- ** MR. FLAHERTY MOVED TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSION OF WESTMERE SETTLEMENT
- ** MS. SHAW SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

The meeting went into executive session at 5:30 p.m. and was reconvened into public session at 5:55 p.m.

10. Westmere v. Darien Status Report, Discussion and Action

- ** MR. FLAHERTY MOVED FOR APPROVAL TO PAY \$2,000 FOR A PARCEL SURVEY FOR THE PUMPING STATION.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

- ** MR. VAN WINKLE MOVED TO ADJOURN THE MEETING.
- ** MS. SHAW SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 6:00 p.m.

Respectfully submitted,
Marilyn Knox,
Telesco Secretarial Services

TOWN OF DARIEN SEWER COMMISSION
2 RENSRAW ROAD - TOWN HALL
DARIEN, CT 06820-5397
TELEPHONE (203) 656-7363



ROBERT A. RIITH, CHAIRMAN
CRAIG J. FLAHERTY, P.E.
ROCCO GENOVESE
ANNE SHAW
PETER VAN WINKLE, ESQ.

TOWN OF DARIEN
DARIEN SEWER COMMISSION
MEETING MINUTES
JUNE 3, 2014

ATTENDANCE: Robert Riith, Chairman;
Craig Flaherty; and,
Anne Shaw.

STAFF: Edward Gentile, Director, Public Works;
Darren Oustafine, Assistant Director, Public Works; and,
Pat D'Arinzo, Facilities and Maintenance Supervisor, Public Works.

OTHER: Karen Schrenker, 196 Nearwater Lane

ABSENT: Rocco Genovese; and,
Peter Van Winkle.

1. CALL TO ORDER

Commissioner Riith called the meeting to order at 4:30 p.m. and stated that the members as listed above were in attendance and that a quorum was present.

2. Introduction: Mr. Edward L. Gentile Jr., P.E., Director of Public Works & Sewer Superintendent.

Mr. Gentile was welcomed by the Commissioners to his new position as Director of Public Works and Sewer Superintendent.

3. Approval of Meeting Minutes of May 6, 2014

Page 2, last paragraph , change 'value' to valve.

- ** MS. SHAW MOVED TO APPROVE THE MEETING MINUTES OF MAY 6, 2014 AS AMENDED WITH CORRECTIONS NOTED AS EDITED BY MR. OUSTAFINE.
- ** MR. FLAHERTY SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

4. Stephanie Lane Connection Fee. Authorize Disbursement of Connection Fee and Direction for Transfer of Ownership to Town of Darien

Mr. Oustafine stated that with regard to the transfer of ownership the Stephanie Lane Association found an item listed in a Curtis Brinkerhoff & Barrett invoices as a charge for a hold harmless agreement. He added that the SLA are asking for the hold harmless agreement prepared by town counsel as this is one of the required documents and that town counsel has been informed and are looking for HHA. In addition Mr. Oustafine mentioned that the scope and parameter of the accounting audit is still being determined. Item will remain on the agenda until documents are completed. Mr. Flaherty noted that it is the intention of the Commission to move this ownership transfer along with the proper due diligence and legal review.

5. 16 Whaling Road, Sewer Lateral Repair Claim

Mr. Oustafine explained that the item has been pulled from the agenda as the plumber could not be here. He noted that item would be tabled until next month.

6. Sewer Use Fee Appeal – Karen Schrenker, 196 Nearwater Lane

Mr. Oustafine referred to the Aquarion bills in agenda package relative to the claim. Ms. Schrenker came forward and provided additional information to document the track of billing and actual consumption from 2008 – 2013. A discussion ensued over the billed amounts and whether the property had been tested for leaks. Ms. Schrenker reported that there is no leak, but due to the location of the property at the Noroton Bay area, and with post-storm trends, it is difficult to get an accurate measure of consumption. It was suggested that a meter be installed on the irrigation system to read and measure water usage and consumption. Following further review of the bills and an averaging of the previous quarter usage, it was agreed to grant the appeal.

** MR. FLAHERTY MOVED TO GRANT THE APPEAL REQUEST BY KAREN SCHRENKER, 196 NEARWATER LANE, IN THE AMOUNT OF \$946.88.

** MS. SHAW SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

7. 103 Tokenke Road Sewer Extension, Authorize the Chairman to enter into an agreement for inspection service with Dewberry Engineers, Inc.

Mr. Oustafine referred to the supporting documents regarding the scope of services at 103 Tokeneke Road Sewer Extension in reference to the Kensett Lane Development sewers. There was discussion over the review of the competitive bids, and the

remaining balance of the existing contract for Kensett Lane Development. It was agreed to accept the Dewberry proposal as submitted.

- ** MR. FLAHERTY MOVED TO AUTHORIZE THE SUPERINTENDENT TO ACCEPT THE DEWBERRY ENGINEERS, INC. PROPOSAL FOR CONSTRUCTION ENGINEERING SERVICES FOR 103 TOKENEKE ROAD SEWER EXTENTION TO BE PERFORMED UNDER ENGINEERING AND INSPECTION CONTRACT FOR CEDAR LANE- KENSETT LANE DEVELOPMENT SEWERS.
- ** MS. SHAW SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

8. Nearwater Main Pump Station Pump Repair/Replacement

Mr. Pat D'Arinzo was present to discuss the recent spate of clogged pumps at Nearwater and Stony Brook Pump Stations. Mr. D'Arinzo explained that the Aurora pumps are quite old, have been taken apart many times, and seals are no longer holding for more than 8 months due to numerous re-assembly. Mr. D'Arinzo asked that the commission consider submersible pump by Flygt which could be changed out more easily and may not be so prone to clogging due to N-peller proprietary technology. There was discussion regarding other municipalities use of large submersible pumps, and why clogging takes place. Mr. Darinzo presented photographs showing that clogs consist of mostly cotton waste product that should not be flushed down toilets. Particularly, swifter brand type clothes and baby wipes. Flygt pump cost is estimated at \$80,000 each.

- ** MR. FLAHERTY MOVED TO AUTHORIZE THE SUPERINTENDENT TO SEEK 3 WRITTEN PROPOSALS FOR ENGINEERING OPINION AND ANALYSIS ON REPLACEMENT OF PUMPS.
- ** MS. SHAW SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

9. Superintendents Report

9a. Penelope Glassmeyer, Locust Hill, Settlers Trail, Knobel Bros. Sewer Extension.

Mr. Oustafine provided an update that the capacity report for the Five mile River Road Sewage Pump Station has been submitted to the town for review and he noted that the scope of the development is being determined through pending feasibility evaluation at planning and zoning department. Mr. Oustafine also noted that the next steps are for the town to review and approve capacity analysis and for the developer to obtain sewer easements from a private property owner to be conveyed to town. Mr. Oustafine also

noted that the capacity analysis includes the area demarcated and submitted to the commission at previous meeting. There was no action taken.

9b. FOG Ordinance

There was discussion on soliciting collaboration of Town Hall departments with support of the ordinance

9c. Building Department Sump Pump Reporting

Mr. Oustafine referred to the e-mails from the Building Department in reference to their unwillingness to notify the sewer commission of existence of sump pumps into sewers as part of routine inspection.

It was agreed to have Mr. Flaherty contact First Selectman Stevenson to coordinate a meeting with the Department Directors to include the Health Department, Building Department and Planning and Zoning, and Public Works.

9d. 99 LNPR Sewer Lateral Break – Mr. Oustafine provided an update on the repair of the sewer lateral at 99 Long Neck Point Road and that we are proceeding with replacing fittings on future connections due to a weak fitting. Mr. Oustafine noted that a bill from the plumber who assisted the town would likely be presented next month.

9e. Update - Discussion of Westmere, LLC V. Darien Settlement.

Mr. Oustafine noted that there was not much new to report, however it is expected that they are close to a signed settlement agreement which would detail conditions of settlement and transfer of assets.

10. Payment of Invoices

Approval of the following invoices was recommended for payment:

Curtis Brinkerhoff & Barrett, PC –	
Westmere v. Darien, Services	April 2014 \$2,917.90
Curtis Brinkerhoff & Barrett, PC,	
Stephanie Lane Sewer Agreement, Services	April 2014 \$1,450.00

- ** MR. FLAHERTY MOVED TO APPROVE PAYMENT OF THE ABOVE INVOICES.
- ** MS. SHAW SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

11. New Business (2/3 Majority)

No new business

12. Adjournment

- ** MR. FLAHERTY MOVED TO ADJOURN THE MEETING.
- ** MS. SHAW SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 5:40 p.m.

Respectfully submitted,

Marilyn Knox,
Telesco Secretarial Services

TOWN OF DARIEN SEWER COMMISSION
2 RENSRAW ROAD - TOWN HALL
DARIEN, CT 06820-5397
TELEPHONE (203) 656-7363



ROBERT A. RIITH, CHAIRMAN
CRAIG J. FLAHERTY, P.E.
ROCCO GENOVESE
ANNE SHAW
PETER VAN WINKLE, ESQ.

**TOWN OF DARIEN
DARIEN SEWER COMMISSION
MEETING MINUTES
JULY 1, 2014**

ATTENDANCE: Robert Riith, Chairman,
Craig Flaherty,
Anne Shaw,
Peter Van Winkle,
Rocco Genovese

STAFF: Edward Gentile, Director, Public Works
Darren Oustafine, Asst. Director Public Works,
Pat D'Arinzo, Facilities and Maintenance Supervisor, Public Works

Others: Pam Dysenchuk
Susan Hathaway
Frank Adelman

CALL TO ORDER

Mr. Riith called the meeting to order at 4:30PM and stated that the members as listed above were in attendance and that a quorum was present.

1. APPROVE THE MINUTES OF JUNE 3, 2014

****MS. SHAW MOVED TO APPROVE THE MINUTES AS AMENDED
** MR. GENOVESE SECONDED THE MOTION
** MOTION PASSED UNANIMOUSLY**

2. 16 WHALING ROAD, SEWER LATERAL REPAIR CLAIM

Mr. Oustafine said that the resident from 16 Whaling Road, Ms. Claudia Sheehan, asked that this item be pulled off the agenda again. He reported on a status update and requested that going forward the members of the commission bring the 30 page document that he has provided in the last two agenda packets with them to the next meeting. He said that the commission had requested that staff look into the shop drawings for the Goodwives River Road Sewer Extension Project, which has been done, and that all the valves that could have been used have been purchased, as well as a sample of gravel and actual samples of pipes used and have maintained the integrity of the rock in question.

3. NEARWATER PUMP STATION AND STONY BROOK PUMP STATION PUMP REPAIR/REPLACEMENT

Mr. Oustafine said that the submissions from Tighe & Bond, Arcadis and Wright Pierce were very close and that the low bidder was Wright-Pierce, and that they are well known throughout our area. Mr. Flaherty asked in during a flood event if the pump station is susceptible to failure. He suggested while someone will be having a thorough look at the pump station that this may be the time to add storm hardening to the scope of work. Mr. Oustafine said that the contract can be extended to Wright-Pierce and that a fair price can be negotiated to proceed with the additional scope of services, or that another RFP can be done. After further discussion it was decided to add the additional scope of work once the initial work has been completed.

**** MR. FLAHERTY MOVED TO APPROVE THE ITEM TO AUTHORIZE STAFF TO PROCEED WITH PROCUREMENT OF WRIGHT PIERCE CONSULTING SERVICES.**

**** MR. VAN WINKLE SECONDED THE MOTION**

**** MOTION PASSED UNANIMOUSLY**

4. COMPUTIL SEWER BILLING SERVICES

Mr. Oustafine said that the commission had requested some time ago that staff look into an alternative to the Computil sewer billing services and that there appears to be at least one other company that provides that service.

Mr. Gentile said that Computil had submitted a contract for renewal and that they currently do the work for the Stamford WPCA. He said that he did read the previous Public Works Directors report where he stated that he was not happy with some of the work that Computil was doing, and that he has met with members of his staff that does the work for the sewer department, and asked how they progressed from last year to this point in time this year and if there was any improvement. He said that they reported that at the beginning there were some issues but that they were not just Computil's issues. He said that he had also contacted the Stamford WPCA office and that had stated that there were problems in the beginning, but they have worked them out and they are very pleased with the work that they are getting now. He said that the contract begins on July 1, 2014, and will run through the fiscal year and said to bring in another company at this time to change the system would be very difficult. Mr. Flaherty asked if the cost from this year to last year was looked into. Mr. Gentile said in looking at Mr. Steeger's notes from last year that was done and was put into this year's budget and he will continue that process moving forward.

**** MR. FLAHERTY MOVED TO AUTHORIZE THE CHAIRMAN TO ENTER INTO CONTRACT WITH COMPUTIL FOR THE BILLING SERVICES FOR THE NEXT FISCAL YEAR WITH THE UNDERSTANDING THAT STAFF WILL CONTINUE TO EVALUATE THE LEVEL OF SERVICE THEY ARE PROVIDING.**

**** MR. GENOVESE SECONDED THE MOTION**

**** MOTION PASSED UNANIMOUSLY**

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5. SUPERINTENDENTS REPORT

Mr. Oustafine said that there was a sewer back up at 27 Lakeside Road on June 27, 2014. Mr. Riith asked if there was a check valve. Mr. Oustafine said that he is unsure at this time but that he did not think so. Mr. Riith asked if it is known what caused the backup. Mr. Oustafine said that there was a blockage in the main line. He said that he told the resident that he will need to submit the bills for the Sewer Commissions consideration and that he has also invited to attend the meeting.

Mr. D'Arinzo said that the generators were exercised today like they normally are and that the generator at Stony Brook did not start. He said that he had called for service and that they have provided a temporary battery charger and fresh batteries so that the generator is up and running, but that there will need to be a permanent solution in the near future. Mr. Riith asked how many hours are on generator. Mr. D'Arinzo said at 2,000 hours.

Mr. D'Arinzo reported that there was a leak detected on the the Seagate Pump Station Force Main. Leak was repairs and minimal sewage was released into the environment. Mr. Oustafine reported that all necessary paper work was filed and reported to the State of CT DEEP, Bureau of Aquiculture, local health department and City of Stamford. Repair was made by AJ Penna and Sons. Staff expects to submit an invoice for approval at next meeting.

6. PAYMENT OF INVOICES

CURTIS BRINKERHOFF & BARRETT, PC.

WESTMERE V. DARIEN, SERVICES MAY 2014 \$3,797.96

Mr. Oustafine discussed the remaining issues and that that the sewer lateral is not in the easement from lot one that crosses over lot seven, to get to the sewer that will eventually belong to the town once ownership is taken over and that the sewer lateral must be in the easement. He said that he has been insistent on this point that the lateral must be in the easement. He said that the other issues that remain are the transfers of land, and that he is told that they are very close to having the deed filed. He said once this is all done there is ten days to pay the approximately \$170,000, and that he already spoken to the Attorney. Mr. Flaherty asked if the commission has effectively as a commission provided a motion that will enable that a check to be signed and authorized once the items are completed. Mr. Oustafine said that he believes so.

- ** MR. GENOVESE MOVED TO APPROVE THE PAYMENT OF INVOICES
IN THE AMOUNT OF \$3,797.96**
- ** MR. VAN WINKLE SECONDED THE MOTION**
- ** MOTION PASSED UNANIMOUSLY**

7. NEW BUSINESS

Mr. Oustafine said that he has received the hold harmless agreement for Stephanie Lane which was requested by the Towns Attorney so that in the eventuality that the town taking over the Stephanie Lane sewer the town will be held harmless.

- ** MR. GENOVESE MOVED TO FORWARD THE AGREEMENT TO TOWN COUNCIL
FOR REVIEW.**
- ** MR. VAN WINKLE SECONDED THE MOTION**
- ** MOTION PASSED UNANIMOUSLY**

8. ADJOURNMENT

- ** MS. SHAW MOVED TO ADJOURN**
- ** MR. FLAHERTY SECONDED THE MOTION**
- ** MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 5:15PM

Respectfully Submitted,

Dilene Byrd
Telesco Secretarial Services

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TOWN OF DARIEN SEWER COMMISSION
2 RENSRAW ROAD - TOWN HALL
DARIEN, CT 06820-5397
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ROBERT A. RIITH, CHAIRMAN
CRAIG J. FLAHERTY, P.E.
ROCCO GENOVESE
ANNE SHAW
PETER VAN WINKLE, ESQ.

**TOWN OF DARIEN, DARIEN SEWER COMMISSION
SPECIAL MEETING MINUTES
4:30 PM, Tuesday, August 12, 2014
Room 206, Darien Town Hall
2 Renshaw Road, Darien, CT 06820**

ATTENDANCE: Robert Riith, Chairman,
Craig Flaherty,
Peter Van Winkle,
Rocco Genovese

ABSENT: Anne Shaw

STAFF: Edward Gentile, Director, Public Works
Darren Oustafine, Asst. Director Public Works,
Pat D'Arinzo, Facilities and Maintenance Supervisor, Public Works,
Anthony Taccone, Engineering Aide, Public Works

OTHERS: Chris Kern
Michael Haverland
James Drenckhahn
Scott Everett
Bo Malpass
Claudia Sheehan

1. CALL TO ORDER

Mr. Riith called the meeting to order at 4:30PM and stated that the members as listed above were in attendance and that a quorum was present.

2. APPROVE THE MINUTES OF JULY 1, 2014

****MS. GENOVESE MOVED TO APPROVE THE MINUTES AS AMENDED
** MR. FLAHERTY SECONDED THE MOTION
** MOTION PASSED UNANIMOUSLY**

3. 16 WHALING ROAD, SEWER LATERAL REPAIR CLAIM

Mr. Oustafine said that he went through the shop drawings for the Goodwives River Road sanitary sewer project and purchased all the valves that were approved. Mr. Oustafine presented examples of the approved valves, and a sample of the actual pipe that was installed by the town contractor from the main to the shut off valve at the property line. He also presented the pipe that was installed from the house to the shut off valve at the road, and demonstrated that the rock that had caused the blockage could not have gone through the pipe from the main to the shut off valve, but that it could have gone through the pipe that was installed from the house to the shut off valve. Mr. Oustafine showed the actual rock submitted by Mr. Malpass to be able to pass through all of the valves that were purchased in conjunction with the approved shop drawings. Mr. Genovese asked where the rock was found. Mr. Oustafine said it was found at the entrance to the pipe at the town line. Mr. Malpass said he would like it to be confirmed that the valves that are being demonstrated are the actual valves that were used, and said that according to his plumber it was not a full opening valve that was used. Mr. Everett said that once the check valve was turned off the pressure from the street should have blown the rock back in. Mr. Taccone said that when he went out to the job site the contractor stated that the blockage in the pipe was 20 feet away from the shut off valve at the property line between the pump on private property and the valve at the property line and was eventually able to get the rock far enough down in the pipe, but had gotten in lodged at the end of the pipe going towards the main line and could not get it through the town's line. Mr. Flaherty said that based on the information that has been presented so far that it is unlikely that the blockage was caused on the towns side and asked Mr. Malpass if he had any other specific evidence to report. Mr. Malpass said that he did not.

****MS. FLAHERTY MOVED TO DENY THE SEWER LATERAL REPAIR CLAIM ON 16 WHALING ROAD**

**** MR. GENOVESE SECONDED THE MOTION**

**** MOTION PASSED UNANIMOUSLY**

4. 27 LAKESIDE AVENUE, SEWER BACKUP CLAIM

Mr. Oustafine said that when staff arrived on scene that they had found that the upstream manhole was filled a quarter of the way with grey water, and they cleaned the line and there was a heavy amount of debris but there were no roots. Mr. Oustafine said that the line was videotaped and that there was a blockage in the town line but that he does not know if it had originated in the town line, or if it was in the lateral and had gotten pushed out and blocked the towns line. He said that the residents at 27 Lakeside Avenue did experience a sewer backup in

Page 2 of 7

Town of Darien

Sewer Commission

August 12, 2014

their basement, but that no one else in the neighborhood expressed any concerns before, during or after the backup and it was only that property. Mr. Oustafine presented the video of the sewer line. Mr. Riith asked if there is a check valve. Mr. Kern said that he did not know. Mr. Oustafine said that there are no records of a check valve, and that the original installation was in 1941. Mr. Flaherty asked how long the bathroom had been there. Mr. Kern said approximately 15 years. Mr. Oustafine said that he checked with the Building Department and there were a lot of building permits issued but none for finishing the basement. Mr. Flaherty asked Mr. Kern to present the list of damages line by line. After further discussion the commission requested information on the deductible for the towns insurance, the sewer regulation regarding a check valve, and to contact the town Attorney regarding a title search. The commission also requested that the homeowner confirm that there is a check valve in existence and if so if it had failed.

- ** MR. VAN WINKLE MOVED TO TABLE THE ITEM**
- ** MR. FLAHERTY SECONDED THE MOTION**
- ** MOTION PASSED UNANIMOUSLY**

5. 99 LONG NECK POINT SEWER LATERAL REPAIR CLAIM

Mr. Oustafine said that this is an ongoing issue on Long Neck Point and that anytime there is an issue the town gives the contractor an assembly of check valves, and has them install them on the existing pipe. In this case, there was a break in the sewer which was repaired and the town would have had to perform plumbing work. The plumber performed this work at the request of the town as he was on site. He said that staff is recommending payment of the invoice.

- **MS. FLAHERTY MOVED TO APPROVE THE MINUTES AS AMENDED**
- ** MR. GENOVESE SECONDED THE MOTION**
- ** MOTION PASSED UNANIMOUSLY**

6. 163 PEAR TREE ROAD, APPROVAL TO CONNECT THE POOL HOUSE LATERAL TO MAIN HOUSE LATERAL ON SUB-DIVIDABLE PARCEL

Mr. Oustafine said that this is a large parcel and that the sewer regulations do not allow for more than one building to be connected into a single sewer lateral, because if the property gets subdivided and there is one lateral going across another there is not an opportunity for the commission to require an easement or maintenance agreement. He said that the resident

wants to connect the pool house lateral to the main house lateral. Mr. Haverland presented the proposed site plan drawings.

**** MR. FLAHERTY MOVED TO APPROVE THE ITEM WITH THE PROVISION THAT IF THE PROPERTY IS SUBDIVIDED IN THE FUTURE THIS LATERAL WILL NOT BE USED**

**** MR. GENOVESE SECONDED THE MOTION**

**** MOTION PASSED UNANIMOUSLY**

13. NEW BUSINESS

**** MR. FLAHERTY MOVED TO SUSPEND THE RULES TO ADD NEW BUSINESS**

**** MOTION PASSED UNANIMOUSLY**

60 SUNSWYCK ROAD, APPROVAL TO CONNECT THE POOL HOUSE LATERAL TO MAIN HOUSE LATERAL

Mr. Drenckhahn presented the proposed site plan for the sewer connection for the main house and the pool house to a single designated lateral.

**** MR. GENOVESE MOVED TO APPROVE THE ITEM WITH THE PROVISION THAT IF THE PROPERTY IS SUBDIVIDED IN THE FUTURE THIS LATERAL WILL NOT BE USED**

**** MR. FLAHERTY SECONDED THE MOTION**

**** MOTION PASSED UNANIMOUSLY**

7. SEWER USER FEE APPEAL R&W ASSOCIATES LLP (CHUCK'S) 1340 BOSTON POST ROAD

Mr. Oustafine said that he is unaware of the reason for the reduction other than they feel that it is too high. Mr. Flaherty said that there is not enough information to decide and requested that they be present at the next meeting to clarify the request.

**** MR. FLAHERTY MOVED TO TABLE THE ITEM**

**** MR. VAN WINKLE SECONDED THE MOTION**

**** MOTION PASSED UNANIMOUSLY**

8. AUTHORIZE THE CHAIRMAN OF THE DARIEN SEWER COMMISSION TO EXECUTE A CONTRACT WITH KINSLEY POWER SYSTEMS TO SERVICE THE GENERATORS IN THE AMOUNT OF \$3,596.00

**** MR. GENOVESE MOVED TO APPROVE THE ITEM**

**** MR. FLAHERTY SECONDED THE MOTION
** MOTION PASSED UNANIMOUSLY**

9. APPROVE THE DARIEN SEWER COMMISSION REGULAR MEETING SCHEDULE FOR CALENDAR YEAR 2015

**** MR. VAN WINKLE MOVED TO APPROVE THE MEETING SCHEDULE
** MR. FLAHERTY SECONDED THE MOTION
** MOTION PASSED UNANIMOUSLY**

10. SET A PUBLIC HEARING FOR SEPTEMBER 2, 2014 FOR AMENDMENT OF SEWER REGULATIONS, RELATIVE TO INCREASE IN SEWER USER FEES

**** MR. FLAHERTY MOVED TO REJECT THE ITEM AND REQUESTED THAT IT BE INCLUDED ON THE AGENDA FOR THE SEPTEMBER 2, 2014 MEETING
** MR. RIITH SECONDED THE MOTION
** MOTION PASSED UNANIMOUSLY**

11. SUPERINTENDENTS REPORT

- a. Nearwater Main Pump Station and Stony Brook Pump Station Replacements. Mr. Oustafine said that the project is actively underway and that a purchase order has been issued, that staff has met with our consultant Wirght Pierce and that our consultant has also toured our subject facilities.
- b. Middlesex Water Main Sewer Interconnection. Mr. Oustafine said that the line has been cameraed and that the repair has been made to the sewer pipe on the bridge over the Stony Brook River where the Aquarion Water Company had mistakenly tapped the water line into the our sewer line. Water line was energized and blew sewer manholes open.
- c. City of Stamford, Soundview Avenue Sewer Lining Project. Mr. Gentile said that the project was tentatively scheduled to begin on August 1, 2014, but that it has not yet begun. Mr. Flaherty asked what the overall cost will be. Mr. Oustafine said approximately \$350,000
- d. Quality Data Services, Inc. Application Software Services. Mr. Oustafine said at the request of the commission that staff has found another software company that provides software services, but that there is currently a contract in place with Computil. Mr. Flaherty asked if Quality Data services other municipalities. Mr. Oustafine said "yes".

- e. Computil Water Consumption Reports. Mr. Oustafine reported that we have only recently received the water consumption reports and that Mr. Gentile would be reviewing the reports.
- f. Westmere v. Town of Darien. Mr. Oustafine said that this is very near to being settled, and that once all the documents are received the payment will need to be made within ten days.
- g. Stephanie Lane Sewer. Mr. Oustafine said that it is moving forward and Stephanie Lane Association is working on a comprehensive list of all of its members, what they paid and how much they may be owed
- h. Dukes Root Control. Mr. D'Arinzo said that it was completed yesterday, and that they have held their price for the past three years.
- i. 103 Tokenke Road Sewer Extension, ABC House. Mr. Oustafine said that the work has been completed and that the bond will be returned, once all conditions have been met including final site restoration, pressure and leakage testing, internal televising, etc.
- j. Offshore Diesel Services to Service Generators, \$1,900.00. No discussion.
- k. Offshore Diesel Services to Service the Stony Brook Pump Station Battery Charger, \$1,800.00. Mr. D'Arinzo said that battery charger needed to be replaced.
- l. Odor Control Media from Carbtrol Corporation, \$1,650 (not 4,131.25 as reported in the agenda package). Mr. D'Arinzo said that the replacement will be done in-house and that the original bid was \$12,000 so there will be a savings of over \$10,000.
- m. FOG Program. Mr. Oustafine said that there are no new reports.

12. PAYMENT OF INVOICES CURTIS BRINKERHOFF & BARRETT, PC.
WESTMERE V. DARIEN, SERVICES MAY 2014 \$1,240.00

- ** MR. FLAHERTY MOVED TO APPROVE PAYMENT**
- ** MR. RIITH SECONDED THE MOTION**
- ** MOTION PASSED UNANIMOUSLY**

13. NEW BUSINESS

Item taken out of order, see above for details.

14. ADJOURNMENT

- ** MR. GENOVESE MOVED TO ADJOURN**
- ** MR. FLAHERTY SECONDED THE MOTION**
- ** MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 6:45PM
Respectfully Submitted,
Dilene Byrd
Telesco Secretarial Services

TOWN OF DARIEN SEWER COMMISSION
2 RENSRAW ROAD - TOWN HALL
DARIEN, CT 06820-5397
TELEPHONE (203) 656-7363



ROBERT A. RIITH, CHAIRMAN
CRAIG J. FLAHERTY, P.E.
ROCCO GENOVESE
ANNE SHAW
PETER VAN WINKLE, ESQ.

**TOWN OF DARIEN,
DARIEN SEWER COMMISSION
MEETING MINUTES
4:30 PM, Tuesday, September 2, 2014
Room 206, Darien Town Hall
2 Renshaw Road, Darien, CT 06820**

ATTENDANCE: Robert Riith, Chair;
Craig Flaherty;
Rocco Genovese;
Ann Shaw;
Peter Van Winkle

STAFF: Edward Gentile, Director, Public Works;
Darren Oustafine, Asst. Director Public Works;
Pat D'Arinzo, Facilities and Maintenance Supervisor

OTHERS: Honorable Jayme J. Stevenson
Chris Kern
Jacqueline B. Scott

1. CALL TO ORDER

Mr. Riith called the meeting to order at 4:35PM

2. APPROVAL OF MINUTES OF PREVIOUS MEETINGS OF AUGUST 12, 2014

**** MR. GENOVESE MOVED TO APPROVE THE MINUTES AS AMENDED
** ONE ABSTENTION- MS. SHAW
** MOTION PASSED**

3. 16 WHALING ROAD, SEWER LATERAL 2ND REPAIR ON 8/28/14.

Mr. Oustafine said that he would like to make the commission aware that there was another problem at 16 Whaling Road, and it was determined to be related to the check valve that the town had provided to the contractor to replace the existing one.

4. 27 LAKESIDE AVENUE, SEWER BACK-UP CLAIM.

Mr. Oustafine said at the direction of the commission he had e-mailed the Town Administrator regarding the towns insurance deductible, and he had replied that an insurance claim that is third party is not covered by the town's insurance company, so the deductible is a mute point. Mr. Kern said that his Attorney had found that in 1980 there were permits for a bathroom alteration adding a shower in the basement, and said that he has the application for the permit and the stamp of approval. Mr. Oustafine asked what the permit number is. Mr. Kern said 15-230. Mr. Oustafine said that he will revisit the Building Department to get the information. Mr. Oustafine said that he did look into the Code of Ordinances and as far as he can tell there is no requirement that states a check valve is required. Mr. Kern said as previously requested by the commission he did have the line camera-ed, and that there is not a check valve nor was there ever one. After further dicission it was the consensus of the commission, based on the large amount of the claim that a third party adjustor be retained for comparison with the claim.

**** MR. FLAHERTY MOVED TO RETAIN AN INDEPENDENT ADJUSTOR TO VERIFY THE CLAIM**

**** MOTION PASSED UNANIMOUSLY**

**** MR. FLAHERTY MOVED TO SUSPEND THE RULES TO DISCUSS NEW BUSINESS.**

**** MOTION PASSED UNANIMOUSLY**

Mr. Oustafine introduced Mrs. Scott and said that she is a managing member of the Stephanie Lane Sewer Corporation, which is a corporation that was established to manage and administer the sewer construction and payments. He said that he had met with her and Ms. Pam Dysenchuk, another member of the corporation this morning, and that it was a productive meeting, and that one of the suggestions that came out of the meeting is to meet with the Town Attorney and Ms. Scott to avoid the time consuming, and expensive manor that it has been preceded. He said that Mrs. Scott had given him a book with the operating agreement and other pertinent documents and is willing to share it with the Commission and the Towns Attorney, which was prepared by her husband who is a CPA. He said that Mrs. Scott has come up with an agreement in which he supports, which is that if and when the town purchases the sewer and it is accepted there will be a single set fee for all future connections. Mrs. Scott said that she has

created a spreadsheet that she discussed and that the fee to connect will be \$9,800 and the cost to the town to purchase the sewer line will be \$98,000. Mr. Flaherty asked how many people are left that still need to potentially connect. Mrs. Scott said ten. Mr. Flaherty asked if it is possible that the Sewer Commission do a special assessment on the ten properties over a course of time. Mr. Oustafine said "yes" but that they would need to agree to it, and there would need to be a public hearing held.

****MR. GENOVESE MOVED TO AUTHORIZE MR. OUSTAFINE TO TAKE THIS MATTER BEFORE TOWN COUNCIL WITH MRS. SCOTT ON HOW TO PROCEED
** MOTION PASSED UNANIMOUSLY**

5. SEWER USER FEE RATE

Mr. Gentile reported on the comparison sewer service rates, and said of note that the fiscal year 2014, the payment to Stamford was more than \$400,000 to catch up for previous years, and that the total budgeted expense for fiscal year 2015 may increase.

**** MR. FLAHERTY MOVED TO APPROVE TO KEEP ALL SEWER USE CHARGES UNCHANGED, (\$5.38 PER CCF, MINIMUM CHARGE \$209, AND WELL \$522).
** MOTION PASSED UNANIMOUSLY**

6. NEARWATER MAIN AND STONY BROOK PUMP STATIONS PUMP REPLACEMENTS

Mr. Gentile discussed the draft evaluation study from Wright-Pierce and said that the pumps are over 30 years old, and are causing issues to operating costs as well as the use of manpower. He said the staff will be commenting back to Wright-Pierce, and they will finalize the report and he will present it at the next meeting. Ms. Shaw said that public education is mentioned in the report and that she thinks that it should be pursued. Mr. Van Winkle suggested that information be included in the tax bills.

7. PAYMENT OF INVOICES, CURTIS BRINKERHOFF & BARRETT, PC,

a. Westmere V. Darien, Services July 2014

Mr. Oustafine said that it is close to being finalized, and that they have filed an easement map and the town Attorney is waiting for the easement document.

**** MR. GENOVESE MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$572.00.**

**** MOTION PASSED UNANIMOUSLY**

b. Stephanie Lane Sewer, Services July 2014

Ms. Shaw said that according to the invoice there is already a draft agreement. Mr. Oustafine said that he has not yet received it nor has he received the hold harmless agreement.

**** MR. GENOVESE MOVED TO REJECT PAYMENT OF \$4,150 UNTIL THE DOCUMENTS ARE RECEIVED.**

**** MOTION PASSED UNANIMOUSLY**

8. SUPERINTENDENTS REPORT.

- a. City of Stamford, Soundview Avenue Sewer Lining Project
Mr. Gentile said that the project has not yet started, and that they are having difficulty obtaining the street opening permit from the city.
- b. Computil Water Consumption Reports
Mr. Oustafine said that the report has been received and that staff is in the process of reviewing it.
- c. Westmere v Town of Darien
No discussion.
- d. Stephanie Lane Sewer
This was discussed under the suspension of the rules.
- e. 103 Tokeneke Road Sewer Extension
Mr. Oustafine said that it has been completed and that the line has been camera-ed. He said that it did pass the pressure test, but that gravel was found and the contractor has been informed that it will need to be cleaned.
- f. Odor Control Media from Carbtrol Corporation
Mr. D'Arinzo said that the odor control went very well and that it is working great

****MR. FLAHERTY MOVED TO ENTER INTO NEW BUSINESS**

**** MOTION PASSED UNANIMOUSLY**

- g. Sewer Capital Improvements Plan Summary
Mr. Gentile discussed the report and said he has put together a projection of capital costs based on needs, and that this year he would like to start moving money from the reserved fund for capital improvement for sewer

equipment, with a special appropriation into an account that he can begin to spend the money prior to the end of the fiscal year.

****MR. GENOVESE MOVED TO MOVE \$200,000 FROM FUND BALANCE – DESIGNATED FOR CAPITAL EQUIPMENT TO NEW CAPITAL ACCOUNT.****
MOTION PASSED UNANIMOUSLY

- h. Sewer User Fee Appeal, Chuck's Steakhouse
Mr. Oustafine said that the owner of the restaurant knew nothing about the appeal, and that they will be contacting the property owner.
- i. FOG Program
No discussion.

9. NEW BUSINESS

No discussion.

10 ADJOURNMENT

**** MR. VAN WINKLE MOVED TO ADJOURN**
**** MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 6:05PM

Respectfully submitted,

Dilene Byrd
Telesco Secretarial Services

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TOWN OF DARIEN SEWER COMMISSION
2 RENSRAW ROAD - TOWN HALL
DARIEN, CT 06820-5397
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ROBERT A. RIITH, CHAIRMAN
CRAIG J. FLAHERTY, P.E.
ROCCO GENOVESE
ANNE SHAW
PETER VAN WINKLE, ESQ.

**TOWN OF DARIEN,
DARIEN SEWER COMMISSION
MEETING MINUTES
4:30 PM, Tuesday, October 7, 2014
Room 206, Darien Town Hall
2 Renshaw Road, Darien, CT 06820**

ATTENDANCE: Commissioners: Robert Riith, Chairman;
Craig Flaherty;
Rocco Genovese;
Peter Van Winkle.

ABSENT: Anne Shaw.

STAFF: Edward Gentile, Director, Public Works;
Darren Oustafine, Assistant Director of Public Works;
Pat D'Arinzo, Facilities and Maintenance Supervisor.

OTHER: First Selectman Jayme Stevenson;
Chris Kern, 27 Lakeside Ave;
Robert F. Maslan Jr., Esq., agenda items 5.C, 9 and 10;
Mary Ellen Solicito, 17 Crimmins Rd;
John Ruddy, 63 Old Kings Highway South;
Jeffery Schleppey, 5 Archer Lane

CALL TO ORDER

1. Commissioner Riith called the meeting to order at 4:30 p.m. and stated that the members as listed above were in attendance and that a quorum was present.

2. Approval of Meeting Minutes of September 2, 2014

** MR. GENOVESE MOVED TO APPROVE THE MEETING MINUTES OF
SEPTEMBER 2, 2014 AS AMENDED WITH CORRECTIONS NOTED AS EDITED BY
MR. OUSTAFINE.
** MR. VAN WINKLE SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY.

3. 16 Whaling Road, Sewer Lateral 2nd Repair on 8/28/14. Claim \$4,417.00.

Mr. Oustafine gave an overview of the supporting documents as provided and who is now responsible for the additional bill for the defective check valve. There was discussion over the claim, and the staff recommendation.

Mr. Flaherty asked what would need to be done to protect the Town from future situations like this with a defective valve.

Mr. Oustafine replied that the Town does take proper precautions and follows procedure and best practices. He added that this was an unfortunate issue and unpredictable situation.

- ** MR. GENOVESE MOVED TO APPROVE THE CLAIM IN THE AMOUNT OF \$4,417.00 AS SUBMITTED.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

4. 27 Lakeside Avenue, Sewer Backup Claim

Mr. Oustafine gave an overview and reminded the commission that at the last meeting they commission directed staff to obtain an independent appraiser to evaluate the claims submitted to the town for payment. Mr. Oustafine noted that the requested appraisal was included in the sewer commission agenda package and was considerably less than the claim submitted by Mr. Kern. Mr. Oustafine reported that the appraiser was in the business of representing individuals against insurance companies but that he was able to assist the town in an impartial and independent manner. Mr. Oustafine noted that towns appraiser tested for asbestos in a sample of tile underlayment and asbestos was detected. Mr. Kern was in attendance and he described the conditions during the incident, the damages that had incurred, and noted the delay in response by DPW to arrive. Mr. Oustafine responded that the Department arrived on the scene within one hour, not 4 hours as reported.

Mr. Kern stated that it is unacceptable for the length of time this claim has taken to be resolved—15 weeks-- and his dissatisfaction in this matter with the response and paperwork involved by the Town. There was discussion on the total claim to date of \$28,877.69 and the potential additional charges in dispute.

Mr. Flaherty asked if Mr. Kern would want to have this claim approved then come back for an appeal of further claim if additional costs are incurred. Mr. Kern stated that he

would prefer to wait until further documentation is submitted on the final bills after consultation with his lawyer.

- ** MR. GENOVESE MOVED TO TABLE THE DECISION ON THE CLAIM UNTIL NEXT MONTH, PENDING RECEIPT OF FINAL BILLS AND DOCUMENTATION.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

There was further discussion on changing procedures to protect the Town from other incidents involving the check valve. It was suggested to have a re-write of the code to reflect that residents would be required to install the check valve on areas that are below grade. Mr. Oustafine agreed to do a draft rewrite of the code for a future meeting.

5. Set Public Hearing Date, December 2, 2014, for Various Private Sewer Projects.

Mr. Oustafine stated that it is recommended to have the following items addressed at one public hearing:

*Stephanie Lane Sewer Extension Acquisition/Assessment

Locust Hill Road Sewer Extension

103 Tokeneke Road Sewer Extension

333 West Avenue (Noroton Green) Sewer Extension

The Heights (formerly known as Allen O'Neill) Sewer Extension

Kensett Lane (formerly known as Procacinni Property) Sewer Extension Public Hearing.

*It was noted that discussion on Stephanie Lane would be covered under the Superintendent's report.

Mr. Oustafine explained that these sewer extensions were all built except for Locust Hill Sewer Extension and in accordance with CT general statutes a public hearing is required by law and would allow public input as intended. He added that some of these sewer extensions would be referred to planning and zoning for mandatory referral and consistency with town plan of conservation and development. There was discussion on the public hearings and the procedures required.

- ** MR. GENOVESE MOVED TO SET A PUBLIC HEARING DATE OF DECEMBER 2, 2014 FOR THE ABOVE LISTED PRIVATE SEWER PROJECTS.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

6. 40 Granaston Lane, Sewer User Fee Appeal

Mr. Oustafine gave an overview of the supporting documents of payments as provided.

- ** MR. GENOVESE MOVED TO APPROVE THE CLAIM AS SUBMITTED TO ZERO OUT THE BILL ON THE ACCOUNT FOR FY14 ONLY.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

7. 218 West Avenue, Sewer User Fee Appeal

Mr. Oustafine gave an overview of the supporting documents of bills and usage as provided.

- ** MR. GENOVESE MOVED TO DENY THE CLAIM TO WAIVE THE MINIMUM CHARGES BASED UPON STANDARD PROCEDURE FOR BILLING MINIMUM CHARGES ON UNOCCUPIED PROPERTIES.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

8. 17 Crimmins Road, Sewer User Fee Appeal

Mr. Oustafine gave an overview of the supporting documents of payments as provided.

- ** MR. GENOVESE MOVED TO APPROVE THE CLAIM TO REDUCE THE AMOUNTS TO MINIMUM CHARGES ON THE ACCOUNT AS REQUESTED.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

9. 174 Middlesex Road Sanitary Sewer Easement Approval

Mr. Oustafine gave an overview of the supporting documents of payments as provided.

- ** MR. GENOVESE MOVED TO APPROVE THE SEWER EASEMENT AT 174 MIDDLESEX ROAD AS SUBMITTED PENDING TOWN COUNSEL REVIEW AND APPROVAL.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

10. 56 Maple Street, Oakcrest Development, LLC, Subdivision Sewer Connection

Mr. Oustafine gave an overview of the supporting documents as provided and there was a review of the maps and location of two sewer mains.

Attorney Maslan was present to represent the proposed development application. Mr. Maslan stated that he researched the properties in vicinity of the existing sewer systems

and that all are already connected and that a sewer main extension will not be necessary for that reason. Mr. Maslan stated that his client owns all parcels and is willing to grant itself easements for laterals to pass through adjacent parcels to get to the sewer.

Commissioner Flaherty stated that he would prefer that and would be in favor of that approach so long as no laterals were located in the town right of way except as near as perpendicular to sewer main as possible.

- ** MR. GENOVESE MOVED TO APPROVE THE SEWER CONNECTION AT 56 MAPLE STREET AS SUBMITTED, WITHOUT CONNECTION FEE OR ASSESSMENT AND PENDING SUBMISSION OF EASEMENTS FOR COMMISSION APPROVAL.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

11. 63 Old Kings Highway South, Ms. Jodie Ruddy, Sanitary Sewer Easement, Proposed Encroachment

Mr. Oustafine gave an overview of the supporting documents as provided and there was a review of the map and location of the proposed deck. Mr. Flaherty questioned the laterals over an easement to connect to the main is not ideal. He suggested that there be a maintenance agreement that the property owner would share any future costs. There was further discussion and it was suggested that written permission be recorded on the land records.

- ** MR. GENOVESE MOVED TO APPROVE THE SEWER EASTMENT AT 63 OLD KINGS HIGHWAY SOUTH WITH THE MAINTENANCE AGREEMENT CONDITION AS NOTED.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED WITH THREE VOTES IN FAVOR, ONE OPPOSED (FLAHERTY) AND NO ABSTENTIONS.

12. 5 Archer Lane, Mr. Jeffery Schleppey, Sanitary Sewer Easement, Proposed Encroachment

Mr. Oustafine gave an overview of the supporting documents as provided and there was a review of the map and location of the proposed shed. The property owner, Mr. Schleppey was in attendance and showed that there would be no concrete base, and the shed would be movable. Mr. Flaherty suggested that written permission be recorded on the land records, that the shed would be moved if access to the sewer line was necessary.

- ** MR. GENOVESE MOVED TO APPROVE THE SEWER EASEMENT AT 5 ARCHER LANE WITH CONDITION FOR MOVEMENT AS NOTED.

- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

13. Payment of Invoices

Dewberry Engineers Inc.

Kensett Lane Sewer Inspection	\$368.00
103 Tokeneke Rd Sewer Inspection (ABC House)	\$10,902.00
Total	\$11,270.00

Curtis Brinkerhoff & Barrett, PC.

Westmere v. Darien, Services, August 2014	\$1,078.00
Westmere v. Darien, Services, September 2014	\$1,981.89
Stephanie Lane Sewer, Services July 2014	\$4,150.00
Stephanie Lane Sewer, Services September 2014	\$1,000.00
Total	\$ 8,209.89

Wright Pierce

Stony Brook and Nearwater Pump Station Evaluation	\$11,120.00
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New England Adjusters, LIC

27 Lakeside Ave., Appraisal Services, September 2014	\$637.50
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- ** MR. FLAHERTY MOVED TO APPROVE PAYMENT OF THE ABOVE INVOICES.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

14. Superintendents Report

a. Stephanie Lane, Stephanie Lane South, Sewer Extension

Mr. Oustafine stated that the commission did not approve a previously submitted town counsel invoice because work product was not received. Mr. Oustafine noted that work product was included in the agenda package. He presented a spreadsheet that outlines owners, status, amounts paid to date, reimbursement, that would take place upon connection or transfer of ownership.

Mr. Oustafine explained the analysis of how the Town would pay those who have paid and not yet connected to the sewer system. He showed this is set up so the Town collects equal pro-rata share from everyone who has not connected—upon connection to sewer system. A discussion ensued regarding the transfer of ownership from a non-sustaining entity. Mr. Oustafine explained the rationale at the time that when this was set up, that the Sewer Commission failed to provide Town support of the sewer project.

Mr. Van Winkle suggested this could be set up as a bond to pay out installment payments over ten years. Mr. Flaherty stated that legal bills would outweigh any

potential interest gained, and he recommended that a buy-out would be a clean takeover of the Stephanie Lane Sewer System.

It was agreed to proceed with this agreement through the legal process for the public hearing and that remaining property owners would pay connection fees at the time of connection.

- ** MR. FLAHERTY MOVED TO APPROVE PRESENTING THE STEPHANIE LANE SEWER SYSTEM BUYOUT IN PUBLIC HEARING WITH PREFERRED APPROACH BEING EQUAL PAYMENTS IN THE FUTURE FOR ALL THOSE NOT YET CONNECTED TO THE SEWER SYSTEM.
- ** MR. GENOVESE SECONDED THE MOTION.
- ** MOTION PASSED WITH THREE VOTES IN FAVOR, ONE OPPOSED (VAN WINKLE) AND NO ABSENTIONS.

b. City of Stamford, Soundview Avenue Sewer Lining Project

Mr. Gentile provided a verbal update that they are about six weeks behind on the project. He added that there will be a test run of shutting down the pumps as a 'hot tap' of a 20 minute shut down. Mr. Flaherty noted that this is a risky undertaking. Mr. Gentile stated that it takes a lot of coordination but that is in place.

c. Computil Meeting

Mr. Gentile reported that they have met with the reps on sewer use bills and the needs for improvement for next year include more accurate usage reports, and a better schedule of reporting.

d. Nearwater Main and Stony Brook Pump Stations Pump Replacements

Mr. Gentile reported that the BOS has approved the budget transfer for the sewer fund balance for capital equipment. This will be forwarded on to the Board of Finance on 10/21/14.

Mr. Gentile added that Wright Pierce, has recommended Flygt as vendor for the new pumps, and this will go out to bid as required for items over \$10,000. It was noted that \$200,000 replaces two pumps and while there is need for six, this will be spread out over two more years.

e. Westmere v. Town of Darien

There was discussion on when legal bills will cease and Mr. Oustafine reported that by next meeting they should have a notarized release for approval by the BOS.

f. 103 Tokeneke Road Sewer Extension, ABC House

Mr. Oustafine reported that this sewer extension has been finished and the building (103 Tokeneke Rd) connected. As built drawing remains to be completed plus a small piece of sidewalk remains to be completed.

g. Manhole Raising

Scheduled delivery of material is Thursday. It was noted that the price is five years old and remains in effect and there will be no state reimbursement for work on state roads, as the state only reimburses when manholes are raised as part of a state paving project and then only reimbursed at a percentage of total cost following state depreciation of infrastructure.

h. Sewer Capital Improvement Plan Summary

There was nothing further to report.

i. FOG Program

Mr. Oustafine reported that there was a back-up reported last week at Calvary Baptist Church that was sewage.

Mr. Oustafine provided a memo of inspection by Mr. Taccone at The Goose where there was a clog and determination that the AGRU's were unplugged and not operational. He explained that there would be a re-inspection that would be scheduled next week.

15. New Items (2/3rd Majority)

Second Sewer Connection – 68 Salem Straits Road

- ** MR. FLAHERTY MOVED TO ADD THE ABOVE ITEM TO THE AGENDA.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

Mr. Oustafine gave an overview of the supporting letter as provided and stated the reason for the request was a connection at Peabody Lane for a pool house. There was a discussion of the topography and ledge and the subdividing of the property in 2010.

- ** MR. FLAHERTY MOVED TO ALLOW THE REQUEST FOR CONNECTION WITH THE PAYMENT OF ADDITIONAL CONNECTION ASSESSEMENT FEES.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

16. ADJOURNMENT

- ** MR. VAN WINKLE MOVED TO ADJOURN THE MEETING.
- ** MS. SHAW SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 6:35 p.m.

Respectfully submitted,
Marilyn Knox,
Telesco Secretarial Services

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TOWN OF DARIEN SEWER COMMISSION
2 RENSRAW ROAD - TOWN HALL
DARIEN, CT 06820-5397
TELEPHONE (203) 656-7363



ROBERT A. RIITH, CHAIRMAN
CRAIG J. FLAHERTY, P.E.
ROCCO GENOVESE
ANNE SHAW
PETER VAN WINKLE, ESQ.

**TOWN OF DARIEN,
DARIEN SEWER COMMISSION
MEETING MINUTES
4:30 PM, Tuesday, November 18, 2014
Room 206, Darien Town Hall
2 Renshaw Road, Darien, CT 06820**

ATTENDANCE: Robert Riith, Chairman;
Craig Flaherty; and,
Ann Shaw.

ABSENT: Rocco Genovese; and,
Peter Van Winkle.

STAFF: Edward Gentile, Director, Public Works;
Darren Oustafine, Asst. Director Public Works

OTHERS: Alan Gray, Darien Library
Elizabeth Drake (and spouse), 141 Long Neck Point Road
Peter Mikolayczyk, 121 Leeuwarden Road
Gabriela Mocanu, 27 Chestnut Street
Richard Hodges, 248 Mansfield Avenue
David Pear, 65 Nearwater Lane
Henry Berman, 132 Raymond Street
Frank Lombardi (Mario's Brother), 74 OKHS
Christopher Kern, 27 Lakeside Avenue

1. CALL TO ORDER

Chairman Riith called the meeting to order at 4:30PM and stated that the members as listed above were in attendance and that a quorum was present.

2. APPROVAL OF MINUTES OF PREVIOUS MEETING

**** MR. FLAHERTY MOVED TO APPROVE THE MINUTES OF OCTOBER 7, 2014 AS AMENDED WITH CORRECTIONS AS EDITED BY MR. OUSTAFINE.**

- ** MS. SHAW SECONDED THE MOTION**
- ** MOTION PASSED UNANIMOUSLY**

3. 74 OLD KINGS HIGHWAY SOUTH SEWER LATERAL APPROVAL.

Mr. Oustafine said that Mr. Lombardi is requesting to connect the cottage to the sewer and leave a stub for future connections for the house that he ultimately plans to build. Mr. Oustafine said if the commission does approve the connection that a check valve will be mandatory, because there is a 10" force main that discharges into the manhole and that is an enormous amount of flow.

**** MR. FLAHERTY MOVED TO APPROVE THE SEWER LATERAL CONNECTION WITH THE STIPULATION THAT A CHECK VALVE BE REQUIRED ON THE LINE AND THAT HE ALSO BE REQUIRED TO PAY AN ASSESMENT FEE EQUAL TO WHAT WAS PAID BY ALL THE OTHER PEOPLE ON THE CONTRACT.**

- ** MS. SHAW SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

4. 45 SWIFTS LANE SEWER LATERAL APPROVAL.

Mr. Oustafine said that this is a low pressure sewer and that the residence that is currently there will be demolished, and the builder is requesting that they be allowed to connect two structures into a single lateral.

**** MR. FLAHERTY MOVED TO APPROVE THE LATERAL CONNECTION FOR THE PROPOSED MAIN HOUSE AND THE ACCESSORY STRUCTURE LATERAL CONNECTION, TO A SINGLE LATERAL CONNECTION AT THE ROAD.**

- ** MS. SHAW SECONDED THE MOTION**
- ** MOTION PASSED UNANIMOUSLY**

5. SEWER USER FEE APPEAL

a. Darien Library, 1441 Boston Post Road, Representative: Alan Gray

Mr. Ousafine provided an overview and said that Mr. Gray had appeared before the commission last year, and was told to install a meter which he did do in the spring, but he did not notify the sewer department until October that the meter had been installed. He said that the meter reading was immediately taken once they were notified, but there is no starting meter reading. Mr. Gray said that he apologizes for not knowing the meter had to be read, but that they did contact the manufacturer of the meter and they

have confirmed that the meter is sold new with a zero or slightly above zero reading from the factory. He said that the meter was read on November 3, 2014, and shows a monthly flow across the year equal to that of the winter when they are not irrigating.

- ** MR. FLAHERTY MOVED TO REDUCE THE INVOICE AMOUNT FROM \$2,275.74 TO \$1,958.32**
- ** MS. SHAW SECONDED THE MOTION**
- ** MOTION PASSED UNANIMOUSLY**

b. Elizabeth Drake, 141 Long Neck Point Road

Ms. Drake said that she came before the commission last year to have her sewer bill reviewed because it included a great deal of sprinkler usage. She said that she was told that she would have to get another meter just for the sprinkler system, but since the water had already been turned off she said that she had waited until the spring and had the meter installed on May 15, 2014, and was read by the sewer department very soon afterwards. She said that she has now received a sewer bill for \$3,012.80 because she had the separate meter installed.

She said that since the meter was installed just six weeks before the end of the billing period, she had suggested forgetting the meter for this year and to base the bill on the two lowest quarters for each of the meters. She said that she is requesting that the sewer bill be reduced to \$570.28 to better reflect the actual sewer usage.

- ** MR. FLAHERTY MOVED TO APPROVE THE TO REVISE THE INVOICE AMOUNT TO \$570.28.**
- ** MS. SHAW SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

c. Peter Mikolayczyk, 121 Leeuwarden Road

Mr. Oustafine said that Mr. Mikolayczyk would like to use the five lowest months, and that the invoice that is due on April 1, 2015, was calculated based on higher water consumption of the sprinkler system that was used in October 2013.

- ** MR. FLAHERTY MOVED TO APPROVE THE TO REVISE THE INVOICE AMOUNT TO \$284.06 FOR ONE YEAR ONLY.**
- ** MS. SHAW SECONDED THE MOTION**
- ** MOTION PASSED UNANIMOUSLY**

d. Gabriela Mocanu, 27 Chestnut Street

Mr. Oustafine said that Ms. Mocanu is requesting that the sewer use charges be cancelled for the 2013-14 billing period. Ms. Mocanu said that the property was under

construction at that time, and that during construction the crew used portable toilets, and any actual water usage was minimal. Mr. Flaherty asked when the certificate of occupancy was received. Ms. Mocanu said approximately one month ago. Mr. Flaherty asked when the water connection was made. Mr. Oustafine said that the sewer and water connection were made sometime after August. Mr. Flaherty asked if staff inspects sewer connections when they go in, and Mr. Oustafine said "yes".

- ** MR. FLAHERTY MOVED TO APPROVE THAT THE 2013-14 INVOICE BE ELIMINATED AND THAT THE 2014-15 INVOICE REMAIN IN EFFECT.**
- ** MS. SHAW SECONDED THE MOTION**
- ** MOTION PASSED UNANIMOUSLY**

e. Thomas Zipser, 96 Rose Lane

Mr. Oustafine said that Mr. Zipser just moved into the home in August, 2014, and that just he and his wife reside there and the former occupants were five people. It was noted that Mr. Zipser had presented a number of factors as to why the current water usage has been higher than they anticipated.

- ** MR. FLAHERTY MOVED TO DENY THE APPEAL**
- ** MS. SHAW SECONDED THE MOTION**
- ** MOTION PASSED UNANIMOUSLY**

f. Richard Hodges, 248 Mansfield Avenue

Mr. Hodges said that there was an issue with the sprinkler system and that in prior years the invoices were significantly less.

- ** MR. FLAHERTY MOVED TO APPROVE THE TO REVISE THE INVOICE AMOUNT TO \$400.27 AND TO WAIVE THE INTEREST**
- ** MS. SHAW SECONDED THE MOTION**
- ** MOTION PASSED UNANIMOUSLY**

g. Nicholas Rongoe, 57 Camp Avenue

Mr. Oustafine said that this house was demolished in June, but that in February the well was abandoned and the electrical service was disconnected. Mr., Oustafine said that Mr. Rongoe is requesting that the sewer bill be adjusted for this time period.

- ** MR. FLAHERTY MOVED TO APPROVE TO REVISE THE INVOICE TO THE MINIMUM AMOUNT OF \$209.00**
- ** MS. SHAW SECONDED THE MOTION**
- ** MOTION PASSED UNANIMOUSLY**

h. David Pear, 65 Nearwater Lane

Mr. Oustafine said that Mr. Pear stated that he feels his 2014 invoice is elevated due to his October 2013 consumption, and that he did not learn about installing a meter until November 2013. He said that Mr. Pear confirmed that he still did not install a meter.

- ** MR. FLAHERTY MOVED TO APPROVE THE TO REVISE THE INVOICE AMOUNT TO \$1446.14.**
- ** MS. SHAW SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

i. Henry Bergen, 132 Raymond Street

Mr. Bergen said that he is requesting a reduction because the large spike in usage over the prior months is the result of the utilization of the sparkler system.

- ** MR. FLAHERTY MOVED TO APPROVE THE TO REVISE THE INVOICE TO THE MINIMUM AMOUNT OF \$209.00**
- ** MS. SHAW SECONDED THE MOTION**
- ** MOTION PASSED UNANIMOUSLY**

j. Helen Lowham, 67 Peach Hill Road

Mr. Oustafine said that Ms. Lowham could not attend the meeting but that the house was demolished in August 2014, and that Aquarion Water had issued her a credit in September 2014.

- ** MR. FLAHERTY MOVED TO APPROVE THE TO REVISE THE INVOICE AMOUNT TO \$387.36**
- ** MS. SHAW SECONDED THE MOTION**
- ** MOTION PASSED UNANIMOUSLY**

k. Paul Lombardo, 52 Gideon Lane

Mr. Oustafine said that Mr. Lombardo claims to be in dire financial constraints, and requests that if the commission will forgive his interest he would be happy to have the bank pay the \$2,044 tomorrow.

- ** MR. FLAHERTY MOVED TO APPROVE TO REVISE THE INVOICE AMOUNT TO \$2,044.00 IF PAID WITHIN 30 DAYS AND IF NOT PAID WITHIN 30 DAYS ALL INTEREST WILL REMAIN IN FULL FORCE AND EFFECT.**
- ** MS. SHAW SECONDED THE MOTION**
- ** MOTION PASSED UNANIMOUSLY**

6. 27 LAKESIDE AVENUE, SEWER BACKUP CLAIM CHRISTOPHER KERN

There was discussion on the total claim to date and the direction from last month on gathering additional charges that required further documentation. It was noted that the final bills are and the claim is submitted for approval.

- ** MR. FLAHERTY MOVED TO APPROVE THE TO PAY THE SEWER BACK UP CLAIM IN THE AMOUNT OF \$30,842.36.**
- ** MS. SHAW SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

7. SET PUBLIC HEARING DATE OF DECEMBER 2, 2014, FOR ACQUISITION OF WESTMERE SANITARY SEWER EXTENSION ON ANDREWS DRIVE, OLD KINGS HIGHWAY

- ** MR. FLAHERTY MOVED TO APPROVE THE ITEM.**
- ** MS. SHAW SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

8. PAYMENT OF INVOICES

Mr. Oustafine gave an overview of the supporting documents of bills and usage as provided:

Curtis Brinkerhoff & Barrett, PC,

- a. Westmere v. Darien, Services, 9/19/14-10/31/14 \$3,666.83
- b. Stephanie Lane Sewer, Services, 9/29/14-10/31/14 \$3,180.00 Total \$6,846.83

- ** MR. GENOVESE MOVED TO APPROVE INVOICES AS SUBMITTED.**
- ** MS. SHAW SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY**

9. SUPERINTENDENTS REPORT – Reported.

- a. City of Stamford, Soundview Avenue Sewer Lining Project

Mr. Gentile reported and said that the lining project had begun at the end of October and that 1950' of pipe has been completed and there have been no problems with the pump stations or with the work they have been doing.

b. Nearwater Pump Station Pump Replacement

Mr. Gentile said that the bid was opened on November 17, 2014, and that the one and only low bidder was New England Pump and Valve, and the bid was \$85,000. In response to Mr. Flaherty's question if the pump was specified in the bid package, Mr. Gentile said yes.

c. Stony Brook Pump Station Replacement

Mr. Gentile said that the bid will be opened on November 24, 2014.

d. Public Hearings on Sewer Construction, Acquisition, or Assessment, December 2, 2014.

e. Westmere V. Town of Darien - This was discussion under item 7 of the agenda.

f. FOG Program

There was no discussion, and it was noted that the item remains on the agenda.

g. Discussion Regarding Vacated Sewer System Operator Position to evaluate need and necessity.

Mr. Gentile discussed the need for a third position in the sewer department. Mr. Flaherty requested he be provided with a scope of work for the position, the job responsibilities and the overtime that is worked. He also requested a summary of additional work that will or and be done by adding the position.

h. Letter from 6 Andrews Drive to Chairman of Darien Sewer Commission, relative to easement encroachment on property of 63 Old Kings Highway South.

10. NEW BUSINESS

Next Meeting and Public Hearing Scheduled for December 2, 2014 at 4:30 PM, Room 206 of Town Hall, 2 Renshaw Road, Darien, CT 06820

11. ADJOURNMENT

- ** MR. VAN WINKLE MOVED TO ADJOURN THE MEETING.
- ** MS. SHAW SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 6:05 p.m.

Respectfully submitted,
Telesco Secretarial Services

TOWN OF DARIEN SEWER COMMISSION
2 RENSRAW ROAD - TOWN HALL
DARIEN, CT 06820-5397
TELEPHONE (203) 656-7363



ROBERT A. RIITH, CHAIRMAN
CRAIG J. FLAHERTY, P.E.
ROCCO GENOVESE
ANNE SHAW
PETER VAN WINKLE, ESQ.

**TOWN OF DARIEN,
DARIEN SEWER COMMISSION
PUBLIC HEARING AND MEETING MINUTES
4:30 PM, Tuesday, December 2, 2014
Room 206, Darien Town Hall
2 Renshaw Road, Darien, CT 06820**

ATTENDANCE: Robert Riith, Chairman;
Craig Flaherty;
Ann Shaw; and,
Peter Van Winkle.

ABSENT: Rocco Genovese;

STAFF: Edward Gentile, Director, Public Works; and,
Darren Oustafine, Asst. Director Public Works.

OTHERS: Jacqueline B. Scott, 4 Stephanie Lane S.;
Pam Dysenchuk, 5 Stephanie Lane S.;
Brian Hathaway, 2 Stephanie Lane S.;
John Kratky, 25 Stephanie Lane;
Cliff Evans and Sue Ellen Evans, 34 Stephanie Lane;
Sam Huffman, 15 Stephanie Lane (formerly Lewis residence);
Katherine Michele, 41 Wee Burn Lane (formerly 19 Stephanie La)
Walter Simon, 145 South Salem Road, Ridgefield CT 06877,
(formerly 37 Stephanie Lane); and,
Claudia Bogen-Sullivan, 521 Hollow Tree Ridge Road

1. CALL TO ORDER

Chairman Riith called the meeting to order at 4:30PM and stated that the first part of the meeting was a public hearing.

PUBLIC HEARING

Chairman Riith read the legal notice of the purpose of the public hearing that was issued to the public and property owners as follows:

LEGAL NOTICE

**NOTICE TO PROPERTY OWNERS OF PUBLIC HEARING ON
SANITARY SEWER EXTENSION ACQUISITION OR ASSESSMENT**

The Town of Darien Sewer Commission will Conduct a public hearing on Tuesday, December 2, 2014 at 4:30 PM at the Town of Darien Town Hall, Room 206 for the purpose of affording owners of property within the proposed project areas below, an opportunity to be heard concerning proposed acquisition, construction or assessment of sanitary sewer extension project serving homes abutting portions of these streets.

1. Acquisition, serving Stephanie Lane and Stephanie La. South (et al).
2. Assessment, serving Stephanie Lane and Stephanie La. South (et al).
3. Acquisition, serving ABC House at 103 Tokeneke Rd (et al).
4. Acquisition, serving development at 333 West Ave.
5. Acquisition, serving Heights Housing at Allen O'Neill Dr. (et al).
6. Acquisition, serving Kensett La. housing development.
7. Acquisition, serving Westmere development on Andrews Dr., Old Kings Highway South, Locust Hill, and Delafield Island Rd.
8. Construction and Acquisition, serving Knobel Bros., Glassmeyer development on Locust Hill Rd. and Settlers Trail.

All members of the public are invited to be present and will be given an opportunity to be heard regarding the proposed sanitary sewer extension acquisition, construction or assessment.

Mr. Oustafine noted that letters that were sent via certified mail and return receipts were received and recorded. He added that e-mails and phone numbers were made available to provide members of the public with opportunity to register comments.

1. Stephanie Lane Sewer Extension Acquisition Public Hearing.

The members of the public in attendance and in support of the acquisition are listed above under heading of "other". Mr. Oustafine noted that the following members of the Stephanie Lane Sewer Association had sent e-mails to express support of the acquisition:

Cecelia and Dennis Verhaegen, 17 Stephanie Lane
Sharon Simon, 4 Stephanie Lane
Gail Mapel, formerly of 18 Stephanie Lane
Sue and Steve Mandel, 4 Stephanie Lane
Tricia and Chris Conley, 21 Stephanie Lane
Claudia Bogen-Sullivan, 521 Hollow Tree Road

There was discussion on the next steps of the acquisition. Mr. Oustafine noted that as contained in Sections 7-247a and 7-249 of CT general statutes, a public hearing must be held prior to acquiring sewer system or assessing affected residents . He added that items are on the agenda for action at the meeting that follows this public hearing. Mr. Riith asked if there were further comments from the public, and hearing none, closed this portion of the public hearing.

2. Stephanie Lane Sewer Extension Assessment Public Hearing.

There was discussion on the next steps of the assessment. Mr. Oustafine noted that the Commission would review and take action at the next meeting to include next steps in the process and a budget transfer to the Board of Finance.

Mr. Riith asked if there were further comments from the public, and hearing none, closed this portion of the public hearing.

3. 103 Tokeneke Road Sewer Extension Acquisition Public Hearing.

Mr. Oustafine referred to the details of the sewer extension acquisition. Ms. Scott clarified that this for one year. Mr. Riith asked if there were further comments from the public, and hearing none, closed this portion of the public hearing.

4. 333 West Avenue (Noroton Green) Sewer Extension Acquisition Public Hearing.

Mr. Flaherty recused himself from the discussion.

Mr. Oustafine referred to the details of the sewer extension acquisition, and there were no issues and no exchange of monies. There were no further comments or questions. Mr. Riith asked if there were further comments from the public, and hearing none, closed this portion of the public hearing.

5. The Heights (Allen O'Neill) Sewer Extension Acquisition Public Hearing.

Mr. Oustafine referred to the details of the sewer extension acquisition, and there were no issues and no exchange of monies. There were no further comments or questions. Mr. Riith asked if there were further comments from the public, and hearing none, closed this portion of the public hearing.

6. Kensett Lane (Procaccini Property) Sewer Extension Acquisition Public Hearing.

Mr. Oustafine referred to the details of the sewer extension acquisition, and there were no issues and no exchange of monies. It was noted that the possible future addition to the development would remain the property of Kensett Lane in accordance with the existing developer's agreement. If so, this would come back to the Commission with a public hearing. There were no further comments or questions. Mr. Riith asked if there were further comments from the public, and hearing none, closed this portion of the public hearing.

7. Westmere Development Sewer Extension Acquisition Public Hearing.

Mr. Oustafine referred to the details of the litigation agreement and this was formally providing an opportunity for the public to speak. There were no further comments or questions. Mr. Riith asked if there were further comments from the public, and hearing none, closed this portion of the public hearing.

8. Locust Hill Road Sewer Extension Acquisition Public Hearing.

Mr. Oustafine referred to the details of the sewer extension acquisition, and Attorney Maslan was in attendance to answer questions. Cynthia Stan asked what properties were covered. Mr. Oustafine explained that the developer has completed the capacity analysis downstream. It was noted that if developer elects to connect it would then hold another public hearing if the scope of the project grows to allow future tie in and would be responsible for easement. Mr. Riith asked if there were further comments from the public, and hearing none, closed this portion of the public hearing.

Mr. Flaherty asked again if there were members of the public that wished to speak. Mr. Riith closed the public hearing and stated the regular meeting of the Sewer Commission would now proceed in accordance with the agenda and action items.

Public hearing was closed at 4:46 PM

1. Public Meeting was called to order by Chairman Riith at 4:46 PM

2. APPROVAL OF MINUTES OF PREVIOUS MEETING

Mr. Oustafine stated that he had not reviewed the minutes and Ms. Shaw suggested they be deferred until the next meeting.

** MR. FLAHERTY MOVED TO TABLE THE MINUTES OF NOVEMBER 18, 2014.

- ** MS. SHAW SECONDED THE MOTION
- ** MOTION PASSED UNANIMOUSLY

3. 72 (now known as 74) Old Kings Highway South Set Sewer Assessment.

Mr. Oustafine referred to the details of the sewer assessment, and there were no further comments or questions.

- ** MR. VAN WINKLE MOVED TO APPROVE THE ASSESSMENT FOR 72 OLD KINGS HIGHWAY SOUTH OF \$3,940.00.
- ** MS. SHAW SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

4. Discussion and Action: Approve Acquisition, Construction, or, Assessment, for Various Private Sewer Projects:

a. Stephanie Lane Sewer Extension Acquisition

Mr. Oustafine referred to the details of the acquisition as outlined in the transfer of ownership documents. There was discussion on the next steps of the legal documents and options of the pay out, bonding and the staff recommendation.

Mr. Oustafine asked for a motion to acquire the sewer extension and agreement in accordance with the assessment formula to proceed with a transfer of funds to the Board of Selectmen and Board of Finance.

- ** MR. VAN WINKLE MOVED TO APPROVE THE ACQUISITION OF THE STEPHANIE LANE EXTENSION AGREEMENT AS PRESENTED.
- ** MS. SHAW SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

- ** MR. FLAHERTY MOVED TO AUTHORIZE DIRECTOR OF PUBLIC WORKS TO EXECUTE A BUDGET TRANSFER FROM THE SEWER FUND IN THE AMOUNT OF \$98,497.70. TO THE BOARD OF FINANCE.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

b. Stephanie Lane Sewer Extension Assessment

Mr. Van Winkle spoke about the lien conditions and notification on land records and recommended hold harmless agreement and suggested that specific contingencies be completed prior to the pay-out. Mr. Flaherty brought up the practice of an accrual of interest and there was discussion.

There was discussion of documents necessary for the Stephanie Lane Association to proceed with the disbanding of the LLC. It was agreed to proceed with the motion and add provisions and contingencies as noted.

** MR. FLAHERTY MOVED TO APPROVE THE OUTLINE OF SEWER ASSESSMENT PAYMENTS AND REIMBURSEMENT OF CONNECTION FEES TO AFFECTED PROPERTY OWNERS OF THE STEPHANIE LANE OWNERSHIP ASSOCIATION AGREEMENT CONTINGENT UPON TOWN COUNSEL FINALIZATION OF DISSOLUTION DOCUMENTS DISBANDING THE LLC AND EXECUTED HOLD HARMLESS AGREEMENTS.

** MR. VAN WINKLE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

c.103 Tokeneke Road Sewer Extension Acquisition

Mr. Oustafine referred to the details of the sewer acquisition. There were no further comments or questions.

** MR. VAN WINKLE MOVED TO APPROVE THE ACQUISITION OF SEWER EXTENTION FOR THE ABC HOUSE AT 103 TOKENEKE ROAD IN ACCORDANCE WITH DEVELOPERS AGREEMENT AND TERMS THEREIN .

** MS. SHAW SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

d. 333 West Avenue (Noroton Green) Sewer Extension Acquisition

Mr. Flaherty recused himself from the discussion.

** MR. VAN WINKLE MOVED TO APPROVE THE ACQUISITION OF THE 333 WEST AVENUE NOROTON GREEN SEWER EXTENSION ACQUISITION AS PRESENTED AND IN ACCORDANCE WITH THE DEVELOPERS AGREEMENT AND TERMS THEREIN.

** MS. SHAW SECONDED THE MOTION.

** MOTION PASSED WITH TWO VOTES IN FAVOR, NONE OPPOSED AND ONE ABSTENTION (FLAHERTY).

e. The Heights (formerly known as Allen O'Neill) Sewer Extension Acquisition.

- ** MR. FLAHERTY MOVED TO APPROVE THE ACQUISITION OF THE HEIGHTS (ALLEN O'NEILL) EXTENSION AGREEMENT SUBJECT TO FINALIZED EASEMENT, DEVELOPER AGREEMENT AND ASSOCIATED DETAILS PRESENTED.
- ** MS. SHAW SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

f. Kensett Lane (Procaccini Property) Sewer Extension Acquisition.

- ** MR. FLAHERTY MOVED TO APPROVE THE ACQUISITION OF THE KENSETT LANE (PROCACCINI PROPERTY) EXTENSION AGREEMENT SUBJECT TO FINALIZED EASEMENT, DEVELOPER AGREEMENT AND ASSOCIATED DETAILS PRESENTED .
- ** MS. SHAW SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

g. Westmere Development Sewer Extension Acquisition.

- ** MR. FLAHERTY MOVED TO APPROVE THE ACQUISITION OF THE WESTMERE DEVELOPMENT EXTENSION SUBJECT TO FINALIZED EASEMENT, DEVELOPER AGREEMENT AND ASSOCIATED DETAILS PRESENTED.
- ** MS. SHAW SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

h. Locust Hill Road Sewer Extension Acquisition.

There was a discussion that there should be modified language to indicate construction in accordance with acquisition as this has yet been built. It was noted that there will be a developer's agreement as the developer is responsible to obtain easements. It was noted that the public hearing satisfies the legal requirement and the WPCA cannot construct without the Commission's approval.

It was noted that there was no motion required until the final determination.

5. 27 Lakeside Avenue Sewer Backup Claim

5a. Authorize Transfer of Funds from Sewer Fund to account designated by Finance Department for claim for 27 Lakeside Avenue in amount of \$30,842.36.

5b. Authorize use of general release document for claim at 27 Lakeside Ave.

There as discussion of the general release document. It was agreed to add a clause to the third paragraph: "OR" The Owner shall take full responsibility if further damages occur if no check valve is installed.

Mr. Van Winkle noted that the funds should not be simultaneously transferred and released, and this is subject to the approved general release. Mr. Flaherty stated he feels it should be discussed when the public was here and would like this worked out as a courtesy to the property owner. Mr. Van Winkle noted that the payment was approved previously, but this general release was required as a protection for the Town.

** MR. VAN WINKLE MOVED TO AUTHORIZE THE TRANSFER OF FUNDS FROM SEWER FUND TO ACCOUNT DESIGNATED BY FINANCE DEPARTMENT FOR CLAIM FOR 27 LAKESIDE AVENUE IN AMOUNT OF \$30,842.36.

** MS. SHAW SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

** MR. FLAHERTY MOVED TO AMEND TO THE APPROVAL MOTION TO CONTINUE WORKING OUT THE CONDITIONS OF THE GENERAL RELEASE AGREEMENT TO EXPEDITE THE RELEASE OF THE FUNDS TO THE PROPERTY OWNER.

** MS. SHAW SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

6. Superintendents Report:

a. Stony Brook Pump Station Pump Replacement, bid opened on November 24, 2014.

Mr. Gentile stated that he did back the bid for the replacement at \$85,200 for the pump and notification of the award has been issued. Now in the company's hands and moving forward with a timeframe of 8-12 weeks, and a completion target of 120 days.

b. FOG Program.

Mr. Oustafine stated there was nothing new to report, and the item remains as on-going place marker on this and future agendas.

c. Further Discussion Regarding Vacated Wastewater System Operator Position

Mr. Gentile stated he is working on this and further details will be built upon for the next meeting relative to class 2 license added to the job description.

7. NEW BUSINESS

- ** MR. FLAHERTY MOVED TO ACCEPT NEW BUSINESS ON AGENDA.
- ** MR. VAN WINKLE SECONDED MOTION.
- ** MOTION PASSED UNANIMOUSLY WITH GREATER THAN 2/3 MAJORITY.

PAYMENT OF INVOICES

Mr. Oustafine gave an overview of the supporting documents of bills and usage as provided:

Wright –Pierce Engineering 9/27--10/31/14 \$2,780.00

- ** MR. FLAHERTY MOVED TO APPROVE INVOICE AS SUBMITTED.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY

Next meeting would be January 6, 2015 in accordance with approved meeting schedule.

8. ADJOURNMENT

- ** MR. VAN WINKLE MOVED TO ADJOURN THE MEETING.
- ** MS. SHAW SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 6:05 p.m.
Respectfully submitted,
Telesco Secretarial Services