

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
REGULAR MEETING MINUTES
4:30 PM, JANUARY 6, 2015
Room 206, Darien Town Hall
2 Renshaw Road, Darien, CT 06820**

COMMISSIONER ATTENDANCE: Robert A. Riith, Chairman;
Craig J. Flaherty, P.E;
Rocco Genovese.

COMMISSIONER ABSENCE: Anne Shaw;
Peter Van Winkle.

STAFF ATTENDANCE: Ed Gentile;
Darren Oustafine;
Pat D'Arinzo.

OTHERS: Tim Fisher;
Amanda Faulkner.

1. CALL TO ORDER

Mr. Riith called the meeting to order at 4:34 p.m. A quorum was present.

2. APPROVAL OF MINUTES

- a. November 18, 2014 – Regular Meeting; and,
- b. December 2, 2014 – Public Hearing and Regular Meeting

**** MR. FLAHERTY MOVED TO APPROVE THE MINUTES OF NOVEMBER 18,
2014, AND THE MINUTES FOR DECEMBER 2, 2014 AS PRESENTED**

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

**** MOTION PASSED UNANIMOUSLY**

3. DISCUSSION OF LOCUST HILL SEWER EXTENSION (KNOBEL HILL, LLC)

Mr. Oustafine gave some background on the item, and said the developer Penny Glaasmeyer still hasn't made a decision because she is negotiating with a number of private property owners. He noted that there was no action recommended for this item.

4. DISCUSSION OF SEWER LATERAL CONNECTION, 210 LEROY AVENUE,
ELLIE EGLIN

Mr. Oustafine said that 210 Leroy Ave. approached them on Friday and asked to be pulled off the agenda. He said the sewer commission can expect to hear from the applicant again in February. Mr. Riith agreed to table the discussion.

5. APPROVAL OF SEWER USER FEE ADJUSTMENT, 12 HEATHER LANE

Mr. Oustafine gave some background on the item, noting that cleanout was about 5 feet from the house. Mr. Riith said that there was an application for connection to the sewer. Mr. Oustafine agreed that they had the application, but he noted that when they went out to the house to get to the bottom of the issue, the owner claimed that they were not connected to the sewer. He said that they tested the connection by putting dye in the kitchen sink, but it didn't show in the sewer main in the road, which could mean that the sink was still connected to a dry-well. Mr. Oustafine then noted they put dye in the cleanout and found dye in the street, so they began charging for the connection believing that the house must be connected to the sewer – but when the resident dug it up for proof, they found that the sewer never penetrated the foundation wall. He concluded that all current evidence therefore pointed to no connection, and that they wanted a rebate. Mr. Oustafine noted upon inquiry that it is usual and customary to use a 3 year cap on the rebate, noting that if this was not enough the property owners could come forward and ask for more in the future.

- ** MR. FLAHERTY MOVED TO REBATE UP TO 3 YEARS
- ** MR. GENOVESE SECONDED THE MOTION
- ** MOTION PASSED UNANIMOUSLY

6. SEWER USER FEE APPEAL, 1340 BOSTON POST ROAD (CHUCK'S STEAK HOUSE)

Mr. Fisher came forward and gave some background on the establishments outstanding Real Estate and Sewer taxes from the previous summer, noting that they had just made good on outstanding Real Estate taxes in July, for which they paid a hefty price. He said that they are selling the establishment, and seeking to close by January 12, 2015. He then asked if they could

receive any relief from the interest incurred by the late Sewer fees. Mr. Riith responded that this is the way things work, and that he doesn't see a way to waive the interest. Mr. Fisher then said that he came at the suggestion of Mrs. Larkins.

Mr. Oustafine noted that the Sewer Commission has forgiven interest for some private properties in the past, and left the decision to Mr. Riith, noting that the principal amount dated back 5 years. Mr. Flaherty then asked if they were coming current on property tax obligations, which Mr. Fisher affirmed. Mr. Fisher stated that R&W LLC owns the property. Mr. Riith asked if there was a reason the bill hadn't been paid in 5 years. Mr. Fisher replied that most of their funds had been used to cover a fire in Westhaven, and they'd just managed to skate by. Mr. Flaherty suggested that they keep 100% of the original lien, and lower the interest to 50%, which Mr. Riith agreed upon.

- ** MR. FLAHERTY MOVED TO REDUCE INTEREST BY HALF**
- ** Mr. RIITH SECONDED THE MOTION**
- ** MOTION PASSED WITH 2 VOTES IN FAVOR (MR. RIITH AND MR. FLAHERTY), AND ONE RECUSAL (MR. GENOVESE)**

12. NEW BUSINESS

Mr. Oustafine asked the Commission for permission to consider new business.

- ** MR. FLAHERTY MOVED TO CONSIDER NEW BUSINESS**
- ** MR. GENOVESE SECONDED THE MOTION**
- ** MOTION PASSED UNANIMOUSLY**

a. SEWER USER APPEAL FOR 9 APPLE TREE LANE

Meter #	Billing Period	Days	Meter Reading	Reading Type	Usage	Next Billing
92358142 (5/8")	11/15/14 - 12/17/14	33	From / To 110 / 110	Actual	0 hundred cubic feet (0 thou. g)	Approximately 01/16/15
			ACCOUNT NUMBER	TOTAL	PAYMENT ENCLOSED	
			200366643	\$ 135.60		

Mr. Oustafine gave some background on the issue, and introduced Amanda Faulkner – the owner of 9 Apple Tree Lane. He noted that they gave Ms. Faulkner a minimum charge, but

Aquarion shows that there was no water usage during the time that the bill refers to (July-August). there was no one in the house from July – August.

Ms. Faulkner said that she'd bought house on August 18, 2014 and that demolition papers were filed. She knocked it down in September, and mentioned that nobody lived there prior.

Mr. Riith then asked who lived there in the past. Ms. Faulkner said she didn't know, and that she'd bought it from the state. Mr. Oustafine noted that the Sewer Bill is for July 1 – June 30, but it's based off the previous year's usage. Ms. Faulkner said the house has been connected, but there's no house. Mr. Flaherty noted that this house has been disconnected, just a month or two after the Sewer year started. He asked Ms. Faulkner if she was intending to build a house on the property, and when she was expecting it to be finished. Ms. Faulkner responded that the house would be done in September of 2015. Mr. Oustafine noted that she would get another bill if it was finished before July 1, 2015. Ms. Faulkner assured him it would not be.

- ** MR. FLAHERTY MOVED TO WAIVE THE CURRENT YEAR'S FEE AND THE INTEREST CHARGE INCURRED BY THE PRINCIPAL CHARGE**
- ** MR. GENOVESE SECONDED THE MOTION**
- ** MOTION PASSED UNANIMOUSLY**

b. DISCUSSION OF SEWER COMMISSION ELECTIONS

- a.** Mr. Riith asked about elections. Mr. Flaherty noted that not everyone on the Commission was present. Mr. Riith then suggested they wait until their next meeting before discussion, voting and appointment. *(editor's note: current slate of officers is as follows: Robert A Riith, Chairman; Anne Shaw, Vice Chairman; Rocco Genovese, Clerk.)*

- ** MR. FLAHERTY MOVED TO MAINTAIN OFFICERS AS THEY STAND**
- ** MR. GENOVESE SECONDED THE MOTION**
- ** MOTION PASSED UNANIMOUSLY**

7. DISCUSSION OF SEWER USER FEE APPEAL, 22 WARD LANE

Mr. Riith introduced the item. Mr. Oustafine noted that Aquarion gave the owner a credit for a leak, in regard to 8,700 cubic feet per year. He said that this has varied year to year. Mr. Flaherty said that the big picture is that they identified a leak, so this is water not going into the sewer. He then stated that the fact she convinced Aquarion to give her credit is enough

evidence to persuade him that they are inclined to give a rebate, but he'd like to know the value of that. Mr. Oustafine noted that the rebate would amount to 8,700 cubic ft. multiplied with whatever the rate was for that year, which would be: \$4.40; \$5.00; and finally \$5.38, which was unchanged for the last 3 years. Mr. Riith asked if she have leak for 5 years, which Mr. Oustafine confirmed. He then said that she'd been coming in with excessive water bills during this time, for which she received a rebate amounting to 435 cubic feet/year. Mr. Gentile then noted that the standard allotted time for a rebate is 3 years. Mr. Flaherty then said \$1,404.18 for last 3 years, at 87 hundred cubic feet per year. (editor's note: sewer superintendent determined that the rebate of 87 CCF for last year's billing would result in less than a minimum charge for the year and therefore a rebate only to minimum charge is in effect).

- ** MR. FLAHERTY MOVED TO GRANT ACCOUNT GOING BACK TO COVER LEAK FOR THE LAST 3 YEARS**
- ** MR. GENOVESE SECONDED THE MOTION**
- ** MOTION PASSED UNANIMOUSLY**

Mr. Oustafine asked if they could suspend the rules and take business out of order again.

- ** MR. FLAHERTY MOVED TO TAKE BUSINESS OUT OF ORDER**
- ** MR. GENOVESE SECONDED THE MOTION**
- ** MOTION PASSED UNANIMOUSLY**

9. AUTHORIZE Mr. OF SEWER COMMISSION TO EXECUTE GENERAL RELEASE, 27 LAKESIDE AVE. CLAIM

Mr. Oustafine introduced the item.

- ** MR. FLAHERTY MOVED TO AUTHORIZE THE CHAIRMAN OF SEWER COMMISSION TO EXECUTE GENERAL RELEASE FOR 27 LAKESIDE AVE.**
- ** MR. GENOVESE SECONDED THE MOTION**
- ** MOTION PASSED UNANIMOUSLY**

11. PAYMENT OF INVOICES

Mr. Oustafine introduced the item, and noted that he agreed with all the bills.

- ** MR. FLAHERTY MOVED TO APPROVE THE PAYMENTS**

Sewer Commission

Regular Meeting

January 6, 2015

Page 5

- ** MR. GENOVESE SECONDED THE MOTION
- ** MOTION PASSED UNANIMOUSLY

Mr. Oustafine then noted that they were resuming the normal agenda.

8. REVIEW AND APPROVAL OF SEWER OPERATING AND CAPITAL BUDGETS

Mr. Gentile introduced the item, and summarized his approach to the budget from the beginning. He said that he's trying to keep it steady - for last 3 years it's been \$5.38/ CCF/year. Mr. Gentile then said he believed he showed a reserve of \$130,000. He noted that he'd highlighted in red the sewer full-time line item position of Wastewater Systems Operator, which was removed. Mr. Gentile agreed with Mr. Riith, who said it shouldn't have been removed. He said that position would allow for another person to help with maintenance, which would save in the overtime. He also said that they could expect a significant drop in electrical use in Stonybrook and Nearwater thanks to new pumps. Mr. Flaherty said that this budget doesn't start till July 1st. Mr. Gentile then noted that they would see 4 pumps by the end of the 6 month period. He then directed the Commission's attention to Stamford. He said he hasn't been able to get budget numbers yet.

Mr. Gentile then brought attention to Medical Insurance. Mr. Flaherty asked if this is insurance only for full time equivalence, which Mr. Oustafine confirmed. Mr. Gentile stated that they do have people allocated for this, and offered to get a number for Mr. Flaherty. He then stated that they are allocating for 5.75 persons - which includes the new person. Mr. Flaherty said that going from 4.75 - 5.75 is a 21% increase, so if they used Ms. Buch's proposed number of 123, it should be 150 for 6 people. Mr. Gentile went over some reductions in Facility Maintenance and Repair, (\$5-8,000 a shot), Telecommunications, and noted a significant reduction in lubrication and fuel (gas and oil), which dropped from \$3.25 to \$2.50 or so, depending on fuel type. He said they changed the over-control filter, which went from 12,000 to 3,500/year at the request of Mr. D'Arinzo, and congratulated him for this effort. Mr. Flaherty then noted that they were lower in the budget than usual, but still in the positive. He also noted that if they look to the end of the Sewer fiscal year, there is a projected \$3 million in reserve. Mr. Flaherty then asked about Stephanie Lane. Mr. Gentile said they still need to talk about that transfer. He said the last thing he wanted to talk about was that 120 seemed too optimistic for the electrical bill, as it was 149 the previous year. Mr. Gentile assured him that he was confident in it reaching 120.

Mr. Gentile said he wanted to bring attention to the Capital Improvement Plan, particularly the vactor truck used for the Sewer and Highway Departments. He stressed that the sewer department pick up 50% of it's expense. Mr. Riith noted that it's good to keep the maintenance up. Mr. Gentile said it should last 15 years, and would cost \$190,000 for the Sewer's half of the purchase. He said he'd like to take that money out of the budget designated for Capital Equipment, and wants to start putting money back into the reserves ASAP. He said he was still contemplating what to do with it, but he still had to go to RTM. Mr. Riith asked if they still use the same company for root control, which Mr. Gentile confirmed, adding they might as well get the most out of him while they had him. Mr. Gentile then noted he is completely transparent, asking that his decisions be questioned.

10. DISCUSSION OF SUPERINTENDENT'S REPORT

Mr. Gentile said that the transfer of funds to cover the claim from Lakeside Ave. requires him to go to RTM, and that they asked for a 2 page synopsis for what happened, to which he complied in the interest of moving ahead. Mr. Genovese asked if they'd installed a check valve inside, which Mr. Oustafine confirmed. Mr. Riith stated that they needed to put this in their regulations, because that's a part of plumbing code. Mr. Oustafine stated that anything to stop this in future would be great, and that Mr. Gentile has already gone to BOS and BOF, where he answered a plethora of questions; the RTM is the final stop. Mr. Riith then asked about Stamford. Mr. Gentile replied it's done – they are just waiting for the \$400,000 bill. He said they'd talked about taking that number out of the reserve. Mr. Riith noted that they ended up paying interest.

Mr. Gentile then said that Ms. Buch said they overspent the budget the past year, but they collected more than they spent and ended up in the black. He said he'd liked to tighten up the budget for next year. He then said he needs to go to the RTM on January 26, for Stephanie Lane, noting that the other item for RTM is pumps. He noted that there were no special appropriations needed. Mr. Oustafine then talked about manholes, noting that they'd raised 6 so far – one on Intervale Rd. 26 inches deep. He said there is also one on 22 Renshaw Rd. that leaks, which they put a locked manhole over, and that he doesn't think it'll affect upstream. He noted that they are still using bid prices that are 5 years old. Mr. Gentile then noted that there was an update on this line item - they took Westmere out of it. Ms. Buch and he hadn't rectified it yet, but it would come out of the reserve. Mr. Riith applauded Mr. Gentile for coming in as a new guy and doing such a wonderful job in preparing the budget and dealing with other problems.

Mr. Oustafine then brought up Penny Glassmeyer's Sewer Extension Project, taking place between Tokeneke Rd. and Locust Hill, bringing attention to the John Clarke subdivision that serves private properties. He said Ms. Glassmeyer couldn't complete survey work on a sewer manhole located on private property because a manhole was inaccessible, in the resident's driveway. Mr. Oustafine said he had the manhole raised and gave them a new manhole frame and cover for aesthetics and paved around the raised manhole, noting that the town is responsible for responding to a sewer backup in town. He said the private property owner, Galper's, hired a lawyer, Michael Nedder, Esq. and that the lawyer found the sewer easement is not in favor of the town. He also noted that the lawyer said he has no right to go on the property. Mr. Oustafine asserted that it was not only his right but his duty because the town is compelled to respond to a sewage blockage and need rights to deal with it. Mr. Oustafine questioned the ability of the sewer commissions authority to allow a connection to a sewer on private property where an easement is not in favor of the town. Mr. Flaherty asked if there is other flow in this sewer, which Mr. Oustafine confirmed. Mr. Flaherty said that was an interesting question – if they had an easement of use. If the intent was to put a Sewer in, in the first place, and it'd been this way for years, they may have legal ability. Mr. Gentile said that if there's a back up in the sewer main on private property the owners of private property would likely approach the town to cover damage claims. Mr. Flaherty stated that it is in their interest to maintain that sewer. Mr. Genovese said that the DEEP would look at a sewer backup as a town problem, not a homeowner problem. Mr. Gentile then asked what the harm was if they don't do anything until it's resolved. Mr. Oustafine said a back up is the only harmful thing that could happen. Mr. Riith stated that they have to make sure all manholes are visible, and they cannot let an environmental catastrophe go without doing everything in their power to stop it. Mr. Riith stated that they should have an easement on that property.

13. ADJOURNMENT

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

The Regular Meeting adjourned at 5:51 p.m.

Respectfully submitted,

Justin Hoffmann

Telesco Secretarial Services

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Sewer Commission

Regular Meeting

January 6, 2015

Page 8

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
REGULAR MEETING MINUTES
4:30 PM, February 3, 2015
Room 206, Darien Town Hall
2 Renshaw Road, Darien, CT 06820**

COMMISSIONER ATTENDANCE: Robert A. Riith, Chairman;
Craig J. Flaherty, P.E;
Peter Van Winkle.

COMMISSIONER ABSENCE: Anne Shaw;
Rocco Genovese.

STAFF ATTENDANCE: Ed Gentile;
Darren Oustafine.

OTHERS: Marilyn Knox, Recording Secretary

CALL TO ORDER

1. Call To Order. Chairman Riith called the meeting to order at 4:39 p.m. and stated that the members as listed were in attendance and there was a quorum present.

2. APPROVAL OF DARIEN SEWER COMMISSION MEETING MINUTES OF JANUARY 6, 2015.

Mr. Oustafine stated that he has reviewed the minutes and that his corrections are included in "red" and recommended approval as corrected.

** MR. FLAHERTY MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF JANUARY 6, 2015
** MR. VAN WINKLE SECONDED THE MOTION
** MOTION PASSED UNANIMOUSLY

3. Authorize the Chairman of the Darien Sewer Commission to execute approval for

connection to a sanitary sewer

Land Rover Darien at 90 Post Road, Darien and at 1335 Boston Post Road, Darien

Mr. Oustafine referred to the details of the supporting documentation as follows: DEEP-PERD-REG-O1OC, indicating approval of the receiving POTW, the Stamford WPCA, request for permission to discharge wastewater from:

Land Rover Darien at 90 Post Road, Darien and at 1335 Boston Post Road, Darien, to the Stamford POTW under the CT State General Permit for the Discharge of Vehicle Maintenance Wastewater has been received. It is understood that this request is associated with a property transfer of ownership, and continued permission to discharge is granted.

** MR. VAN WINKLE MOVED TO AUTHORIZE THE CHAIRMAN OF THE DARIEN SEWER COMMISSION TO EXECUTE APPROVAL FOR CONNECTION TO A SANITARY SEWER TO LAND ROVER DARIEN CAR DEALERSHIP, 90 BOSTON POST ROAD, AND 1335 BOSTON POST ROAD, DARIEN.

** MR. FLAHERTY SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

4. Superintendents Report

a. Public Works Committee of the RTM Meeting of January 20, 2015:

Mr. Gentile reported that the following items have been presented through the approval process to the Board of Selectmen to Board of Finance and RTM. He noted that it has taken two full months and final RTM approval was delayed to the cancellation of the two meetings due to weather:

- Claim, 27 Lakeside Avenue
- Stephanie Lane Sewer Transfer.
- Nearwater Main and Stony Brook, Pump Station Pump Replacements.

b. Locust Hill Sewer Extension

Mr. Oustafine noted that there was nothing new to report to the update from last month. There was discussion on raising the manhole cover, and noted that he was told by the Galper's attorney that he had no right to go on the property. Mr. Riith stated that the developer, Penny Glassmeyer should proceed with the easement process as it is in the best interest of both parties to avoid potential liability. Mr. Oustafine stated that the DPW maintains that the town has both a right and responsibility to maintain sewer mains within the town boundary. It was noted that there was no action required until the final determination is authorized.

c. Darien-Stamford WPCA Billing Meeting of January 22, 2015.

Mr. Gentile referred to supporting documents and outlined the calculation of Darien's sewage treatment charges for the 2014-15 fiscal year and a reconciliation of FY 2013/14. There was discussion of the agreement substantiation and Mr. Gentile explained that he has discovered discrepancies with benefit payments and equipment replacements. He noted that there were adjustments from rounding errors that will add up to significant savings for the Town of Darien. He outlined the deduction for Nitrogen Trading Credits; Darien's operating share comes to \$2,157,923 which will result in monthly payments of \$179,827. He noted that numbers are close to the projections, but he will continue to firm up the details of the credits owed.

d. FOG

There was no update or further discussion. Mr. Flaherty noted that the item remains on the agenda until there is cooperation with the departments involved with enforcement of FOG ordinance regulations.

5. Payment of Invoices

Curtis, Brinkerhoff & Barrett, P.C, Claim

27 Lakeside Avenue Services, December 2014 \$600.00

Westmere Group v. Darien Sewer - December 2014 Services \$ 0.00

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

6. Echo Drive, Sewer User Fee Appeal.

Mr. Flaherty reviewed the supporting documents and stated that this appeal is continued evidence of problems with quarterly versus monthly reporting. He went through the calculations and noted that he was inclined to provide property owner with relief similar as other appeals that have proof of a pattern of consistent usage.

- ** MR. FLAHERTY MOVED TO APPROVE THE APPEAL OF SEWER CHARGE ADJUSTMENT TO \$236.72 FOR 6 ECHO DRIVE. THIS IS A ONE TIME ADJUSTMENT AND FUTURE APPEALS WILL NOT BE CONSIDERED UNLESS PROPERTY OWNER INSTALLS A WATER METER.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

7. NEW BUSINESS.

No new business was presented or entertained.

8. ADJOURNMENT

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

The meeting was adjourned at 5:07 p.m.

Respectfully submitted,
Telesco Secretarial Services

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**TOWN OF DARIEN
DARIEN SEWER COMMISSION
REGULAR MEETING MINUTES
4:30 PM, March 3, 2015
Room 206, Darien Town Hall
2 Renshaw Road, Darien, CT 06820**

COMMISSIONER ATTENDANCE: Robert A. Riith, Chairman;
Craig J. Flaherty, P.E;
Peter Van Winkle, Esq.

COMMISSIONER ABSENCE: Anne Shaw;
Rocco Genovese.

STAFF ATTENDANCE: Ed Gentile;
Darren Oustafine.

OTHERS: 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 were in attendance and there was a quorum present.

2. APPROVAL OF MINUTES OF PREVIOUS MEETING

- ** MR. FLAHERTY MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 3, 2015 AS EDITED WITH CORRECTIONS MADE BY MR. OUSTAFINE.
- ** MR. VAN WINKLE SECONDED THE MOTION
- ** MOTION PASSED UNANIMOUSLY.

3. 103 TOKENEKE ROAD SEWER EXTENSION; APPROVAL OF AFFIDAVIT OF COSTS, RELEASE OF BOND.

Mr. Oustafine reported that the affidavit has been received and notarized as requested as part o the ABC House Developer's Agreement. He noted that costs as detailed on the

affidavit are sufficiently high that any connection to system would likely exceed apparent benefit and that only one additional connection is possible. He noted that the release of bond is not completed and it is presumed it never existed. He recommends conditional approval on release of the bond.

- ** MR. FLAHERTY MOVED TO APPROVE THE AFFIDAVIT OF COSTS.
- ** MR. VAN WINKLE SECONDED THE MOTION
- ** MOTION PASSED UNANIMOUSLY

4. SUPERINTENDENTS REPORT.

a. RTM Meeting of February 23, 2015: Claim, 27 Lakeside Avenue; Stephanie Lane Sewer Transfer; and Nearwater Main and Stony Brook, Pump Station Pump Replacements.

Mr. Gentile reported that the RTM approved transfer of funds for:

1. \$30,000+ for the claim at 27 Lakeside Avenue.
2. \$98,000 for Stephanie Lane Sewer Transfer
3. \$200,000 for Nearwater Main and Stony Brook Pump Station pump replacements.

He noted that RTM questions were answered with no fanfare and comments on check valve questions were fielded. He noted the pumps are ordered with delivery expected soon. Mr. Gentile noted that funds become available on Friday, March 6, 2015.

b. Proposed Budget Line Item for Claim Insurance.

There was discussion of a fund set aside as a transfer account, where if not used funds go back to the Sewer Commission Fund. He noted that an amount of \$50,000 was established to avoid having to go back to the RTM with transfer requests for future similar circumstances.

c. Possible Ordinance on Sewer Lateral Check Valves and "Grandfathering" Clause.

There was report of a discussion with the RTM about having Sewer Lateral Check Valve in the plumbing code. Mr. Oustafine reported according to the Sanitary Code of Regulations, if the elevation of the first finished floor is below the curb gutter line a check valve is required. He spoke about Building Code enforcement on permit requirements and noted that the building department is not authorized to require check valves or require that sump pumps be disconnected from sanitary sewer. Mr. Oustafine stated that the building official he spoke with stated that he can only enforce the portion of the inspection that is a part of the permit. For example, if an addition is being constructed, bldg. official is not allowed to inspect other portions of the domicile. Commissioners asked if bldg official would be willing to inform us of any transgressions.

Mr. Oustafine stated that the building department did not want to expand their enforcement role to areas that are out of their scope and would rather focus on state of CT building code enforcement. There was further discussion that this should be part of the permit process with local intervention and the City View software process goes into effect with the certificate of occupancy as the enforcement of power.

It was agreed to have Mr. Oustafine draft an ordinance on Check Valve requirements to include older construction and a waiver of Town responsibility if no check valve is installed there is no liability for damages if not rectified. It was suggested to apply this to sump pump, FOG and check valve requirements. It was also suggested to have this set as a public notice for the next sewer billing and noticed in the newspapers.

d. Sewer Fund Balance Total.

Mr. Gentile noted that the fund balance is \$3 million versus \$3.6 million a year ago. He then spoke about the billing cycle advantage versus the lowest two quarters and explained averaging months of November-March when outside activities are limited. He explained that he came up with a pro-rated rate and when applied to the City there is slight drop in revenue.

e. Possible alternative sewer user fee billing structure, 5 month fixed period.

There was discussion changing the process which would necessitate a rate increase and concern over a following year adjustment and subsequent increases. Mr. Gentile noted the perception of multi-year increases by Town residents.

Mr. Gentile reported that there has been no discussion with those that do the billing. Mr. Gentile added that there is no decision required; this is just an overview update.

f. Darien-Stamford WPCA Billing:

Mr. Gentile reviewed his letter and noted that response is due back on Friday. He explained that he expects another meeting before the end of the month and is hoping for resolution over the next two meetings, with an update provided next month.

Mr. Flaherty asked what our share of the Soundview Avenue Sewer Rehabilitation Project is, and Mr. Gentile replied \$800,000. He noted that it is bonded.

Mr. Gentile stated that he hopes to have another meeting with Stamford prior to the Darien Sewer Commission regular April meeting and will report more at that meeting.

Letter is attached as follows:

Thank you for meeting with us on January 22nd, 2015 to review the calculations for Darien's sewage treatment charges for the 2014-2015 fiscal year. To thoroughly review the calculations presented to us we will need to obtain from you a copy of the WPCA actual audited cost figures (expenses & revenues) for the fiscal year ending June 30th 2014 for all the accounts listed in Section No. 19 of the "Agreement" between the Town of Darien and the Stamford WPCA dated 12/03/13.

Also, the following is a list of instructions as well as information and documentation regarding the calculated "Total Annual Charge" that we would like to obtain from you and use to reconcile the annual charge prior to any adjustment in the current payment:

1. Darien's Proportionate Share of the Operation & Maintenance Costs
 - a. Change the 13% used in all calculations to 12.8%.

2. Sanitary Sewer Rehabilitation Project (CP4242):
 - a. Provide the final payment estimates including all change orders for the Contractor, Engineer and Police with regards to the Soundview Avenue Project.
 - b. Provide the detailed report from HTE for CP4242 and highlight all associated costs to the Soundview Avenue Project.
 - c. Provide flow data for the Cove Island Pump Station for the last three years to possibly obtain a more accurate "Total Yearly Flow" per Section 16 of the Agreement. The current estimated daily average flow (1.65 MGD) presented is subjective and baseless and does not take into consideration events that would have impacted the flows to Cove Island Pump Station during the time period in question.

3. WPCA Administration Cost Center (Code 2400)
 - a. Provide calculation for the \$4,480,783 amount (identify all deductions from the cost center total).
 - b. Identify cost allocations in the "Compensated Absences", "Active Medical & Life", "Social Security" & "Classified Pension" line items for employees not associated with cost centers designated in Section No. 19 of the agreement.
 - c. Identify claims from "Payments to the insurance Fund".
 - d. Provide breakdown of Central Services Cost Allocation.
 - e. Provide detail of Legal Expenses.
 - f. Provide information on the "Retired Medical & Life" vs "OPEB".

WPCA Letter - continued

4. 2013 Bond Proceeds

- a. Provide the vehicle list related to the Vehicle Replacement & Repair Project (C71282) and identify the 50% of the list which is associated with the Town of Darien.
- b. Clarify the Repair/Replace Magee Wall Project (C50053) scope of work as it relates to any allocation to Darien.
- c. Provide a definitive time frame, if any, for the Upgrade Ultra Violet Disinfection System Project (C71201) as there has been indication that it may not be a viable project.
- d. Provide the list of projects along with their Scope of work, schedule & per project costs associated with the WPCA – Major Repairs (Plant Site) Project (CP6904).

The Town of Darien was very disappointed with the news that the Cove Island meter has been malfunctioning for so long. With the agreement being so new it was our hope that we could get off to a good start with very few issues. Hopefully this issue has been resolved and will be monitored so that we do not have a repeat of this past year.

It is our intent to meet with you and your staff immediately after receiving the information requested above so that we may resolve any outstanding questions or concerns. Please forward all information to me as soon as possible and contact me with any issues or questions you may have regarding the list above.

Again, thank you for taking the time to meet with us and we look forward to moving on with our partnership. Your consideration to the concerns of the Town of Darien is greatly appreciated.

g. Locust Hill Sewer Extension.

Mr. Oustafine stated there was nothing new to report on issue. Ownership of the sewer remains an outstanding issue to be resolved.

h. FOG

Mr. Oustafine referred to the PDF forms contained in the packet and noted that there were fillable forms that would assist with the enforcement issue. He noted that this is a lot of paperwork and explained that the forms on attachments 4h pages 1 through 7 are key in capturing all pertinent information.

There as discussion over the non-issuance of permit if non-compliance. Mr. Oustafine mentioned that DEEP state mandate is gesture only and they cannot get involved on a local level enforcement, and there are issues with Darien Health Department jurisdiction and enforcement.

5. PAYMENT OF INVOICES

a. Curtis, Brinkerhoff & Barrett, P.C, Stephanie Lane Sewer,
January 2014 Services \$1,800.00

b. Fox Hill Builders. Attachment. Discussion and Action.
18 Long Neck Point Road Remedial Lateral Work \$780.00

** MR. FLAHERTY MOVED TO APPROVE PAYMENT OF THE INVOICE FROM
CURTIS, BRINKERHOFF & BARRETT, P.C, STEPHANIE LANE SEWER, JANUARY 2014
SERVICES FOR \$1,800.00

** MR. VAN WINKLE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

** MR. FLAHERTY MOVED TO APPROVE PAYMENT OF THE INVOICE FROM FOX HILL
BUILDERS FOR 18 LONG NECK POINT ROAD REMEDIAL LATERAL WORK of
\$780.00 PENDING RECEIPT OF ADEQUATE BACK UP DOCUMENTS TO STAFF
FROM PLUMBERS

** MR. VAN WINKLE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

6. NEW BUSINESS

No new business.

7. ADJOURNMENT

** MR. VAN WINKLE MOVED TO ADJOURN THE MEETING.

** MR. FLAHERTY SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 5:25 p.m.

Respectfully submitted,

M. 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
REGULAR MEETING MINUTES
4:30 PM, APRIL 7, 2015
ROOM 206, DARIEN TOWN HALL
2 RENSRAW ROAD, DARIEN, CT 06820

ATTENDANCE: Robert Riith, Chair;
Craig Flaherty;
Peter Van Winkle.

ABSENT: Rocco Genovese;
Anne Shaw

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

OTHER: Megan Palladino
Tony Palladino
Kara Duncan
Neil Duncan
Ralph Palladino (via cell phone)

1. CALL TO ORDER

Chairman Riith called the meeting to order at 4:50 p.m. and stated that the members as listed were in attendance and there was a quorum present.

2. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

- ** MR. FLAHERTY MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF MARCH 3, 2015 AS EDITED WITH CORRECTIONS MADE BY MR. OUSTAFINE.
- ** MR. VAN WINKLE SECONDED THE MOTION
- ** MOTION PASSED UNANIMOUSLY.

3. Sewer User Fee Appeal: Town of Darien, Parks and Recreation, Pear Tree Point Beach.

Mr. Oustafine referred to the supporting documents concerning the leak. He explained that based on the water bill usage and history calculations, the bill should be adjusted by 124 CCF at the current rate of \$5.38/CCF or \$667.12 total reducton.

- ** MR. FLAHERTY MOVED TO APPROVE THE SEWER USE FEE APPEAL REDUCTION TO THE TOWN OF DARIEN PARKS AND RECREATION IN THE AMOUNT OF \$667.12.
- ** MR. VAN WINKLE SECONDED THE MOTION
- ** MOTION PASSED UNANIMOUSLY.

4. Request for reimbursement of construction costs relative to incorrect location of sewer lateral: Neil Duncan. 20 Deerfield Road

Representatives of the property were in attendance: Kara and Neil Duncan and the Septic Company, Tony and Megan Palladino. Mr. Duncan gave an overview of the issue when after attempts to connect to the sewer failed because the connection was not located as indicated on the map. Ms. Palladino distributed copies of the map and explained the circumstances. Also, by speaker phone, Ralph described the details of how they used robotic camera and discover that the line was the neighbor's connections. There was mention that the Town engineers were very helpful with providing maps and directional assistance.

Mr. Flaherty referred to the permit application and read the wording as follows
...expenses incurred in locating the lateral shall not be borne by the Town of Darien or any agency thereof...

Further discussion ensued on who is responsible for the inaccurate maps, and Chairman Riith stated that the Town should provide accurate maps. Mr. Flaherty explained that he did not want the Commission to set a precedent by not upholding Town disclaimers.

There was further discussion and Mr. Palladino again spoke by speaker phone. He clarified that they did work closely with the Town engineers through the attempts to locate the lateral. He added that excessive work was done that resulted in excavation and repair costs incurred by the property owner, and the customer appeal is justified.

- ** MR. FLAHERTY MOVED TO DENY THE REQUEST FOR REIMBURSEMENT OF CONSTRUCTION COSTS RELATIVE TO INCORRECT LOCATION OF SEWER LATERAL: NEIL DUNCAN. 20 DEERFIELD ROAD.

** MOTION PASSED WITH TWO VOTES IN FAVOR, ONE OPPOSED (RIITH) AND NO ABSTENSIONS.

5. Locust Hill Sewer Extension, Revised Service Area. Discussion and Action.

Mr. Oustafine referred to supporting documents and reviewed the design area of the original project. He referred to the map of the additional future sewer area for the revised capacity analysis. And noted that an additional capacity analysis is required for the new proposed route of sewer from Settlers Trail to Old Farm Road.

There was discussion on the Tokeneke access services with private roads and the need for a developer's agreement with capacity analysis.

** MR. FLAHERTY MOVED TO APPROVE THE REQUESTED CONNECTION BASED ON APPROVED REDESIGN AND WIDER AREA OF TOPOGRAPHY, ON THE CONDITION OF APPROVAL OF A REVISED CAPACITY ANALYSIS.

** MR. VAN WINKLE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

6. Superintendent's Report

a. Stony Brook Pump Station, Sewer Bypass, March 18,2015.

Mr. Oustafine referred to the supporting documents and explained that the pump station pump electrical panel was shorted out when a fuse blew while work was being performed by Travers which caused the pumps to become inoperable and ultimately sewer discharge to the Stony Brook Pump River of approximately 5,500 gallons. By-pass reports were submitted to: DEEP; City of Stamford; Bureau of Aquiculture; Darien Parks & Recreation; and, Darien Health Department, as required. Shellfishing beds in the area were closed by Bureau of Aquiculture.

b. Sanitary Sewer Backup, Illicit Sump Pump Connection, 15 LaForge Road, March 30, 2015.

Mr. Oustafine explained that the town was called to a sewer backup at the subject address. Town sewer pipe was found to be in proper workin condition with no clogs. While investigating, sewer personnel and homeowner noted that the overflow was intermittent and began again while sewer personnel were on site. Upon further investigation, it was learned that there was a sump pump illegally connected to the sewer, a clog in the sewer lateral, and overflow only occurred during pump on cycle of sump pump. The homeowner was advised in writing later that the sump pump connection to sanitary sewer is illicit. Homeowner complied with directive from the

town and disconnected sump pump and worked with Darien Environmental Protection to discharge sump pump to nearby stream located on subject property.

c. Nearwater Pump Station, Pump Start Panel Fire, March 28, 2015.

Mr. Gentile referred to the supporting documents and explained that there was an electronic fire at the control panel at the Nearwater Pump Station that caused damages of about \$10,000. Mr. Gentile noted that he has put in a claim with the Fire Insurance company through Karl Kilduff to recover the damages. Also it was noted that it would be prudent to install fire suppression equipment at the pump station.

d. Possible Ordinance on Sewer Lateral Check Valves and "Grandfathering" Clause

Mr. Gentile noted that this has been delayed and he will get back to it for the next meeting.

e. Darien-Stamford WPCA Billing, meeting April 1, 2015.

Mr. Gentile stated that the meeting is this Friday and he has gathered information on billing adjustments. Mr. Oustafine noted that the accounting of salaries and benefit allocations has been monitored and Mr. Gentile has made great progress with this area. It was noted that he will firm up the details of the credits owed and report to the Commission at the next meeting.

f. FOG

Mr. Oustafine related a incident at a restaurant along the Post Road where it was discovered that grease had been dumped into a catch basin. He noted that a warning was issued and evidence is being gathered to confirm the violation. He explained that this illustrates the need for enforcement power and a fine policy.

7. Payment of Invoices. Attachment. Discussion and Action.

Curtis, Brinkerhoff & Barrett, P C	Stephanie Lane Sewer
1/30/15 — 2/24/15 Services	\$3,075.00

** MR. VAN WINKLE MOVED TO AUTHORIZE PAYMENT OF ABOVE INVOICES AS PRESENTED.

** MR. FLAHERTY SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

8. New Business

**** MR. VAN WINKLE MOVED TO ENTERTAIN NEW BUSINESS.**

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

**** MOTION PASSED UNANIMOUSLY WITH GREATER THAN 2/3 SUPPORT**

Mr. Oustafine distributed a map of the Kensett Lane Procaccini Property and noted that there is an application for fifteen more units at the end of Wakemore St. He explained that there will be a new sewer line as part of the second proposal. Mr. Oustafine noted that this is for discussion and Commissioner comments and no action is required at this time.

There was discussion on a policy for developer agreements to include the following:

- The initial developers agreement is to be completed before additional construction is considered or approved.
- Need a separate developer's agreement when new investors take over a project.
- Capacity analysis is to be completed as a condition for approval to insure downstream capacity including recently upgraded Hoyt Street Pump Station.

Mr. Flaherty added that there needs to be consent if we do not own the property, there could not be approval for an extension. Mr. Oustafine noted that this is for future discussion and Commissioner comments for projects on the horizon.

9. ADJOURNMENT

**** MR. VAN WINKLE MOVED TO ADJOURN THE MEETING.**

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

**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 6:20 p.m.

Respectfully submitted,

M. Knox Telesco Secretarial Services P:\SEWER SERVICES\MeetingMinutes DSC\2015\040715 DJO.docx

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
REGULAR MEETING MINUTES
4:30 PM, MAY 5, 2015
ROOM 206, DARIEN TOWN HALL
2 RENSRAW ROAD, DARIEN, CT 06820

ATTENDANCE: Robert Riith, Chair;
Rocco Genovese;
Peter Van Winkle.

ABSENT: Craig Flaherty;
Anne Shaw

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

OTHER: None

1. CALL TO ORDER

Chairman Riith called the meeting to order at 4:40 p.m. and stated that the members as listed were in attendance and there was a quorum present.

2. APPROVAL OF MINUTES OF PREVIOUS MEETING

- ** MR. VAN WINKLE MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF APRIL 7, 2015 AS EDITED WITH CORRECTIONS MADE BY MR. OUSTAFINE.
- ** MR. RIITH SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

3. Sewer User Fee Appeal: Town of Darien, Parks and Recreation, Pear Tree Point Beach.

Mr. Oustafine referred to the supporting documents concerning the adjustment approved last month and a request for a credit based on re-calculation. He explained that based on the water bill usage and history calculations, the bill should be adjusted at the current rate.

- ** MR. GENOVESE MOVED TO APPROVE THE SEWER USE FEE APPEAL REDUCTION TO THE TOWN OF DARIEN PARKS AND RECREATION FOR A CREDIT IN THE AMOUNT OF \$1,657.04
- ** MR. VAN WINKLE SECONDED THE MOTION
- ** MOTION PASSED UNANIMOUSLY.

4. 72 Old Kings Highway South. Request to amend prior connection approval.

Mr. Oustafine referred to the letter requesting to amend the agreement to connect the main house and the cottage to the lateral at 82 Old Kings Hwy. South (rear lot). There was discussion and it was noted that there was no representative of the item in attendance. It was agreed that the applicant should put in their own lateral.

- ** MR. GENOVESE MOVED TO APPROVE THE REQUEST FOR A SEWER CONNECTION AT 72 OLD KINGS HIGHWAY SOUTH, PROVIDING THE APPLICANT PUTS IN THEIR OWN LATERAL.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

5. Taken up under Superintendents Report item 6a.

6. Superintendents Report

a.1. Potential Code of Ordinance and Sanitary Sewer Regulation Changes Relative to backflow Valves, Illicit Connections.

Mr. Gentile reviewed the draft ordinance and covered the following in the discussion:

1. Draft revision to the Code of Ordinances for backflow valves and illicit storm connections.
2. Change Building Code for backflow valves and illicit storm connections.
3. Include Ordinances and Code findings in the October billings.
4. Schedule a meeting with Public Works, Sewer Commission, and Building Official & First Selectman to discuss approach to implementation of enforcement.

It was agreed to schedule a meeting with Public Works, Sewer Commission, Building Official and First Selectman to discuss approach to implementation of enforcement.

a.2. Potential Code of Ordinance and Sanitary Sewer Regulation Changes

Relative to Sewer Lateral Check Valves and "Grandfathering" Clause

Mr. Gentile reviewed the draft ordinance and there was discussion on the next steps,

It was agreed to present this for a public hearing at the next meeting prior to issuing the letter to customers.

The commission agreed that a letter should go out with the bills in the next billing cycle informing residents of rules and issues concerning illicit connections into sanitary sewer system. Mr. Gentile reported that the building codes do have provisions related to illicit sump pump discharges. Mr. Gentile advised the commission that we should have town counsel opine on issue of retroactive corrective procedures and rights of the town. Also that town counsel should opine on issue of indemnifying the town from future backups due to lack of check valves. If code change, public hearing will be held and public information meeting will be held whether code is changed or not. Mr. Gentile will speak with the chief building official regarding building department involvement, however that Mr. Gentile may need assistance in getting building official to embrace our cause. Mr. Gentile reported that there is enough information and regulations in the code that a change in the code may not be necessary. Internally televising sewer during storms may yield locations of illicit discharges. Mr. Gentile agreed to meet with commissioner Flaherty to bring him up to date on status of discussion here. Mr. Gentile stated that he would like to eliminate I/I for a number of obvious well known reasons the least of which is the Town of Darien's obligation to pay the City of Stamford's WPCA based upon volume. The commission opined that staff should move forward with setting up a public hearing.

b. Darien-Stamford WPCA Billing, meeting April 10, 2015.

Mr. Gentile stated that the meeting was long and the pleasantries are over now that serious negotiations are being outlined. He reported that the meeting was long and he did have Stamford's cooperation on some reallocation of projects and capital. He reported that he just received information requested ten days ago, and they are working out the final billing for a 'true' closing process. He explained that the difference is now between \$4 - \$5,000 and details are being addressed for supporting documentation for the credits and adjustments that are claimed. He added that on their end of the bargain is the meter adjustment issue. Mr. Gentile noted that will continue to insist that Darien not pay for any charges that are not related to treatment plant or otherwise specifically within the contract.

Mr. Gentile noted that he will firm up the details of the credits owed and report an update to the Commission at the next meeting.

c. FOG

Mr. Oustafine noted that he had nothing further on the FOG Ordinance and it would be continued on the agenda as an informational item in progress.

d. Other

Mr. Gentile presented a letter of resignation from Frederick Micha stating that he will be retiring as of June 18, 2015. Mr. Gentile noted that they will begin the process of hiring for a replacement.

7. New Business

Mr. Oustafine noted that there was another item to add to the agenda.

- ** MR. VAN WINKLE MOVED TO SUSPEND THE RULES TO ADD THE FOLLOWING:
174 Middlesex Road, Oak Crest Developers.
- ** MR. GENOVESE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

There was discussion on the request for a waiver of charges as there is no house yet constructed and no water service to the property.

- ** MR. VAN WINKLE MOVED TO APPROVE THE REQUEST TO WAIVE SEWER BILLING CHARGES FOR OAK CREST DEVELOPERS.
- ** MR. GENOVESE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

8. ADJOURNMENT

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

The meeting was adjourned at 5:15 p.m.

Respectfully submitted; M. 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
REGULAR MEETING MINUTES
4:30 PM, JUNE 2, 2015
ROOM 206, DARIEN TOWN HALL
2 RENSRAW ROAD, DARIEN, CT 06820

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

ABSENT: Rocco Genovese;

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

OTHER: None

1. CALL TO ORDER

Chairman Riith called the meeting to order at 4:36 p.m. and stated that the members as listed were in attendance and there was a quorum present.

2. APPROVAL OF MINUTES OF PREVIOUS MEETING (May 5, 2015)

- ** MR. VAN WINKLE MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF MAY 5, 2015 AS EDITED WITH CORRECTIONS MADE BY MR. OUSTAFINE.
- ** MR. FLAHERTY SECONDED THE MOTION.
- ** MOTION PASSED WITH ONE ABSTENTION (SHAW).

3. Sewer User Fee Appeal. Dalia Canora, 71 Greenleaf Avenue.

Mr. Oustafine referred to the supporting documents concerning the request for an adjustment. He explained that based on information that the house was torn down and is under construction and also that there is a well on the property.

- ** MR. FLAHERTY MOVED TO APPROVE THE SEWER USE FEE APPEAL REDUCTION OF ONE HALF OF THE BILL.
- ** MR. VAN WINKLE SECONDED THE MOTION
- ** MOTION PASSED UNANIMOUSLY.

4. Sanitary Sewer Backup May 7, 2015. Thomas Carriero, 550 Hoyt Street.

Mr. Oustafine referred to the supporting documents and explained the back-up. He noted that there was grease found in the town sewer main upon cleaning it down stream of the site of the back-up, and there was an inspection of five grease traps at Woodway. He added that there are four areas including an outdoor snack bar concession that has a grease separator but was not maintained. He added that some of grease traps are used six months of the year and they have a maintenance program. Mr. Oustafine explained that records indicate that there as a check valve installed on the lateral of 550 Hoyt Street and that it is not clear if the check valve failed, or if plumber opened a cleanout on the interior of the building, or if snake damaged or set check valve in open position. Mr. Oustafine noted that the town has received a notice of intent to make claim and that we have been in contact with town counsel to make sure we are in compliance with FOIA.

Mr. Riith suggested that any claim should be on the homeowner's insurance, and the Commissioners were in agreement. It was noted that this was only for information and no action was requested at this time.

Superintendent's Report.

a. Stamford WPCA

Mr. Gentile explained Stamford is working on the revised invoice and that the invoice should go down due to removal of money on our invoice attributable to non-WPCA staff. Mr. Gentile provided an update on the discussions, that are continuing and close to resolution, and he would e-mail the Commissioners on the outcome. He noted that there is a capital appropriation in progress that would reduce payment to them. It was noted that there is an I/I study to be done soon to determine the Darien problem versus the Stamford assessment.

b. Commissioner Status

Mr. Gentile noted that commissioner terms have expired, but this does not indicate that they are off of the commission and are expected to continue until reappointed.

Ms. Shaw indicated that she will be resigning and will submit a letter to the Board of Selectmen. The Commissioners and staff noted appreciation for her many years of service on the commission.

c. Other (added)

Mr. Oustafine noted that he was adding an item to the agenda for information, and reported there was a back-up of sewage reported at 19 Old Kings Highway. He described the location as the brown building that backs up to the highway and river along the east

side of the street. He stated there was a plumber on site, and a preliminary assessment indicated the problem was in the lateral and that the snake was caught in the check valve. It was noted that more information would be forthcoming.

5. Payment of Invoices:

Curtis, Brinkerhoff & Barrett, P.C., Discussion and Action. Stephanie Lane, \$1,400.00

- ** MR. VAN WINKLE MOVED TO APPROVE PAYMNET OF THE ABOVE INVOICES FOR THE AMOUNT OF \$1,400.00.
- ** MR. FLAHERTY SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

6. New Business (2/3 Majority)

7. ADJOURNMENT

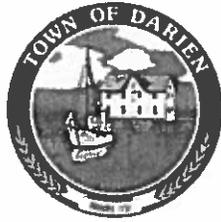
- ** MR. VAN WINKLE MOVED TO ADJOURN THE MEETING.
- ** MR. FLAHERTY SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 4:55 p.m.

Respectfully submitted; M. Knox Telesco Secretarial Services

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TOWN OF DARIEN
DEPARTMENT OF PUBLIC WORKS
2 RENSRAW ROAD - TOWN HALL
DARIEN, CT 06820-5397
TELEPHONE (203) 656-7346



EDWARD L. GENTILE JR., P.E.
DIRECTOR OF PUBLIC WORKS

DARREN OUSTAFINE, P.E.
ASSISTANT DIRECTOR OF PUBLIC WORKS

TOWN OF DARIEN
DARIEN SEWER COMMISSION
REGULAR MEETING MINUTES
4:30 PM, JULY 7, 2015
ROOM 206, DARIEN TOWN HALL
2 RENSRAW ROAD, DARIEN, CT 06820

ATTENDANCE: Robert Riith, Chair;
Craig Flaherty,
Peter Van Winkle.
Rocco Genovese (arrived at 5:10 p.m.)

STAFF: Darren Oustafine, Asst. Director, Public Works;
Pat D'Arinzo, Jr.,

OTHER: Robert F. Maslan Jr., Esq.
Lori A. Carriero, P.E.
Marilyn Knox

ABSENT COMM.: Anne Shaw,

ABSENT STAFF: Edward Gentile, DPW Director

1. CALL TO ORDER

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

2. APPROVAL OF MINUTES OF PREVIOUS MEETING

- ** MR. VAN WINKLE MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF JUNE 2, 2015 AS EDITED WITH CORRECTIONS MADE BY MR. OUSTAFINE.
- ** MR. FLAHERTY SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

3. 465 Mansfield Avenue, J. Baron Land, Andriuk. Sanitary Sewer Alternative Connection

Mr. Flaherty noted that he would recuse himself from the item due to a conflict of interest.

Mr. Oustafine referred to the supporting documents concerning the request for an alternative connection. There was discussion on the outline as submitted and Mr. Oustafine explained the details as presented.

- ** MR. VAN WINKLE MOVED TO APPROVE THE SANITARY SEWER ALTERNATIVE CONNECTION REQUEST AT 465 MANSFIELD AVENUE.
- ** MR. RIITH SECONDED THE MOTION
- ** MOTION PASSED UNANIMOUSLY.

4. Locust Hill – Settlers Trail, Developer Sewer Extension

Attorney Robert Maslan and engineer Lori Carriero, representing Ms. Penny Glassmeyer were in attendance to represent the item. Mr. Oustafine referred to the supporting documents and Developer's Permit Agreement. Ms. Lori Carriero of Tighe & Bond presented the location map and plans, highlighted the right of way boundaries, and fielded questions and comments.

Mr. Riith suggested that the permit agreement be reviewed by Town Counsel with a technical review of the plans by town engineering staff.

- ** MR. VAN WINKLE MOVED TO APPROVE THE DEVELOPER SEWER EXTENSION AT LOCUST HILL, SETTLERS TRAIL PENDING TOWN COUNSEL APPROVAL AND TECHNICAL ENGINEERING REVIEW.
- ** MR. FLAHERTY SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

5. 20 Pasture Lane, Sewer Lateral Replacement via Pipe Bursting

Mr. Oustafine referred to the supporting documents and explained the article outlining cost savings thru Pipebursting connection fitting system. He explained this was a gravity lateral process and recommended the replacement method.

- ** MR. VAN WINKLE MOVED TO APPROVE THE SEWER LATERAL REPLACEMENT AT 20 PASTURE LANE USING PIPEBURSTING PROCESS AS SUBMITTED.
- ** MR. FLAHERTY SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

6. Request for Sewer User Fee Adjustment, Sarah Long, 40 Holly Lane

Mr. Oustafine referred to the supporting Mr. Flaherty asked about the monthly data available. Mr. Oustafine explained that he would research the usage and provide additional data next month. It was agreed to defer action until further information is gathered.

Request for Sewer User Fee Adjustments, Town of Darien Board of Education

Mr. Oustafine referred to the supporting documents and explained that this proposed adjustment is based on water meter readings of the irrigation systems this year. Reduction requests are as follows:

Royle School: \$10,351.12 to \$7,742.84

Holmes School: \$6,864.88 to \$4,066.58

Mr. Flaherty asked about the annual data available. Mr. Oustafine stated that this is handled the same as commercial usage. He explained that lacking full year data for FY 15, that, this credit would be applied now and requested again in October for FY 16.

- ** MR. VAN WINKLE MOVED TO APPROVE THE ABOVE SEWER USE FEE ADJUSTMENTS FOR ROYLE SCHOOL (\$2,608.28) AND HOLMES SCHOOL (\$2,798.30).
- ** MR. FLAHERTY SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

Superintendent's Report.

a. New Pumps at Nearwater and Stony Brook Pump Stations.

Mr. Pat D'Arinzo presented photos and showed the pumps before and after new installations. He explained the differences in efficiency noise reduction and noted that he hopes the next pumps will be installed in October.

b. Stamford Billing - Nothing new to report.

Other

Mr. Oustafine noted that the foreman's position has been posted for applications.

ADJOURNMENT

- ** MR. VAN WINKLE MOVED TO ADJOURN THE MEETING.
- ** MR. FLAHERTY SECONDED THE MOTION.

**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 5:15 p.m.

Respectfully submitted; M. Knox 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
VACANT
PETER VAN WINKLE, ESQ.

TOWN OF DARIEN
DARIEN SEWER COMMISSION
REGULAR MEETING MINUTES
4:30 P.M. AUGUST 4, 2015
ROOM 206, DARIEN TOWN HALL
2 RENSRAW ROAD, DARIEN, CT 06820

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

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

1. Call To Order

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

2. Approval Of Minutes Of Previous Meeting

- ** MR. VAN WINKLE MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF JULY 7, 2015 AS EDITED WITH CORRECTIONS MADE BY MR. OUSTAFINE.
- ** MR. FLAHERTY SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

3. Request for Sewer User Fee Adjustment, Sarah Long, 40 Holly Lane.

Mr. Oustafine stated that this item had been tabled last month for more information as they had difficulty getting into the Aquarion database and the sewer commission had requested more information. He reported that they were able to gather the bills and noted the water usage data as reported on the bills included in the packet. There was a review of the bills and payments over past year and previous quarters, and it was concluded that there were only minor differences. Mr. Flaherty explained that he could

not see where the leak had occurred based on a comparison of the water usage, and the documentation does not support justification for a reduction.

- ** MR. FLAHERTY MOVED TO DENY THE REQUEST FOR SEWER USER FEE ADJUSTMENT CLAIM MADE BY SARAH LONG, 40 HOLLY LANE
- ** MR. GENOVESE SECONDED THE MOTION
- ** MOTION PASSED UNANIMOUSLY.

4. Sewer User Fee Rate Analysis, FY 15/16.

Mr. Gentile presented the following chart and outlined the expenditures versus budget for operating and capital expenses:

Comparison of Sewer Service Rates

FY 15 Preliminary Financial Results

Payments to Stamford	\$ 2,100,000
Total Expenditures	\$ 3,703,068
Total Revenue from Operations	\$ 3,557,197
Total From Tax Reserve	\$ 145,871
Payments to Stamford/Total Revenue from operations	59%

Total Budgeted Expense (Operations) FY 16	\$3,648,489.00
Total Budgeted Expense (Capital) FY 16	\$115,000.00
Total Other Revenue	\$170,000.00
Total Revenue Needed	\$3,593,489.00

FY 16 Rate Comparison

<u>Rate/CCF</u>	<u>% inc</u>	<u>Residential</u>	<u>Commercial</u>	<u>Monthly</u>	<u>Wells</u>	<u>Total</u>	<u>Reserve</u>
\$5.38	0.00	\$2,681,500	\$670,606	\$204,940	\$71,059	\$ 3,628,105	\$ (34,616)
\$5.50	2.23	\$2,741,310	\$685,564	\$209,512	\$72,644	\$ 3,709,030	\$ (115,541)
\$5.75	7.05	\$2,865,915	\$716,726	\$219,035	\$75,946	\$ 3,877,622	\$ (284,133)
\$6.00	11.52	\$2,990,520	\$747,888	\$228,558	\$79,248	\$ 4,046,214	\$ (452,725)

	<u>Water Use</u>	<u>No Accts</u>	<u>Avg. use</u>
residential	498,420	4785	104
commercial	124,648	256	487
monthly	38,093	20	1905
wells		127	
Total	661,161	5,188	
	4.5%	16	

Mr. Gentile outlined the five year trends and explained the variances due to payments to the City of Stamford and Westmere law suit. He noted that this has been reviewed by Kate Buch, Town Finance Department relative to the Town strategy for rate increase

recommendation. There was discussion over the financial philosophy of save up reserve or rainy day or pay to invest in capital improvements.

Mr. Gentile reviewed future capital equipment needs for generators and maintenance at the pump stations, and there was further discussion on the current reserve that would cover operating expenses.

There was further discussion and the Commissioners agreed not to raise rates for the coming year and to hold the budget as outlined.

- ** MR. VAN WINKLE MOVED TO NOT RAISE SEWER SERVICE RATES FOR THE FY 2016.
- ** MR. FLAHERTY SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

5. Superintendents Report.

a. Sewer Commissioner Anne W. Shaw, Resignation.

Mr. Oustafine presented a letter to Ms. Shaw accepting her resignation and acknowledging her years of service and stewardship to the Town of Darien. The Commissioners agreed by consensus to accept and sign the letter and send it to Ms. Shaw.

b. Stamford Billing.

Mr. Gentile reported that he still has not received a revised invoice from Stamford despite several requests and ongoing dispute over charges for capital reallocation. There was discussion over the issue of discretionary interpretation and Mr. Gentile noted that he will provide an update next month.

c. Locust Hill Sewer Extension Status.

Mr. Oustafine reported the following update:

- Penny Glassmeyer has received construction bids and the lowest bid received is from M. Rondano Inc. at the amount of approximately \$650,000.
- There is a pre-construction meeting scheduled for this Friday, (8/7/15) with start of construction approximately three weeks out.
- Of concern is accurate locating of 10 inch diameter ductile iron sanitary sewer force main on Locust Hill Road from the Five Mile River Pump Station.
- Darien Town Counsel, Ed Schmidt and Glassmeyers Attorney Bob Maslan have agreed upon a Developer's Agreement and Ms. Glassmeyer has executed her

portion of the agreement. The Chairman of the sewer commission can execute towns portion at any time pursuant to approval contingent upon town counsel at previous meeting. Plans have been reviewed and approved by staff and the sewer commission approved plans contingent upon staff review and approval of plans. We are currently waiting for plans to be received with review comments incorporated.

d. 21 Pasture Lane, Sewer Lateral Pipe Bursting

Mr. Oustafine showed photos and mentioned "Save an Oak Tree" press article. He then presented an I-pad video to the Commissioners that showed how the cable pulls the bursting head and pipe connection fitting system and gravity lateral process.

e. 465 Mansfield Avenue Sewer Connection.

Mr. Oustafine referred to the alternative connection as approved last month. He explained there was a dispute with a neighbor about an easement, and all has been worked out.

- ** MR. GENOVESE MOVED TO AMEND THE AGENDA TO ADD A DISCUSSION ON KENSETT LANE DEVELOPMENT.
- ** MR. FLAHERTY SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

6. New Business

Mr. Oustafine gave an overview of the transition to Phase II of the Kensett development and that some moving of the laterals installed under phase I was necessary due to relocation of buildings. He reported that there is another development in the back of Wakemore with new investors involved (phase II) There was discussion and it was noted that the first Developer's Agreement must be completed with all conditions satisfied before another agreement can be considered.

The developers under Phase II portion of the development have requested to connect single buildings with 2 units into a single lateral. The sewer commission discussed the proposal and reviewed drawings that were passed out from On Site engineering. The sewer commission concluded that there was no hardship nor reason that a separate lateral could not be installed given that all new construction was proposed.

- ** MR. GENOVESE MOVED TO DENY REQUEST TO SHARE A SINGLE LATERAL FOR A SINGLE BUILDING WITH MORE THAN ONE HOUSING UNIT.
- ** MR. FLAHERTY SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

Other

There was no further business

ADJOURNMENT

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

The meeting was adjourned at 5:25 p.m.

Respectfully submitted;
M. Knox 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
VACANT
PETER VAN WINKLE, ESQ.

TOWN OF DARIEN
DARIEN SEWER COMMISSION
REGULAR MEETING MINUTES
4:30 P.M. SEPTEMBER 1, 2015
ROOM 206, DARIEN TOWN HALL
2 RENSRAW ROAD, DARIEN, CT 06820

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

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

1. Call To Order

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

2. Approval Of Minutes Of Previous Meeting

- ** MR.FLAHERTY MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF AUGUST 4, 2015 AS EDITED WITH CORRECTIONS MADE BY MR. OUSTAFINE.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

3. Approval of Sewer Commission Meeting Schedule for CY 16.

Mr. Oustafine presented the schedule and noted that all dates are the first Tuesday of the month, as follows: January 5; February 2; March 1; April 5; May 3; June 7; July 5; August 2
September 6; October 4; November 1; December 6

- ** MR. VAN WINKLE MOVED TO APPROVE THE SCHEDULE OF REGULAR MEETINGS FOR 2016 AS SUBMITTED.

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

96 Five Mile River Road Request exception to 1000 3-6 of Sanitary Sewer Regulations.

Mr. Oustafine outlined the map and supporting documentation and explained that the property is sub-dividable based upon land area. Owner requests to connect the two buildings to one lateral. There was discussion and agreement to grant the exception

- ** MR.FLAHERTY MOVED TO GRANT THE REQUESTED EXCEPTION TO 1000 3-6 OF SANITARY SEWER REGULATIONS TO CONNECT TWO BUILDINGS TO ONE LATERAL.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

Superintendents Report

Mr. Gentile reported the following:

a. Steven J. Toscano appointed Wastewater System Supervisor. It was noted that he is experienced and knows the trouble spots and should add to the efficiency of operations. Mr. Toscano assumed his duties on August 31, 2015.

b. Wastewater Systems Operator position posted: There was discussion that this provides coverage of a third person for rotation coverage at the pump stations for weekend and evening emergency response. It was noted that there is an internal candidate with an electrical background. This candidate appears to be a hard worker, willing to learn, and may stay around for a while.

c. Stamford WPCA Invoice: Mr. Gentile outlined that \$175,000 per month is covered under capital budget and has been paid under interlocal agreement and the new number is \$176,000 rather than the estimated \$179-\$180,000 that Stamford requested just a few months ago. He added that they are still going through final invoicing, but this saves the Town \$30,000 per year.

d. Nearwater and Stony Brook Pump Stations new pump contracts:

- Installation is expected the first of second week of November.
- This should provide savings on overtime and electric usage.
- Next on the project list is the 5-Mile pump mechanism and back-up needs.
- Overtime has been cut down as a result of new pumps.

e. Locust Hill Sewer Extension, Inspection, & Force Main Mark Out:

Mr. Oustafine explained the agreements included in the supporting documentation and explained that the work has to be completed in one day. He outlined that there is new

technology to accurately locate and inspect the pipes to allow the town to prepare mapping of physical measurements to the curb line and for future mark-out accuracy. There was discussion of road shut down contingent upon the Board of Education approval of the concerns as outlined in a letter from Mike Lynch relative to construction of proposed sewer from Settlers Trail to Old Farm Road. Mr. Genovese noted that the engineer should go the full day to maximize the amount of markout that can be achieved.

Other

Mr. Flaherty asked about the FOG ordinance, and Mr. Oustafine explained that there is nothing new to report. He added that they are still working on enforcement procedures.

Mr. Flaherty asked about invoicing changes of 5 months versus two quarters and the check valve requirement for below street grade installations. Mr. Gentile agreed to revive these issues and report back to the commission at the October meeting.

ADJOURNMENT

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

The meeting was adjourned at 4:58 p.m.

Respectfully submitted;
M. 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
VACANT
PETER VAN WINKLE, ESQ.

TOWN OF DARIEN
DARIEN SEWER COMMISSION
REGULAR MEETING MINUTES
4:30 P.M. OCTOBER 6, 2015
ROOM 206, DARIEN TOWN HALL,
2 RENSRAW ROAD, DARIEN, CT 06820

ATTENDANCE: Craig Flaherty, Acting Chairman
Peter Van Winkle
Rocco Genovese
ABSENT: Robert Riith
STAFF: Darren Oustafine, Asst. Director, Public Works
ABSENT: Ed Gentile, Director of Public Works
OTHER: Robert Richards, 5 Edmond St.
Michael Delaney, 295 Mansfield Ave.

1. Call To Order

Acting Chairman Flaherty called the meeting to order at 4:35 p.m. and stated that the members as listed were in attendance and there was a quorum present.

2. Approval Of Minutes Of Previous Meeting

- ** MR. GENOVESE MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 2, 2015 AS EDITED WITH CORRECTIONS MADE BY MR. OUSTAFINE.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

Mr. Oustafine suggested that the order of items be moved in consideration of those in attendance representing appeal requests.

5. Sewer User Fee Appeal: Robert Richards, 5 Edmond St.

Mr. Oustafine outlined the supporting documentation and explained that Mr. Richards provided copies of bills and a review of the statement and the suspected leak in August 2014. Mr. Flaherty noted that it was clear from the data that there was a leak and suggested that a one time adjustment be made to match the usage of last year.

- ** MR. GENOVESE MOVED TO APPROVE THE ONE TIME SEWER USE FEE APPEAL FOR ROBERT RICHARDS IN THE AMOUNT OF \$333.56.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

6. Sewer User Fee Appeal: Michael Delaney, 295 Mansfield Ave.

Mr. Oustafine outlined the supporting documentation and explained that a review of the bills document an increase in the usage based on irrigation, when compared to previous quarters. He added that Mr. Delaney is requesting an adjustment of two lowest quarters to be used versus lowest six months. Mr. Flaherty noted that it was clear from the data that when Aquarion switched from quarterly to monthly this occurred, and there should be a one month shift in comparisons. He noted that this would be a one time adjustment and that future appeals would need to be supported by the installation of a meter on the irrigation system for measurement readings.

- ** MR. GENOVESE MOVED TO APPROVE THE ONE TIME SEWER USE FEE APPEAL FOR MICHAEL DELANEY IN THE AMOUNT OF \$505.72.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

4. Sewer User Fee Appeal: Ken Kronberg, 132 Old Kings Highway South

Mr. Oustafine outlined the supporting documentation and explained that the property is scheduled for demolition, but there was no proof of disconnect. He added that a minimum charge would be adjusted if there was connection. It was agreed to table the item pending further supporting documentation.

- ** MR. GENOVESE MOVED TO TABLE THE SEWER USE FEE APEAL FOR KEN KRONBERG PENDING MORE INFORMATION.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

3. Sewer User Fee Appeal: David Campbell, 27 Shipway Road.

Mr. Oustafine outlined the supporting documentation and explained that the property is occupied by one person, who is not there most of the time. He added that a leak was found and that a review of the bills document an increase in the usage when compared to previous quarters. It was agreed that a reduction of \$279.76 should be granted.

- ** MR. GENOVESE MOVED TO APPROVE THE USE FEE APPEAL FOR DAVID CAMPBELL IN THE AMOUNT OF \$279.76 AS REQUESTED.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

7. Sewer User Fee Appeal: Harry Bergen, 132 Raymond Street.

Mr. Oustafine noted that Mr. Bergen will attend the November 10 meeting and will provide a review of the bills for the requested offset. There was no action taken.

8. Superintendent's Report

Mr. Oustafine reported the following:

a. NACWA Sewer Service Charges Annual Averages 2014.

Mr. Oustafine referred to the last page and noted that the regional average cost of waste water in comparison to the Town of Darien. He explained that it is interesting information when it comes to setting of rates.

b. Invoicing System (5 month prorated)

Mr. Oustafine referred to a spreadsheet for the Town of charges from November to March. He noted that the intention is to have irrigation water out of the equation, and he will have further analysis by the Superintendent at the November 11 meeting.

There was discussion on mapping out a process for public hearing and code of ordinance changes. It was agreed to reach out to Computel and to have the item on next month's agenda for further review and discussion.

c. Check Valve, Illicit Connections, Requirements.

Mr. Oustafine referred to the letter sent to customers as notification of proposed procedure changes. Commissioners expressed an interest that staff add information relative to cotton disposable (but non-flushable) wipes as our next mailing or public information campaign.

d. Nearwater and Stony Brook Pump Stations new pump contracts:

Mr. Oustafine reported that they are ready for the next phase of the project. Mr. Genovese expressed comfort with the current vendor and asked if there was any exposure by not going out to bid. Mr. Oustafine noted that he believes the pump replacement project was bid out and will confirm this and report back next month.

e. Locust Hill Sewer Extension, Construction, Inspection, & Force Main Mark Out:

Mr. Oustafine explained the work is in progress with Rondano doing the work, and all is going well with the detour, with no complaints from the school or residents.

There was discussion on the process of the ground penetration radar used to locate the existing 10" DI CL FM from FMRR PS and that re marking was performed without fee through traditional transmitter and receiver method.

FOG Ordinance - Mr. Oustafine explained that there is nothing new to report. He added that they are still working on enforcement procedures.

g. Other

It was noted that there are no vacancies in the department, as positions have been filled.

New Business

- ** MR. VAN WINKLE MOVED TO ADD TO THE AGENDA THE APPOINTMENT OF SEWER COMMISSION OFFICER.
- ** MR. GENOVESE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

Appointment of Sewer Commission Officer.

Mr. Van Winkle suggested that Mr. Flaherty be appointed as Vice Chairman, in view of his active role and participation on the Commission and by the fact that the office of Vice Chairman has been vacant since the retirement of former commissioner Anne Shaw. Mr. Flaherty stated that he would accept the appointment.

- ** MR. VAN WINKLE MOVED TO APPOINT CRAIG FLAHERTY AS VICE CHAIRMAN OF DARIEN SEWER COMMISSION.
- ** MR. GENOVESE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

ADJOURNMENT

** MR. VAN WINKLE MOVED TO ADJOURN THE MEETING.

** MR. GENOVESE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 5:35 p.m.

Respectfully submitted;

M. Knox

Telesco Secretarial Services

TOWN OF DARIEN SEWER COMMISSION
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TELEPHONE (203) 656-7363



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

**TOWN OF DARIEN
SEWER COMMISSION
REGULAR MEETING
NOVEMBER 10, 2015**

- ATTENDANCE:** Craig Flaherty, Vice Chair
Rocco Genovese
Peter Van Winkle
- ABSENT:** Robert Riith, Chairman
- STAFF:** Ed Gentile, Public Work Director
Darren Oustafine, Public Works Assistant Director
- OTHERS:** Harry Bergen, 132 Raymond Street
David Genovese, Baywater 1340 BPR LLC, 1340 Boston Post Road
Thomas Kealy – 9 Wilson Ridge Road East
Gail Samuel – 56 Dubois Street
Joe Lazzaro – 56 Dubois Street
David Pear – 65 Nearwater Lane
Ram Veeturi – 156 Hecker Avenue
Robert Wolkwitz – 148 Old Kings Hwy. North
Carol Wolkwitz – 148 Old Kings Hwy. North
Donovan Pritchard – 208 Leroy Avenue
Eric Scholbohm – Kensett I & II
Robert F. Maslan, Jr. - Oak Crest Development LLC
Kathleen Bernadette - 8 Chestnut Street

1. CALL TO ORDER.

Acting Chairman Flaherty called the meeting to order at 4:34 p.m. A quorum was present.

**2. Approval of Darien Sewer Commission Meeting Minutes. Attachments.
Discussion and Action.**

Darien Sewer Commission Regular Meeting of October 6, 2015.

The following corrections were noted:

Page 1, please add the following listing after the **ABSENT** category:

OTHER: Robert Richards, 5 Edmond St.
Michael Delaney, 295 Mansfield Ave.

Page 1 and following: please adjust the Agenda Items to include the Agenda Number as follows:

1. Call to Order
2. Approval of Minutes of Previous Meeting
5. Sewer User Fee Appeal: Robert Richards, 5 Edmond St.
6. Sewer User Fee Appeal: Michael Delaney, 295 Mansfield Ave.
4. Sewer User Fee Appeal: Ken Kronberg, 132 Old Kings Highway South
3. Sewer User Fee Appeal; David Campbell, 27 Shipway Road
7. Sewer User Fee Appeal: Harry Bergen, 1332 Raymond Street
8. Superintendent's Report
 - a. NACWA Sewer Service Charges Annual Average 2014
 - b. Invoicing System (5 month prorated)
 - c. Check Valve, Illicit Connections, Requirements
 - d. Nearwater and Stony Brook Pump Stations new pump contracts
 - e. Locust Hill Sewer Extension, Construction, Inspection, & Force Main Mark Out
 - g. Other

Page 3, under **c. Check Valve, Illicit Connections, Requirements**: paragraph 1, line 2: please add the following sentence:

"Commissioners expressed an interest that staff add information relative to cotton disposal (but non-flushable) wipes as our next mailing or public information campaign."

Page 4, under **d. Nearwater and Stony Brook Pump Stations new pump contracts**: paragraph 1, line 3: please change the following sentence from:

"Mr. Oustafine noted that he will check on this and report back next month."
to: "Mr. Oustafine noted that he believes the pump replacement project was bid out and will confirm this and report back next month."

Page 4, under **e. Locust Hill Sewer Extension, Construction, Inspection, & Force Main Mark Out**: paragraph 2, line 1: please change the following from:

"There was discussion on the process of the ground penetration test and the process of radar detection of the pipes was not good, as the locations were not accurate."

to: "There was discussion on the process of the ground penetration radar used to

locate the existing 10" DICL FM from FMRR PS and that re marking was performed without fee through traditional transmitters and receiver method."

Page 4, under **Appointment of Sewer Commission Officer**: paragraph 1, line 2: please change the following from:

"Mr. Van Winkle suggested that Mr. Flaherty be appointed as Vice Chairman, in view of his active role and participation on the Commission."

to: Mr. Van Winkle suggested that Mr. Flaherty be appointed as Vice Chairman, in view of his active role and participation on the Commission and by the fact that the office of Vice Chairman has been vacant since the retirement of former commissioner Anne Shaw."

**** MR. VAN WINKLE MOVED TO APPROVE THE MINUTES OF THE OCTOBER 6, 2015 MINUTES AS CORRECTED.**

**** MR. GENOVESE SECONDED.**

**** THE MOTION TO APPROVE THE APPROVE THE MINUTES OF THE OCTOBER 6, 2015 MINUTES AS CORRECTED PASSED UNANIMOUSLY.**

3. Sewer User Fees Appeals. Attachments. Discussion and Actions.

a. Harry Bergen – 132 Raymond Street.

Mr. Bergen came forward and reviewed his documentation with the Commission. The commission considered the 6 month period from November through April which was 19 CCF and interpolated that rate for the entire year (38 CCF) and applied the rate of \$5.38 per CCF which resulted in less than the minimum charge, and so adjusted the current bill from \$365 to the minimum charge of \$209.

****MR. VAN WINKLE MOVED TO GRANT THE USE FEE APPEAL FOR HARRY BERGEN IN THE AMOUNT OF \$209.00.**

**** MR. GENOVESE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Flaherty announced to those present that steps were being taken to adjust the current billing system.

b. Ken Kronberg – 132 Old Kings Highway South.

Mr. Oustafine stated that the two houses behind the former Chuck's Steak House had been boarded up. The building is not occupied and there is no water usage. Mr. Flaherty asked if there had been confirmation that the sewer lateral had been

disconnected. Mr. Oustafine said that he had not confirmed this. He said that the building is scheduled to be demolished but the demo permit has not been filed at this time. The water has been turned off. A brief discussion about the timeline of the sewer disconnection process followed. Mr. Flaherty pointed out that there was a value associated with a sewer connection. Mr. Oustafine agreed and said that the petitioner was requesting that all the fees be waived. Mr. Flaherty said that he would prefer to have the petitioner present to discuss the issue. This item was tabled.

c. Elvira McKiernan, 20 Oak Park Avenue. – No response.

d. Deleted.

e. Arthur Allen – 16 Garden City Road.

Mr. Oustafine said that this was a house where an addition was being constructed. During the construction, the contractor uncovered an active septic tank system discharging into a leaching system. The department records indicate that the residence had been connected to the sewer a long time ago. There is also a lateral that crossed the petitioner's property and appears to serve a neighbor's property. Mr. Wood, the contractor, has come into the office on a regular basis to report on the situation. Mr. Oustafine said that neither Mr. Wood nor the owner of the property, Mr. Arthur Allen, were present at the meeting. Mr. Flaherty asked if the department was able to confirm that the residence was connected to the sewer. Mr. Oustafine said that sewer staff dye tested neighboring houses. One neighbor is connected to the sewer in the road of 16 Garden City Road and the other is connected in Norton Avenue. No dye test was performed on the sewer of 16 Garden City Road because at the time we were able, interior and exterior plumbing had been disconnected from sewer or septic. Ultimately, the entire residence will use the sewer, since the septic system is being removed as part of the construction. Discussion followed. Mr. Flaherty said that the Commission should reconsider this item when the reconnection occurs. This item tabled.

f. David Genovese – Baywater 1340 BPR LLC, 1340 Boston Post Road.

Mr. Rocco Genovese recused himself from this item.

Mr. David Genovese came forward to present his request. The building for the former Chuck's Steak House was demolished in August and there is no hook up at the present time. There will be a building constructed on the site by the fall of 2016. Mr. David Genovese stated that the building was demolished on August 20 and asked that sewer fee be waived.

****MR. VAN WINKLE MOVED TO GRANT THE USE FEE APPEAL TO WAIVE SEWER CHARGES AS OF AUGUST 20, 2015 FOR MR. DAVID GENOVESE.**

**** MR. FLAHERTY SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Rocco Genovese rejoined the meeting.

g. Virginia Jamison – 347 West Avenue – No response.

h. Thomas Kealy – 9 Wilson Ridge Road East – No response.

i. Joe Lazzaro – 56 Dubois Street

Ms. Gail Samuel, who is renting the property, came forward. She explained that she was expecting Mr. Lazzaro to arrive shortly. The leaking toilet has been repaired.

Mr. Lazzaro joined the meeting.

The Commission then reviewed the documents and previous water usage. Mr. Flaherty noted that the last year's bill had doubled from \$785.48 to \$1,517.16.

****MR. VAN WINKLE MOVED TO GRANT THE USE FEE APPEAL TO REDUCE THE CURRENT FEE OF \$1,517.16 BY \$731.68 TO LAST YEAR'S FEE OF \$785.48.**

**** MR. GENOVESE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

j. Mark Miller – 52 Relihan Road – No response.

k. David Pear – 65 Nearwater Lane

Mr. Pear came forward and presented his request. He stated that they had installed an outside meter on February 1, 2015. He reviewed the figures with the Commissioners. Mr. Pear stated that his existing bill of \$2,714.80 is erroneous. The commission interpolated usage from water bills from November through April and determined that 136 CCF at \$5.38 per CCF is \$731.68.

**** MR. GENOVESE MOVED TO GRANT THE USE FEE APPEAL TO \$731.68.**

****MR. VAN WINKLE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

l. Rosemarie Reardon – 169 Long Neck Road – No response.

m. Karen Schrenker – 196 Nearwater Lane – No response.

n. Marion Smith – 2 Raymond Street – No response.

o. Edward Sforza – Spring Grove Cemetery, 41 Hecker Avenue – No response.

p. Patrick Sweeney – 30 Richmond Drive – No response.

q. Ram Veeturi – 156 Hecker Avenue

Mr. Veeturi came forward and presented his request. He said that he had moved into the address a few months before. He said that his parents were visiting for a few months and would be leaving after Christmas. Once that happens, the water usage will be greatly reduced. Mr. Flaherty pointed out that the Commission could not adjust the usage for every property transfer. Mr. Veeturi was asked if there was a sewer charge adjustment made when the property was purchased. Mr. Veeturi said that he paid the sewer charges when he purchased the property. It was pointed out that Mr. Veeturi had rented the residence out right after he purchased the property in January of 2015 and had not moved in to the residence until July of 2015. He said that he had attempted to get the water usage from his former residence for comparison, but was not able to do so because his former residence was a condo on Heights Road. A discussion followed regarding the details.

****MR. VAN WINKLE MOVED TO DENY THE USE FEE APPEAL FOR RAM VEETURI, 156 HECKER AVENUE.**

**** MR. GENOVESE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

r. Robert Wolkwitz – 148 Old Kings Hwy. North

Mr. Wolkwitz announced that he was present and that his wife would present the information to the Commission. Ms. Wolkwitz came forward to discuss their request with the Commissioners. Mr. Flaherty explained that similar requests had been done by calculating the usage from November through March. He reiterated that the Commission is considering changes in the billing process. A discussion regarding the details followed.

**** MR. GENOVESE MOVED TO GRANT THE USE FEE APPEAL TO BE ADJUSTED TO \$593.95 BASED FROM \$979.16 BASED ON THE FIVE MONTH CHARGE FROM NOVEMBER THROUGH MARCH INTERPOLATED FOR THE ENTIRE YEAR.**

****MR. VAN WINKLE SECONDED.**

Ms. Wolkwitz pointed out that the charges were more than doubled and that she had already paid the first payment of \$489.58 for the bill. If the Commission agreed with her proposed amount of \$306.00, they would not refund the overage to her. Mr. Flaherty reminded Ms. Wolkwitz that the Commission has consistently advised residents who water their lawns to install a sub meter on the outside of their houses to monitor the outside water usage. The Sewer Department staff use that information to adjust the usage accordingly.

**** THE MOTION PASSED WITH TWO IN FAVOR (GENOVESE AND VAN WINKLE) AND ONE AGAINST (FLAHERTY).**

Ms. Wolkwitz asked if the Commission intended to do the same in the coming year. Mr. Flaherty replied that the topic of the pro-rated five month invoicing system was on the agenda for discussion during the later part of the meeting.

s. Peter Van Winkle – 41 Baywater Drive

Mr. Van Winkle recused himself from voting.

Mr. Van Winkle presented his information to the Commission. He said that he installed a water meter and the last two months had been reduced. However, the outside use was not subtracted from the overall bill. He requested that the two lowest quarters be used to adjust his bill.

**** MR. FLAHERTY MOVED TO GRANT THE USE FEE APPEAL TO \$462.68 BASED ON THE TWO LOWEST MONTHS' USAGE.**

**** MR. GENOVESE SECONDED.**

**** THE MOTION PASSED WITH TWO IN FAVOR (FLAHERTY AND GENOVESE) AND ONE ABSTENTION (VAN WINKLE).**

t. Brad Mahaney – 51 Relihan Road ELG

Mr. Gentile came forward and presented the data for Mr. Mahaney. He said that it was a straight forward request and reviewed the figures with the Commission.

****MR. FLAHERTY MOVED TO GRANT THE USE FEE APPEAL TO BE ADJUSTED TO \$451.92.**

**** MR. GENOVESE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

u. Victor De Yulio – Oakdale Development, 174 Middlesex Road ELG

Mr. Gentile said that Mr. De Yulio has been in the office. Mr. De Yulio wrote a letter that was included in the Commissioners' packets. Mr. Flaherty noted that there was some water usage in September. There is no water being used at the residence. There are no fixtures in the building. Mr. Flaherty said that the lateral was never disconnected, and the standard practice is to remove the charges when the system is disconnected and re-establish it when the system is reconnected.

****MR. VAN WINKLE MOVED TO DENY THE USE FEE APPEAL FOR VICTOR DE YULIO.
** MR. GENOVESE SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

v. Mike Lynch – Tokeneke Elementary School, Mike Lynch, Old Farm Road, ELG

Mr. Gentile reviewed the data with the Commissioners. There is a bill for \$9,323.54, but the actual charge should be \$3,211.86. There are three bills included with the information and the third one is for a separate irrigation system. The third amount for the irrigation system was inadvertently added to the bill.

**** MR. FLAHERTY MOVED TO GRANT THE USE FEE APPEAL TO ADJUST THE BILL TO \$3,211.86.
** MR. GENOVESE SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

The Commission then reviewed the remaining appeals of those not in attendance to present their case.

c. Elvira McKiernan, 20 Oak Park Avenue. – CONT'D.

Mr. Oustafine informed the Commissioners that the resident was a senior with a current tax abatement and was requesting relief. He added that he had not been able to find anything in the Connecticut General Statutes regarding a means by which a sewer user fee could be reduced. Mr. Flaherty said that he was reluctant to set a precedent. The resident was not willing to come in to address the Commission about this.

**** MR. GENOVESE MOVED TO DENY THE USE FEE APPEAL FOR ELVIRA MCKIERNAN.
** MR. VAN WINKLE SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

g. Virginia Jamison – 347 West Avenue – CONT'D.

The Commissioners reviewed the information. Mr. Flaherty said that there was no irrigation component to this request.

- ** MR. FLAHERTY MOVED TO DENY THE USE FEE APPEAL FOR VIRGINIA JAMISON.**
- ** MR. VAN WINKLE SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

h. Thomas Kealy – 9 Wilson Ridge Road East – CONT'D.

The Commission reviewed the information. The residence is unoccupied for several months each year. This was not factored into the billing. Water usage for November through April is 12 CCF. Interpolated for the year is 24 CCF at \$5.38 = \$516.48.

- **MR. VAN WINKLE MOVED TO GRANT THE USE FEE APPEAL TO ADJUST THE FEE TO \$516.48.**
- ** MR. GENOVESE SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

j. Mark Miller – 52 Relihan Road – CONT'D.

Mr. Flaherty noted that there was supposed to be a test done to determine if there was a leak. Mr. Oustafine said that he had not received any information on the test results.

- ** MR. GENOVESE MOVED TO DENY THE USE FEE APPEAL FOR MARK MILLER.**
- ** MR. VAN WINKLE SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

l. Rosemarie Reardon – 169 Long Neck Road – CONT'D.

The Commission reviewed the information. Mr. Gentile pointed out that the meter was installed in April but no reading had been done until July.

- ** MR. GENOVESE MOVED TO GRANT THE USE FEE APPEAL AND REDUCE THE CHARGE TO \$258.24.**
- ** MR. VAN WINKLE SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

m. Karen Schrenker – 196 Nearwater Lane – CONT'D.

- ** MR. GENOVESE MOVED TO GRANT THE USE FEE APPEAL TO BE ADJUSTED TO \$568.13 BASED A FIVE MONTH CHARGE FROM NOVEMBER THROUGH MARCH.**
- ** MR. VAN WINKLE SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

n. Marion Smith – 2 Raymond Street – CONT'D.

Mr. Gentile explained that the resident was concerned that a water main break had increased her bill. The Commissioners reviewed the information and determined that the billing calculation was done correctly and that the water main break portion of water usage did not appear to be a part of the user fee calculations.

- ** MR. GENOVESE MOVED TO DENY THE USE FEE APPEAL FOR MARION SMITH.**
- ** MR. VAN WINKLE SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

o. Edward Sforza – Spring Grove Cemetery, 41 Hecker Avenue – CONT'D.

Mr. Oustafine said that it was discovered that the cemetery was being charged at a residential rate. It should be moved at a commercial rate, which is higher. There are also questions about the fact that the building is small and located across the street from the actual cemetery. The commission asked that we speak with Joe Fiori of Spring Grove Cemetery.

- ** MR. GENOVESE MOVED TO TABLE THE USE FEE APPEAL FOR EDWARD SFORZA – SPRING GROVE CEMETERY, 41 HECKER AVENUE.**
- ** MR. VAN WINKLE SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

p. Patrick Sweeney – 30 Richmond Drive – CONT'D.

The Commission reviewed the past bills and a year's worth of data. The bill should be adjusted to remove the charges for irrigation. That's 48 CCF for 5 months, interpolated to 12 months = 115.2 CCF, times \$5.38 per CCF = \$619.77.

- ** MR. VAN WINKLE MOVED TO GRANT USE FEE APPEAL FOR PATRICK SWEENEY TO BE ADJUSTED FROM \$1,129.80 TO \$619.77 BASED ON USAGE FROM DECEMBER THROUGH APRIL.**
- ** MR. GENOVESE SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

4. Pamela Prichard, Counsel Amy Zebetakis, 208 Leroy Avenue Sewer Easement and Sewer Maintenance Agreement. Attachment. Discussion and Action.

Mr. Donovan Pritchard came forward and greeted the Commission. He indicated that the map and agreement were included with the information packet. Mr. Oustafine said that agreement was very straight forward and very similar to other agreements where property owners share a sewer lateral line. Mr. Flaherty requested an "as built" drawing be submitted to the department. Mr. Oustafine said that the department requires an "as built" drawing as part of the sewer permit process. A question was also raised about the use of "non-exclusive" in the agreement. Mr. Oustafine reminded everyone that this was a private agreement between two parties as stated.

**** MR. VAN WINKLE MOVED TO APPROVE THE PROPOSED SEWER EASEMENT AND SEWER MAINTENANCE AGREEMENT FOR 208 LEROY AVENUE.**

**** MR. GENOVESE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

5. Kensett Lane Sewer – Kensett I & II. Counsel Bruce D. Hill. Engineer Eric Schlobohm.

Mr. Schlobolm came forward and displayed the site plans showing both Kensett I & II. There are fourteen proposed units. He indicated where the sewer main would be and where the proposed sewer easements were required.

Mr. Oustafine reported that Kensett developer had purchased a new force main and pump for the Kensett I portion of the project. Mr. Schlobohm has been asked to review the pump station capacity. Mr. Schlobolm said that previous report for Kensett I had revealed that the upgrade made for the project was sufficient to handle the additional units. There are three residences currently on the development parcels that will be removed. Mr. Flaherty asked if there was a report with the calculations. Mr. Schlobohm said that he had emailed that report with the drawings. Mr. Flaherty asked if there was a way to provide a paragraph or two regarding any future development would be subject to capacity.

**** MR. FLAHERTY MOVED TO APPROVE THE PROPOSED KENSETT LANE SEWER PROJECT SUBJECT TO TOWN COUNSEL REVIEW AND APPROVAL OF DEVELOPERS AGREEMENT AND STAFF REVIEW AND APPROVAL OF SEWER PLANS AND CAPACITY ANALYSIS.**

**** MR. VAN WINKLE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

6. Oak Crest Development LLC. Counsel, Robert F. Maslan, Jr. 56 Maple Street, Attachments. Discussion and Action.

Mr. Oustafine said that the Commission had reviewed and approved this proposal before. The original proposal was to require a sewer easement across a number of residential lawns. Because of the elevations, it became evident that the original plan would need pumps. Atty. Maslan explained 21 LaForge is located behind one of the lots and there is an existing 12 foot wide sewer easement. By extending this easement out to the subject property, the other residences can connect along the rear boundaries. Atty. Maslan said that he would have to approach the neighbor for granting the easement. A discussion followed regarding the details. The Commission came to consensus that this proposal would be acceptable. Atty. Maslan pointed out that one of the benefits is that all the work would be done to current standards. Commission indicated that concept was acceptable without formal motion. Atty Maslan to return to the commission upon further development of proposed approach.

7. James Reilly, 76 Nearwater Lane. Sanitary Sewer Connection. Sewer Assessment.

Mr. Oustafine directed the Commissioner's attention to the information included in the packet. He reviewed the details of the proposal. The owner wants to construct a house and attach to the sewer line. The Commission has not been consistent in the past regarding connecting with sewers that have been paid off. Discussion followed. The Nearwater Lane Main pump station was originally a wastewater plant and therefore the sewer pipes on Nearwater Lane must be some of the oldest sewers in the Town of Darien.

**** MR. GENOVESE MOVED TO ALLOW THE REQUEST FOR THE 76 NEARWATER LANE SANITARY SEWER CONNECTION AND WITHOUT SEWER ASSESSMENT FEE TO BE CHARGED.**

**** MR. VAN WINKLE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

8. Superintendent Report.

Mr. Gentile said that there was a member of the public present that would like to address the Commission about the Check Valve Ordinance, so he would like to report on that item first.

c. Check Valve Ordinance. - Mr. Gentile said that there have been about 60 phone calls and approximately 20 to 30 requests in person about the check value ordinance since the letters went out. He said that the staff had worked with the

residents to determine what information or assistance the residents need. However, there are some residents who would be financially impacted.

Ms. Kathleen Bernadette of Chestnut Street came forward to address the Commission. She explained that she would not be impacted by this Check Valve ordinance. However, she said that she had checked with the Tax Assessor about those who were low income residents. It's not just the labor, but also the permits and various other items that would add to the costs. She said that she had suggested that college interns could be used to gather the information about how many people who would be impacted.

Ms. Bernadette pointed out that many of the residents who had been appealing their sewer assessment were living in a well to do part of town. She also suggested possibly putting out an ad for a plumber to do the work and work out a payment plan for the seniors.

Ms. Bernadette said that At Home In Darien had just gotten a grant for helping the elderly access their homes. She asked how many residents called in actually had a house below grade. Mr. Gentile said that it was about 12 or 15.

A discussion followed about whether the Commission had the authority to do something like this, and whether insurance would cover it.

Mr. Oustafine said that he believed there was something in the Connecticut General Statutes that would allow the sewer assessment to be reduced or deferred, but not the sewer user fees, nor permit or construction fees. Mr. Genovese said that while the suggestions were admirable, they were outside what the sewer commission had the power to do. Additional discussion followed.

Mr. Gentile said that he would like to review the tax assessment list.

a. FOG Status. - No update.

b. Invoice System (5 month prorated) – Mr. Gentile said that he felt that the earlier assessments were addressing the unusual cases. He said he would like to discuss this further next month. This was agreeable to all.

d. Cotton Wipes, Towels – Mr. Gentile said that he had to explain to the residents that he was only present to provide the residents with information. The commission asked that staff consider another mass mailing to accompany sewer user fee bills, explaining the detriment to our sewer collection system from the use of cotton non-degradable material in our sewers. Mr. Gentile agreed to look into this further.

e. **Nearwater and Stony Brook Pump Stations new pump contracts.** – Mr. Gentile said that he had been down in the pump station, and couldn't hear the pumps at all.

f. **Locust Hill Sewer Extension, developer sewer** - This project is expected to be finished on the 16th. Mr. Genovese said that he drives by the site regularly and the work was progressing.

9. New Business (2/3rds majority)

There was no new business to consider at this time.

ADJOURNMENT.

**** MR. VAN WINKLE MOVED TO ADJOURN.**

**** MR. GENOVESE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 6:55 p.m.

Respectfully submitted,

S. L. Soltes
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
VACANT
PETER VAN WINKLE, ESQ.

**TOWN OF DARIEN SEWER COMMISSION
REGULAR MEETING MINUTES
4:30 PM, TUESDAY, DECEMBER 1, 2015
ROOM 206, DARIEN TOWN HALL, 2 RENSRAW ROAD, DARIEN, CT 06820**

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

ABSENT: None

STAFF: Ed Gentile, Public Work Director
Darren Oustafine, Public Works Assistant Director

OTHERS: Philip J. Mazzucco and spouse, 102 Brookside Road
Steve and Denise Fogerty, 37 Pasture Lane
William J. Ferguson, 16 Marianne Road
Christopher Clements, 18 Sunset Road.
Tim Wood, Wood Builders.
Brian Munger, Old Kings Highway South
Mr. Wright, Saltbox Lane
Paul Harris, Locust Hill
Natalie D. Axton, Darien Times

1. CALL TO ORDER

Mr. Riith called the meeting to order at 4:35 p.m. A quorum was present.

2. Correction of Verbal report on November 10, 2015.

Mr. Oustafine said at the previous meeting, he had mistakenly stated that he had spoken with Ms. Larkins, but had actually spoken with someone in her office.

3. Approval of Meeting Minutes

Darien Sewer October 10, 2015

Mr. Oustafine said that he had passed out copies of his changes to the minutes for their consideration. The following changes were noted:

Page 3, under "a. Harry Bergen – 132 Raymond Street." please add the following text after "with the Commission":

"The commission considered the 6 month period from November through April which was 19 CFF and interpolated that rate for the entire year (38 CFF) and applied the rate of \$5.38 per CFF which resulted in less than the minimum charge, as so adjusted the current bill from \$365 to the minimum of \$209."

Page 4, paragraph 1, line 7: please add "This item was tabled." following "discuss the issue."

Page 4. under e. Arthur Allen – 16 Garden City Road, paragraph 1, line 3, please change "a leeching system" to "a leaching system".

Page 4. under e. Arthur Allen – 16 Garden City Road, paragraph 1, line 6: please replace the following text:

"Mr. Oustafine said that neither Mr. Wood nor the owner of the property were present at the meeting. Mr. Flaherty asked if the department was able to confirm that the residence was connected to the sewer. Mr. Oustafine said that they had dye tested the system and it appears that 60% of the residence's discharge was being handled by the septic system while the remaining 40% was apparently being handled by the sewer system. Ultimately, the entire residence will use the sewer, since the septic system is being removed as part of the construction. Discussion followed. Mr. Flaherty said that the Commission should reconsider this item when the reconnection occurs."

With:

Mr. Oustafine said that neither Mr. Wood nor the owner of the property, Mr. Arthur Allen, were present at the meeting. Mr. Flaherty asked if the department was able to confirm that the residence was connected to the sewer. Mr. Oustafine said that sewer staff dye tested neighboring houses. One neighbor is connected to the sewer in the road of 16 Garden City Road and the other is connected in Noroton Avenue. No dye test was performed on the sewer of 16 Garden City Road because at the time, the staff was able, the interior and exterior plumbing had been disconnected from sewer or septic. Ultimately, the entire residence will use the sewer, since the septic system is being removed as part of the construction. Discussion followed. Mr. Flaherty said that the Commission should reconsider this item when the reconnection occurs. This item tabled.

Page 4. under f. David Genovese – Baywater 1340 BPR LLC, 1340 Boston Post Road, paragraph 1, line 1: please replace the following text:

“Mr. Genovese came forward to present his request. The building for the former Chuck’s Steak House was demolished in August and there is no hook up at the present time. There will be a building constructed on the site by the fall of 2016.”

With:

“Mr. David Genovese came forward to present his request. The building for the former Chuck’s Steak House was demolished in August and there is no hook up at the present time. There will be a building constructed on the site by the fall of 2016. Mr. David Genovese stated that the building was demolished on August 20 and asked that sewer fees be waived.”

Page 5, under i. Joe Lazzaro – 56 Dubois Street, please add :“Mr. Pear stated that his existing bill of \$2,714.80 is erroneous. The commission interpolated usage from water bills from November through April and determined that 136 CCF at \$5.38 per CCF is \$731.68.” following the last line.

Page 6, under q. Ram Veeturi – 156 Hecker Avenue, paragraph 1, line 11: please change the following from:

“former residence was a condo. A discussion”

To:

“former residence was a condo on Heights Road. A discussion”

Page 6, under q. Ram Veeturi – 156 Hecker Avenue, please change the motion from:

****MR. VAN WINKLE MOVED TO DENY THE USE FEE APPEAL FOR
RAM VEETURI.**

**** MR. GENOVESE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

To:

****MR. VAN WINKLE MOVED TO DENY THE USE FEE APPEAL FOR
RAM VEETURI, 156 HECKER AVENUE.**

**** MR. GENOVESE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Page 7, under r. Robert Wolkwitz – 148 Old Kings Hwy. North, please change the following motion from:

**** MR. GENOVESE MOVED TO GRANT THE USE FEE APPEAL TO BE ADJUSTED TO \$593.95 BASED A FIVE MONTH CHARGE FROM NOVEMBER THROUGH MARCH.**

****MR. VAN WINKLE SECONDED.**

To:

**** MR. GENOVESE MOVED TO GRANT THE USE FEE APPEAL TO BE ADJUSTED TO \$593.95 BASED FROM \$979.16 BASED ON FIVE MONTH CHARGE FROM NOVEMBER THROUGH MARCH INTERPOLATED FOR THE ENTIRE YEAR.**

****MR. VAN WINKLE SECONDED.**

Page 7, under t. Brad Mahaney – 51 Relihan Road ELG, paragraph 1, line 1: please change the following from: “it was straight forward” to “it was a straight forward”

Page 8, paragraph 6, please change the following from:

“The Commission then reviewed the remaining appeals.”

To:

“The Commission then reviewed the remaining appeals of those not in attendance
to present their cases.”

Page 8, under c. Elvira McKiernan, 20 Oak Park Avenue, paragraph 1 line 3, please change the following from:

“Connecticut General Statutes regarding this. Mr. Flaherty said that he was reluctant to set policy. The resident was not willing to come in to address the Commission about this.”

To:

“Connecticut General Statutes regarding a means by which a sewer user fee could be reduced. Mr. Flaherty said that he was reluctant to set a precedent. The resident was not willing to come in to address the Commission about this.”

Page 9, under h. Thomas Kealy – 9 Wilson Ridge Road East – CONT’D, paragraph 1, line 2: please add “Water usage for November through April is 12 CCF. Interpolated for the year is 24 CCF at \$5.38 = \$516.48.” following “into the billing.”

Page 10, under n. Marion Smith – 2 Raymond Street – CONT’D., paragraph 1, line 3: Please add “ and that the water main break portion of water usage did not appear to be a part of the user fee calculations.” following “was done correctly.”

Page 10, under o. **Edward Sforza – Spring Grove Cemetery, 41 Hecker Avenue – CONT'D**, paragraph 1, line 4: please add “The commission asked that we speak with Joe Fiori of Spring Grove Cemetery.” following “the actual cemetery.”

Page 10, under p. **Patrick Sweeney – 30 Richmond Drive – CONT'D**. paragraph 1, line 2: please add the following:

“That’s 48 CCF for 5 months, interpolated to 12 months = 115.2 CCF, times \$5.38 per CCF - \$619.77” following “charges for irrigation.”

Page 11, under p. **Patrick Sweeney – 30 Richmond Drive – CONT'D**. please change the MOTION from:

**** MR. VAN WINKLE MOVED TO GRANT USE FEE APPEAL FOR PATRICK SWEENEY TO BE ADJUSTED TO \$619.77 BASED ON USAGE FROM DECEMBER THROUGH APRIL.
** MR. GENOVESE SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

To:

**** MR. VAN WINKLE MOVED TO GRANT USE FEE APPEAL FOR PATRICK SWEENEY TO BE ADJUSTED FROM \$1,129.80 TO \$619.77 BASED ON USAGE FROM DECEMBER THROUGH APRIL.
** MR. GENOVESE SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

Page 11, under 4. **Pamela Prichard, Counsel Amy Zebetakis**, paragraph 1, line 4, please change “share a line.” to : “share a sewer lateral line”.

Page 11, under 4. **Pamela Prichard, Counsel Amy Zebetakis**, paragraph 1, line 7, please change “Mr. Osutafine” to “Mr. Oustafine”.

Page 11, under 5. **Kensett Lane Sewer – Kensett I & II. Counsel Bruce D. Hill. Engineer Eric Scholbohm**. Please change all references to “Scholbohm” to “Schlobohm”

Page 12, please change the following MOTION from:

**** MR. FLAHERTY MOVED TO APPROVE THE PROPOSED KENSETT LANE SEWER PROJECT.
** MR. VAN WINKLE SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

To:

- ** MR. FLAHERTY MOVED TO APPROVE THE PROPOSED KENSSETT LANE SEWER PROJECT SUBJECT TO TOWN COUNSEL REVIEW AND APPROVAL OF DEVELOPERS AGREEMENT AND STAFF REVIEW AND APPROVAL OF SEWER PLANS AND CAPACITY ANALYSIS..**
- ** MR. VAN WINKLE SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

Page 12, under 6. Oak Crest Development LLC. Counsel, Robert F. Maslan, Jr., paragraph 1, line 1, please change "had reviewed this proposal before." to "had reviewed and approved this proposal before."

Page 12, under 6. Oak Crest Development LLC. Counsel, Robert F. Maslan, Jr., paragraph 1, line 6: please change "to Lillian Terrace" to "to the subject property".

Page 12, under 6. Oak Crest Development LLC. Counsel, Robert F. Maslan, Jr., paragraph 1, line 10: please add the following "Commission indicated that concept was acceptable without formal motion. Atty. Maslan to return to the Commission upon further development of proposed approach." following "done to current standards."

Page 12, under 7. James Reilly, 76 Nearwater Lane, paragraph 1, line 5: please change the following from:

"The Near Water pump station was originally a wastewater plant."

To:

"The Nearwater pump station was originally a wastewater plant and therefore the sewer pipes on Nearwater Lane must be some of the oldest sewers in the Town of Darien."

Page 12, under 7. James Reilly, 76 Nearwater Lane, please change the MOTION from:

- ** MR. GENOVESE MOVED TO ALLOW THE REQUEST FOR THE 76 NEARWATER LANE SANITARY SEWER CONNECTION AND SEWER ASSESSMENT.**
- ** MR. VAN WINKLE SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

To:

- ** MR. GENOVESE MOVED TO ALLOW THE REQUEST FOR THE 76 NEARWATER LANE SANITARY SEWER CONNECTION AND WITHOUT SEWER ASSESSMENT FEE TO BE CHARGED.**

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

Page 13, under c. **Check Valve Ordinance**, paragraph 1, line 2: please change the following from: “and numerous requests about the check value ordinance” to “and approximately 20 to 30 requests in person about the check value ordinance”.

Page 13, under c. **Check Valve Ordinance**, paragraph 4, line 2: please change the following from: “elderly assess their home” to “elderly access their homes.”

Page 13, under c. **Check Valve Ordinance**, paragraph 6, line 3: please change the following from:

“but not the fees. Mr. Genovese said that while the suggestions were admirable, they were outside what the Board had the power”

To:

“but not the sewer use fees, nor the permit or construction fees. Mr. Genovese said that while the suggestions were admirable, they were outside what the sewer commission had the power”

Page 14, under 3. **Cotton Wipes, Towels**, paragraph 1, line 2 – please add the following sentence: “The commission asked that staff consider another mass mailing to accompany sewer user fee bills, explaining the detriment to our sewer collection system from the use of cotton non-degradable material in our sewers. Mr. Gentile agreed to look into this further.

**** MR. FLAHERTY MOVED TO APPROVE THE MINUTES OF NOVEMBER 10, 2015 AS CORRECTED.**

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

4. SEWER USER FEE APPEALS.

a. Philip J. Mazzucco, 102 Brookside Road.

Mr. Mazzucco came forward and said that there had been a water main break and he was living there. The break occurred in May and the repair was made in June. He said usually he was able to locate the leak quickly because the break is on the top of the line but this time, it was on the bottom. Mr. Flaherty said that the charge was calculated off the third and fourth quarters of 2014. It did not appear to be calculated during the

period of time when the break occurred. Mr. Flaherty explained that the fee was based on the two lowest quarters and reviewed those figures with Mr. Mazzucco. Mr. Mazzucco said that he wanted to have the rate based on the lowest four months of use. Mr. Flaherty said that he was not willing to do this. Discussion followed.

**** MR. VAN WINKLE MOVED TO DENY THE SEWER USER FEE APPEAL BY PHILIP J. MAZZUCCO OF 102 BROOKSIDE ROAD.**

**** MR. GENOVESE SECONDED.**

**** THE MOTION TO DENY PASSED UNANIMOUSLY.**

b. Steve and Denise Fogerty, 37 Pasture Lane.

Mr. Steven Fogerty came forward to challenge his bill, which had actually doubled. He said that he did not know how to challenge this and did not understand how to do this. Mr. Riith asked Mr. Fogerty if he irrigated more than what he was billed for. Mr. Fogerty agreed. Mr. Riith suggested that an outside meter be installed outside and said that the Commissioners calculate the charges on the two lowest months. Mr. Flaherty said that based on the calculations from November of 2014 through April of 2015, the charge would be \$852.19. Mr. Fogerty said his sprinkler was on in April. A discussion followed regarding the range of months involved in the calculations, which Mr. Fogerty claimed should be \$689.00, which is still 12% higher than previous years. Mr. Flaherty did the calculations and said it came out to \$826.37. Discussion followed. Mr. Flaherty said in situations such as this, the Commission tends to shift the months that are being used to avoid the months when irrigation is used. Mr. Fogerty said that he would like the calculation to be based on lowest four months, November through March. Mr. Flaherty said that he would not support such a motion.

Mr. Fogerty said that he was trying to understand what would happen next year. He said his consumption went up three times. Mr. Van Winkle suggested that he install a meter on the outside faucet. Mr. Fogerty wanted to know if this process would be communicated throughout Darien. Mr. Van Winkle explained the details of the calculations process for the outside faucet.

Mr. Fogerty asked if he was going to be the only person in Darien with a meter on his outside faucet. The Commissioners told him he would not be the only person with a meter on the outside faucet. Mr. Fogerty wanted to know who would be reading that meter. When he was told that the staff would read the meter, he replied that it was something that needed to be laid out clearly rather than in a small forum with a few people. He said that people don't have the time to do this and the only reason he was present was because he had recently retired. Discussion followed regarding the potential benefits and issues with the outside meter. Mr. Flaherty pointed out that the

Public Works Department sends out 7,000 sewer usage bills and anomalies do occur. There have been approximately 30 appeals.

**** MR. FLAHERTY MOVED TO GRANT THE APPEAL BY STEVE AND DENISE FOGERTY OF 37 PASTURE LANE BASED ON FIVE MONTHS OF USAGE, FROM NOVEMBER 2014 TO MARCH 2015, WHICH GENERATES 158.4 CCF WITH A SEWER CHARGE OF \$852.19.**

Mr. Fogerty said that his appeal was for December through April. He said that if the rate was calculated on five months, it should be the lowest five months. If it was going to be four months, he would object. He said he thought the first figure was \$826.00. Mr. Flaherty said that he misread the figure and it should have been \$852.12. Mr. Fogerty objected. Mr. Flaherty said that Mr. Fogerty was being argumentative and that the Commission was trying to help. Mr. Fogerty reiterated that his appeal was for five months. Mr. Flaherty said that it was more likely that someone would be using an irrigation in April.

**** MR. VAN WINKLE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Fogerty asked about the late fees. Mr. Oustafine said that when Mr. Fogerty came to the department to announce his decision to appeal, the interest on the outstanding balance was suspended while this was under investigation. Mr. Fogerty said that he wanted to know if he was being charged interest on the adjusted amount or not. Mr. Oustafine said that the suspension of interest would depend on when the appeal was received. The Tax Collector will be determining the amount of interest owed. Discussion followed about the details. Mr. Fogerty said that he was asking for what was fair and equitable. The Tax Collector will be determining the amount of interest owed.

c. Juergen F. A. Kremer, 6 Saltbox Lane East.

There was no one present for this appeal.

**** MR. VAN WINKLE MOVED TO TABLE THE APPEAL FROM JUERGEN F. A. KREMER, 6 SALTBOX LANE EAST.**

**** MR. GENOVESE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

d. William J. Ferguson, 16 Marianne Road

Mr. Ferguson said that he resides at Marianne Road and was appealing 91 Noroton Avenue, which is an investment property. Mr. Ferguson had closed on the property on

May 31, 2015 and it has been vacant since then. Mr. Flaherty pointed out that the sewer bills run from July 1, 2014 through June 30, 2015. Eleven months of that year were before Mr. Ferguson owned it. Mr. Ferguson intends to demolish the building. Mr. Flaherty said that when the demolition permit is pulled, the sewer would be disconnected. The Commissioner does not get involved in real estate transactions. Mr. Van Winkle asked if Mr. Ferguson had been given any money back from his lawyer. He went on to say that this should have been tabled until the pro-rated data is available. Mr. Flaherty explained that although Mr. Ferguson's use was different from the previous owners, he needed to determine whether the lawyers had included the payment for the sewer use in the closing.

**** MR. VAN WINKLE MOVED TO TABLE THE APPEAL FOR 91 NOROTON AVENUE OWNED BY WILLIAM J. FERGUSON OF 16 MARIANNE ROAD FOR MORE INFORMATION.**

**** MR. GENOVESE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

e. Christopher Clements, 18 Sunset Road.

Mr. Clements came forward and said he was appealing his bill from July 2014 to July 2015. Mr. Flaherty said that based on the calculations, there was 139.2 CCF with a fee of \$748.90.

**** MR. VAN WINKLE MOVED TO APPROVE THE APPEAL BY CHRISTOPHER CLEMENTS, 18 SUNSET ROAD BASED ON FIVE MONTHS OF USAGE, FROM NOVEMBER 2014 TO MARCH 2015, WHICH GENERATES 139.2 CCF WITH A SEWER CHARGE OF \$748.90**

**** MR. GENOVESE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

f. Ed Sforza, Spring Grove Cemetery, 41 Heckers Avenue.

Mr. Oustafine requested that the item be tabled to allow the staff to gather more information on this. He said that the department had reached out to Mr. Fiore, but they were still waiting on a reply.

**** MR. VAN WINKLE MOVED TO TABLE THE APPEAL FOR SPRING GROVE CEMETERY FOR MORE INFORMATION THE RULES TO CONSIDER NEW BUSINESS.**

**** MR. GENOVESE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

g. Arthur Allen, 16 Garden City Road.

Mr. Oustafine said that last month he had explained that the contractor, Mr. Tim Wood, had come into the office several times and claimed that the house was connected to a septic system. The office does not have any physical evidence that the sewer was ever hooked up. While there was an old sewer permit, when the staff went to the site, the pipes had already been disconnected from the purported septic system because of the construction. The pictures were not conclusive, they showed a pipe and a trench.

Mr. Van Winkle asked if there would be a financial record if the residence had been connected to the sewer system in the past. Mr. Allen said that the records from 1957 would have to be reviewed. No dye test was done because the sewers were already disconnected. Mr. Oustafine said that there were several scenarios that could have been in place. The contractor came into the office several times to discuss what he found while excavating for the addition. There is a pipe running through the property that goes to the neighbors.

Mr. Allen said that when he purchased the house in 2013, he thought he was connected to the sewer. He had been paying the sewer fees since August of 2013. It was only when the renovations to the house started that they discovered that the residence was not hooked up to the sewer line. Mr. Wood said that he had been doing this for a long time and it was clear to him that the house had never been connected to the sewer. Once the renovations are completed, the residence will be hooked up to the sewers. He submitted some photos of where the sewer lateral from the street just stopped.

Mr. Flaherty said that someone had brought in a lateral about 120 feet from the road and then just stopped. The contractor said the internal plumbing went to the back of the house to a septic tank and a drywell beyond that. Mr. Flaherty said that the Commission would need to see how much Mr. Allen had paid since August of 2013 for the sewer service. The renovations started in August of 2015.

Mr. Flaherty said since the sewer connection has been made, any water from the residence would be charged. Mr. Wood said that while the connection is in place, there is no one living in the residence and there are no fixtures hooked up at this time.

**** MR. VAN WINKLE MOVED TO TABLE THE APPEAL OF ARTHUR ALLEN, 16 GARDEN CITY ROAD SO THAT THE PREVIOUS YEARS' PAYMENTS CAN BE VERIFIED.**

**** MR. FLAHERTY SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

5. Oak Crest Development, LLC. Counsel Robert F. Maslan, Jr. 56 Maple Street, Discussion and Action.

Atty. Maslan was not present. Mr. Oustafine explained that it was placed on the agenda as a placeholder and that he had checked with Atty. Maslan and there was no new information available.

**** MR. FLAHERTY MOVED TO TABLE THE AGENDA ITEM FOR OAK CREST DEVELOPMENT, LLC.**

**** MR. VAN WINKLE SECONDED.**

**** THE MOTION TO TABLE PASSED UNANIMOUSLY.**

Mr. Oustafine explained that there was someone present who would like to address the Commission regarding Old Kings Highway South.

7. NEW BUSINESS.

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

**** MR. VAN WINKLE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Brian Munger came forward to speak about 249 Old Kings Highway South. He said that he was in the process of acquiring 249 Old Kings Highway South that had a residence on it that would be demolished. The property qualifies for a subdivision and he is considering possibly doing this. There is a sewer main right in front of Glen Gorham Lane. He said that he was exploring the process of connecting with the sewer.

Mr. Oustafine said that the one acre parcel was on the northwest corner of Glen Gorham Lane and Old Kings Highway South. He described the locations of the pipes and the force main. The documents that are on file indicate that the Glen Gorham contractor put in the 8 inch gravity line that runs to the pump station. Mr. Oustafine said that they had advised Mr. Munger that if they wished to connect to the sewer, they would need a capacity analysis. Another question was whether an assessment was owed, and if so, how much and to whom it would be paid. Mr. Oustafine said that the staff was still trying to locate that information. The staff knows who the builder was and is in the process of trying to locate him. Mr. Oustafine said they believe the subdivision was constructed in the 1980's.

Mr. Flaherty asked to be shown where the house was located. Mr. Munger brought a site map forward. Mr. Oustafine also noted that Mr. Munger could extend the sewer line to the Post Road on his own, but that it would be a more expensive project.

Mr. Flaherty said that the Sewer Commission does not get into matters of Land Use and that it would be up to Planning and Zoning to approve the subdivision. The Sewer Commission bases their decision on technical requirements such as the capacity of the lines and the assessments.

Mr. Munger asked if there were any studies that needed to be done. Mr. Riith said that if Planning and Zoning approved the subdivision, then a professional engineer would need to be present a plan to the Sewer Commission.

Mr. Riith said that this item would be tabled until further information about the assessment was available. No action was taken by the Commission at this time.

SEWER USER FEE APPEALS CONT'D

4.c. Juergen F. A. Kremer, 6 Saltbox Lane East

Mr. Gregory Wright came forward and said that he was a neighbor of Mr. Kremer, who was traveling and not able to attend, so Mr. Wright was requested to come forward to present the issue. Mr. Kremer had purchased the house, which was owned by his neighbor that had died. The sewer charge was high. Mr. Wright explained that the previous owner had a pipe freeze in a crawl space during the winter. It flooded the crawl space and flowed outside. When it was discovered Mr. Wright went over and pumped out the basement and crawl space. He said that he believed the breakage was there for two days before being discovered. Mr. Flaherty said that it was clear from the bill that there was a sudden spike and that he would be in favor of granting a minimum charge.

A discussion followed about the correct address for the residence, which was listed on the bills as 4 Saltbox Lane rather than 6.

**** MR. VAN WINKLE MOVED TO GRANT AN APPEAL TO THE MINIMUM CHARGE TO 4 SALTBOX LANE. ** MR. GENOVESE SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

6. SUPERINTENDENTS REPORT

a. FOG Status – Mr. Oustafine said that there was nothing new to report on the FOG status. The inspections continue. There is no new information to report.

b. Invoicing system (5 month prorated) - A discussion followed about prorating the sewer charges based on 4 months. Mr. Gentile said that he had randomly chosen 10

home and calculated what the charges would be based on a four month period rather than a five month period. The department would have a shortfall of \$48,000 if the four month prorated formula was used. This would require raising the rates. Mr. Gentile reminded everyone that out of the 7,000 bills were sent out, there were 30 appeals. Most of those appeals had to do with pipes breaking rather than sprinkler use. Discussion followed about the basic charge, and whether the Commission should change to a different calculation. Mr. Flaherty said that he would like to just state that the calculations were based on November through March. It was pointed out that since Aquarian now was using monthly billing, it was easier to identify problem areas. Mr. Oustafine said that a public hearing would be needed to change the formula. Mr. Flaherty said that the Commission was still interested and requested Mr. Gentile to contact Computil about changing the calculation formula.

c. Check Valve Ordinance - Mr. Flaherty said that his father had installed a check valve inside his home as a result of receiving the letter.

Mr. Oustafine reported that the broken pipe on Lakeside had been repaired correctly. In the past, when the original 8 inch main had broken, someone had inserted a 6 inch pipe inside the broken pipe. When the TV survey had been done, the department thought that the line had been smaller, and when the repair was done earlier in the day, this was found to be true. That section of pipe has been removed and a new 8 inch pipe was installed. This relative to prior claim where check valve was installed after the fact.

Mr. Oustafine said that it was clear in the ordinances that residents need a check valve in their homes if the finished floor elevation is at or below the road. Mr. Flaherty asked if a second reminder would be sent out next year and a final reminder in the third year. Mr. Gentile said that they would be sending out another reminder next year. He said that he had not planned to do a third letter. Mr. Flaherty said that the Building Department was not inspecting for sump pumps or check valves on existing properties. Discussion followed. Mr. Gentile said that he had received some feedback that was energetic, others were upset and some residents thanked him, but did not understand what they were being asked to do. He said he spent some time on the phone with those callers. Mr. Gentile felt that it was a good response and it was a good point to start discussions.

d. Cotton Wipes, towels

Mr. Gentile said that it would be important to send out some information to the residence about the cotton wipes and towels. The new pumps are working very well and have alleviated a lot of stress on the system. He said that he would be sending out

something with the next bill. Mr. Flaherty said that he did not think people were aware or reading the information.

e. Nearwater and Stony Brook Pump Stations new pump status

Mr. Gentile said the second set of pumps has arrived in the U.S. and the fittings are being designed and assembled. The installation should start the week before Christmas. There will be two brand new pumps in both the Nearwater and Stony Brook stations. Mr. Gentile said that he had been concerned about whether this was the right time to be installing the pumps. Mr. Gentile spoke with Pat about this and Pat reported that the first installation had gone seamlessly. The two remaining Aurora pumps, which have a tendency to clog, have been used infrequently because the new pumps are doing most of the heavy lifting now. Mr. Gentile said that he had expressed his concern about timing to Pat and Pat had told him that the company felt the installation should go smoothly. The discussion moved to the future pump replacement schedule. Mr. Gentile said that since the new pumps were installed, the electricity and maintenance have both dropped significantly.

f. Locust Hill Sewer Extension, developer sewer.

Mr. Oustafine said that there were no real changes on Ms. Glassmeyer's project status other than some vacuum tests that still need to be done on the manholes. The pipe is in the ground except for the pipes going into Ms. Glassmeyer's site. All the rest of the sewer system has been tested. Paving will be done in the spring and along all the remaining sewer work into Ms. Glassmeyer's site.

Mr. Oustafine said that Mr. Paul Harris was present to address the Commission about possibly extending the sewer further up Settler's Trail. Mr. Oustafine said that he had explained the options regarding a public sewer project versus a private developer's sewer project. Mr. Harris is pursuing popular support for a sewer extension. The final costs for Ms. Glassmeyer's project has not been calculated because the project has not been completed. However, Mr. Harris understands that but has decided to go forward with the project in the hopes that the Commission will move it forward as a Town project.

Mr. Paul Harris came forward to speak about the possibility of extending the sewer and water lines up Settler's Trail to the end of Clocks Lane for the residents. He said that he owns three properties in the area, two of which are derelict. There have been substantial variances granted for two of the properties while the third property does not require as much. There are issues with water in the area because of the terrain. Two approved and engineered septic systems are going in on the derelict properties.

Since then, he has gotten to know some of the neighbors and heard about the various issues with the septic systems and water pressure. He said that he was considering allowing Aquarion to run a new pipe through his property to help three of the neighbors with their water issues. During that time, two of the neighbors approached him to see if there was any possibility of having a sewer line brought in, also. He said that he may have enough support to bring the sewer line up to the end of Clocks Lane. He said he needed to understand what the assessments might be for the residents. Mr. Harris said that he would like to come to the next meeting with additional information about the project. Mr. Flaherty asked if this extension requested had been anticipated. Mr. Oustafine said that this area was included in the capacity analysis performed by Penny Glassmeyers consultant and was anticipated as an area for a potential sewer. Discussion followed about the various factors involved in calculating the assessments.

Mr. Oustafine said that in the past the Commission had asked if there was popular support. If this was found to be true, then staff worked up an estimate and developed an assessment for each of the properties. Then Town Counsel prepared a benefit appraisal. If the benefit appraisal exceeded the staff assessment, a public hearing was held. If the Commission liked the proposed project, then the project would be approved. Then Mr. Gentile would present the project to the Board of Selectmen and the Board of Finance for final approval. If the sewer was installed by a private developer, the sewer is would become Town property later.

The discussion moved to the pro-rata shares. Mr. Harris said he had six interested parties out of 11 shares at the moment. There are two others who are undecided.

g. Sewer Commission Vacancy

Mr. Oustafine said that the Commission vacancy was still unfilled. Mr. Flaherty asked how one would go about filling the vacancy.

h. Other

Mr. Oustafine said that when there was a bypass event, a sewer release into the environment, they are required to report the event to a number of agencies, including DEEP, Parks and Recreation, and the Bureau of Aquaculture. DEEP is switching over to an online reporting system that requires the Town to enter into an agreement regarding electronic bypass reporting. Ms. Stevenson will be the signatory authority and Mr. Gentile has determined who will be the bypass reporters in the department. Mr. Oustafine said that the department was just letting the Commissioners know about this. The agreement is being prepared and will be presented in the future.

8. ADJOURNMENT

**** MR. VAN WINKLE MOVED TO ADJOURN.**

**** MR. GENOVESE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 6:13 p.m.

Respectfully submitted.

S. L. Soltes

Telesco Secretarial Services