

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
M. REESE HUTCHISON III
PETER VAN WINKLE, ESQ.

**TOWN OF DARIEN SEWER COMMISSION
REGULAR MEETING MINUTES
4:30 PM TUESDAY, APRIL 5, 2016
ROOM 206, DARIEN TOWN HALL, 2 RENSRAW ROAD, DARIEN, CT 06820**

- ATTENDANCE:** Robert Riith, Chair;
Craig Flaherty, Vice Chair;
Peter Van Winkle
- STAFF:** Darren Oustafine, Assistant Director, DPW;
Pat D'Arinzo Jr, Facilities Manager
- OTHER:** Paul Harris;
Craig Romano;
Ryan Tie;
Beth Camp;
Lauren Chisholm
- ABSENT:** M. Reese Hutchison III;
Rocco Geneovese; and,
Edward L. Gentile Jr.

CALL TO ORDER

Mr. Riith called the meeting to order at 4:30 PM. A quorum was present.

APPROVAL OF MINUTES

Meeting Minutes of March 1, 2016

**** MR. FLAHERTY MOVED TO APPROVE THE MEETING MINUTES OF THE MARCH 1, 2016
REGULAR MEETING WITH THE FOLLOWING CORRECTIONS:**

- 1. MR. HUTCHISON'S FULL NAME UNDER THE ATTENDANCE SECTION SHALL READ M. REESE HUTCHISON III.**

2. MR. GENTILE'S FULL NAME UNDER THE STAFF SECTION SHALL READ EDWARD L. GENTILE JR., DIRECTOR, DPW.
3. MR. OUSTAFINE'S FULL NAME UNDER THE STAFF SECTION SHALL READ DARREN OUSTAFINE, ASSISTANT DIRECTOR, DPW.
4. PAGE 2, PARAGRAPH 1: THE SPELLING OF THE COMMISSIONER'S NAME SHALL READ 'VAN WINKLE' RATHER THAN 'VIN WINKLE'.
5. PAGE 2, PARAGRAPH 7: THE PARAGRAPH SHALL READ AS FOLLOWS:
 - a. MR. HARRIS PRESENTED A MAP AND DOCUMENTATION THAT SHOWS POPULAR SUPPORT FOR THE SEWER EXTENSION ON SETTLERS TRAIL AND CLOCKS LANE. MR. HARRIS ALSO PRESENTED DOCUMENTATION ON RESEARCH HE PERFORMED RELATIVE TO OWNERSHIP OF CLOCKS LINE.
6. PAGE 2, PARAGRAPH 9: THE PARAGRAPH SHALL READ AS FOLLOWS:
 - a. HE SAID THE MOST DIFFICULT PIECE OF PROPERTY IS A FORECLOSED PIECE OF PROPERTY THAT IS OWNED BY A BANK AND THAT HE HAS CONFIRMATION FROM THE BANK THAT THEY ARE IN FAVOR OF THE SEWER EXTENSION. MR. HARRIS STATED THAT A PORTION OF THE ROAD IS STILL OWNED BY MR. JACK CLARK. MR. CLARK IS DECEASED AND MR. HARRIS SAID HIS ATTORNEY, AL TIBBETS, HAS BEEN IN CONTACT WITH A LAWYER FOR THE ESTATE OF JACK CLARKE AND THAT ATTORNEY BELIEVES THAT HIS HEIRS WILL GRANT AN EASEMENT OR WILL TRANSFER PROPERTY TO AN ADJACENT PIECE OF PROPERTY FOR THE PURPOSES OF EASEMENT.
7. PAGE 3, PARAGRAPH 2: MR. FLAHERTY 'SAID' SHALL BE CHANGED TO MR. FLAHERTY 'ASKED'.
8. PAGE 3, PARAGRAPH 5: THE PARAGRAPH SHALL READ AS FOLLOWS:
 - a. MR. OUSTAFINE SAID THE PROCEDURE IS TO ASK STAFF (PUBLIC WORKS) TO PROCEED WITH THE PROJECT. HE SAID THEN THE ATTORNEY WILL GET A BENEFIT APPRAISAL AND STAFF WOULD MAKE AN ESTIMATE OF WHAT THE PROJECT WILL COST AND FIGURE OUT THE ASSESSMENT COST FOR COMPARISON WITH APPARENT BENEFIT. MR. OUSTAFINE SAID AT THIS TIME AN ESTIMATE OF \$300 PER LINEAR FOOT WAS USED BY MR. HARRIS PER RECOMMENDATION OF TOWN BASED ON OTHER PROJECTS. HE SAID TOWN COUNCIL WILL HIRE SOMEBODY TO DO A BENEFIT APPRAISAL.
9. PAGE 3, PARAGRAPH 7: THE PARAGRAPH SHALL READ AS FOLLOWS:
 - a. THE COMMISSION MADE A MOTION TO PROCEED WITH TOWN COUNCIL REVIEW AND THEN WITH BENEFIT APPRAISAL AND TO REPORT BACK TO THE COMMISSION AT THE APRIL MEETING:
10. PAGE 3, PARAGRAPH 8: THE MOTION SHALL READ AS FOLLOWS:
 - a. **MR. FLAHERTY MOVED TO DIRECT STAFF TO INVESTIGATE THE PROJECT, INCLUDING A LEGAL FEASIBILITY STUDY WITH TOWN COUNCIL, BASED ON APPARENT POPULAR SUPPORT

OF THOSE THAT WOULD BENEFIT, THE DEMONSTRATED NEED AND THE POTENTIAL OF A PUBLIC HEALTH AND ENVIRONMENTAL BENEFIT, WITH THE FOLLOWING CONDITIONS:

- i. THE INVESTIGATION SHALL BE CONDUCTED IN AN INCREMENTAL FASHION.
- ii. SEWER COMMISSION FUNDS SHALL BE USED JUDICIOUSLY.
 - b. ****MR. HUTCHINSON SECONDED THE MOTION.**
 - c. MOTION PASSED UNANIMOUSLY.
- 11. PAGE 3, PARAGRAPH 9: MR. OUSTAFINE'S SURNAME SHALL BE SPELLED AS INDICATED IN THIS SENTENCE.
- 12. PAGE 4, PARAGRAPH 9: THE LAST SENTENCE OF THE PARAGRAPH SHALL READ AS FOLLOWS:
 - a. MR. FLAHERTY SAID THE COMMISSION SHOULD DO A MEMO TO MR. SOLHEIM AND COPY MS. STEVENSON, AS THIS IS A PROBLEM.
- 13. PAGE 5, PARAGRAPH 2: THE NAME OF THE REFERENCED ASSOCIATION SHALL READ AS FOLLOWS- TOKENEKE ASSOCIATION.
- 14. PAGE 5, CLOSING SALUTATION: THE STENOGRAPHER'S NAME SHALL READ 'GREG VENUTO' AND THE NAME OF THE STENOGRAPHY COMPANY SHALL READ 'TELESCO SECRETARIAL SERVICES'.
 - ** MR. VAN WINKLE SECONDED THE MOTION.**
 - ** MOTION PASSED UNANIMOUSLY.**

3. 66 PEAR TREE POINT ROAD: REQUEST TO SHARE A LATERAL FOR 2 SEPARATE STRUCTURES ON A SINGLE PARCEL OF AREA 2.26 ACRES IN A 1 ACRE ZONE PER ARTICLE XI- SANITARY SEWER REGULATIONS, SECTION 1000-3.6

Mr. Oustafine stated that the documents presented to the commission include a tax assessor's map. He stated that the proposal is to place a pool house on a single parcel, with two separate structures being serviced by a single sewer line. Mr. Oustafine stated that, in the past, the commission has passed items of this nature and made a note that, if the property is to be subdivided, the applicant must return and file for new approvals.

**** MR. FLAHERTY MOVED TO APPROVE DISCUSSION ITEM RE: 66 PEAR TREE POINT ROAD: REQUEST TO SHARE A LATERAL FOR 2 SEPARATE STRUCTURES ON A SINGLE PARCEL OF AREA 2.26 ACRES IN A 1 ACRE ZONE PER ARTICLE XI- SANITARY SEWER REGULATIONS, SECTION 1000-3.6 WITH THE FOLLOWING CONDITION: IF THE LOT IS SUBDIVIDED AT ANY POINT IN THE FUTURE, THE APPLICANT MUST RETURN FOR NEW AND SEPARATE APPROVALS.**

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

**** MOTION PASSED UNANIMOUSLY.**

4. SEWER EXTENSION ON SETTLER'S TRAIL

Mr. Oustafine gave a brief overview of the items in the packet provided to the commissioners. They were as follows:

1. Page 1-6: A draft of a letter to be mailed to affected property owners.
2. Page 7: A draft of a questionnaire to be sent to everyone affected on Settlers Trail, in order to gauge whether or not they are in favor of the sewer extension.
3. Page 8: A spreadsheet featuring project estimates.

Mr. Oustafine stated, in regards to page 8, that they took numbers calculated for other projects, inflated them using CPI and shaved down the costs where they believed it was feasible. He stated that the cells highlighted in yellow indicate revisions made by Edward Gentile Jr, Director, DPW, and in summation, without easement legal fees, results from borings or consultant fees, they believe the cost could be as little as \$35,500. Mr. Oustafine stated that this takes into account 11 houses that would directly benefit from the sewer, as well as 2 stubs for potential sewer extensions in the future. He further stated that the total cost was then divided by 13.

Mr. Van Winkle asked for clarification on whether the letter would technically be addressed to 11 households. Mr. Oustafine answered in the affirmative, stating that the 2 potential extensions on Settlers Trail and Wild Rose Lane would be a part of future projects and not considered here.

Mr. Oustafine stated that a number of people appeared to be present to speak on the item, and the chairman gave them the floor.

Ryan Tie (10 Clocks Lane) stated that he has seen a petition circulating courtesy of Mr. Harris, in support of a feasibility study of sewer and water. Mr. Tie stated that he and his wife signed the petition, and that they have experienced water pressure issues for some time now. He stated that, having looked at the neighborhood's houses, he concluded that their house includes a previously non-conforming septic system, and that his family would like to upgrade this and tap into the town's sewer system. He further stated that some of his neighbors have more sewer problems than he, and that it would be nice if their utilities could catch up appropriately.

Mr. Romano (11 Clocks Lane) stated that he moved into his current home when it was a fixer upper, and despite going through a home inspection, all of the property's issues did not come to light at that time. He stated that the home currently shares a waterline with 3 other properties, when the line itself is only sufficient for 1. He stated that his house suffers from very low water pressure, and that the addition of this new sewer line would greatly improve their circumstance. Mr. Romano further stated that, in repairing a leak in the waterline they currently use, he and his wife discovered their septic system is in trouble as well, rendering the whole situation a non-conformity nightmare. He stated that he is extremely in favor of the project, and that the neighborhood aspect is a godsend, because there is no way he could possibly afford this type of improvement on his own.

Ms. Camp (20 Clocks Lane) stated that she is very much in support of the item, and that she has signed everything Mr. Harris has requested to indicate said support. She stated that she is grateful these properties are receiving an upgrade, and that this is a perfect time to take the neighborhood to the next level. She further stated that she has to use a booster pump to keep her water levels up.

Mr. Harris stated that he would speak on behalf of Mrs. Snow, as well as Ms. Iris Mix (4 Wild Rose Lane). He stated that the sewer line addresses a health and quality of life issue for the neighborhood, and that the bulk of the properties are quite small, and that the septic systems are legal but need to be replaced. Mr. Harris stated that he is developing 2 properties up the hill, both of which have compliant sewage systems. He stated that all of the properties that the sewer line will lead to cross over, and that they have a signed letter of commitment from the private properties it crosses, including 5 Clocks Lane, as well as a small piece of road belonging to the Jack Clarke Estate. He stated that he tracked down the heirs to said estate and their lawyer, and have arranged a purchase agreement for a nominal fee, which will be held under 4 Settlers Trail LLC.

Mr. Riith stated that anyone with a working septic system would not be required to hook in right away. Mr. Harris answered in the affirmative, stating that the Mix family has a working septic system, but that they recognize the value of having a new line run up the street.

Mr. Harris stated that they began the process in August, when Mr. Romano began speaking with Aquarion. He stated that the work will require trenching, and because it is private, the cost will be shared equally amongst 4 Wild Rose Lane, 7 Wild Rose Lane, 10 Clocks Lane, 14 Clocks Lane, 11 Clocks Lane, and 20 Clocks Lane. He stated that 6 residents will share in the cost, which will defer a bit of work going on. Mr. Harris asked Mr. Oustafine if there would be paving or

policing in light of the future construction. Mr. Oustafine stated that the Town intends to pave the whole road, regardless.

Mr. Flaherty asked if the resident of 4 Wild Rose Lane signed the petition in support, and Mr. Harris answered in the affirmative.

Ms. Chisholm (8 Clocks Lane) stated that she has received a lot of mixed information regarding the item, and that it was first presented to her at the beginning of the year by Mr. Harris. She stated that when they put the paperwork in to build the houses, she took time out to support the application, and that she herself doesn't have water pressure problems. Ms. Chisholm stated that she doesn't know that she would be interested in participating in the water line or a new sewage system, as she doesn't see the benefit to her property. She stated that she invested in her house 7 years ago, and that it has a relatively new septic system, specifically engineered to her property. She stated that she is in a very different position value wise, and that she bought the house with the intent to keep maintenance and utilities low. Ms. Chisholm stated that while she is sympathetic to the needs of her neighbors, she is concerned about being forced into a financial hardship. She stated that this, in conjunction with the size of her property, she is not convinced that the \$28,000 fee will be recouped in whatever the value of her home will be. She stated that she has been clear with the neighbors who have approached her regarding this issue, and stated that their reactions to her have varies from understanding to unpleasant. Ms. Chisholm stated that when she spoke to Mr. Harris about Wild Rose LLC, Mr. Harris offered to pay her portion of the assessment, and provided her with a letter articulating this offer. Ms. Chisholm then took said letter to her lawyer, who stated that a legal agreement needed to be drawn up as such. She stated that she gave Mr. Harris this agreement, drawn up by her lawyer, on the Sunday prior to the last Sewer Commission meeting. She stated that she came to town hall in order to get more informed, and stated, with their properties being on a ledge, it would likely cost \$35,000 at a minimum. Ms. Chisholm further stated that 2 of the 3 ways Mr. Harris suggested that line could be oriented would cross her property line.

Mr. Flaherty stated that the line would go through 5 Clocks Line, rather than Ms. Chisholm's property.

Ms. Chisholm stated that she is concerned that during construction they will infringe on her property line, and that the document shown to her by Mr. Oustafine appears to have an electronic signature. She stated that there is now way to know if the person who used said signature has the authority to do so, and that she doesn't know who has the authority to grant approval for an easement.

Mr. Riith stated that, should Ms. Chisholm choose to grant an easement, they are obligated to put her property back the way it was.

Ms. Chisholm stated that her attorney believed the amount for the estimates to be a good faith estimate on the part of the neighbors, and that it isn't uncommon for people to be compensated for an easement. She stated that she doesn't want to be compensated for an easement, only doesn't want to pay anything out of pocket for an assessment she doesn't want. Ms. Chisholm stated that her attorney felt coverage of legal expenses with a cap (likely of \$5,000) would be fair, and asked that there be a personal LLC put in place so she was certain there would be a legal way to uphold the agreement. She stated that after purveying this to Mr. Harris and Mr. Romano, she didn't hear back for 2 ½ weeks, and that she recently heard they rescinded their offer. Ms. Chisholm stated that she will not be paying a portion of the assessment fee if the item goes through, and stated that she has already spent money on a retainer for her attorney. She stated that she feels as if Wild Rose LLC has an agenda, and that she understands that people want the new line, but that it places her in a bad position.

Mr. Flaherty asked, if it cost her nothing financially, would Ms. Chisholm grant access over her property. Ms. Chisholm answered in the affirmative. Mr. Riith stated that any legal wording she requested would be part of that easement document, so she would be protected, and that the commission checks the easements. Mr. Flaherty clarified that the Sewer Commission's attorney represents the commission and not Ms. Chisholm, meaning that they will endeavor to ensure fair proceedings, but her attorney should look over said easement for the sake of due diligence.

Mr. Harris stated that he and the neighbors are fairly sympathetic to Ms. Chisholm's position on this, but made the following points:

1. Ms. Chisholm has been difficult to communicate with on a fluid basis.
2. They no longer need an easement to go through Ms. Chisholm's property, as they now have a neighbor willing to let them cut through their property on 5 Clocks Lane.
3. They received Ms. Chisholm's letter via her attorney, and found the demands to be somewhat above and beyond what they were considering. In light of these new demands, they told Ms. Chisholm that they were not amenable to the changes.
4. While the waterline is not in the commission's purview, they do, for the record, plan on tying into the line that runs to Ms. Chisholm's property, as it is a 4 inch line, which is large enough to run to the other properties. That line is not personal to Ms. Chisholm, it is the neighborhood line.

5. The easements are primarily for neighbors in support of their efforts, and that attempts to find information on Ms. Chisholm's property have yielded very little.
6. They sympathize greatly with her position, and were trying to find a neighborly way to bring it in. They greatly disagree that it will not increase the value of her property.

Mr. Flaherty asked Mr. Harris to discuss how he intends to conduct the construction if Ms. Chisholm doesn't offer an easement. Mr. Harris and Mr. Flaherty conferred, and it was determined that they could position the alignment of the sewer farther to the west if necessary, avoiding any impact on her property.

Mr. Flaherty stated, with the common driveway of Clocks Lane, it will likely all need to be repaved. Mr. Harris stated that the neighborhood association has a right to pave the road and pass on the road, and that there is enough room on the road and off the shoulder to do all the work on the sewer line without impacting Ms. Chisholm's land.

Mr. Flaherty asked if anyone would like to speak further.

Ms. Chisholm stated that she is happy to show the letter her attorney sent to Mr. Harris, and stated that she had not made any significant changes to the requested items, stating that the only 2 things added were attorney fees and a personal guarantee. Mr. Flaherty acknowledged this and stated that they did not need to see the letter.

Mr. Flaherty stated that the next step would be sending out the letter. Ms. Chisholm stated that her understanding is that one of the reasons they were asking for a signature was because they needed to get an easement from herself or they wouldn't consider it. Mr. Flaherty stated, at the time, they hadn't contacted the owner of 5 Clocks Lane, and now they no longer need Ms. Chisholm's permission. Mr. Flaherty stated, at present, they were now at a point where, at a conceptual level, they are ready to start committing resources to things such as a real survey and legal analysis, though they are still very early on in the whole process.

Mr. Flaherty asked if there is a scenario where there is the options of paying a 1 time assessment fee upon connecting to the sewer rather than paying upon completion of sewer project or over the 20 year period at a reasonable interest rate. Mr. Oustafine stated that this would only be feasible if the project were a developer's sewer, and that it wouldn't be possible to record something on the records a sewer assessment to be paid for some unknown future date. Mr. Oustafine explained that the tax collector is the department responsible for collecting sewer assessments and that there is no mechanism to allow a sewer assessment to be deferred

to the future unless it is known exactly how much and when it will be paid. Mr. Flaherty clarified that, for the two stubs for future connection and extension of sewer for additional projects those “assessments” will in effect remain unpaid for until such time as there is an extension in one or more of those two directions, and at such time there is a single time tap fee. Mr. Oustafine answered in the affirmative.

Mr. Flaherty stated that, while he does find Ms. Chisholm’s arguments about the value of her property compelling, the larger concern is the health of the septic system. Mr. Van Winkle stated that any issues would show up in a benefit appraisal, as this is likely a heavily nonconforming situation. Mr. Flaherty asked how this appraisal is typically done. Mr. Oustafine stated that they typically choose the most modest home on the street, perform the benefit appraisal on that home, and if the benefit of having a sewer available exceeds the Town’s estimate, the commission proceeds with the project based upon the estimated cost, assuming any property grander than the appraised home will benefit in an even greater capacity.

Mr. Oustafine asked if the commission would like the letter in the packet revised or if it was acceptable as is, and could be sent out. Mr. Flaherty voices his support for the letter, and stated that he thought it was an excellent move to put all of the information in one place. Mr. Riith and Mr. Van Winkle concurred.

Mr. Oustafine asked if the commissioners would like to order a benefit appraisal, and stated that it would cost roughly a couple thousand dollars. He further stated that at this time, they could make a motion to proceed with soil borings, should they so choose. Mr. Oustafine stated that they could also go forward with a title search, which would require a couple thousand dollars for the legal team to see who would need to grant easements. Mr. Oustafine asked if they would like to schedule a public hearing at this time, and that it doesn’t prevent the Sewer Commission from having flexibility regarding the item. He stated that it is likely a bit premature to go out and get easements, but that it would help assess need and cooperation. He further stated that if the item does move forward, they will need legal instruments in place to let them install the sewer across properties.

Mr. Van Winkle stated that the one appraisal he would like to see is the one related to Ms. Chisholm’s property, so the commission could have a greater understanding of the situation. Mr. Oustafine stated that they could do so.

Mr. Oustafine stated that there is a house owned by Mr. Harris on the diagonal that may also be considered the most modest home in lieu of Ms. Chisholm’s, but that they should leave this

up to the benefit appraiser. Mr. Flaherty stated that they do not want to dictate the methodology of the benefit appraiser at this stage.

Mr. Harris stated that, until such time as there is a more concrete plan, the neighbors are unlikely to want to file an easement to allow the Town to have access to utilities on their properties. Mr. Oustafine stated that he doesn't recommend they pursue easements at this juncture, but a title search may be appropriate.

Mr. Flaherty stated, while the commission does find Ms. Chisholm's testimony compelling, they want to be able to make a full and informed decision regarding a measure that appears to have such great benefits for the neighbors. He stated that he is in favor of sending the letter out, spending some money to order the benefit appraisal and conducting a title search, while holding off on the soil borings.

**** MR. FLAHERTY MOVED TO TAKE THE FOLLOWING ACTION RE: ITEM 4 RE:
SEWER EXTENSION ON SETTLER'S TRAIL:**

- 1. THE LETTER PROVIDED IN THE COMMISSIONER'S PACKET SHALL BE MAILED.**
- 2. A BENEFIT APPRAISAL SHALL BE CONDUCTED.**
- 3. A TITLE SEARCH SHALL BE CONDUCTED.**
- 4. ATTORNEY'S FEES RELATED TO THE ABOVE SHALL BE PAID NOT TO EXCEED \$7,500 TOTAL .**

Ms. Chisholm asked if the letter to be sent out would reflect the new cost minimum of \$35,000. Mr. Flaherty stated that there is a new petition attached to the letter, and Mr. Oustafine stated that this new amount is reflected in the letter. Mr. Flaherty further stated that people will receive a spreadsheet discussing potential assessment costs, and additional costs such as boring.

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

5. CITY OF STAMFORD BUDGET, BILLING, AND RECONCILIATION

Mr. Oustafine introduced Mr. D'Arinzo, and stated that he would be helping present the next few items.

Mr. Oustafine directed the commissioners to a letter in the packet written by Mr. Gentile, who is absent. Also included is a letter from the Stamford WPCA, along with a reconciliation statement from the previous year. He stated that there are some substantial increases in cost, many of which Mr. Gentile has questioned, and sternly so in the letter he penned. Mr. Oustafine stated that Mr. Gentile is asking if the letter is acceptable to send to Stamford.

Mr. Riith voiced his support for the letter, and stated that he believes it should be stern. Mr. Flaherty stated that they may want to err on the side of the letter being too stern. Mr. Van Winkle stated that the sternness was likely well-deserved.

Mr. Oustafine stated that the tone of the letter was discussed, and that Mr. Gentile said his intent was to get their attention and help the City of Stamford WPCA understand that the Town of Darien feels the WPCA treatment of the Town of Darien is egregious.

Mr. Flaherty noted that they doubled their administrative fee. Mr. Oustafine stated that Darien and Stamford went through a lengthy and difficult negotiation prior to getting to the current contract in place, and it appears that, as Stamford's incurred costs have risen, they appear to have proportionately raised Darien's costs. Mr. Oustafine stated that, during the negotiation process, there was some reluctance to share nitrogen trading credits with the town of Darien, despite the Town's clear ability to show that the credits were a direct result of their willingness to cooperate. Mr. Oustafine urged the commissioners' to heed the advice of Mr. Bob Steeger upon his retirement, who urged them to 'remain ever vigilant, as only a few new faces can lead to a backslide'.

Mr. Oustafine stated that the New Director of Public Works knows the Stamford commission and budget process like the back of his hand and has the benefit of an innate financial ability to distinguish the important and the questionable items in these documents. He further stated that there are numerous in-house financial experts who agree with Mr. Gentile's assessment wholeheartedly.

The commissioners collectively agreed to soften the overall tone of the letter. The amended letter reads as follows:

March 31, 2016

Stamford WPCA

% William P. Brink, P.E. BCEE

Town of Darien

Sewer Commission

Regular Meeting

April 5, 2016

111 Harbor View Avenue
Stamford, CT 06902

Dear Mr. Brink,

The Town of Darien has received and performed an initial review of the Darien Sewage Treatment charges sent by Ms. Bull dated March 11, 2016. We are surprised by the amount owed to the Stamford WPCA for FY14/15. Our review of the invoice and backup information supplied to us obtained has shown that there were significant expenditures in June 2015 that has substantially and ultimately increased our expected monthly payments to the Stamford WPCA for this next year. We find it unconscionable and unprofessional that the Stamford WPCA has known about the shortfall in their budget for 8 months and has provided the Town of Darien, their largest single user & partner, no forewarning to allow for proper budgetary adjustment to be made on Darien's side. The cover letter from Ms. Bull makes no mention of this failure to notify us. Furthermore, there is no indication that this will or will not be a one-time adjustment to your budget. This has resulted in a hardship for the Town of Darien and further reinforces our concerns regarding the management and oversight of the Stamford WPCA.

The following items below are adjustments and/or corrections to your calculations to the invoice which were derived from a review of the Agreement, additional documentation and the WPCA Financial Statement for FY14/15. Surprisingly, a review of the WPCA Financial Statement for FY14/15 showed that it did not match the HTE printout you supplied us with and was used in the calculations of our charges. Our adjustments below will be used in our calculation of our sewage charges.

- 1. Darien's Proportionate Share of the Operation & Maintenance Costs*
 - a. Change the 13.2% used in FY15/16 calculations to 12.8%.*
- 2. WPCA Administration Cost Center (Code 2400)*
 - a. Adjust WPCA Administration Cost Center (Code 2400) from \$6,566,448 to \$3,946,615 to match the Financial Statement.*
 - b. Provide detail of Legal Expenses. Provide a summary of the expenses for the lawsuit of lawsuits that pertain to the sizable increase (in June 2015) in the Legal Expenses line item No. 2400-3006. These increases must be associated with the WPCA's Wastewater Treatment Facility.*
- 3. 2013 Bond Proceeds*

- a. *Reduce percentage of Darien allocation percentage to zero (0%) for C71282 Vehicle Replacement and Repair as this is not associated with the Town of Darien in accordance with the agreement.*
- b. *Reduce percentage of Darien allocation percentage to zero (0%) for C50053 Repair/Replace Magee Wall as this is not associated with the Town of Darien in accordance with the Agreement.*
- 4. *Nitrogen Credits*
 - a. *Provide Nitrogen Credit Documentation that should be provided for verification of the value presented in the calculations for our charges. This should not have to be asked for every year.*

Furthermore, the Town of Darien was again very disappointed to hear the news that this past fall and winter the Cove Island meter had once again malfunctioned and has yet to serve its intended purpose of tracking the flows at the station properly.

Finally, the Town of Darien has been waiting for the Stamford WPCA to provide the final adjustments to us in a timely manner as required by the Agreement. The Agreement calls for a scheduled delivery by November 30th (Item No. 24 of Agreement dated 12/3/13) which Stamford has never met.

We are requesting a meeting with you to review an of your concerns regarding this letter on May 3rd, 2016 at 10 AM the Town of Darien Town Hall. Please bring any supporting documentation that we have asked for so that we can resolve all the issue at one time.

Your consideration to the concerns of the Town of Darien is greatly appreciated.

*Sincerely, Edward L. Gentile Jr., P.E.
Director of Public Works, Town of Darien*

There was some discussion regarding the metering Darien's sewage from the West, particularly Heather Lane, which is not metered and crosses the Noroton River.

Mr. Flaherty asked if they had ever looked at how much water is coming from Nearwater as compared to how much water is being added to Darien's portion of the Cove meter and then considered whether or not this made sense. Mr. Oustafine stated, after going through an exercise to determine this, they came to the conclusion that the amount made sense, the figure being somewhere around 35%, and stated that the Town isn't charged for anything at the crossing at Camp.

Mr. Flaherty asked if it would behoove the town to put their own meters on Phillips, Heather and Holmes. Mr. Oustafine stated that this would not be beneficial to the Town, as it isn't in the agreement yet.

Mr. Flaherty stated that the WPCA's failure to record the data could help determine the effectiveness of certain measures regarding metering, and asked if it would be beneficial for the Town to take charge of recording this data. Mr. Oustafine answered in the affirmative, with the exception of Phillips, which the current agreement precludes them from metering. Mr. Oustafine stated that they have provided the water usage statistics from a given year to Stamford, and that he hopes to speak to Mr. Gentile regarding this matter.

**** MR. FLAHERTY MOVED TO SEND THE LETTER RE: ITEM 5: CITY OF STAMFORD BUDGET, BILLING, AND RECONCILIATION AS AMENDED.**

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

**** MOTION PASSED UNANIMOUSLY.**

Mr. Flaherty thanked the absent Mr. Gentile for his diligence.

6. POTENTIAL CHANGES TO ARTICLE X1- SANITARY SEWER REGULATIONS, SECTION 1000-6.1.1, RESIDENTIAL METERED WATER SEWER USER FEE

Mr. Oustafine summarized the item thusly:

1. If the Town chose to go to a 5-month billing schedule, there would be winners and losers. This may take away some of the flexibility they have enjoyed to date with appeals, but it likely won't result in a decrease in appeals.
2. In addition, with new charges from Stamford, there may be more losers because more people will see an increase. However, when you increase rates, the people who would benefit from the 5 month schedule will be less. The report reads '39% will benefit, while 42% will pay more'.
3. If you factor in rate increase necessary to balance the budget, more people will pay an increase on their residential properties.

Mr. Oustafine thanked the commission for achieving a quorum, and items of these nature delay progress by constant continuances.

Mr. Van Winkle stated that, having read the report and listened to Mr. Oustafine, he believed the item should not be approved.

**** MR. VAN WINKLE MOVED TO DENY ITEM 6 RE: POTENTIAL CHANGES TO ARTICLE X1-SANITARY SEWER REGULATIONS, SECTION 1000-6.1.1, RESIDENTIAL METERED WATER SEWER.**

Mr. Flaherty stated, as one of the biggest proponents of this change, that he is not going to go against the analysis done, however he also is concerned a precedent has been set regarding appeals, now that they have heard and granted several, contrary to their regulations.

Mr. Oustafine suggested, instead of Mr. Van Winkle's motion to deny the item, that they move to hold a public hearing.

Mr. Flaherty suggested they table the discussion until such time as all the commissioners and Mr. Gentile could be present to give their input.

**** MR. FLAHERTY MOVED TO TABLE ITEM 6 RE: POTENTIAL CHANGES TO ARTICLE X1-SANITARY SEWER REGULATIONS, SECTION 1000-6.1.1, RESIDENTIAL METERED WATER SEWER USER FEE UNTIL SUCH TIME AS ALL COMMISSIONERS AND MR. EDWARD L. GENTILE JR., DIRECTOR, DPW ARE PRESENT TO DISCUSS THE MATTER.**

Mr. Oustafine noted that some action would need to be taken prior to August, should the commissioners wish to change the code of ordinance.

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

**** MOTION PASSED UNANIMOUSLY.**

7. SANITARY SEWER ILLICIT CONNECTIONS, REQUEST FOR BUILDING DEPARTMENT ASSISTANCE

Mr. Flaherty asked if Mr. Oustafine sent the letter from the packet to Mr. Peter Solheim, Head Building Official. Mr. Oustafine stated that the letter was not sent, and that Mr. Solheim may not be amenable to the letter's request. Mr. Riith indicated that he was in favor of sending the letter. Mr. Oustafine stated that while all the documents were not attached, he would do so. Mr. Oustafine thanked Mr. Gentile for looking up all of the references, including plumbing codes, and that that information will be attached. Mr. Flaherty expressed his support in sending the letter.

- ** MR. FLAHERTY MOVED TO SEND THE MEMO RE: SANITARY SEWER ILLICITY CONNECTIONS, REQUEST FOR BUILDING DEPARTMENT ASSISTANCE.**
- ** MR. VAN WINKLE SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

SUPERINTENDENT'S REPORT

Mr. D'Arinzo stated that they successfully conducted their yearly exercise related to Cove, and the only problem they discovered was on the Cove Island side, where they discovered the box was under about 4 feet of sand. He stated that the sand was slowly building up, and as a solution they extended the box, created a stainless steel enclosure, and changed the depth from 4 feet to 2 feet.

Mr. Flaherty asked if there were measures taken to identify the site above ground for the benefit of those in construction. Mr. D'Arinzo stated that they intend to put some marker to indicate that they don't want tractors and other heavy equipment driving there.

Mr. D'Arinzo stated that at Stonybrook, a fan went bad after overheating and shutting down. He stated that the last fan they had that shut down was sent out to be repaired, and thus they had a spare. Mr. D'Arinzo stated that they had a company come out to look at the repair. He further stated that he will be approaching the commission at some point in the future to discuss the replacement of the other 5 variable drives.

Mr. Flaherty asked if the fan that caught on fire was attached to a new pump. Mr. D'Arinzo stated that, while they were doing the changeover, pump #2 was working while they changed over pump #1, and that now both 1 and 2 are done.

In relation to the replacement of the 5 drives, Mr. D'Arinzo stated that they amount isn't excessive, and that the company they plan to work with quoted them roughly \$7,500 per drive.

Mr. D'Arinzo stated that there have been a few backups. He stated that one on Old Kings Highway North, across from the Goodwives Shopping Center in Sedgwick Village, occurred due to toilet paper backup. He stated that the PVC pipes are in good condition. He stated that they cleared the problem from the drop connection in the manhole and cleaned them and camera-ed it.

Mr. Flaherty asked if the pipe in question is a main line, and Mr. Oustafine answered in the affirmative. Mr. D'Arinzo stated that the main is on private property and that it is 14 feet off the road. Mr. Oustafine stated that the line was on the property, then on the road, and that Mr. D'Arinzo fabricated a bit on a long rod to access the pipe with their clean equipment, after it was discovered the drop connection was glued shut for reasons unknown.

Mr. D'Arinzo stated that they discussed taking a look at the lines on the Post Road. Mr. Riith stated that the Masonic Temple there currently has a number of roots in the lines, and Mr. D'Arinzo stated that these are old, clay lines. Mr. Riith stated that it would take a great deal of money to dig these up, and Mr. D'Arinzo stated that they would look at the lines.

Mr. D'Arinzo stated that the other backup was on the Post Road in front of Post Corner Pizza, due to grease. He stated that the line is old, clay, and cracked with roots coming in.

Mr. Flaherty asked if the grease came from Post Corner Pizza, and Mr. D'Arinzo stated that the restaurant is the only location in the vicinity that produces that degree of grease. Mr. D'Arinzo stated that the owner's sump -pump goes right into the sewer line, and that when they made him aware of this, he said he would change that and put it directly into his storm drain behind the building. Mr. Oustafine stated that the line was discharging into the fog unit, created turbulence, and helped grease get out into the sewer. Mr. Flaherty asked when the last time the owner had this done was, and Mr. D'Arinzo stated that it was done in January. Mr. Flaherty asked how often this would need to be done. Mr. D'Arinzo stated that it should be done every 3 months, however in the long run, it comes down to where the problem is. Mr. D'Arinzo stated that, if the owner addresses the water issue, it won't be necessary every 3 months. Mr. D'Arinzo further stated that the owner claims, when it does back up, that he gets groundwater in his basement. Mr. Flaherty stated that a loose jointed clay pipe probably collected a lot of groundwater.

Mr. D'Arinzo stated that at Stonybrook, since the existing pumps were replaced, there has been no flooding in the wet well. He stated that once the third pump goes in, the anticipated digging and installation for a new force main may be unnecessary. He thanked the commission for making their lives easier by supporting the installation of new pumps.

Mr. D'Arinzo stated that Brookside Station still has grease problems, and that they check the restaurant on a regular basis. He stated that they hope to put bubblers in with the compressor, which may make it possible for the grease trap to be cleaned once a year rather than once a month. He stated that they are looking into a quiet compressor that can go into something

roughly the size of a doghouse, and that these updates should save them money, as at present every Wednesday they find themselves going through to break up the grease.

Mr. D'Arinzo stated that the people who live next to the Stonybrook pump station have been complaining about the noise, and that they are looking into either placing a timer on the odor control unit or soundproofing it. He stated that there is a distinct, but quiet hum, and that the neighbor in question only has issues with noise when she goes outside.

Mr. Flaherty asked if there are gas build up concerns. Mr. D'Arinzo answered in the negative, and stated that if they had to go down there, they would simply turn the fans on. Mr. Flaherty asked about the newness of the fan and Mr. D'Arinzo stated that the fan is a new unit, with 14 inch pipes that suck air through and filter it.

Mr. Van Winkle suggested Mr. D'Arinzo look up Acoustiblok, a material that forms a noise barrier and asked what the decibel level of the noise is. Mr. D'Arinzo stated that the decibel meter read the hum at 28 or 29, and stated that they cannot completely enclose the odor control unit, and must make sure it folds down for service.

NEW BUSINESS

No new business was discussed.

ADJOURNMENT

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

The meeting adjourned at 6:40 PM.

Respectfully submitted,

Catherine Ramos

Telesco Secretarial Services

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