

TOWN OF DARIEN SEWER COMMISSION
2 RENSHAW 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
JANUARY 8, 2013

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

STAFF: Robert Steeger, Director, Department of Public Works
Darren Oustafine, Assistant Director; Department of Public Works
OTHER: Marylin Knox, Recording Secretary
Mr. Andrew Bloom
Mr. Matthew Criscuolo

ABSENT: Anne Shaw

1. CALL TO ORDER

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

2. Election of Officers of Darien Sewer Commission.

It was suggested that the list officers remain as currently posted.
Mr. Oustafine noted that he would look up the positions and notify the Town Clerk that the officers were re-elected as posted.

** MR. VAN WINKLE MOVED TO RE-APPOINT CURRENT OFFICERS.
** MR. FLAHERTY SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY.

(EDITORS NOTE: Current officers are: Robert Riith, Chairman; Anne Shaw, Vice Chairman; and Rocco Genovese, Clerk).

3. Approval of Meeting Minutes of December 4, 2012.

Mr. Oustafine referred to the changes as noted in red as edited on the attached, and no further corrections were requested.

- ** MR. VAN WINKLE MOVED TO APPROVE THE MEETING MINUTES OF DECEMBER 4, 2012 AS EDITED WITH CORRECTIONS NOTED
- ** MR. FLAHERTY SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

4. Authorize Chairman of Darien Sewer Commission to enter into contract extension Relative to construction inspection of Kensett Lane developer sewer.

Mr. Oustafine referred to the supporting documents and stated that this was simply a formality, that all was working well currently.

- ** MR. FLAHEERTY MOVED TO AUTHORIZE CHAIRMAN OF DARIEN SEWER COMMISSION TO ENTER INTO CONTRACT EXTENSION RELATIVE TO CONSTRUCTION INSPECTION OF KENSETT LANE DEVELOPER SEWER.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

Chairman Riith requested a suspension of the rules to move up item 9 to next on the agenda as there were representatives in attendance.

9. Sewer User Fee Appeal. Mr. Andrew Bloom, 873 Boston Post Road, Darien, CT.

Mr. Oustafine referred to the supporting documents and questions and comments from the Commissioners were addressed by the representative.

- ** MR. FLAHERTY MOVED TO AUTHORIZE CHAIRMAN OF DARIEN SEWER COMMISSION TO APPROVE THE SEWER USER FEE APPEAL: MR. ANDREW BLOOM, 873 BOSTON POST ROAD, DARIEN, CT.
 - REDUCTION OF CONSUMPTION TO 9100 CUBIC FEET, AT \$5.38/CCF REDUCES BILL TO \$489.58 - ADJUSTED INVOICE TO BE DONE BY CERTIFICATE OF ERROR ADJUSTMENT BY TAX COLLECTOR.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

Sewer User Fee Appeal:

10. Mr. Matthew Criscuolo, 35 Tokeneke Road, Darien, CT.

Mr. Oustafine referred to the supporting documents and questions and comments from the Commissioners were addressed by the representative. Mr. Criscuolo explained that this was discovered that Darien Produce had refrigeration units that were illegal and not in compliance with Town guidelines and excessive water consumption had taken place for several years resulting in excess water into the treatment process.

Commissioner Van Winkle expressed that it is the responsibility of the landlord to do an inspection and any charges as a result of such excess or for equipment that is in non-compliance with guidelines should be passed on to the tenant. He added that the Town had to pay to have the water treated as this water was discharged into the sanitary sewer.

- ** MR. FLAHERTY MOVED TO AUTHORIZE CHAIRMAN OF DARIEN SEWER COMMISSION TO DENY THE SEWER USER FEE APPEAL: MR. MATTHEW CRISCUOLO, 35 TOKENEKE ROAD, DARIEN, CT.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

5. Sewer User Fee Appeal: Mr. Edward Thomas, 177 Hoyt Street, Darien, CT.

Mr. Oustafine referred to the supporting documents and questions and comments from the Commissioners were addressed. It was noted that the sewer user fee would come out of the sale of the house, and it was recommended that the appeal be denied and that staff should proceed with charging sewer user fees for the most recent 3 years even though the connection to the sewer system was 10 years ago.

- ** MR. FLAHERTY MOVED TO AUTHORIZE CHAIRMAN OF DARIEN SEWER COMMISSION TO DENY THE SEWER USER FEE APPEAL: MR. EDWARD THOMAS, 177 HOYT STREET, DARIEN, CT.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

6. Sewer User Fee Appeal: Mr. Daniel J. Kunetz, Scout Cabin, 140 West Avenue, Darien, CT.

Mr. Oustafine referred to the supporting documents and field questions and comments from the Commissioners. Commissioners accepted evidence that there had been a water leak during the previous year, that the actual consumption should be based upon the following quarterly consumption: (25+5+25+3=58 CCF) and that last years sewer

rate was \$5.00/CCF so that last year's bill of \$825 should have been \$290.00 which results in a credit to be applied to the scout cabin account of \$535.00.

- ** MR. FLAHERTY MOVED TO AUTHORIZE CHAIRMAN OF DARIEN SEWER COMMISSION TO APPROVE THE SEWER USER FEE APPEAL:
MR. DANIEL J. KUNETZ, SCOUT CABIN, 140 WEST AVENUE, DARIEN, CT.
- REDUCTION OF CONSUMPTION TO 58 HUNDRED CUBIC FEET @ \$5.00/CCF,
= \$290
REDUCES BILL BY \$535.00 - ADJUSTED INVOICE TO BE DONE BY CERTIFICATE OF ERROR ADJUSTMENT BY TAX COLLECTOR.**
- ** MR. VAN WINKLE SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

7. Sewer User Fee Appeal: Mr. and Ms. Benjamin Djounas, 27 LaFroge Road, Darien, CT.

- ** MR. FLAHERTY MOVED TO AUTHORIZE CHAIRMAN OF DARIEN SEWER COMMISSION TO APPROVE THE SEWER USER FEE APPEAL:
MR. AND MS. BENJAMIN DJOUNAS, 27 LAFORGE ROAD, DARIEN, CT.
- REDUCTION OF CONSUMPTION TO 94 CUBIC FEET, @ \$5.38
REDUCES BILL TO \$505.72 - ADJUSTED INVOICE TO BE DONE BY CERTIFICATE OF ERROR ADJUSTMENT BY TAX COLLECTOR.**
- ** MR. VAN WINKLE SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

8. Sewer User Fee Appeal: Mrs. Louis Giannattasio, 6 Saddle Ridge Road, Darien, CT.

Mr. Oustafine referred to the supporting documents and field questions and comments from the Commissioners. Mr. Oustafine explained that the Giannattaio's had purchased a property at 3 Stanton Road and would like their sewer use fee to be reduced as their home at 6 Saddle Ridge is more representative of their actual usage.

- ** MR. FLAHERTY MOVED TO AUTHORIZE CHAIRMAN OF DARIEN SEWER COMMISSION TO APPROVE THE SEWER USER FEE APPEAL:
MRS. LOUIS GIANNATTASIO, 3 STANTON ROAD , DARIEN, CT.
REDUCTION OF BILLS TO MINIMUM CHARGE OF TOTAL OF \$209.00.**
- ** MR. VAN WINKLE SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

11. Sewer User Fee Appeal: Mr. Harry Artinian, 9 Park Place, Darien, CT.

Mr. Oustafine referred to the supporting documents and field questions and comments from the Commissioners.

- ** MR. FLAHERTY MOVED TO AUTHORIZE CHAIRMAN OF DARIEN SEWER COMMISSION TO APPROVE THE SEWER USER FEE APPEAL:
MR. HARRY ARTINIAN, 9 PARK PLACE, DARIEN, CT
ELIMINATION OF INTEREST CHARGES. REDUCES BILL BY \$15.01 – TO TOTAL OF \$333.56.**
- ** MR. VAN WINKLE SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

12. Superintendent Report.

Mr. Steeger reviewed the status of the Stamford negotiations situation and reported that the Darien's offer to forego the two years of nitrogen trading credits was received with a response of no interest. He said that the City of Stamford is not interested in sharing any Nitrogen Credits in arrears. Mr. Steeger explained that this year the City of Stamford will receive \$860,000 in Nitrogen Credits which is significant to the Town of Darien. Mr. Steeger explained that the City of Stamford has not offered a counter proposal to Darien's recent proposal. He further explained that the Town attorneys will now pursue mediation on the contract issues and may rescind previous trading credits.

Mr. Flaherty noted for the record that one of the engineers of the company that he is affiliated with, Redness & Meade was recently appointed to the SWPCA Board.

Mr. Steeger reported that with regarding to the Westmere case, the trial date is late May/June and additional depositions will be done by Mr. Steeger, Mr. Oustafine and others.

13. Payment of Invoices:

- a) Dewberry Engineers, Inc., Inspection Services Hoyt St, Kensett La, (aka Procaccini)
\$2,944.00
- b) 1. Curtis, Brinkerhoff & Barrett, P.C. Westmere Group, Inc. v. Town of Darien
\$2,595.00
- 2. City of Stamford WPCA Sewer Contract \$900.00

- ** MR. FLAHERTY MOVED TO AUTHORIZE CHAIRMAN OF DARIEN SEWER COMMISSION TO APPROVE PAYMENT OF THE ABOVE INVOICES AS LISTED.**
- ** MR. VAN WINKLE SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

OTHER BUSINESS

There was no other business.

Adjournment

** MR. FLAHERTY MOTIONED TO ADJOURN
** MR. VAN WINKLE SECONDED.
** MOTION PASSED UNANIMOUSLY

The meeting was adjourned at 5:45 p.m.

Respectfully submitted,

Marilyn Knox
Telesco Secretarial Services

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Darien Sewer Commission Abbreviated Meeting Minutes

Regular Meeting, Tuesday, February 5, 2013 at 4:30 PM

Room 206 of the Darien Town Hall

2 Renshaw Road, Darien, CT 06820

Meeting Cancelled, No meeting held.

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**TOWN OF DARIEN
DARIEN SEWER COMMISSION
REGULAR MEETING
MARCH 5, 2013**

ATTENDANCE: Robert Riith, Chairman,
Craig Flaherty,
Anne Shaw,
Peter VanWinkle.

STAFF: Robert Steeger, Director, Department of Public Works
Darren Oustafine, Assistant Director.

OTHER: Marilyn Knox, Recording Secretary, Telesco Secretarial Services,
Frank Adelman.

ABSENT: Rocco Genevese.

1. CALL TO ORDER

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

2. Approval of Meeting Minutes - January 8, 2013

Mr. Oustafine referred to the minutes as contained in the packet with changes as noted in red as edited. No further corrections were requested.

**** MR. VAN WINKLE MOVED TO APPROVE THE MEETING MINUTES OF JANUARY 8, 2013 AS EDITED WITH CORRECTIONS NOTED.**
**** MR. FLAHERTY SECONDED THE MOTION.**
**** MOTION PASSED UNANIMOUSLY.**

3. Sewer User Fee Appeal:

Mr. Ray Bakhrarov & Ms. Nadya Vizgina, 19 Weeds Landing, Darien, CT.

Mr. Oustafine referred to the supporting documents and fielded questions and comments. Mr. Flaherty asked about the fees for 2009-2011 and if they are assessed on the order of magnitude usages. There was a discussion on the math exercise of using the lowest quarter and if there was enough proof related to the AQ water bill. Mr. Oustafine noted that the "0" quarter should be disregarded, and it was agreed that the use fee should be based on 156 CCF x \$5.38 for a total adjustment of \$839.28. Mr. Van Winkle noted that this should be the last appeal granted on the regularity claims condition.

- ** MR. FLAHERTY MOVED TO APPROVE THIS LAST REQUEST FOR APPEAL OF THE SEWER USE FEE FOR BAKHRMOV/VIZGINA, 19 WEEDS LANDING, DARIEN, FOR A TOTAL FEE OF \$839.28 WITH FUTURE APPEALS OR ADJUSTMENTS BASED UPON IRRIGATION METER USAGE.**
- ** MR. VAN WINKLE SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

4. Damages Claim. Mr. Ed Lyons & Ms. Colleen Lyons, 15 Oak Park Avenue, Darien.

Supporting documents were reviewed and there was discussion on matters such as why the Commission had not heard from them since last year. Mr. Flaherty asked about the general position over the past years regarding Wee Burn and the back-billing from Weeburn and the impact that they do not adequately maintain the system. There also was discussion on homeowners insurance and based on other examples of catastrophic storm related claims.

Mr. Flaherty stated that there was not enough information on the cause of the back up and damaged related claims should go through the administrative remedy prior to coming to this commission. Mr. Van Winkle asked for further information relative to the route of the flow map between the two connections, the check valve and the fact that the location was not close to the Wee Burn Country Club. He added that it is not clear of what was cause of the problem, who fixed it, and the implication that the Town did not fix the drains needs to be determined.

It was agreed to take no action on the item pending further information requested.

5. Sanitary Sewer Easement Approval. 143 – 147 Five Mile River Road.

Mr. Oustafine referred to the map provided and explained that the property is owned by the same person. He highlighted the easement area which is proposed to avoid a rock outcrop

- ** MR. VAN WINKLE MOVED TO APPROVE THE SANITARY SEWER EASEMENT FOR 143-147 FIVE MILE RIVER ROAD, DARIEN, CT**
- ** MS. SHAW SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

6. Superintendent Report.

Mr. Steeger reviewed the report of the break at Holly Pond and presented the following: The call was on February 14 and DPW was at the site within one hour. Photos were presented showing run off from the break. Mr. Steeger notified DEEP, the State Department of Health and the Dept. of Aquaculture. The valve was switched to change the flow from the leaking pipe by 8:30 p.m. They stayed on the scene to monitor the site as they were not sure if the valve was holding. When the flange was removed a hairline crack was found in the HDPE which was the source of the leak. Repair parts were shipped from Texas and New York which took five days to obtain. When the pipe was cut to effect repair, there was no sewage leak—there was nothing after the cut, indicating that the valves were holding tight and that the leak was actually stopped on the 2/14/13.

Mr. Oustafine left the meeting to get the actual damaged piece of HDPE pipe and returned to demonstrate where the crack was along the flange. The ductile collar that restrained the flange was in pieces.

He explained that they had monitored the flow which was only one half of the height of the pipe diameter and they never had to pump the excavation out unless workers were in the hole. Mr. Steeger summarized the details and reported that the repair was done and finished on February 28. He added that DPW recommends building new boxes to enclose the replacement connection inside so that it will operate under controlled circumstances. He spoke about the story in the local paper and that there were many unconfirmed accusations regarding the leak.

Mr. Oustafine spoke about a complaint from a resident who was very upset about reported sewage leak and a sick dog and dead duck. It was discussed that this resident lives way up stream on Holly Pond with a Post Road address—not close to the reported break, and was directed to the Public Health Department. Mr. Steeger added that Holly Pond is closed to shellfishing due to poor water quality, that the Department of Aquaculture had closed the area long before this leak was discovered. Approval of payment of all invoices relative to this matter were taken up under New Business as some of the invoices were not available at the time that agendas went out.

Further discussion took place over the recommended work with the installation of the connection boxes.

- ** MS. SHAW MOVED TO AUTHORIZE DPW TO PROCEED WITH PROCESS OF BIDS FOR DESIGN AND CONSTRUCTION OF CONNECTION BOXES TO CONTAIN REPLACEMENT CONNECTOR
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

Mr. Van Winkle left the meeting at 5:15 p.m.

Mr. Steeger reviewed the SCADA System and provided a live – real time demonstration of the system through internet access. He showed how the readings are depicted and he demonstrated how the readings are monitored through the pumping stations.

He added that the system is up on line and there continues to be a great deal of learning and modifications.

Mr. Steeger explained that the Town of Stamford made an offer to credit current year 2012 Nitrogen Credits share into the future and to forego past year credits.

Mr. Steeger added that with regard to the hurricane barrier, there is a letter from the DEEP that it is illegal to pay for maintenance out of WPCA funds. He explained that the total paid over ten years is over \$60,000 and that we want reimbursed to the Town of Darien.

Mr. Steeger reported that with regarding to the Westmere case, additional depositions are anticipated, and the trial date is expected for late June

7. Payment of Invoices:

- a) 1. Dewberry Engineers, Inc., Inspection Services
Hoyt St, Kensett La, (aka Procaccini) (12/28/13) \$3,956.00
- 2. Dewberry Engineers, Inc., Inspection Services
Hoyt St, Kensett La, (aka Procaccini) (1/25/13) \$6,532.00
- b) 1. Curtis, Brinkerhoff & Barrett, P.C.
Westmere Group, Inc. v. Town of Darien (12/31/12) \$3,436.03
- 2. Curtis, Brinkerhoff & Barrett, P.C.
Westmere Group, Inc. v. Town of Darien (1/31/13) \$2,436.00
- 3. Curtis, Brinkerhoff & Barrett, P.C.
City of Stamford WPCA Sewer Contract \$900.00

- ** MS. SHAW MOVED TO AUTHORIZE DARIEN SEWER COMMISSION TO APPROVE PAYMENT OF THE ABOVE INVOICES AS LISTED.**
**** MR. FLAHERTY SECONDED THE MOTION.**
**** MOTION PASSED UNANIMOUSLY.**

NEW BUSINESS (2/3 Majority)

- ** MR, FLAHERTY MOVED TO AUTHORIZE THE DARIEN SEWER COMMISSION TO ALLOW NEW BUSINESS RELATIVE TO PAYMENT OF INVOICES FOR COVE ISLAND SEWER LEAK. MS. SHAW SECONDED. THE MOTION.**
**** MOTION PASSED UNANIMOUSLY.**

Mr. Flaherty asked about the invoices following that were provided:

Cove Island Park Sewer Leak — Nearwater Sewer Main

A.J. Penna and Sons Inv. # 9362 \$9,256.60

9379 \$14,051.22

S&S Industries 3/1/13 Inv. # 8311A \$10,300.00

Mr. Steeger stated that he has reviewed the invoices and all is in order, and that he recommends payment.

- ** MR, FLAHERTY MOVED TO AUTHORIZE THE DARIEN SEWER COMMISSION TO APPROVE PAYMENT OF INVOICES AS LISTED ABOVE RELATIVE TO COVE ISLAND SEWER LEAK. MS. SHAW SECONDED. THE MOTION.**
**** MOTION PASSED UNANIMOUSLY.**

Adjournment

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

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

Respectfully submitted,
Marilyn Knox, Telesco Secretarial Services

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PETER VAN WINKLE, ESQ.

TOWN OF DARIEN
DARIEN SEWER COMMISSION
REGULAR MEETING
APRIL 2, 2013

ATTENDANCE: Robert Riith, Chairman;
Craig Flaherty; and,
Peter VanWinkle.

ABSENT: Rocco Genevese; and,
Anne Shaw.

STAFF: Robert Steeger, Director; and,
Darren Oustafine, Assist. Director.

OTHER: Steven P. Kulas, Esq.
J. Wayne Fox, Esq.
Edmund Schmidt, Esq.
Mr. Barton Bergman, 33 Goodwives River Road
Ms. Marilyn Knox, Recording Secretary

CALL TO ORDER

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

2. Approval of Meeting Minutes – March 5, 2013

Mr. Oustafine referred to the minutes as contained in the packet with changes as noted in red as edited. There were no comments or further corrections requested.

** MR. VAN WINKLE MOVED TO APPROVE THE MEETING MINUTES OF MARCH 5, 2013 AS EDITED WITH CORRECTIONS NOTED.
** MR. FLAHERTY SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY.

2a. Mr. Oustafine requested a change to the order of the agenda.

** MR. FLAHERTY MOVED TO SUSPEND THE RULES TO CHANGE THE ORDER OF THE AGENDA AS AN ACCOMMODATION FOR THOSE IN ATTENDANCE.

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

3. Sewer User Fee Appeal: CT/DOT I-95 Rest Areas (N & S), Darien, CT.

Mr. Oustafine referred to the supporting documents and fielded questions and comments. Mr. Steven Kulas was in attendance representing Project Services, and explained that they are in a lease arrangement with three companies that are tenants in the rest areas. He asked if the Town was willing to put meters on the sewer lines in order to monitor the usage. Mr. Flaherty explained that bills are based upon actual usage from the Aquarion water bill.

There was further discussion on the billing cycle and measurement of usage by the contractor to de-water areas into the storm not sanitary sewer. Mr. Oustafine clarified the billing calendar of the fiscal year of July 1, through June 30.

Mr. Kulas noted that this discussion was helpful to him in gathering information that he would pass along to the applicant. There was no action taken on the item.

4. Sewer User Fee Appeal:

Charles C. Webb, Sr, Robert B. Deans, II, Daniel F. Benton, 58 Knollwood Lane, Darien.

Mr. Flaherty stated that despite the unfortunate circumstances, the sewer use fee is accurately assessed as it is based upon the prior billing cycle usage. He stated that it is his position that this will work itself out in future bills for 2014, reflective of the current non usage, and suggested that there should be no adjustment at this time.

There was further discussion that some adjustment should be done in view of the fire and that the water is turned off during the re-construction.

** MR. VAN WINKLE MOVED TO APPROVE 50% OF THE REQUEST FOR APPEAL OF THE SEWER USE FEE FOR CHARLES C. WEBB, SR, ROBERT B. DEANS, II, DANIEL F. BENTON, 58 KNOLLWOOD LANE, DARIEN FOR A TOTAL ADJUSTMENT OF \$333.56.
** MR. RITH SECONDED THE MOTION.
** MOTION PASSED WITH TWO VOTES IN FAVOR AND ONE OPPOSED (FLAHERTY).

5. Sewer User Fee Appeal. Joan Davis, 29 Dubios Street, Darien.

Mr. Oustafine referred to the supporting documents and fielded questions and comments. Mr. Flaherty stated that after examining the bills, there is no determination that there was an overcharge involved, as the bills were based on the lower quarters.

- ** MR. VAN WINKLE MOVED TO DENY THE ABOVE SEWER USE FEE APPEAL FOR LACK OF DETERMINATION OF OVERCHARGE.
- ** MR. FLAHERTY SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

6. Damages Claim. Mr. Ed Lyons & Ms. Colleen Lyons, 15 Oak Park Avenue, Darien.

Mr. Oustafine referred to supporting documents provided as requested at the last meeting. There was no further discussion or action taken.

Mr. Oustafine requested to consider Old Business at this point in the agenda.

11. New Business, Damage Claim: Barton Bergman, 33 Goodwives River Road.

Mr. Barton Bergman referred to minutes from August of 2012 and stated that there have been no improvements or follow-up monitoring by the Commission about this claim since last year. Mr. Oustafine referred to the map that had been provided in an earlier meeting and explained that the property was inspected and it was determined not to be a storm drain issue. He highlighted the objectionable material in question was tested by a laboratory and determined to be high in iron and not related to bentonite clay which was used during directional drilling and installation of the sewer lines and that project was built in accordance with the approved plans, specifications, and DEEP Permit conditions.

Further discussion ensued on the probable causes of the collection of water along the area in question. Mr. Oustafine explained that after examining the areas it was his conclusion that it is related to ground water and iron algae and there is no correlation that would link this discharge to be caused by the sewer pipe or bentonite used for installation. Mr. Oustafine explained that there is a check dam made of bentonite clay near the catch basin which forms a barrier between the stone around the pipe and the directional drilling portion of the sewer pipe. and he further reviewed the materials and installation process including that there is a pipe that is in place that drains the ground water from the stone around the pipe into the catch basin. Mr. Oustafine noted that investigation by the town concluded that: discharge is not sewage; not from stormwater pipes; high in iron content; and, not bentonite clay.

Mr. Flaherty stated that he wants to see a plan of the property line boundaries to determine the exact location of the directional pipe. Mr. Oustafine agreed to locate the surveys and to provide these plans for the next meeting.

7. Board of Education Sewer Fee Arrears.

Mr. Oustafine stated some bills are in arrears; however a check for \$9,000 + was received today. He added that it was unclear as to how much was overdue in principle and if there was an established payment schedule. The commission asked staff to ask Bob Locke, Tax collector, how we will collect money from the BOE in the future and avoid this kind of problem in the future.

10. Payment of Invoices:

- a) 1. Dewberry Engineers, Inc., Inspection Services
Hoyt St, Kensett La, (aka Procaccini) (2/22/13). \$8,832.00

- b) 1. Curtis, Brinkerhoff & Barrett, P.C.
Westmere Group, Inc. v. Town of Darien (2/28/13). \$5,342.07
City of Stamford WPCA Sewer Contract. \$1,950.00

- ** MR. FLAHERTY MOVED TO AUTHORIZE SEWER COMMISSION TO APPROVE PAYMENT OF THE ABOVE INVOICES AS LISTED.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

8. City of Stamford Contract Negotiations

- ** MR. FLAHERTY MOVED TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSION OF CONTRACT NEGOTIATIONS REPORT.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

The meeting went into executive session at 5:00 p.m. with the following members in attendance:

Robert Riith, Chairman, Craig Flaherty, Peter VanWinkle, Darren Oustafine, Robert Steeger, Attorney Wayne Fox, Attorney Edmund Schmidt

- ** MR. FLAHERTY MOVED TO CLOSE THE EXECUTIVE SESSION AND RECONVENE THE MEETING BACK INTO PUBLIC SESSION.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

The meeting was reconvened back into public session at 6:05p.m. No action was taken during executive session.

- ** MR. FLAHERTY MOVED TO AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO CONTINUE NEGOTIATIONS WITH THE CITY OF STAMFORD IN GOOD FAITH AND TO ENGAGE THE ATTORNEYS TO CONTINUE TO WORK ON BEHALF OF THE TOWN OF DARIEN SEWER COMMISSION. THERE IS EXPECTED TO BE A SPECIAL

MEETING TO REPORT ON THE BUDGET IMPACT OF THESE NEGOTIATIONS AT A POINT TO BE DETERMINED.

** MR. VAN WINKLE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

It is to be noted that Mr. Flaherty left the meeting at 6:10 p.m.

9. Superintendent Report.

Mr. Steeger stated that both Mr. Oustafine and he were being deposed tomorrow by Westmere attorneys and the intention of one or both to be disallowed from testifying as expert witness'. He added that there is indication that they may be ready to consider mediation, which is different than previous statements that they would be ready to go all the way with the legal proceedings.

Mr. Steeger added that regarding the Stamford negotiations, the existing agreement is loosely defined relative to what portion of the pipe is the Town of Darien's responsibility to maintain. He added that there should be a determination of the Cove Island location of the pump station.

Mr. Oustafine added that the Board of Selectman approved the Sewer Easement between the Town of Darien and Metro North Railroad, for the Development on Kensett Lane near the Metro North crossing pending insurance specification compliance.

Mr. Oustafine noted that the Juniper Road Easement to Noroton Bay as submitted by the Morrison property has an approved connection by the Markham's, that another neighbor is interested in connecting and there may not be enough capacity so Mr. Oustafine advised the Marham's to proceed with connecting to the sewer and that any additional connections beyond those already approved are subject to engineering analysis and sewer commission approval.

Mr. Oustafine noted that the Allan O'Neil Development will be partially on line and will start usage soon as they are now seeking certificates of occupancy for the building for phase I of the project.

Mr. Steeger noted that there was no quorum present for the procedural motion for adjournment.

The meeting ended at 6:25 p.m.

Respectfully submitted,

Marilyn Knox,

Telesco Secretarial Services

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



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

Darien Sewer Commission Abbreviated Meeting Minutes

Regular Meeting

Tuesday, May 7, 2013 at 4:30 PM

Room 206 of the Darien Town Hall

2 Renshaw Road, Darien, CT 06820

Meeting cancelled due to lack of quorum.

No action taken.

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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
SPECIAL MEETING
MAY 28, 2013

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

STAFF: Jayme J. Stevenson,
Robert Steeger,
Darren Oustafine,

OTHER: J. Wayne Fox, Esq.
Edmund F. Schmidt, Esq.

CALL TO ORDER

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

Westmere v. Town of Darien

Mr. Steeger stated that purpose of the meeting was to provide an update on the Westmere case against the Town of Darien. He gave an overview that the case has been going on for the past seven years, and the trial was started two weeks ago.

Attorney Schmidt stated that there is still litigation pending, and he suggested that the meeting be held in Executive Session.

** MS. SHAW MOVED TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSION OF THE WESTMERE CASE.

** MR. VAN WINKLE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

The meeting went into executive session at 4:35 p.m. with the following members in attendance:

Robert Riith, Craig Flaherty, Peter Van Winkle, Anne Shaw, Rocco Genovese, Darren Oustafine,

Robert Steeger, Attorney Wayne Fox, Attorney Edmund Schmidt, First Selectman Jayme Stevenson.

**** MR. FLAHERTY MOVED TO CLOSE THE EXECUTIVE SESSION AND RECONVENE THE MEETING BACK INTO PUBLIC SESSION.**

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

**** MOTION PASSED UNANIMOUSLY.**

The meeting was reconvened back into public session at 5:40p.m. There was no action taken.

**** MR. FLAHERTY MOVED TO ADJOURN.**

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

**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 5:45 p.m.

Respectfully submitted,
Marilyn Knox
Telesco Secretarial Services

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



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

TOWN OF DARIEN
DARIEN SEWER COMMISSION
REGULAR MEETING
JUNE 4, 2013

ATTENDANCE: Robert Riith, Chairman,
Craig Flaherty,
Rocco Genevese,
Anne Shaw
STAFF: Robert Steeger, Director
DPW: Darren Oustafine
Other: Edward Thomas
Marilynn Knox
Absent: Peter Van Winkle

CALL TO ORDER

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

Approval of Meeting Minutes – April 2, 2013

Mr. Oustafine referred to the minutes as contained in the packet with changes as noted in red as edited. There were no comments or further corrections requested.

- ** MS. SHAW MOVED TO APPROVE THE MEETING MINUTES OF APRIL 2, 2013 AS EDITED WITH CORRECTIONS NOTED.
- ** MR. FLAHERTY SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

Approval of Meeting Minutes – May 7, 2013

Meeting was cancelled due to lack of a quorum There were no comments or further corrections requested.

- ** MS. SHAW MOVED TO APPROVE THE MEETING MINUTES OF MAY 7, 2013 AS EDITED WITH CORRECTIONS NOTED.
- ** MR. FLAHERTY SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

Approval of Meeting Minutes – May 28, 2013 SPECIAL MEETING

Mr. Oustafine referred to the minutes as added as a supplement to the packet with changes as noted in red as edited. There were no comments or further corrections requested.

** MS. SHAW MOVED TO APPROVE THE MEETING MINUTES OF MAY 28, 2013 SPECIAL MEETING AS EDITED WITH CORRECTIONS NOTED.

** MR. FLAHERTY SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

Mr. Oustafine requested a change to the order of the agenda to move up item 8 as next on the agenda.

** MR. FLAHERTY MOVED TO SUSPEND THE RULES TO CHANGE THE ORDER OF THE AGENDA AS AN ACCOMMODATION FOR THOSE IN ATTENDANCE.

** MR. VAN WINKLE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

Sewer User Fee Appeal:

(Reduction from 1/8/13). Edward Thomas, 177 Hoyt Street, Darien, CT.

Mr. Oustafine referred to the supporting documents and fielded questions and comments. Mr. Edward Thomas was in attendance and read his statement giving the reason for the appeal was that the contractor never reported the connection. He added that he was told that the sewer user fee charges in arrears would be for an amount of time of two years not three. A discussion ensued over the amount of the requested adjustment.

** MR. GENOVESE MOVED TO APPROVE A REDUCTION TO THE REQUEST FOR APPEAL OF THE SEWER USE FEE FOR EDWARD THOMAS 177 HOYT STREET, DARIEN, CT. TO REMOVE THE INTEREST CHARGES.

** MS. SHAW SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

Sewer Assessment, Carla Lisa Giansanti, 12 Dellwood Road.

Mr. Oustafine referred to the supporting documents and fielded questions and comments. He noted that the information on assessment presented was not on the subject property and that the assessment formula was different than presently used. He explained that the property straddles the end of the town sewer extension and subsequent developers sewer extension. Mr. Oustafine provided excerpts from rules and regulations and referred to sections 9-7 and 9-11 on the assessments against property.

- ** MS. SHAW MOVED TO APPROVE THE ASSESSEMENT AMOUNT IN ACCORDANCE WITH TOWN SEWER PROJECT ASSESSMENT OF \$274.50 MULTIPLIED BY 20 FOR TOTAL ASSESSMENT OF \$5,490.
- ** MR. GENOVESE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

Sewer User Fee Appeal: Michael & Sandra Glynn, 402 West Avenue.

Mr. Oustafine referred to the supporting documents and fielded questions and comments. A discussion ensued over the timing of the repair of the leak and the lack of reporting a spike in the bill at an earlier time.

Chairman Riith expressed concern over setting a precedent of accepting sewer user fee appeals in cases where the leaking water enters the sewer system and the Town of Darien incurs a charge. Further discussion ensued over the practice of accepting appeals of this nature.

- ** MR. GENOVESE MOVED TO DENY THE SEWER USE FEE APPEAL FROM MICHAEL & SANDRA GLYNN, 402 WEST AVENUE, DARIEN.
- ** MS. SHAW SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

Sewer User Fee Appeal. Maritza Garcia, 71 Greenleaf Avenue, Darien.

Mr. Oustafine referred to the supporting documents and fielded questions and comments, explained that property is served by well and meter can be installed, that resident claims to live alone and not at home often. A discussion ensued over the consistency practice and the setting a precedent on such appeals.

- ** MR. GENOVESE MOVED TO DENY THE SEWER USE FEE APPEAL FROM MARITZA GARCIA, 71 GREENLEAF AVENUE, DARIEN.
- ** MR. FLAHERTY SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

Sewer User Fee Appeal (redux from 4/2/13). Joan Davis, 29 Dubois Street, Darien, CT.

- ** MR. GENOVESE MOVED TO DENY THE SEWER USE FEE APPEAL REDUCTION FOR JOAN DAVIS, 29 DUBIOS STREET, DARIEN, CT.
- ** MR. FLAHERTY SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

Sanitary Sewer Maintenance Agreement for 160, 162, and 164 Leroy Avenue.

Mr. Oustafine presented the Maintenance Agreement and highlighted the map of the area and noted that all was in line.

- ** MR. FLAHERTY MOVED TO APPROVE THE SANITARY SEWER MAINTENANCE AGREEMENT FOR 160, 162, AND 164 LEROY AVENUE
- ** MS. SHAW SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

Sewer Connection: 13 Juniper Road, Darien.

Mr. Oustafine referred to the supporting documents and map and fielded questions and comments

- ** MR. FLAHERTY MOVED TO ACCEPT THE EASEMENT CONNECTION FOR 13 JUNIPER ROAD.
- ** MS. SHAW SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

Damage Claim: Barton Bergman, 33 Goodwives River Road.

Mr. Oustafine referred to the map provided and explained that this was included in response to the Board request to see a plan of the property line boundaries to determine the exact location of the directional pipe. Mr. Oustafine stated that the location in question of the iron algae eruption is on the property.

There was no action taken.

Board of Education Sewer Fee Arrears.

Mr. Steeger reported that this request for information was for the Tax Collector and stated everything is up to date including Darien High School

Westmere Update

Mr. Steeger stated that Westmere is proceeding with an injunction to disconnect town connection from Brushy Hill Project, that action was postponed pending the plaintiff's hiring of an expert witness. He added that the Westmere attorneys did not move from their demands. He stated that the next court date is two weeks from tomorrow to continue with the legal proceedings.

Superintendent Report

Mr. Steeger reported that the Kensett Lane project has finished the drilling beneath the railroad tracks and sewer has been installed there. Work is expected to begin on Hoyt Street Pump Station in four weeks. Dewberry will request an extension to their contract for inspection.

Mr. Steeger noted that the Allan O'Neil Development has started the second phase with the extension completed, and inspection will be handled in house.

Mr. Steeger reported that he has just received bills from Curtis, Brinkerhoff for May total approximately \$135,000 in legal fees and the clock is still running.

Payment of Invoices:

Dewberry Engineers, Inc, Inspection Services Hoyt St Kensett Lane \$2,208.00

1. Curtis, Brinkerhoff & Barrett, PC:

a. Westmere Group, LLC. v Town of Darien (3/31/13) \$11,654.92

b. Westmere Group, LLC v. Town of Darien (4/30/13).\$27,664.76

2. Curtis, Brinkerhoff & Barrett, PC.

a. City of Stamford WPCA Sewer Contract (3/31/13). \$0.00

b. City of Stamford WPCA Sewer Contract (4/30/13). \$1,152.60

** MR. FLAHERTY MOVED TO APPROVE THE ABOVE INVOICES FOR PAYMENT FROM CURTIS BRINKERHOFF & BARRETT AND DEWBERRY ENGINEERS.

** MR. GENOVESE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

Sanitary Sewer Assessment, Contract 57, 149 Five Mile River Road, \$13,572.

Mr. Oustafine referred to the supporting documents and map and fielded questions and comments

** MR. FLAHERTY MOVED TO ACCEPT THE SANITARY SEWER ASSESSMENT, CONTRACT 57, 149 FIVE MILE RIVER ROAD, \$13,572.

** MS. SHAW SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

Aquarion Water Company Monthly Billing. Computil Sewer Billing.

Mr. Oustafine reported that the chairman of the Darien Sewer Commission inquired as to ramifications relative to Aquarion Water going to monthly billing and Computil sewer user billing system. Mr. Oustafine reported that he has spoken with Jim Stifka of Computil and that at this time, Jim believes there are no issues and or additional codes that will need to be programmed into their computer program. Jim believes at this time there will be no additional cost to the Town of Darien. The item was discussed for information only and no action was taken.

Fats Oils and Grease Program Discussion.

Mr. Oustafine presented a draft of the FOG Ordinance for review and stated that the intention was to add "teeth" into the document for enforcement. He added that there are no fines that

the staff looked at DEEP regulations along with those from other towns. Mr. Flaherty asked if the Commission can adopt this without going to the RTM and if we had the authorization to fine. There was discussion over enforcement and health department closures. It was agreed that the Commissioners would review and feedback would be accepted for input into discussion at next month's meeting.

New Business

** MR. FLAHERTY MOVED TO ADD THE FOLLOWING ITEM ON THE AGENDA:
MAY BILLS FROM CURTIS BRINKERHOFF & BARRETT.

** MR. GENOVESE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

Mr. Steeger noted that of the total bills presented for \$96,000 there was a duplicate billing for May 22 of \$2,250.

** MR. FLAHERTY MOVED TO APPROVE THE MAY BILLS FROM CURTIS
BRINKERHOFF & BARRETT FOR PAYMENT.

** MR. GENOVESE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

** MR. FLAHERTY MOVED TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF
DISCUSSION OF CONTRACT NEGOTIATIONS.

** MR. GENOVESE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

The meeting went into executive session at 5:45 p.m. with the following members in attendance:

Robert Riith, Craig Flaherty, Rocco Genovese, Anne Shaw Darren Oustafine,
Robert Steeger.

** MR. FLAHERTY MOVED TO CLOSE THE EXECUTIVE SESSION AND RECONVENE THE
MEETING BACK INTO PUBLIC SESSION.

** MR. GENOVESE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

The meeting was reconvened back into public session at 6:25p.m.

The meeting ended at 6:25 p.m.

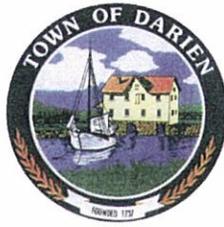
Respectfully submitted,

Marilyn Knox,

Telesco Secretarial Services

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TOWN OF DARIEN SEWER COMMISSION
2 RENSHAW 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
JULY 2, 2013

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

STAFF: Robert Steeger, Director,
Darren Oustafine, Assist. Director.

OTHER: Colleen Lyons, 15 Oak Park Ave. (w/ children)

1) CALL TO ORDER

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

2) Approval of Meeting Minutes – June 4, 2013

Mr. Oustafine referred to the minutes as contained in the packet with changes as noted in red as edited. There were no comments or further corrections requested.

** MS. SHAW MOVED TO APPROVE THE MEETING MINUTES OF JUNE 4, 2013 AS EDITED WITH CORRECTIONS NOTED.
** MR. VAN WINNCKLE SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY.

3) Sewer Damage Claim: Colleen Lyons, 15 Oak Park Avenue Discussion and Action

Mr. Oustafine reviewed the claim as submitted and discussed at a previous meeting and that Ms. Lyons was present at meeting requesting consideration of payment for damages. He noted that at a previous meeting, photos were submitted, and that the sewer commission determined that due to the absence of a check valve, the Town was not liable based on the code and ordinance. Ms. Lyons spoke about the claim and reviewed the details that she was present during the leak and that was similar to a

gusher and subsequently received a call from the Chef at Weeburn apologizing for the damages caused by a problem with their grease trap. She listed the amounts of the claims that total \$4,823.68 in repairs, damages and construction costs. Discussion ensued about whether this was a homeowner's insurance claim. Mr. Flaherty noted that this was similar to another claim (Grummel's house) where the Town paid damages and was then reimbursed by Weeburn. Mr. Flaherty stated that he was concerned with the precedent that was set and wanted this claim to be treated with the same consistency in determination.

It was suggested that Mr. Oustafine write a letter to Weeburn Country Club to inform them of this claim and to request their attendance at a meeting to review the details and liability.

** MR. GENOVESE MOVED TO DIRECT STAFF TO WRITE A LETTER TO WEEBURN TO INFORM THEM OF THIS CLAIM BY MS. LYONS AND TO REQUEST REIMBURSEMENT OF DAMAGES.

** MR. VAN WINKLE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

4) Kensett Lane Developer Sewer Construction Engineering Services Extension Discussion and action to authorize Chairman to sign services agreement.

Mr. Oustafine reviewed the agreement as provided in the packet and fielded questions from the Commissioners on the conditions of performance and maintenance bond.

** MR. FLAHERTY MOVED TO AUTHORIZE CHAIRMAN TO SIGN SERVICES AGREEMENT ON THE KENSETT LANE DEVELOPER SEWER CONSTRUCTION ENGINEERING SERVICES EXTENSION.

** MS. SHAW SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

6) Superintendent Report

Mr. Oustafine reviewed the Kensett Lane project that is now at the stage for sewer work for a temporary bypass of the pump station. He explained that there is a contractor in place with an engineer and the scope of the project is to install larger pumps and controls with a generator for operation. He added that the developer has asked permission to add Wakemore Street flows to the Hoyt Street Pump Station during temporary by-pass operations. Mr. Flaherty asked about the timing and potential flooding in the low areas. Mr. Oustafine explained that they are asking to begin in a few weeks and they replaced the sump pump as a flood management measure. Mr. Oustafine suggested that he and Mr. Steeger will stay closely involved to now allow things they do not want to happen to negatively affect this project.

Mr. Steeger noted that the Allan O'Neil Development is wrapping up.

- ** MR. FLAHERTY MOVED TO AUTHORIZE THE SUPERINTENDENT TO ALLOW A TEMPORARY BYPASS OF THE PUMP STATION AND TO DECIDE IF WAKEMORE STREET CAN BE ADDED TO THE TEMPORARY BY PASS OPERATION WITH THE KENSETT LANE PROJECT UNDER THE OVERSIGHT OF THE SUPERINTENDENT.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

5) Westmere Update

Mr. Steeger stated that this item will be discussed in Executive Session.

7) Payment of Invoices

Mr. Steeger reported that he has received bills from Curtis, Brinkerhoff and is requesting approval for payment of invoices, as follows:

- a) 1. Dewberry Engineers, Inc., Inspection Services
Hoyt St, Kensett La, (aka Procaccini) (3/30/13-5/31/13). \$10,856.00
- b) 1. Curtis, Brinkerhoff & Barrett, P.C.
 - a. Westmere Group, LLC. v. Town of Darien (5/31/13). \$5,607.23
 - b. Westmere Group, LLC v. Town of Darien, Kerin Fazio. \$1,875.00Total CBB Westmere v. Darien \$7,482.23

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

8) Fats Oils and Grease Program Discussion.

Mr. Oustafine referred to the draft of the FOG Ordinance that was presented stated that the intention was to add enforcement and standards of maintenance schedules. There was discussion over enforcement issues, and it was agreed that the Commissioners would review and feedback would be accepted for input into discussion at next month's meeting.

5, & 9) Westmere, LLC V. Town of Darien Status Report and City of Stamford Contract negotiations.

** MR. FLAHERTY MOVED TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSION OF CONTRACT NEGOTIATIONS WITH CITY OF STAMFORD AND THE WESTMERE V. DARIEN UPDATE.
** MR. GENOVESE SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY.

The meeting went into executive session at 5:25 p.m. with the following members in attendance: Robert Riith, Craig Flaherty, Rocco Genovese, Anne Shaw Darren Oustafine, Robert Steeger, Attorney Wayne Fox.

** MR. FLAHERTY MOVED TO CLOSE THE EXECUTIVE SESSION AND RECONVENE THE MEETING BACK INTO PUBLIC SESSION.
** MR. GENOVESE SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY.

The meeting was reconvened back into public session at 6:10p.m.

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

10) New Business. No new Business.

11) Adjournment.

The meeting was adjourned at 6:11 p.m.

Respectfully submitted: Marilyn Knox, Telesco Secretarial Services

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TOWN OF DARIEN SEWER COMMISSION
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ROBERT A. RIITH, CHAIRMAN
CRAIG J. FLAHERTY, P.E.
ROCCO GENOVESE
ANNE SHAW
PETER VAN WINKLE, ESQ.

TOWN OF DARIEN
DARIEN SEWER COMMISSION
REGULAR MEETING
AUGUST 6, 2013

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

STAFF: Robert Steeger, Director; and,
Darren Oustafine, Assistant Director.

OTHER: Susan Benzyk (and family member), 1 Heather Lane.

ABSENT: Rocco Genovese; and,
Peter Van Winkle

1. CALL TO ORDER

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

2. Approval of Meeting Minutes – July 2, 2013

Mr. Oustafine referred to the minutes as contained in the packet with changes as noted in red as edited. There were no comments or further corrections requested.

** MS. SHAW MOVED TO APPROVE THE MEETING MINUTES OF JULY 2, 2013 AS
EDITED WITH CORRECTIONS NOTED.
** MR. VAN WINNACLE SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY.

3. Sewer Damage Claim: Colleen Lyons, 15 Oak Park Avenue Discussion and Action

Mr. Oustafine stated that he has mailed a letter to Wee Burn CC as requested by the sewer commission at July regular meeting and that a copy of the letter and supporting information is included with commission agenda package and that he has not received a

response to the letter. This item is on hold pending a reply to his letter to Weeburn Country Club regarding this claim.

4. Sewer Lateral Extension Request, Susan Benzyk, 1 Heather Lane, Darien

Mrs. Benzyk and her son were in attendance and referred to a document submitted as verification that the assessment was paid and recorded. There was discussion on why this lateral extension was never done previously, and the exact location. It was agreed to authorize the extension request pending contractor cost estimates.

- ** MR. FLAHERTY MOVED TO AUTHORIZE PAYMENT OF SEWER LATERAL EXTENTION FROM THE TEE CONNECTION ON THE SEWER MAIN ON HOYT STREET OR AN ADDITIONAL CONNECTION ON HEATHER LANE, TO THE PORPERTY LINE, BASED ON REASONABLE AND CUSTOMARY COSTS ASSOCIATED WITH INSTALLATION AND APPROVAL BY DIRECTOR OF PUBLIC WORKS (SEWER SUPERINTENDENT).
- ** MS. SHAW SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY

5. Computil, Billing Services Agreement, FY 14.

Authorize Chairman of Darien Sewer Commission to execute Billing Services Agreement. Mr. Oustafine reviewed the agreement as provided in the packet and fielded questions from the Commissioners. Contract price for FY 14 remains the same as FY 13. Agreement was executed during the meeting.

- ** MR. FLAHERTY MOVED TO AUTHORIZE CHAIRMAN TO EXECUTE BILLING SERVICES AGREEMENT FOR THE FY 2014.
- ** MS. SHAW SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

7. City of Stamford Estimated Payment

Mr. Steeger referred to supporting documents and explained that he recommends increasing Darien's payment to City of Stamford from \$160,000 to \$180,000 with no adjustments for credits or debits from previous years other than N credits for FY 13. He noted that there would be further discussion on this during Executive Session.

8. Town of Darien Sewer User Fee Rate Adjustment. Discussion, Schedule Public Hearing.

Mr. Oustafine presented a chart of rates for comparison and discussion, as follows:

Comparison of Sewer Service Rates

FY 13 Preliminary Financial Results

Payments to Stamford	\$ 1,967,784
Total Expenditures	\$ 2,995,441
Total Revenue from Operations	\$ 3,541,687
Total From(To) Reserve	
Payments to Stamford/Total Revenue from operations	0.56

Total Budgeted Expense (Operations) FY 14	\$ 3,242,351
Total Budgeted Expense (Capital) FY 14	291,000
Total Other Revenue	70,000
Total Revenue Needed	\$ 3,463,351

FY 14 Rate Comparison

<u>Rate/CCF</u>	<u>% inc</u>	<u>Residential</u>	<u>Commercial</u>	<u>Monthly</u>	<u>Wells</u>	<u>Total</u>
\$5.38	0.00	\$2,429,915	\$618,496	\$181,586	\$73,582	\$ 3,303,579
\$5.50	2.23	\$2,484,114	\$632,291	\$185,636	\$75,224	\$ 3,377,265
\$5.75	7.05	\$2,597,028	\$661,032	\$194,074	\$78,643	\$ 3,530,777
\$6.00	11.52	\$2,709,942	\$1,324,841	\$202,512	\$82,062	\$ 4,319,357

	<u>Water Use</u>	<u>No. Accts</u>	<u>Avg. use</u>
residential	451,657	4644	97
commercial	114,962	250	460
monthly	33,752	20	1688
wells		144	
	600,371	5,058	

Notes:

- 1 Estimated FY 13 payment due to Stamford is \$200k
- 2 Total Budgeted Expense (Operations) FY 14 may increase
- 3 I-95 rest areas open in FY 14

Mr. Steeger stated that it was his recommendation to make no change to the rate structure. It was noted that a public hearing would not be necessary.

- ** MR. FLAHERTY MOVED TO KEEP THE TOWN OF DARIEN SEWER USER FEE RATE AS CURRENTLY ESTABLISHED, WITH NO CHANGES TO THE RATES.
- ** MS. SHAW SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

9. Superintendent Report

Mr. Steeger stated that two weeks ago there was a break in the sewer force main from the Old Kings Highway South Pump Station, at 240 Old Kings Highway South, where approximately six houses are served along Old Kings Highway South and Glen Gorham Lane. He gave an overview of the break where the resident believed water was bubbling up was from the lateral of house of 240 Old Kings Highway South, but after excavation, they were unable to find the leak. It was determined that there was a force main located next to the foundation of the house, and 70 feet of pipe was relocated and repaired.

Mr. Steeger reported that the expenses involved were expected to be approximately \$7-\$8,000 in repairs and he recommended approval for payment for Simpson Plumbing and Twardy Landscaping.

- ** MR. FLAHERTY MOVED TO AUTHORIZE PAYMENT OF EXPENSES BASED UPON REASONABLE AND CUSTOMARY COSTS ASSOCIATED WITH SEWER BREAK AT 240 OLD KINGS HIGHWAY SOUTH.
- ** MS. SHAW SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY

10. Fats Oils and Grease Program Discussion.

Mr. Oustafine stated that the FOG Ordinance that was presented at a previous meeting remains on the agenda as an open item pending further discussion.

11. Payment of Invoices

Mr. Steeger reported that he has received bills from Curtis, Brinkerhoff and is requesting approval for payment of invoices, as follows:

	Curtis Brinkerhoff & Barrett, PC	
A.	Westmere v. Town of Darien	\$17,911.45
B.	City of Stamford	\$525.00

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

6. City of Stamford Contract Negotiations.

- ** MR. FLAHERTY MOVED TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSION OF CONTRACT NEGOTIATIONS WITH CITY OF STAMFORD.
- ** MS. SHAW SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

The meeting went into executive session at 4:50 p.m. with the following members in attendance: Robert Riith, Craig Flaherty, Anne Shaw, Darren Oustafine, Robert Steeger.

The meeting was reconvened into public session at 5:25 p.m.

There was no action taken.

12. New Business. No new business.

13. The meeting was adjourned at 5:26 p.m.

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

Respectfully submitted:

Marilyn Knox,
Telesco Secretarial Services

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TOWN OF DARIEN SEWER COMMISSION
2 RENSHAW 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
SEPTEMBER 3, 2013

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

STAFF: Darren Oustafine, Assistant Director.

ABSENT: Anne Shaw
Robert Steeger, Director of Public Works

CALL TO ORDER

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

Approval of Meeting Minutes – August 6, 2013

Mr. Oustafine referred to the minutes as contained in the packet with changes noted in red as edited. Mr. Flaherty requested a correction to page 4, paragraph 1, relocated should be relocated.

- ** MR. FLAHERTY MOVED TO APPROVE THE MINUTES OF AUGUST 6, 2013 AS EDITED WITH CORRECTIONS NOTED.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

DEEP Wastewater Infrastructure Improvements for FY's 14 & 15 Clean Water Fund Priority List.

Mr. Oustafine reviewed the supporting document that outlined potential funding projects. There was discussion on the section of resiliency reserve and Mr. Flaherty suggested that this be looked into further as there is a critical need for consideration for

the pump station for the long term. Mr. Oustafine explained that there is a small chance of obtaining funds, and the treatment facility has a greater chance in this application process.

- ** MR. FLAHERTY MOVED TO AUTHORIZE APPLICATION OF DEEP WASTEWATER INFRASTRUCTURE IMPROVEMENTS FOR FY'S 2014 - 2015 CLEAN WATER FUND REQUEST TO PLACE THE PUMP STATION RESILIENCY RESERVE ON PRIORITY LIST.
- ** MR. GENOVESE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

Fats Oils and Grease Program Discussion.

Mr. Oustafine stated that the FOG Ordinance that was presented at a previous meeting remains on the agenda as an open item pending further input or discussion.

Payment of Invoices

Approval of the following invoices was recommended for payment:

Dewberry Engineers Inc. - Kensett Lane Sewer Inspection	\$19,090.00
Curtis Brinkerhoff & Barrett, PC - Westmere v. Town of Darien	\$ 242.42
Simpson Plumbing, LLC 240 Old Kings Highway So. Force Main Repair	\$ 1,953.70
Greg Twardy, Jr. 240 Old Kings Highway So. Force Main Repair	\$24,931.29*

Mr. Oustafine referred to the above invoice* total for the 240 Old Kings Highway South Force Main Repair and stated that it was much higher than expected. Mr. Genovese questioned the equipment charge of \$920 per day and there was discussion on whether the charges were reasonable. Mr. Oustafine stated that he had reviewed the details and there were some adjustments, but that the charges were all justified and in line with schedule of values provide by contractor. It was agreed to approve this invoice for payment, but to more closely outline the vendor charges for future jobs.

- ** MR. GENOVESE MOVED TO APPROVE PAYMENT OF INVOICES FROM GREG TWARDY IN THE AMENDED TOTAL AMOUNT OF \$24,931.29 BASED UPON REASONABLE AND CUSTOMARY COSTS ASSOCIATED WITH SEWER BREAK AT 240 OLD KINGS HIGHWAY SOUTH INCLUDING ADJUSTMENT TO TRIAXLE FEE OF \$920 PER DAY WHICH IS EXCESSIVE.
- ** MR. VANWINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

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

Superintendent Report

Mr. Oustafine stated that the approved amendments to the Code of Ordinances have not yet been posted but are in progress. He then gave an update on the Westmere case, where there was a petition to the courts for interest from 2005 and stated that the judge has denied this request. He added that there will most likely be an appeal of this decision and the Westmeres attorneys are determined for a ruling in their favor. There was discussion regarding this ongoing case, and it was agreed that this was a necessary course of action for the Town to have undertaken.

Set Sewer User Fee for the Period of October 1, 2013 through September 30 2014

Mr. Oustafine stated that based upon the motion last month, approval was now required to set the rates for October 1, 2013 through September 30, 2014.

- ** MR. FLAHERTY MOVED TO KEEP THE TOWN OF DARIEN SEWER USER FEE RATE SCHEDULE AS CURRENTLY ESTABLISHED, WITH NO CHANGES TO THE RATES.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

New Business – none.

City of Stamford Contract Negotiations.

Mr. Oustafine stated that there was no need for an Executive Session, that there is no new news to report, that we are all concerned that with a change of administration in Stamford, we may have to start all over again with negotiations.

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

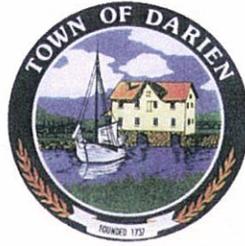
The meeting was adjourned at 5:15 p.m.

Respectfully submitted:

Marilyn Knox,
Telesco Secretarial Services

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



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

Darien Sewer Commission Meeting Minutes

Regular Meeting

Tuesday, October 1, 2013 at 4:30 PM

Room 206 of the Darien Town Hall

2 Renshaw Road, Darien, CT 06820

1. Meeting cancelled due to lack of business.

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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
SPECIAL MEETING
OCTOBER 3, 2013

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

STAFF: Robert Steeger, Director of Public Works;
Darren Oustafine, Assistant Director.

OTHER: J. Wayne Fox, Esq. Curtis Brinkerhoff & Barrett, P.C.
Edmund F. Schmidt, Esq. Curtis Brinkerhoff & Barrett, P.C.

CALL TO ORDER

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

Chairman Riith requested a suspension of the rules to move the order of the agenda for items 7 and 8 as next on the agenda.

Item 7 and 8 Executive Session for City of Stamford Contract Negotiations and Westmere, LLC V. Town of Darien respectively.

** MR. FLAHERTY MOVED TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE
OF DISCUSSION OF CONTRACT NEGOTIATIONS WITH CITY OF STAMFORD AND
PENDING LITIGATION RELATIVE TO WESTMERE V. TOWN OF DARIEN.
** MS. SHAW SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY.

The meeting went into executive session at 4:50 p.m. with the following members in attendance:

Robert Riith, Craig Flaherty, Anne Shaw, Darren Oustafine, Robert Steeger, Attorney Fox, Attorney Schmidt.

The meeting was reconvened into public session at 5:42 p.m with the chairman noting that no action had been taken during executive session.

Item 9 City of Stamford Contract Negotiations.

- ** MR. FLAHERTY MOVED TO AUTHORIZE THE CHAIRMAN TO ENTER IN TO AN AGREEMENT WITH THE STAMFORD WATER POLUTION CONTROL AUTHORITY IN ACCORDANCE WITH THE SWPCA DRAFT AGREEMENT DATED SEPTEMBER 30, 2013 AND DISTRIBUTED THIS WEEK, WITH NO ACCEPTIONS.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

Item 10 Westmere, LLC V. Town of Darien.

There was no action on item 10, Westmere, LLC v. Town of Darien

Item 2 Approval of Meeting Minutes – September 3, 2013 and October 1, 2013.

Mr. Oustafine referred to the minutes as contained in the packet with changes noted in red as edited.

- ** MR. FLAHERTY MOVED TO APPROVE THE MINUTES OF SEPTEMBER 3, 2013 AND OCTOBER 3, 2013, AS EDITED WITH CORRECTIONS NOTED.
- ** MR. VAN WINNACLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

Adopt 2014 Meeting Schedule:

Mr. Oustafine referred to the following proposed schedule of meeting dates for 2014:

All Regular Meetings: 4:30 p.m. in Room 206, Darien Town Hall, 2 Renshaw Road, Darien, CT (unless otherwise noted) on the following dates:

January 7, February 4, March 4, April 1, May 6, June 3, July 1
August 5, September 2, October 7, November 18, December 2

- ** MR. FLAHERTY MOVED TO ADOPT THE ABOVE 2014 MEETING SCHEDULE.
- ** MR. VAN WINNACLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

72 Long Neck Point Road

Item 4, 172 Long Neck Point Road, Approval to connect accessory structure sewer lateral to main building sewer lateral.

Mr. Oustafine referred to the supporting documents and map showing the area of the requested connection from the Greenhouse to the lateral.

** MR. FLAHERTY MOVED TO APPROVE THE REQUEST AT 72 LONG NECK POINT ROAD TO CONNECT ACCESSORY STRUCTURE SEWER LATERAL TO MAIN BUILDING SEWER LATERAL.

** MR. GENOVESE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

Item 6 Payment of Invoices

Mr. Steeger noted that approval of the following invoices was recommended for payment:

Dewberry Engineers Inc. - Kensett Lane Sewer Inspection	\$1,840.00
Curtis Brinkerhoff & Barrett, PC –City of Stamford Contract Negotiations	1,050.00
Westmere v. Town of Darien	\$ 6,681.45

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

** MR. VANWINKLE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY

Item 5 Superintendent Report

Mr. Steeger reported that there was a call from a contractor regarding a Post Road address sewer line that was broken at the road, and it was a lateral. He stated that the property owner responsible is handling this expeditiously.

Mr. Oustafine reported that Hoyt Street Pump Station internal work has been completed with the new generators and new pump. He added that Wakemore is now up and flowing into Hoyt Street Pump Station.

Mr. Oustafine reported that Allen O'Neil is almost done. There were comments about the low income housing run by the state but there is no tax revenue going to the Town.

New Business – none.

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

** MS. SHAW SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 6:10 p.m.

Respectfully submitted:

Marilyn Knox,
Telesco Secretarial Services

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TOWN OF DARIEN SEWER COMMISSION
2 RENSHAW 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
SPECIAL MEETING MINUTES
OCTOBER 21, 2013

ATTENDANCE: Robert Riith, Chairman,
Craig Flaherty (arrived at 4:40 p.m.),
Rocco Genovese;
Peter Van Winkle.

STAFF: Darren Oustafine, Assistant Director, DPW (departed 4:50 PM)

OTHER: J. Wayne Fox, Esq.
Edmund F. Schmidt, Esq.

ABSENT: Anne Shaw
Robert Steeger, Director of Public Works

CALL TO ORDER

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

** MR. GENOVESE MOVED TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE
OF DISCUSSION OF WESTMERE SETTLEMENT.
** MR. VAN WINKLE SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY.

The meeting went into executive session at 4:35 p.m. with the following members in attendance:

Robert Riith, Robert Genovese, Peter Van Winkle, Darren Oustafine,
Attorney Fox, Attorney Schmidt; Craig Flaherty entered the meeting at 4:40 p.m.

The meeting was reconvened into public session at 4:58 p.m.

** MR. FLAHERTY MOVED TO ADOPT THE RESOLUTION AUTHORIZING SETTLEMENT
OF WESTMERE, LLC V. TOWN OF DARIEN, CV-06-5002831-S AS FOLLOWS:

THE DARIEN SEWER COMMISSION HEREBY AUTHORIZES TOWN COUNSEL TO SETTLE THE ABOVE REFERENCED LITIGATION BASED ON THE FOLLOWING TERMS AND CONDITIONS:

1. DARIEN SEWER COMMISSION AGREES TO PAY WESTMERE \$178,987.74. THIS INCLUDES \$118,987.74 FOR JURY AWARD AND \$60,000 FOR ONE SEWER CONNECTION FOR BRUSHY HILL SEWER EXTENSION.
2. WESTMERE AND TOWN OF DARIEN BOTH AGREE TO WITHDRAW ANY APPEALS FROM SUPERIOR COURT DECISION.
3. WESTMERE AGREES TO QUIT CLAIM THE PUMPING STATION AND THE LAND SURROUNDING THE PUMPING STATION TO THE TOWN OF DARIEN AS SHOWN ON THE ATTACHED MAP.
4. WESTMERE AND TOWN OF DARIEN BOTH AGREE TO NO BILL OF COSTS.
5. WESTMERE WILL GRANT TO THE TOWN OF DARIEN NECESSARY EASEMENTS OVER COMMON SEWERS.
6. SEWER COMMISSION HEREBY AUTHORIZES TOWN COUNSEL TO EXECUTE ON BEHALF OF DARIEN SEWER COMMISSION, A RELEASE OF ANY AND ALL CLAIMS AGAINST WESTMERE, LLC RELATING TO THE WESTMERE SEWER LINE.

** MR. VAN WINKLE SECONDED THE MOTION.
** MOTION TO AUTHORIZE THE RESOLUTION PASSED UNANIMOUSLY.

ADJOURNMENT

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

The meeting was adjourned at 5:10 p.m.

Respectfully submitted:

Marilyn Knox,
Telesco Secretarial Services

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



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

Darien Sewer Commission Meeting Minutes

Regular Meeting

Tuesday, November 12, 2013 at 4:30 PM

Room 206 of the Darien Town Hall

2 Renshaw Road, Darien, CT 06820

ATTENDANCE: Anne Shaw, Rocco Genovese

STAFF: Darren Oustafine, Public Works Assistant Director

OTHERS: Colleen Lyons, Jay Keeler, David Pear, Elizabeth Drake, Juliette Cain (Et Al)

ABSENT: Robert Riith, Peter Van Winkle, Craig Flaherty, Robert Steeger

CALL TO ORDER.

Ms. Shaw called the meeting at 4:48 p.m. A quorum was not present. Ms. Shaw allowed the members of the public who were present to come forward and give a brief explanation of their situations to the Commissioners.

INFORMAL DISCUSSION.

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

Mr. Oustafine gave a brief overview of the situation and said that he had written a letter to WeeBurn Country Club at the direction of the Commission.

65 Nearwater Lane - Mr. Pear came forward and submitted a spreadsheet comparing the previous water usage costs to the most recent bill.

141 Long Neck Road – Ms. Drake came forward and explained that her current bill was \$2,200 due to sprinkler use rather than the normal \$600. Ms. Shaw advised the home owner to have a water meter installed.

50 Hoyt Street – Ms. Juliette Cain explained that they were renovating their home and the house was empty at this time. The family is currently living on Locust Street.

#5 – Sewer Extension - 103 Tokeneke – Mr. Jay Keeler addressed the Commissioners and said the sewer line is within three feet of the property line.

A brief discussion followed regarding convening a special meeting on 4:30 p.m. Thursday, November 14th.

ADJOURNMENT.

Ms. Shaw adjourned the meeting at 5:03 p.m.

Respectfully submitted,

Sharon L. Soltes
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
SEWER COMMISSION
SPECIAL MEETING
NOVEMBER 14, 2013**

ATTENDANCE: Anne Shaw, Vice Chair
Rocco Genovese
Craig Flaherty

ABSENT Robert Riith, Chairman
Peter Van Winkle

STAFF: Robert Steeger, Public Work Director (5:45 p.m.)
Darren Oustafine, Public Works Assistant Director

ABSENT: Robert Riith, Chairman
Peter Van Winkle

OTHERS: Colleen Lyons
Jay Keillor
Robert Calve
Jacqueline Scott
Juliette Cain
Elizabeth Drake
David Pear

CALL TO ORDER.

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

Item 2 Approval of Darien Sewer Commission Meeting Minutes.

- a. **October 1, 2013 Regular Meeting**
- b. **October 3, 2013 Special Meeting**
- c. **October 21, 2013 Special Meeting**
- d. **November 12, 2013 Regular Meeting**

**** MR. FLAHERTY MOVED THE FOLLOWING MINUTES:**

- a. OCTOBER 1, 2013 REGULAR MEETING
- b. OCTOBER 3, 2013 SPECIAL MEETING
- c. OCTOBER 21, 2013 SPECIAL MEETING
- d. NOVEMBER 12, 2013 REGULAR MEETING

AS EDITED WITH CORRECTIONS NOTED.

**** MR. GENOVESE SECONDED.**

**** THE MOTION TO APPROVE THE ABOVE LISTED MINUTES PASSED
UNANIMOUSLY**

**Item 3 Sewer Damage Claim, Colleen Lyons, 15 Oak Park Avenue. Attachments, Discussion
and Action.**

Ms. Colleen Lyons said that Mr. Oustafine had reached out to Wee Burn and they have not responded. She requested that she be reimbursed for the repair costs since they waited to have the work completed before submitting their claim rather than submitting an estimate. Mr. Flaherty asked Mr. Oustafine about the details of how the original claims were submitted and who disbursed the reimbursement payments. Mr. Oustafine gave a brief overview of the process.

**** MR. FLAHERTY MOVED TO AUTHORIZE MR. OUSTAFINE TO CONTACT WEE
BURN COUNTRY CLUB VIA A WRITTEN LETTER AND FOLLOW UP WITH A PHONE CALL
REGARDING THE SEWER DAMAGE CLAIM FOR COLLEEN LYONS 15 OAK PARK AVENUE.**

**** MS. SHAW SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

**Item 4 Sewer Damage Claim, Sandy Drimal, 283 Hollow Tree Road. Attachments, Discussion
and Action.**

Ms. Shaw said that she believed that this issue had been taken care of. Mr. Oustafine said that the residents had experienced a second back up on September 26th. A check valve had been installed but it did not work properly. Ms. Drimal is requesting a refund for the service call. He said that once the Town became aware of the problem, they sent a crew out to insure the line was clear. The discussion moved to inspecting restaurant sewer lines. Mr. Oustafine will check the line from Wee Burn to insure it is clear. The discussion then moved to the details involving the back flow preventor on the lateral line.

**** MR. GENOVESE MOVED TO APPROVE THE PAYMENT OF THE BILL IN THE AMOUNT OF \$490.15**

SUBMITTED TO THE SEWER COMMISSION FOR SEWER DAMAGE CLAIM, SANDY DRIMAL, 283 HOLLOW TREE ROAD.

**** MR. FLAHERTY SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Item 5 Sewer Extension, 103 Tokeneke Road. Attachments, Discussion and Action.

Mr. Oustafine distributed an updated map to the Commissioners. He then gave a brief overview of the situation and said that there were no files on the installation of the sewer where manholes 149 and 150 are located. He said that it appears that this was a sewer installed by a developer. There does not appear to be a developer's agreement on file. Discussion followed regarding the details.

Mr. Jay Keillor, of Land Engineering in Bridgeport, came forward to discuss the installation of a sewer line at 103 Tokeneke Road. The house is being purchased by ABC as a residence and would have a sewer. He then gave an overview and said that the project will involve one new manhole and a new lateral. Mr. Flaherty requested research in the land records regarding the history of the sewer lines in place. Mr. Keillor reminded everyone that any approval granted would be subject to the legal conditions. Mr. Oustafine then reviewed how the affidavit of cost would be calculated if there were additional laterals installed.

The discussion moved to the date of the closing and subsequent construction at the site. Mr. Flaherty then suggested that Title Insurance might be an option to bring closure to the issue. Mr. Oustafine said that he had no technical issues and had met with Ms. Scott to give her an overview of the process. Discussion followed about the details.

**** MR. FLAHERTY MOVED TO TABLE THE REQUEST FOR A SEWER EXTENSION AT 103 TOKENEKE ROAD TO THE NEXT SEWER COMMISSION MEETING PENDING THE RECEIPT OF ANY ADDITIONAL LAND USE INFORMATION AND A DEVELOPER'S AGREEMENT.**

**** MR. GENOVESE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Item 6 Sewer Lateral Extension Reimbursement Request, Susan Benzyk, 1 Heather Lane. Attachments, Discussion and Action.

Mr. Oustafine gave an overview of the situation. The resident chose to hook in on Heather Lane rather than the one on State owned property. He explained that the Town will normally bring the lateral to the property line when a sewer project is performed by the town and that the

sewer commission agreed during a previous meeting to reimburse homeowner for cost of installation of sewer lateral from sewer main to property line. That cost is \$3,950.

**** MR. FLAHERTY MOVED TO APPROVE THE PAYMENT OF \$3,950.00 TO MS. SUSAN BENZYK, 1 HEATHER LANE FOR A SEWER REIMBURSEMENT.**

A brief discussion followed about the asphalt patching that done on the road portion of the project.

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

Item 7 Sewer User Fee Adjustments. Attachments, Discussion and Action.

Mr. Oustafine stated that the Ms. Cain's request regarding 50 Hoyt Street had inadvertently been omitted from the agenda.

**** MR. FLAHERTY MOVED TO ADD AN ITEM TO THE AGENDA REGARDING A SEWER USER FEE FOR 50 HOYT STREET.
** MR. GENOVESE SECONDED.
** MOTION PASSED UNANIMOUSLY.**

50 Hoyt Street - Mr. Oustafine said that Ms. Cain was renovating the property, but did not intend to reside there. For the next six months, there will be no one residing at the site. She said that the bathrooms were being renovated, so there would be minimal water usage.

**** MR. FLAHERTY MOVED TO REDUCE THE SEWER USE CHARGE TO THE MINIMUM OF \$209 REQUIRED AMOUNT.
** MR. GENOVESE SECONDED.
** MOTION PASSED UNANIMOUSLY.**

c. 141 Long Neck Point Road - Ms. Drake came forward and said that the total water usage bill was over \$2,200. She said that there were two acres of elaborate gardens and have an extensive sprinkler system. The system will be put on a meter. She then went on to give the details of the situation. Discussion followed.

**** MR. FLAHERTY MOVED TO GRANT THE A ONE TIME ALLOWANCE REDUCTION OF SEWER USER FEE FROM \$2,216.56 TO \$688.64.
** MR. GENOVESE SECONDED.
** MOTION PASSED UNANIMOUSLY.**

d. **65 Nearwater Lane** - Mr. Pear submitted copies of a graph showing the water usage at his residence.

**** MR. GENOVESE MOVED TO APPROVE AN ADJUSTMENT OF THE WATER USAGE BILL TO \$979.75.**

**** MR. FLAHERTY SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

a. **1741 Boston Post Road** - Mr. Oustafine explained that there were accounts that were sidelined with a minimum rate. The staff has been reviewing these sidelined accounts. Mr. Oustafine stated that Mr. Steeger believes that these accounts need to be brought back in line with the rest of the rates. Mr. Flaherty pointed out that these residents have been paying the bill that they received and that they should not be presented with an adjusted amount for the bills already paid in full. Discussion followed.

**** MR. FLAHERTY MOVED TO DENY THE REQUEST FOR RETRO BILLING AND APPROVE THE ADJUSTMENT OF THE RATES TO THE NORMAL SCALE WITH ALL FUTURE BILLING INCLUDING CURRENT BILLING.**

**** MR. GENOVESE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

b. **12 Brown Street** -

**** MR. FLAHERTY MOVED TO DENY THE REQUEST FOR RETRO BILLING, APPROVED THE ADJUSTMENT OF THE RATES TO THE NORMAL SCALE FOR ALL FUTURE BILLING AND APPROVED THE CURRENT CORRECTED BILL AMOUNT OF \$882.32.**

**** MR. GENOVESE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

e. **19 Cherry Street** -

**** MR. GENOVESE MOVED TO DENY THE REQUEST BASED ON LACK OF INFORMATION AS NO PREVIOUS WATER USAGE WAS PRESENTED.**

Mr. Genovese stated that the Commission would be willing to reconsider the matter based on water usage.

**** MR. FLAHERTY SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

f. **30 Fairfield Avenue** - The request was for a waiver of the minimum fee of \$209.00 . Mr. Flaherty said that there was a note with the documentation stating that the water was shut off on January 29, 2013. He asked about the minimum charge. Mr. Oustafine said that in the past the Commission usually continues billing unless the sewer is disconnected. Mr. Flaherty agreed and said that he would like to have the lateral capped before wavier the minimum fee.

Mr. Steeger joined the meeting at 5:45 p.m.

**** MR. FLAHERTY MOVED TO DENY THE REQUEST TO WAIVE THE MINIMUM CHARGE OF \$209.00 FOR 30 FAIRFIELD AVENUE BECAUSE THE RESIDENCE IS STILL CONNECTED TO THE SEWER.**

**** MR. GENOVESE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

g. **359 Mansfield Avenue** - Mr. Flaherty said that it was apparent that there was an irrigation system hooked up to the house line. He said that the owner should install a sub meter for the system.

**** MR. FLAHERTY MOVED TO ALLOW FOR A ONE TIME REDUCTION OF CURRENT BILL TO \$699.40 DUE TO APPARENT IRRIGATION SYSTEM USE.**

**** MR. GENOVESE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

h. **220 Middlesex Road** -

**** MR. FLAHERTY MOVED TO ALLOW AN ADJUSTMENT OF CURRENT BILL TO \$946.88.**

**** MR. GENOVESE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

i. **20 Wakemore Street** - This is a well charge but the resident has provided proof that the house has been vacant since July of 2012.

**** MR. FLAHERTY MOVED TO REDUCE THE CHARGE TO THE MINIMUM SEWER USAGE CHARGE OF \$209.**

**** MR. GENOVESE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

j. **12 Mayflower Road.**

**** MR. FLAHERTY MOVED TO REDUCE THE CHARGE TO THE MINIMUM**

SEWER USAGE CHARGE OF \$209.

**** MR. GENOVESE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

k. 17 Pine Brook Lane.

**** MR. FLAHERTY MOVED TO DENY THE REQUEST.**

**** MR. GENOVESE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Item 8 Authorize Chairman of the Darien Sewer Commission to enter into Interlocal Agreement with City of Stamford WPCA. Discussion and action.

Mr. Steeger said that there had been a request to withdraw the item since the Stamford WPCA has met and agreed to the Interlocal Agreement once the Town of Darien pays the outstanding amount.

Item 9 City of Stamford WPCA FY 12 & FY13 Billing to Town of Darien. Discussion and action.

Mr. Steeger said that he had reviewed the invoices and to the best of his knowledge the cost listed by the City were correct.

Item 10 City of Stamford WPCA, Payment for Wallach's Point Sewer Failure. Discussion and action.

**** MR. FLAHERTY MOVED TO APPROVE THE FOLLOWING RESOLUTION:**

WHEREAS; A PORTION OF THE SEWER LINE ON SOUNDVIEW AVENUE NEAR ITS INTERSECTION WITH WALLACHS POINT ROAD IN THE CITY OF STAMFORD COLLAPSED ON MARCH 8, 2011, AND

WHEREAS THE CITY OF STAMFORD WPCA INCURRED COSTS TOTALING \$602,609.19 TO REPAIR SAID SEWER, AND

WHEREAS, THE STAMFORD WPCA AND THE TOWN OF DARIEN SEWER COMMISSION ENTERED INTO AN AGREEMENT ON JULY 11, 2001 WHICH CONTAINS THE FOLLOWING LANGUAGE IN SECTION 14 WITH RESPECT TO SAID SEWER:

"THE REPAIR AND MAINTENANCE OF THAT PORTION OF THE FORCE MAIN

CARRYING DARIEN'S WASTEWATER FROM COVE ISLAND TO WALLACH'S DRIVE AND THEREAFTER TO McMULLEN DRIVE SHALL BE PERFORMED BY THE WPCA. DARIEN SHALL PAY TWENTY FIVE PERCENT (25%) OF THE DIRECT AND INDIRECT COSTS OF REPAIRING AND MAINTAINING SAID FORCE MAIN." AND

WHEREAS BY MUTUAL AGREEMENT OF THE PARTIES, THE TERMS OF THE AGREEMENT REMAINED IN EFFECT BEYOND ITS STATED EXPIRATION DATE OF NOVEMBER 30, 2010, WHILE A NEW AGREEMENT WAS BEING NEGOTIATED, AND

WHEREAS 25% OF \$602,609.19 EQUALS \$157,406;

NOW THEREFORE, THE DARIEN SEWER COMMISSION AUTHORIZES PAYMENT TO THE STAMFORD WPCA IN THE AMOUNT OF \$157,406; SAID AMOUNT TO BE CHARGED AGAINST THE SEWER OPERATING FUND.

** MR. GENOVESE SECONDED.

** MOTION PASSED UNANIMOUSLY.

Item 9 City of Stamford WPCA FY 12 & FY 13 Billing to Town of Darien. Discussion and Action CONT'D.

Mr. Steeger distributed copies of the settlement costs of \$45,821.00 for interest the Commissioners. He stated he had reviewed the charges and they appear to be correctly calculated. Mr. Steeger then gave a brief overview of the reasons why he felt the Town should pay the bill and close the issue. Discussion followed.

** MR. FLAHERTY MOVED TO APPROVE THE FOLLOWING RESOLUTION:

WHEREAS, THE INTER-LOCAL AGREEMENT FOR SEWAGE TREATMENT BETWEEN THE DARIEN SEWER COMMISSION (DSC) AND THE STAMFORD WATER POLLUTION CONTROL AUTHORITY (WPCA) EXPIRED NOVEMBER 30, 2010 AND

WHEREAS, BY MUTUAL AGREEMENT OF THE PARTIES, THE TERMS OF THE AGREEMENT REMAINED IN EFFECT BEYOND ITS STATED EXPIRATION DATE OF NOVEMBER 30, 2010, WHILE A NEW AGREEMENT WAS BEING NEGOTIATED, AND

WHEREAS, CERTAIN PAYMENTS WERE WITHHELD BY THE DSC FOR FY 12 AND FY 13 DURING THE EXTENDED NEGOTIATIONS AND

WHEREAS A PAYMENT OF \$273,724 BY THE DSC TO THE WPCA SETTLES ALL AMOUNTS DUE THRU JUNE 30, 2013

NOW THEREFORE THE DARIEN SEWER COMMISSION AUTHORIZES PAYMENT TO
THE STAMFORD WPCA IN THE AMOUNT OF \$273,724 AS DETAILED ON THE REVISED
INVOICE DATED NOVEMBER 12, 2013; SAID AMOUNT TO BE CHARGED AGAINST THE SEWER
OPERATING FUND.

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

Item 11 Superintendent's Report.

Mr. Steeger reported that the Town is moving forward on the Westmere project and there will be a meeting on Tuesday for the 8-24 transfer of the land. The balance in the sewer operating fund is about 4 million dollars. The department is now in the position where the income exceeds the expenses. The Westmere owner has sold the property to a New York buyer.

Mr. Genovese asked for an update on the Alan O'Neill Housing project site. Mr. Oustafine said that the project was nearing completion. The Kensett project has all the sewers in and the new pumps and generator are on line. The developer's agreements for both sites will be presented to the Commission for approval. A discussion followed about the water rates, the use of meters, sewer drainage and the need for some means to enforce the fats, grease and oil handling process. It was suggested that a fats, oil and grease usage charge be instituted.

Item 12 Payment of Invoices. Attachment. Discussion and Action.

- a) GHD
 - Allen O'Neill Housing (Heights) Sewer Inspection \$3,400.00

- b) Curtis Brinkerhoff & Barrett, PC
 - 1. Westmere \$6,367.50
 - 2. City of Stamford WPCA Contract Negotiations \$2,762.56

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

Item 13 New Business. (2/3rd majority)

There was no new business to consider at this time.

ADJOURNMENT.

**** MR. FLAHERTY MOVED TO ADJOURN.**

**** MR. GENOVESE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 6:30 p.m.

Respectfully submitted,

Sharon L. Soltes
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.

DARIEN SEWER COMMISSION MEETING MINUTES
Regular Meeting
TUESDAY, DECEMBER 3, 2013
ROOM 206 OF DARIEN TOWN HALL
2 RENSRAW ROAD, DARIEN, CT 06820

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

STAFF: Darren Oustafine, Assistant Director of Public Works

OTHER: Marilyn Knox, Recording Secretary
Michael Delaney
Jacqueline Scott
Colleen Lyons
Frank Adelman

ABSENT: Robert S. Steeger, Director of 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 above were in attendance and that a quorum was present.

2. Election of Officers, Darien Sewer Commission, 2014

Mr. Oustafine referred to minutes of January 2013 that listed the current officers: Robert Riith, Chairman, Anne Shaw, Vice Chairman, Rocco Genovese, Clerk.

** MR. FLAHERTY MOVED TO REAPPOINT MEMBERS TO THE OFFICER POSITIONS FOR THE CALENDAR YEAR 2014 AS FOLLOWS:

ROBERT RIITH, CHAIRMAN, ANNE SHAW, VICE CHAIRMAN, ROCCO GENOVESE, CLERK.

** MR. VAN WINKLE SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY

3. Approval of Meeting Minutes of November 14, 2013

- ** MR. FLAHERTY MOVED TO APPROVE THE MEETING MINUTES OF NOVEMBER 14, 2013 AS AMENDED WITH CORRECTIONS NOTED AS EDITED BY MR. OUSTAFINE.
- ** MR. GENOVESE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

4. Sewer Extension, 103 Tokeneke Road.

Mr. Oustafine referred to supporting documents in the agenda packet and provided a review of the details of the extension profile. Ms. Jacqueline Scott was present to deliver a single copy of the developers agreement.

- ** MR. FLAHERTY MOVED TO FORWARD THE DEVELOPER'S AGREEMENT TO THE TOWN COUNSEL FOR REVIEW.
- ** MR. GENOVESE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY

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

Mr. Oustafine referred to the letter sent to Wee Burn Country Club and reported that Chef Blakeslee has deferred the matter to Sharon McGrath, Comptroller. Mr. Oustafine added that he would continue to contact Wee Burn and the item will remain on future agendas until resolved to satisfaction of sewer commission.

6. Westmere Group, Inc., Quick Claim Deed and Easement Agreement Andrews Drive Sewage Pump Station

Mr. Oustafine referred to the documents as provided in the agenda packet and explained that all were vetted through Legal Department and in line with formal action taken by Town Counsel. Regarding 8.24 land acquisition agreement, it was noted that all was consistent with conservation and development guidelines, and following Board of Selectmen approval this would be forwarded on to the RTM.

7. Sewer User Fee Adjustments:

7a. 19 Cherry Street, Jennifer Greca

Mr. Oustafine referred to the letter from Ms. Greca and the supporting bills from Aquarion. There was discussion over an issue where Norwalk won't release the water bills, and there was a review of the average usage.

- ** MR. FLAHERTY MOVED TO APPROVE THE APPEAL TO LOWER THE BILL TO \$271.33.
- ** MR. GENOVESE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY

7b. 295 Mansfield Avenue, Michael V. Delaney

Mr. Oustafine referred to the letter from Mr. Delaney and the supporting documents and bills from Aquarion. Mr. Delaney came forward and gave an overview of the history of the appeal and explained that there is no reasonable explanation for the high bill back in 2011. There was discussion over the corresponding lower bills, and Mr. Flaherty explained the procedure to average the bills over the previous and next quarters. Mr. Riith suggested there should be a meter on his irrigation system, and future appeal requests would only be considered if there was a meter.

- ** MR. FLAHERTY MOVED TO APPROVE THE APPEAL TO ADJUST THE SEWER USAGE CHARGE OF \$1,670.00 TO THE PRINCIPAL AMOUNT OF \$870.00 PLUS INTEREST AND PENALTIES.
- ** MR. VAN WINKLE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY

8. Stamford WPCA FY2014 Billing

Mr. Oustafine stated that the billing was approved at a previous meeting and provided for information only.

9. Superintendent's Report

Mr. Oustafine asked Mr. Genovese to report on situation along 1082 Post Road and Mr. Genovese explained that after crews worked on clearing the back-up, chunks of asphalt were found in the manhole area. He added that there is suspicion of a CL&P breach and it was suggested to camera it from 1096 from Corbin to I-95.

Mr. Oustafine reported that the Kensett Lane Pump Station at Hoyt Street is in and operational. He added that with Allen O'Neil there is nothing new and all sewers are almost complete with only a section along West Avenue remaining. He reported that he is waiting for the as-built for the Procaccini project.

10. Payment of Invoices

Approval of the following invoices was recommended for payment:
Curtis Brinkerhoff & Barrett, PC –

10.a.1 Westmere v. Town of Darien	\$9,840.66
10.a.2 City of Stamford Contract Negotiations	\$2,001.34

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

11. New Business

Mr. Flaherty suggested to discuss the concept of container sewer use charges to be applied to properties where there is no proof of DEEP compliance. A discussion ensued and comments included the need for inspections and difficulty with enforcement. Mr. Flaherty suggested that future projects follow guidelines where each parcel ownership agreement is submitted in advance.

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

12. Adjournment

The meeting was adjourned at 6:10 p.m.

Respectfully submitted,
Marilyn Knox, Telesco Secretarial Services

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