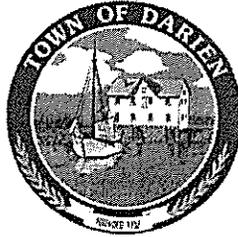


TOWN OF DARIEN SEWER COMMISSION
2 RENSHAW ROAD - TOWN HALL
DARIEN, CT 06820-5397
TELEPHONE (203) 656-7363



ROBERT A. RIITH, CHAIRMAN
WILLIAM DOUGHMAN
PETER VAN WINKLE, ESQ.
ANNE SHAW
ROCCO GENOVESE

**TOWN OF DARIEN
SEWER COMMISSION
REGULAR MEETING
JANUARY 3, 2012**

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

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

OTHER: Carolyn Marr, Recording Secretary

ABSENT: Bill Doughman

CALL TO ORDER

Mr. Riith called the Regular Meeting to order at 4:40 p.m.

APPROVAL OF MEETING MINUTES

DECEMBER 6, 2011 - DISCUSSION AND ACTION. ATTACHMENT

- ** MS. SHAW MOVED TO APPROVE THE MINUTES OF DECEMBER 6, 2011 AS AMENDED.**
- ** MR. VAN WINKLE SECONDED.**
- ** MOTION PASSED WITH THREE (3) VOTES IN FAVOR (RIITH, SHAW, VAN WINKLE) AND ONE (1) VOTE ABSTAINED (GENOVESE).**

DARIEN SEWER COMMISSION, ELECTION OF OFFICERS

- ** MR. VAN WINKLE MOVED TO APPROVE THE ELECTION OF OFFICERS FOR THE DARIEN SEWER COMMISSION, WITH ROBERT RIITH AS CHAIRMAN, ANNE SHAW AS VICE CHAIRMAN, AND ROCCO GENOVESE AS SECRETARY.**
- ** MS. SHAW SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

**** MR. VAN WINKLE MOVED THAT BY NOMINATING THE THREE OFFICERS NAMED ABOVE, THEY ARE ELECTED BY ACCLIMATION.**

**** MS. SHAW SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

**** MR. VAN WINKLE MOVED TO CAST ONE BALLOT FOR SECRETARY.**

**** MS. SHAW SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

SUPERINTENDENT'S REPORT, DISCUSSION

305 & 309 Middlesex Road, Wall in Sewer Easement. Attachment

Mr. Steeger reported that a stone wall had been built across the sewer easement. He provided a copy of the approved plan. Mr. Oustafine said that the easement language said it had to be put back to the way it was. He said there was nothing noted in the easement to indicate that a stone wall couldn't be put in. He confirmed that he will write a letter to the homeowner to let the stone wall remain as is but that the owner will be advised that the sewer commission will not be responsible for replacing the wall in like and kind as structure was built within sanitary sewer easement and without sewer commission consent. .

**** MR. GENOVESE MOVED TO APPROVE THAT A LETTER BE WRITTEN TO THE HOMEOWNER AT 305 & 309 MIDDLESEX ROAD TO LET THE STONE WALL REMAIN AS IS.**

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

**** MOTION PASSED UNANIMOUSLY.**

Mr. Steeger reported that the property owners at 144 Leroy Avenue, after getting a conditional approval from the Sewer Commission, went to the 1st Selectman who told them that she couldn't do anything because the matter had been referred to Town Counsel. The property owners were then referred back to the Sewer Commission.

Mr. Steeger said the bids on the replacement SCADA system open on Monday, January 9, 2012. He said they have three potential bidders.

Mr. Steeger reported that the proposed budget for next year includes maintaining two permanent field positions. There are a total of three authorized positions. There is funding in the budget for a new truck for Mr. Mica.

TOWN OF DARIEN
SEWER COMMISSION
REGULAR MEETING
JANUARY 3, 2012

Mr. Steeger said there is a slight decrease in the electrical costs, which is a reduction of about 22%. He said he has budgeted money to the WPCA for the exact same amount he has budgeted for in the past.

Mr. Steeger said he has a meeting with Mr. Wayne Fox tomorrow to discuss Westmere.

Mr. Steeger said he had a meeting with Computil to review this year's budgeting issues. He said they have admitted to the mistakes made in the billing process, and he said they have made changes in their program to eliminate the possibility of making the same mistakes again.

Mr. Oustafine reported on the results of testing done on the discharge at Goodwives River Road. He said the staining seems to be high in iron, and it could be algae but does not appear to be related to directional drilling materials (bentonite) used. He said that iron algae occurs naturally and is not harmful to the environment.

**** MR. VAN WINKLE MOVED TO APPROVE THE SUPERINTENDENT'S REPORT.**

**** MR. GENOVESE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

PAYMENT OF INVOICES

Curtis, Brinkerhoff & Barrett, PC Westmere Group, Inc., v. Town of Darien Attachment	\$ 2,912.00
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Mr. & Mrs. Brian Coleman, 3 Salem Straits Mailbox repair associated with Goodwives Sewer Attachment	\$ 566.97
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**** MR. GENOVESE MOVED TO APPROVE THE PAYMENT OF \$2,912.00 TO CURTIS, BRINKERHOFF & BARRETT, PC FOR THE WESTMERE GROUP, INC., V. TOWN OF DARIEN; AND \$566.97 TO MR. AND MRS. BRIAN COLEMAN FOR MAILBOX REPAIR ASSOCIATED WITH GOODWIVES SEWER.**

**** MS. SHAW SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

NEW BUSINESS

There was no new business to discuss.

TOWN OF DARIEN
SEWER COMMISSION
REGULAR MEETING
JANUARY 3, 2012

ADJOURNMENT

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

The meeting adjourned at 5:20 p.m.

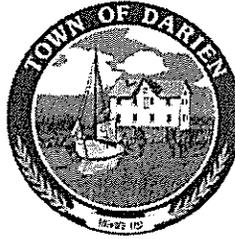
Respectfully submitted,

Carolyn Marr
Telesco Secretarial Services

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TOWN OF DARIEN
SEWER COMMISSION
REGULAR MEETING
JANUARY 3, 2012

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
SEWER COMMISSION
REGULAR MEETING
FEBRUARY 7, 2012**

ATTENDANCE: Robert Riith, Chair;
Peter Van Winkle;
Anne Shaw;
Rocco Genovese (by telephone)

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

OTHER: Carolyn Marr, Recording Secretary; John Bove, Esq.

ABSENT: William Doughman (resigned)

1. CALL TO ORDER

Mr. Riith called the Regular Meeting to order at 4:42 p.m.

2. APPROVAL OF MEETING MINUTES

JANUARY 3, 2012 - DISCUSSION AND ACTION. ATTACHMENT

- ** MS. SHAW MOVED TO APPROVE THE MINUTES OF JANUARY 3, 2012 AS AMENDED.
- ** MR. VAN WINKLE SECONDED.
- ** MOTION PASSED UNANIMOUSLY.

3. CEDAR LANE HOUSING DEVELOPMENT SEWER EXTENSION, DISCUSSION AND ACTION. ATTACHMENTS.

Mr. Steeger said this is just an update, there is no action required. He said this will come before the board for action in a month or so. Mr. Oustafine said the plan included in with agenda was submitted by GHD, (formerly Stearns & Wheler). He explained that it is a gravity system, running out to Hoyt Street and then to the Hoyt Street pump station. At the time of the P&Z approval, the sewer plan was left open. The proposal is to upgrade the existing pump station and force main. Mr. Oustafine said the developer has tasked his engineers (GHD) with exploring the option of having a pump station on their site and

discharging to the gravity pipe in Hoyt Street at location that does not flow to Hoyt Street pump station. This would allow the developer to avoid working in Hoyt Street and upgrading town pump station, however would involve design and construction of an entirely new pump station capable of handling all flows from development and Wakemore Street. Mr. Oustafine stated that a new pump station must be in accordance with all town standards including actual 3 phase power and flygt pumps. Mr. Oustafine stated that the developer was allowed into our Hoyt Street pump station to take notes as an example of what the town would require. He mentioned that the developer opted to not have his lawyer come to the meeting today.

4. TOWN OF DARIEN RADIO COMMUNICATION UPGRADE.DISCUSSION AND ACTION. ATTACHMENT.

Mr. Oustafine explained the Commission had approved the upgrade at a previous meeting and the commission decided that as long as there was no interference with operations of the pump station, the new radio equipment could be placed on the building. He said there is a temporary tower on the pump station site now. He said Mr. Marc McEwen went to the railroad to put an antenna on the catenary towers but was unsuccessful. The plan for the antenna to be on the Hoyt Street pump station will remain as previously approved.

5. SCADA BID RESULTS. DISCUSSION AND ACTION. ATTACHMENT.

Mr. Steeger said the bid was awarded to Fleet as the lowest bidder, and they will be starting work next week. It is a wireless, internet-based system (I-Link). The previous authorization was approved at \$60,000; the bid was \$63,995.

**** MS. SHAW MOVED TO APPROVE AN ADDITIONAL \$4,000 FOR THE SCADA BID.**

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

**** MOTION PASSED UNANIMOUSLY.**

6. SEWER LATERAL EASEMENT 144 LEROY AVENUE.DISCUSSION AND ATTACHMENT.

Mr. Oustafine said that the Town's attorney originally said the homeowner needed an easement. He reconsidered that position and has accepted the legal opinion of an organization titled "Connecticut Attorneys". Mr. John Bove, Esq. was present at the meeting, and he said the letter he received from Attorney Magioli reiterates what was said. Mr. Steeger said they can't locate the easement owner. Attorney Bove said his client owns the back lot with the easement over Prairie Rose Lane.

**** MR. VAN WINKLE MOVED TO ALLOW THE OWNERS OF 144 LEROY AVENUE TO CONNECT TO THE SEWER LATERAL EASEMENT OVER PRAIRIE ROSE LANE.**

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

7. GOODWIVES RIVER ROAD (ET AL) SEWER EXTENSION

- a) 1 Peabody Lane, Sprinkler Claim (\$1,875.00) \$ 737.50

Mr. Oustafine said he had a conversation with the sprinkler system installer. The recommendation is to reduce the amount from \$1,875.00 to \$737.50 for 1 Peabody Lane.

- ** MR. VAN WINKLE MOVED TO APPROVE PAYMENT OF \$737.50 FOR SPRINKLER CLAIMS AT 1 PEABODY LANE.**
- ** MS. SHAW SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

- b) 5 Conant Place, Damages Claim \$1,800.00

Mr. Oustafine explained that there was a Belgian block apron set in concrete at the home. The Water Company dug underneath the apron and didn't put it back correctly. The Town did not do the work and therefore cannot correct it. He explained there was an additional request from this homeowner for planting grass and removing 5 large trees from across the street.

- ** MR. VAN WINKLE MOVED TO DENY THE 5 CONANT PLACE CLAIM FOR DAMAGES IN THE AMOUNT OF \$1,800.00 BASED ON THE FACT THAT THE DAMAGE WAS CAUSED BY THE WATER COMPANY.**
- ** MS. SHAW SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

- ** MR. VAN WINKLE MOVED TO DENY ACTION ON REQUEST TO REMOVE TREES ON CONANT PLACE IN VICINITY OF 5 CONANT PLACE.**
- ** MS. SHAW SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

- c) Assessment Hearing. Attachment.

- ** MS. SHAW MOVED TO APPROVE THE ASSESSMENT HEARING BE HELD ON JUNE 5, 2012, CHANGING THE REGULARLY SCHEDULED MEETING INTO A SPECIAL MEETING, AND CHANGING THE TIME FROM 4:30 P.M. TO 7:00 P.M. THE ASSESSMENT HEARING WILL TAKE PLACE AT 7:30 P.M., IMMEDIATELY FOLLOWING THE SPECIAL MEETING AT 7:00 P.M.**

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

8 & 11 SUPERINTENDENT'S REPORT, AND CITY OF STAMFORD WPCA STATUS, DISCUSSION

Mr. Steeger discussed the Stamford WPCA status, saying the Town Attorney received a proposed contract from them for FY 2012. He then responded to Ms. Bull in a letter, stating that the Town wouldn't pay Stamford's recommended rate, but would pay the remaining fiscal year based on Mr. Steeger's calculation of what should be paid related to the negotiations. He said they need more time to review the information, but he asked for authorization to approve the estimated additional compensation request of \$10,140 for consulting services related to ongoing negotiations. \$33,000 has already been spent. The town is using the services of Arcadis, DBA Malcolm Pirnie with regards to the Stamford Inter Local Agreement.

- ** MR. VAN WINKLE MOVED TO APPROVE RAISING THE LIMIT FOR CONSULTING SERVICES RELATED TO THE STAMFORD WPCA INTER LOCAL AGREEMENT IN THE AMOUNT OF \$10,140.00, FOR A TOTAL OF \$43,446.00, AND TO AUTHORIZE MR. STEEGER TO CONTINUE TO USE THE SERVICES OF ARCADIS, DBA MALCOLM PIRNIE, RELATED TO THE STAMFORD INTER LOCAL AGREEMENT.**
- ** MS. SHAW SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

Mr. Steeger then discussed some information related to the recent Performance Measures meeting. Mr. Steeger explained that high payments to the City of Stamford, a national trend in less water being consumed, and lower returns on investments have all contributed to reduction in reserve fund. Mr. Steeger stated that the department has deferred capital projects such as the Stony Brook Force Main replacement project, and left a sewer maintenance position unfilled in response to the financial hardships facing the sewer department. Mr. Steeger stated that the sewer department cannot continue to operate in this manner indefinitely and that Darien's sewer user fees are already among the highest in the State of Connecticut.

Mr. Steeger reported all indications are that the Westmere case will go to trial and sewer commission can expect future attorney fees commensurate with increase in activity.

- ** MR. VAN WINKLE MOVED TO APPROVE THE SUPERINTENDENT'S REPORT AND CITY OF STAMFORD WPCA STATUS REPORT.**
- ** MS. SHAW SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

9. PAYMENT OF INVOICES

Curtis, Brinkerhoff & Barrett, PC
Westmere Group, Inc., v. Town of Darien \$ 1,081.00

- ** MR. VAN WINKLE MOVED TO APPROVE THE PAYMENT OF \$1,081.00 TO CURTIS, BRINKERHOFF & BARRETT, PC FOR THE WESTMERE GROUP, INC., V. TOWN OF DARIEN.**
- ** MS. SHAW SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

10. 305 & 309 MIDDLESEX ROAD, WALL IN SEWER EASEMENT. INFORMATION. ATTACHMENT.

Mr. Oustafine reported that he wrote a letter, which was included in agenda package, as requested by the commission and he was not expecting a response. Mr. Riith asked that information be recorded on the land records to alert future owners of property that this issue exists.

11. CITY OF STAMFORD WPCA STATUS. DISCUSSION. ATTACHMENTS.

This information was discussed in the Superintendent's Report.

13. NEW BUSINESS

There was no new business to discuss.

12. EXECUTIVE SESSION. DISCUSSION OF CONTRACT NEGOTIATIONS.

- ** MR. VAN WINKLE MOVED TO GO INTO EXECUTIVE SESSION TO DISCUSS CONTRACT NEGOTIATIONS.**
- ** MS. SHAW SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

Mr. Steeger, Mr. Oustafine, Mr. Riith, Ms. Shaw and Mr. Van Winkle went into Executive Session at 5:25 p.m. to discuss contract negotiations.

Mr. Steeger, Mr. Oustafine, Mr. Riith, Ms. Shaw and Mr. Van Winkle returned to the regular meeting at 5:49 PM. No action was taken during executive session.

ADJOURNMENT

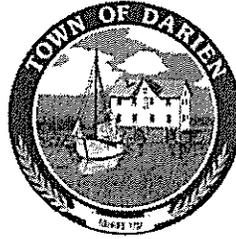
**** MOVED TO ADJOURN.
** SECONDED.
** MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 5:50 PM

Respectfully submitted,

Carolyn Marr
Telesco Secretarial Services

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



ROBERT S. STEEGER, P.E.
DIRECTOR OF PUBLIC WORKS

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

**TOWN OF DARIEN
SEWER COMMISSION
REGULAR MEETING
MARCH 6, 2012**

ATTENDANCE: Robert Riith, Chairman;
Anne Shaw;
Craig Flaherty, P.E;
Rocco Genovese (4:40 p.m.)

STAFF: Darren Oustafine, Assistant Director of Public Works

OTHER: Carolyn Marr, Recording Secretary; Attorney Bruce Hill;
Lori Carriero, GHD
D. Bruce Hill, Esq.

ABSENT: Peter Van Winkle, Esq.;
Robert Steeger, Director of Public Works

CALL TO ORDER

Mr. Riith called the Regular Meeting to order at 4:30 p.m. Mr. Riith introduced Mr. Craig Flaherty, a new Commission member. Mr. Oustafine said he would be standing in for Mr. Steeger.

**APPROVAL OF MEETING MINUTES
FEBRUARY 7, 2012 - DISCUSSION AND ACTION. ATTACHMENT**

Mr. Oustafine noted that in addition to proposed written changes, top of page 2 Hout should be changed to Hoyt.

- ** MS. SHAW MOVED TO APPROVE THE MINUTES OF FEBRUARY 7, 2012 AS AMENDED.**
- ** MR. RIITH SECONDED.**
- ** MOTION PASSED WITH TWO (2) VOTES IN FAVOR (RIITH, SHAW) AND ONE (1) VOTE ABSTAINED (FLAHERTY).**

**CEDAR LANE HOUSING DEVELOPMENT SEWER EXTENSION, DISCUSSION AND ACTION.
ATTACHMENTS.**

Mr. Oustafine said he took the GHD map and marked it up in order to see the direction of the flow and included that map in the sewer commission agenda package. He said that since the last meeting, the change is that they are no longer entertaining at this time putting a pump station on their own site. They are now back to the idea of upgrading our station and upgrading the force main. He said the deficiencies (sub standard slope) in the existing line on the Procaccini property will be improved, corrected and will be standard. The easement will have to be changed and the Town's pump station will have to be upgraded. He said that Attorney Bruce Hill was present, representing the owners, and Ms. Lori Carriero, the engineer for GHD, was present to answer any technical questions. Ms. Carriero explained from the colored map that at one time, it was believed to be below record slope. Original directional drilling was in and/or around the railroad tracks, and the line was moved to the north. The application has been approved by Metro North and is about to be submitted by Ms. Denise Halstead, who is working with Metro North on the application. Attorney Hill said he has been working on this project since 2005 and said it is nice to see it almost completed.

Mr. Genovese arrived at 4:40 p.m.

Ms. Carriero said the peak rate of flow will go from roughly 187 to approximately 300 gallons per minute and the force main will be upgraded from an existing 4" diameter to 6" diameter as well. It was mentioned that they hope to have the contractor and developer move forward on the site, and they were hoping to have the construction of the gravity system approved, even though the Metro North portion of the project was not finally approved yet. Mr. Oustafine said he didn't think they were ready to move forward as the proposal involves replacing an existing live town sewer carrying wastewater from Wakmore Street through the subject property without the agreements in place, such as easement agreements under railroad or easements through private property, and inspection agreements. Mr. Oustafine stated that if the developer were to start in other areas as outlined on the map, it would not affect the operation of the Wakemore sewer. Ms. Carriero stated that the slopes of the other pipes on the project are at critical minimum limits of 0.5% slope and that she would prefer to have the pipe installed from the bottom (lowest) point working upwards. The portions of the sewer not directly in between pump station and Wakemore would come off of that main line and the main line should be installed first. Mr. Oustafine stated that the pipe under the railroad tracks must be completed first in that scenario and that that approval does not exist and therefore cannot be approved at this time. Also, it was mentioned that they need an inspector by Mr. Flaherty. Attorney Hill said he would get a draft of the developer's agreement and easement to Mr. Oustafine.

Mr. Oustafine explained some aspects of the project being approved/completed. He asked if the Sewer Commission feels it has to have the Developer's Agreement reviewed by Town Counsel. The reply was to have town counsel review and approve developers agreement prior to construction commencement. He then asked if the Sewer Commission would be comfortable giving approval to go ahead as long as an inspector was in place. Mr. Oustafine said that when he gets the developers agreement from Attorney Hill, he would then be able to have Town Counsel sign off on it and present it to the Commission at the next meeting.

More discussion took place about the project, with Mr. Oustafine mentioning that they can't work from the bottom up without approval from the Metro North railroad easement or formal approval in place. Mr. Oustafine also stated that he would solicit proposals for inspection. Mr. Oustafine explained that the commission usually disqualifies the design engineer from providing inspection services on developer projects.

ALLEN O'NEILL SEWER EXTENSION,
DISCUSSION AND ACTION. ATTACHMENTS:
UTILITY LETTER; DEVELOPER'S PERMIT AGREEMENT;
SANITARY SEWER EASEMENT

Mr. Oustafine explained that he needs permission for the Chairman to sign the Utility Letter, which is included in the packet. He said the Developer's Permit Agreement, is drafted using the 333 West Avenue agreement as a template, and has not yet been reviewed by Town Counsel. He said that the Allen O'Neill project and the 333 West Avenue projects are similar in that there is no need for pro-rata share, future reimbursement, affidavit costs, etc, as there is no possibility in either case for a future extension from proposed sewer extension and those terms have been stripped from the 333 West Avenue contract and that is why the 333 West Ave developers agreement was used as a template. Mr. Oustafine stated that they didn't need an easement to put a sewer on a public road, and now the public road is going away as part of the project so easements will be necessary where the public road will become private and at other locations on the site. Mr. Oustafine said he has solicited inspection proposals for the project.

**** MR. GENOVESE MOVED TO APPROVE CHAIRMAN RIITH SIGNING THE UTILITY LETTER; AND HAVING TOWN COUNSEL REVIEW THE SANITARY SEWER EASEMENT AND DEVELOPER'S PERMIT AGREEMENT.**

**** MS. SHAW SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

333 WEST AVENUE, WESTERLY COURT,
DISCUSSION AND ACTION. ATTACHMENTS:
DEVELOPER'S AGREEMENT; SANITARY SEWER EASEMENT

Mr. Oustafine explained the developer and owner, Mr. John Hertz, had a signed draft agreement that the developer and owner brought in which was never reviewed or signed by Town Counsel nor signed by the sewer commission. He said they have incorporated Town Counsel's comments on both the Developer's Agreement and the Sanitary Sewer Agreement, and they will have Mr. John Hertz come back in and sign them. Mr. Oustafine asked the commission for a motion to allow the Chairman of the Darien Sewer Commission to sign the developers agreement on behalf fo the sewer commission.

- ** MS. SHAW MOVED TO APPROVE THE DEVELOPER'S AGREEMENT AND THE EASEMENT IN THE FORM PRESENTED AND AS REVIEWED BY TOWN COUNSEL AND TO AUTHORIZE THE CHAIRMAN OF THE DARIEN SEWER COMMISSION TO SIGN DEVELOPERS AGREEMENT.**
- ** MR. GENOVESE SECONDED.**
- ** MOTION PASSED WITH THREE (3) VOTES IN FAVOR (GENOVESE, RIITH, SHAW) AND ONE (1) VOTE ABSTAINED (FLAHERTY).**

SUPERINTENDENT'S REPORT, DISCUSSION

City of Stamford. Mr. Oustafine explained some information on the City of Stamford WPCA. He said that the towns attorney, John Wayne Fox, Esq. was supposed to hear from Attorney McCabe of the City of Stamford by close of business, but did not. Mr. Oustafine said he had forwarded copies of a recent article in the Stamford Advocate to the Commissioners. Some discussion took place regarding the article, including the fact Darien has paid for an upgrade to the wastewater plant, which put Stamford in the number one spot for nitrogen credits in the State, the benefit of which Darien has not received. It was mentioned that it is frustrating because the our counterparts are not known, the author of the latest agreement proposal from Stamford is not known, and meetings never take place. Some discussion took place regarding the history of the relationship with Darien and the WPCA. Mr. Oustafine explained the situation surrounding the water main break in Stamford last year.

Westmere Lawsuit. Mr. Oustafine said that on Thursday, he, Mr. Steeger, First Selectman Stevenson and John Wayne Fox, Esq. will meet to discuss a potential meeting with Mr. Andrew Pritchard, the owner of Westmere, who has requested a meeting with

First Selectman Stevenson. The purpose of Thursday's meeting is to brief First Selectman Stevenson prior to the potential meeting.

Board of Selectman Meeting. Mr. Oustafine said that the Chairman and the entire Commission has been requested to attend either the April 9 or April 23 Board of Selectmen meeting to discuss the budget for the Sewer Commission and that at a minimum, the Board of Selectman require the Chairman of the commission to attend. All other members are welcomed to attendMr. Steeger is not planning on attending.

Mr. Flaherty asked if the budget for the Sewer Commission is out of the General Fund or the is separate. Mr. Oustafine explained that the sewer department is an enterprise fund but that the Sewer Commission uses the Town bonding for sewer projects and the Board of Finance, Board of Selectmen, and RTM sometimes have questions for the sewer commission regarding oversight of budget.

Scada. Mr. Oustafine said the new I-Link Scada System will be installed shortly. The price was \$64,000 for 13 pump stations. The main monitor will continue to be located at the Nearwater Lane location, with the direct call-out from other stations directly to the the man in the field. West Avenue, for example, which is a smaller station, will continue to be an alarm-only site. G.A. Fleet submitted the bid for the I-Link system. Parts are on site and are ready to be installed.

Stony Brook Pump Station. Mr. Oustafine said the Stony Brook pump station potable water leak was fixed yesterday by AJ Penna and Sons for approximately \$4,000. The town can appeal water usage charges since we fixed the leak promptly.

Goodwives River Road (et al) sewer extension. Mr. Oustafine reminded the Commission that the Goodwives River Road public hearing will take place on June 5 at 7:00 p.m.

- ** MR. GENOVESE MOVED TO APPROVE THE SUPERINTENDENT'S REPORT.**
- ** MR. FLAHERTY SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

PAYMENT OF INVOICES

Curtis, Brinkerhoff & Barrett, PC	
Westmere Group, Inc., v. Town of Darien	\$ 4,923.68

- ** MR. GENOVESE MOVED TO APPROVE THE PAYMENT OF \$4,923.68 TO CURTIS, BRINKERHOFF & BARRETT, PC FOR WORK RELATED TO THE WESTMERE GROUP, INC., V. TOWN OF DARIEN.**
- ** MR. FLAHERTY SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

NEW BUSINESS

- ** MR. FLAHERTY MOVED TO ADD CATHERINE STREET TO THE AGENDA UNDER NEW BUSINESS.**
- ** MS. SHAW SECONDED.**
- ** MOTION PASSED UNANIMOUSLY WITH GREATER THAN 2/3rds MAJORITY.**

Mr. Oustafine provided a handout for the Commissioners, outlining the expenses dating back to 2003. He explained that each resident of Catherine Street currently pays \$135.00 per each snow occurrence for the year. According to the handout, they had never paid "per occurrence" before. He said he thinks that Darien has contributed paying to the maintenance of the road/snow plowing, and that is their contribution. He recommended that they continue to mail the Catherine Street Association a check, as they have done in the past.

- ** MR. GENOVESE MOVED TO APPROVE THE ONE-TIME FEE OF \$135.00 FOR MAINTENANCE OF CATHERINE STREET FOR ONE YEAR.**
- ** MS. SHAW SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

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

The meeting adjourned at 5:50 p.m.

Respectfully submitted,

Carolyn Marr
Telesco Secretarial Services

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TOWN OF DARIEN
SEWER COMMISSION
REGULAR MEETING
MARCH 6, 2012
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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
SEWER COMMISSION
REGULAR MEETING
APRIL 3, 2012**

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

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

OTHER: Carolyn Marr, Recording Secretary;
Frank Adelman, RTM Public Works Committee Member;
Sandy Drimal, Resident 283 Hollow Tree Ridge Road;
Ken Woodfine, Parklands Office Park, 3 Parklands Drive

ABSENT: Peter Van Winkle, Esq.;
Rocco Genovese.

CALL TO ORDER

Mr. Riith called the Regular Meeting to order at 4:35 p.m.

APPROVAL OF MEETING MINUTES
MARCH 6, 2012 - DISCUSSION AND ACTION. ATTACHMENT

**** MS. SHAW MOVED TO APPROVE THE MINUTES OF MARCH 6, 2012 AS AMENDED.**
**** MR. FLAHERTY SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

Mr. Steeger suggested that the Commission take the agenda items out of order and discuss New Business first, as the representatives were present at the meeting and prepared to discuss the item.

**** MS. SHAW MOVED TO APPROVE TAKING THE AGENDA OUT OF ORDER TO DISCUSS NEW BUSINESS.**
**** MR. FLAHERTY SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

NEW BUSINESS

Mr. Steeger said that Mr. Ken Woodfine of Parklands Office Park was present to discuss adjusting a sewer bill based on the amount of water being used for irrigation purposes. Documentation was provided to the Commissioners.

In 2011, the sewer bill was \$10,230.00, and in 2010, the sewer bill was \$5,469.20. Mr. Woodfine said there was a significant difference in the watering seasons. He said they had several plantings done to make the area look nice. He said he has quarterly documentation of usage over the last 4-5 years. Meters have been installed and moving forward, he said they will have a better idea of usage.

Mr. Riith suggested that Mr. Woodfine have a meeting with Mr. Oustafine and then come back to the May Sewer Commission meeting.

Mr. Steeger said that Ms. Sandy Drimal of 283 Hollow Tree Ridge Road was present to discuss a sewer backup at her home. Ms. Drimal had documentation in the form of a bill in the amount of \$1,012.11. A portion of that bill includes work done by ServPro in the amount of \$186.11. She said she is requesting reimbursement for her expenses for services rendered from Darien Plumbing and Heating and Servpro. There was a problem with the main line that was originally traced back to Wee Burn Country Club and their grease traps. Mr. Steeger suggested that the Commission bill back Wee Burn Country Club as they had failed to maintain their grease traps. Upon inspection, the traps were full to overflowing. The line was cleaned from Wee Burn CC to the Stamford City line two times.

**** MR. FLAHERTY MOVED TO APPROVE REIMBURSEMENT TO MS. DRIMAL IN THE AMOUNT OF \$1,012.11 FOR SERVICES RENDERED AS A RESULT OF A SEWER BACKUP.**

**** MS. SHAW SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

**** MR. FLAHERTY MOVED TO APPROVE BILLING WEE BURN COUNTRY CLUB FOR REIMBURSEMENT OF EXPENSES IN THE AMOUNT OF \$1,012.11 FOR SERVICES RENDERED TO MS. SANDY DRIMAL AT 283 HOLLOW TREE RIDGE ROAD AS A RESULT OF A SEWER BACKUP TRACED BACK TO THE CLUB'S GREASE TRAPS.**

**** MS. SHAW SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

ALLEN O'NEILL SEWER EXTENSION, DISCUSSION AND ACTION. ATTACHMENTS:

TOWN OF DARIEN
SEWER COMMISSION
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3a) Inspection Proposals

**** MR. FLAHERTY MOVED TO HAVE THE CHAIRMAN OF THE DARIEN SEWER COMMISSION ENTER INTO AN AGREEMENT WITH GHD AS THE INSPECTOR FOR THE ALLEN O'NEILL SEWER EXTENSION.**

**** MS. SHAW SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Mr. Oustafine explained that GHD was the lowest bidder at \$85.00/hour compared to Dewberry at \$92.00/hour

CEDAR LANE HOUSING DEVELOPMENT SEWER EXTENSION, DISCUSSION AND ACTION.
ATTACHMENTS.

- 4a) Request for Materials
- 4b) Inspection Proposals
- 4c) Request to Begin Work
- 4d) Set Mainenance Bond Amount
- 4e) Railroad Crossing License

Mr. Oustafine said there were two proposals for inspection services. He recalled that the Commission's policy was that GHD was not eligible to go after this work due to being the design engineering firm. He said the town brought in another company, Milone & MacBroom, and they had a \$115/hr rate, compared to Dewberry's \$92/hr rate. He said that Dewberry did have the benefit of GHD's proposal results from Allen O'Neill, before they submitted their price. It was recommended the Chairman enter into an agreement with Dewberry for the Cedar Lane Housing Development inspection.

**** MR. FLAHERTY MOVED TO AUTHORIZE THE CHAIRMAN OF THE DARIEN SEWER COMMISSION TO ENTER INTO AN AGREEMENT WITH DEWBERRY CONSTRUCTION FOR THE CEDAR LANE HOUSING DEVELOPMENT INSPECTION.**

**** MS. SHAW SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Mr. Oustafine explained that document #4a was the three-page letter he wrote to Attorney Bruce Hill in an attempt to codify all of the things the town needs. He said it is difficult to determine who is in charge. He said Attorney Hill has taken an active role as the point person. This letter, basically for information purposes, was included in the Commissioner's packets. Mr. Oustafine said most of the things outlined in the letter have been addressed.

TOWN OF DARIEN
SEWER COMMISSION
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Mr. Oustafine said he handed out a sheet, document #4c, which is a color-coded map of the site. He said the red line shows the existing sewer line; the green line is what they want to install, starting right away; and the fluorescent yellow indicates what they are not yet approved to start. He suggested that the red line not be disturbed, because that is what takes care of Wakemore. The lower crossing at sewer manhole #6 will have the proposed sewer going over the existing sewer. The other two crossings, near sewer manholes # 2 and 2a, will have the proposed sewer going under the existing sewer.

Mr. Oustafine then explained document #4e, saying that Town Counsel has reviewed the license information and Town Counsel agrees that it makes sense for the town to take the license rather than have the developer take the license and transfer to town later. He said the Town of Darien will take the license, and the developer will put in the sewer, which could make the town responsible for the sewer. The language recommended to be included in the developer's agreement is the developer is responsible for the sewer even in the railroad, under the Town's license, until such time the Sewer Commission accepts the sewer.

Mr. Oustafine said that under document #4c, they were asking for permission to work. There is an insurance certificate but they need to name the town additionally insured. No maintenance bond or a developer's agreement has been received yet. In the past, the commission has allowed contractors to start before the developer's agreement is in place. Provided they do everything they say they will do, there is very little risk provided the town has a maintenance bond. The bond is needed because they will be working around a live sewer and inspection costs. Some discussion took place regarding the maintenance bond and the developer's agreement.

Mr. Oustafine mentioned under #4d, the calculations are \$31,472, which is 5% of the engineering estimate for the sewer construction. He felt it was a reasonable estimate, and he expected the developer to cut the town a check to be deposited, and then reimburse when the project is over.

Mr. Oustafine said that the Hoyt Street pump station will have to be upgraded to have 2 - 5 horsepower pumps to replace the 2 - 2.5 horsepower pumps. Out of 100 + homes included in the original Hoyt Street project, there are approximately 62 properties connected. He expected the 23 homes to be added from the Wakemore Road would not overtax the Hoyt Street Pump Station as there should be capacity built in to the original design. He said that he has asked the design engineer, GHD, for confirmation in writing. Generator will be tested in the next week to determine if sufficient for proposed larger pumps. Discussion took place among Mr. Oustafine and the Commissioners regarding the options available for agreements and approvals.

TOWN OF DARIEN
SEWER COMMISSION
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**** MR. FLAHERTY MOVED TO APPROVE SETTING THE MAINTENANCE BOND IN THE AMOUNT OF \$31,472.**

**** MS. SHAW SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

**** MR. FLAHERTY MOVED TO APPROVE THE TOWN OF DARIEN ENTERING INTO A LICENSING AGREEMENT WITH THE RAILROAD, BASED ON TOWN COUNSEL'S RECOMMENDATIONS.**

**** MS. SHAW SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

**** MR. FLAHERTY MOVED TO APPROVE REQUEST TO BEGIN WORK, PROVIDED THAT THE SEWER COMMISSION RECEIVE THE BOND BEFORE THE START OF WORK AND THE DEVELOPER'S PERMIT AGREEMENT BY THE MAY SEWER COMMISSION MEETING.**

**** MS. SHAW SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

SUPERINTENDENT'S REPORT, DISCUSSION

Mr. Steeger said with regard to Westmere, since the last meeting, Mr. Andrew Pritchard requested and was granted a meeting with 1st Selectman Stevenson. He said it was somewhat difficult for 1st Selectman Stevenson to discern Mr. Pritchard's objective, but he said that Mr. Pritchard impressed on 1st Selectman Stevenson that he was fully prepared to go to court with the lawsuit. Mr. Steeger said that lawyers recommended retaining legal counsel specializing in special benefit appraisals. The amount of money offered to settle this is very low. Mr. Steeger recommended that the Commission authorize the Chairman to sign the agreement and authorize issuing a check in the amount of \$5,000 for the retainer of legal counsel specializing in special benefits, for a sum not to exceed \$13,500. He said the attorneys reviewed the agreement. He confirmed that both he and Mr. Fox briefed 1st Selectman Stevenson prior to her meeting with Mr. Pritchard. He then explained the history of the Westmere situation to Messrs. Adelman and Flaherty, saying that the issue is how much Mr. Pritchard believes he is owed as a result of installing sewers and pump station on Andrews Drive. This has been going on for 3-4 years, and Westmere basically doesn't exist anymore. He said that both he and Mr. Oustafine have been deposed, and it looks like it will go to trial.

**** MR. FLAHERTY MOVED TO AUTHORIZE THE CHAIRMAN TO SIGN**

TOWN OF DARIEN
SEWER COMMISSION
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THE AGREEMENT AND ISSUE A CHECK IN THE AMOUNT OF \$5,000 AS A RETAINER TO KERIN & FAZIO, LLC, A CONSULTING FIRM SPECIALIZING IN SPECIAL BENEFIT APPRAISALS, FOR THE WESTMERE CASE, FOR A SUM NOT TO EXCEED \$13,500.

**** MS. SHAW SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Mr. Steeger then discussed the Stamford WPCA negotiations. He said that last month, 1st Selectman Stevenson reached out to Stamford Mayor Michael Pavia. Mr. Steeger said that it has been difficult to determine who is in charge at the WPCA, as several attempts at meetings have failed. He said that Darien, throughout the negotiations has pursued an equitable arrangement based upon facts while he feels Stamford is only concerned with the money they will get from Darien annually and they will pursue any logic or argument that will serve to that end. He said unless they are willing to pursue on a legal level, they will have to settle for more money than they want to. He said there is not a lot of leverage to work with, and the bottom line is that nothing is happening. There is no Chairman, the Executive Director left 4 months ago, and there is no License 4 operator. Mr. Orgera assumed responsibilities in February, and appointed two new people as replacements for personnel that had left. The two problems at the plant are the odor, and the rates, according to a recent article in the Stamford Advocate and Greenwich Time. Mr. Steeger said Mr. Fox is waiting to hear back from Attorney McCabe about a meeting. Mr. Oustafine distributed a copy of a WPCA letter to Mr. Steeger which outlined the FY 2011-2012 estimated sewage treatment charges for Darien. More discussion took place regarding the WPCA's negotiations and charges.

Mr. Oustafine distributed a photo of the odorless staining near the Goodwives River Road bridge. He received a call from Ms. Beth Bergman, of 33 Goodwives River Road, and he told her it's a naturally occurring phenomenon. He said he spoke with Mr. Rich Jacobson of the EPC. The staining is not related to sewer work in the area. Testing shows that the material causing the staining is not bentonite clay, and is very high in iron content. Mr. Steeger said that the town has done what's reasonable and prudent at this time.

**** MR. FLAHERTY MOVED TO APPROVE THE SUPERINTENDENT'S REPORT.**

**** MS. SHAW SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

PAYMENT OF INVOICES

6a) Curtis, Brinkerhoff & Barrett, PC
Westmere Group, Inc., v. Town of Darien \$ 1,780.00

TOWN OF DARIEN
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6b) Curtis, Brinkerhoff & Barrett, PC
Sewer Contract City of Stamford

\$ 3,175.00

**** MR. FLAHERTY MOVED TO APPROVE THE PAYMENT OF \$1,780.00 TO CURTIS, BRINKERHOFF & BARRETT, PC FOR WORK RELATED TO THE WESTMERE GROUP, INC., V. TOWN OF DARIEN; AND THE AMOUNT OF \$3,175.00 TO CURTIS, BRINKERHOFF & BARRETT PC FOR WORK RELATED TO THE SEWER CONTRACT CITY OF STAMFORD.**

**** MS. SHAW SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** MS. SHAW MOVED TO ADJOURN.**

**** MR. FLAHERTY SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 5:50 p.m.

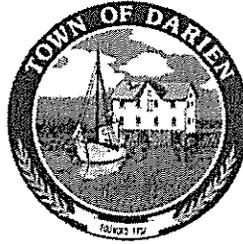
Respectfully submitted,

Carolyn Marr
Telesco Secretarial Services

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TOWN OF DARIEN
SEWER COMMISSION
REGULAR MEETING
APRIL 3, 2012

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
REGULAR MEETING
MAY 1, 2012**

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

STAFF: Darren Oustafine, Assistant Director of Public Works

OTHER: Carolyn Marr, Recording Secretary;
Ken Woodfine, Parklands Office Park;
Robert Blakeslee, Wee Burn Country Club

ABSENT: Robert Steeger, Director of Public Works

1) CALL TO ORDER

Mr. Riith called the Regular Meeting to order at 4:35 p.m.

Mr. Oustafine suggested that the Commission take the agenda items out of order and discuss agenda items #4 and #5 first, as the representatives were present at the meeting and prepared to discuss the items.

**4) 3 PARKLANDS DRIVE SEWER USER FEES APPEAL, DISCUSSION AND ACTION.
ATTACHMENTS.**

Discussion took place regarding the information that Mr. Oustafine provided. He explained that Mr. Woodfine had come to the last meeting of the Sewer Commission and asked for a reduction of the water usage bill. Mr. Woodfine clarified that he received two bills. The total of the two bills is what he gave Mr. Oustafine, and he said he is contesting the sewer bill amount which combines both bills. Mr. Woodfine confirmed that a meter will be installed by the end of the month to measure water used for irrigation and that will be deducted from future bills. Mr. Oustafine explained that the commission asked staff to look into the issue further and to report back to the commission at the May 2012 meeting. Mr. Oustafine presented water usage data from the last 10 years as follows:

2001 5,840 CCF (hundred cubic feet)
2002 4,387
2003 10,527
2004 2,948
2005 3,210
2006 22,071
2007 1,705
2008 1,948
2009 1,772
2010 1,243
2011 2,046

Average 5,245.

**** MR. FLAHERTY MOVED TO APPROVE THE REDUCTION OF THE WATER USAGE BILL FOR PARKLANDS OFFICE PARK BASED UPON MOST RECENT USAGE OF 2 LOW QUARTERLY USAGES REPORTED FROM BOTH BILLS, MULTIPLIED BY 2 WHICH IS AS FOLLOWS; (62 + 165 + 39 + 51)*2 = 634 CCF, @ \$5.00/CCF=\$3,170.00, BASED ON INSTALLATION OF METERS AND NO FURTHER ADJUSTMENT EXCEPT FOR METERED IRRIGATION DEDUCTIONS AS WITNESSED BY TOWN PERSONNEL.**

**** MR. GENOVESE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

5) WEE BURN COUNTRY CLUB SEWER INVOICE APPEAL.

Mr. Robert Blakeslee, Executive Chef of Wee Burn Country Club, explained that he was contesting the letter from the Darien Sewer Commission, which indicated that Wee Burn Country Club had neglected their responsibilities in properly maintaining their grease traps. This negligence caused a backup in a home on Hollow Tree Ridge Road, which resulted in the resident requesting reimbursement for damage and work done as a result of the backup. The bill submitted by the resident totaled \$1,012.11. Town employee Fred Micha did the inspection on 3/22/12. Mr. Blakeslee stated that Wee Burn Country Club has regular maintenance performed on both the lines and the grease traps quarterly but said the lines and grease traps are old and defunct. He said the Darien Health Department gave Wee Burn Country Club an extension because of a construction project at the club in the front part of the lobby. Mr. Blakeslee reiterated that he has invoices to prove that the lines and grease traps have been maintained properly. Mr. Van Winkle said the lines and grease traps, while being serviced by a reputable company, were inspected in February but should be maintained more often. He confirmed with Mr. Blakeslee that Wee Burn Country Club will pay the \$1,012.11 bill, reimbursing the Sewer Commission. The Commission members thanked Mr. Blakeslee and Wee Burn Country Club for agreeing to pay the bill.

2. APPROVAL OF MEETING MINUTES APRIL 3, 2012 - DISCUSSION AND ACTION. ATTACHMENT.

- ** MS. SHAW MOVED TO APPROVE THE MINUTES OF APRIL 3, 2012 AS AMENDED.**
- ** MR. FLAHERTY SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

3. ALLEN O'NEILL SEWER EXTENSION, DISCUSSION AND ACTION. ATTACHMENTS.

Mr. Oustafine said he asked the developer to submit costs for sewer installation which seem reasonable and recommended for acceptance and that 5% of that amount is \$7,245 which should be the bond amount. He further explained that the developer will have a multi-million dollar bond on the project. Mr. Oustafine asked the commission for 2 motions; 1st to approve the bond amount at \$7,245, and 2nd to approve being added to existing performance bond as "dual obligee rider" Mr. Van Winkle suggested they refer this matter to Wayne Fox, Town Counsel. This matter of allowing the developer to use existing bond and naming town as dual obligee rider, was tabled until an answer is received from town counsel, Wayne Fox.

- ** MR. VAN WINKLE MOVED TO APPROVE THE BOND AMOUNT OF \$7,245 AS CALCULATED TO BE 5% OF THE TOTAL SEWER PROJECT COST (\$144,893.97)**
- ** MR. GENOVESE SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

6 SUPERINTENDENT'S REPORT, DISCUSSION

Mr. Oustafine provided the Superintendent's Report in Mr. Steeger's absence. He said that he has spoken with Attorney Bruce Hill regarding the Developer's Agreement relative to the Kensett Lane, Hoyt Street, Proccacini property sewer extension which the Sewer Commission had requested, at a previous meeting, to be provided prior to the start of this meeting. Mr. Oustafine said the information was given to Attorney Schmidt. Mr. Oustafine hopes to updated information at the next meeting. Mr. Oustafine reported that construction of the sewer is underway, that pump station design is ongoing, and inspector is on site monitoring project.

He said that SCADA is close to being finished with most pumping stations on line.

Lastly, he reported that the Goodwives River Road sewer extension Public Hearing is scheduled for Tuesday, June 5, 2012 at 7:00 p.m. followed by the regular Sewer Commission meeting.

- ** MS. SHAW MOVED TO ACCEPT THE SUPERINTENDENT'S REPORT.**
- ** MR. GENOVESE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

7 PAYMENT OF INVOICES. ATTACHMENTS.

Curtis, Brinkerhoff & Barrett, PC (Inv. #17321, 3/31/12)

Westmere Group, Inc., v. Town of Darien

\$ 1,052.16

**** MR. FLAHERTY MOVED TO APPROVE THE PAYMENT OF \$1,052.16 TO CURTIS, BRINKERHOFF & BARRETT, PC FOR WORK RELATED TO THE WESTMERE GROUP, INC., V. TOWN OF DARIEN.**

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

**** MOTION PASSED UNANIMOUSLY.**

8 NEW BUSINESS

No new business entertained.

9 ADJOURNMENT

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

**** MR. GENOVESE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 5:15 p.m.

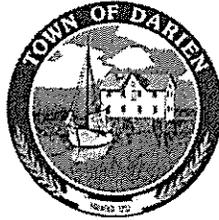
Respectfully submitted,

Carolyn Marr

Telesco Secretarial Services

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

**TOWN OF DARIEN
SEWER COMMISSION
PUBLIC HEARING AND SPECIAL MEETING
JUNE 5, 2012, 7:00 PM**

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

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

OTHER: Carolyn Marr, Recording Secretary;
Jayne J. Stevenson, First Selectman;
Jeffery K. Scofield, 65 Goodwives River Rd;
Stewart and Louise Johnson, 42 Goodwives River Road;
Diana Kalman, 9 Conant Place;
Virginia Miller, 85 Goodwives River Road;
Barton and Beth Bergman;
Anni Lings DeMarco, 81 Goodwives River Road; and,
Robert Hopper, Contract Purchaser 20 Whaling Road.

ABSENT: Peter Van Winkle, Esq.;
Anne Shaw

1. OPEN PUBLIC HEARING AND OPENING STATEMENTS

Mr. Riith called the Public Hearing to order at 7:00 p.m. He read the following legal notice into the record:

“Notice to Property Owners of Public Hearing on Proposed Sewer Assessment on Goodwives River Road, Salem Straits, Hawthorne Road, Beverly Place, Whaling Road, Peabody Lane, Conant Place, Candlewood Lane, and four properties with Sunswyck Road addresses – Contract #58. The Town of Darien Sewer Commission will conduct a Public Hearing on Tuesday, June 5, 2012 at 7:00 p.m. in the Darien Town Hall Auditorium, 2 Renshaw Road, Darien, CT for the purpose of affording owners of property in the sewer construction contract #58, which includes properties on Goodwives River Road, Salem Straits, Hawthorne Road, Beverly Place, Whaling Road, Peabody Lane, Conant Place, Candlewood Lane, and four properties with Sunswyck Road addresses. An opportunity to be heard concerning their assessment, proposed

assessment is approximately \$25,000 per affected property. All members of the public are invited to be present and will given an opportunity to be heard on the proposed assessment.

By order of the Darien Sewer Commission, Robert A. Riith, Chairman.”

Mr. Robert Steeger, Director of Public Works, welcomed everyone and said that for the record, notice of this Public Hearing was published in the May 18, 2012 edition of the Darien News. In addition, notice of the Public Hearing was mailed to each property owner. He then introduced the members of the Darien Sewer Commission and Mr. Oustafine, Assistant Director of Public Works.

2. STAFF PRESENTATION OF COSTS

Mr. Steeger explained that he will review the project costs in the proposed assessment, describe the available payment options, and explain the appeals procedure in the event a homeowner wants to challenge the assessment. He then reviewed the information as provided in his report. He outlined the summary of the project costs, saying that the design fees, construction, construction inspection, land purchase, police and traffic control, attorney fees, and bonding add up to \$1,821,143.

He said the number of properties directly accessible to the sewer is 77. The proposed assessment is \$23,651, which is determined by dividing the total project cost by the number of properties directly accessible to the sewer. He then went on to say that the estimated assessment as presented in a public hearing in the year 2004 was \$27,000. He said the property owners have two options. The first is to make a single payment, and the second is to take a 20 year payback plan with interest. He explained that the interest would be at 2.65% and would be as follows:

Yr	Principal	Annual Principal Reduction	Interest @ 2.65%	Total paid
1	\$ 23,651.00	\$ 1,182.55		\$ 1,182.55
2	22,468.45	\$ 1,182.55	595.41	1,777.96
3	21,285.90	\$ 1,182.55	564.08	1,746.63
4	20,103.35	\$ 1,182.55	532.74	1,715.29
5	18,920.80	\$ 1,182.55	501.40	1,683.95
6	17,738.25	\$ 1,182.55	470.06	1,652.61
7	16,555.70	\$ 1,182.55	438.73	1,621.28
8	15,373.15	\$ 1,182.55	407.39	1,589.94
9	14,190.60	\$ 1,182.55	376.05	1,558.60
10	13,008.05	\$ 1,182.55	344.71	1,527.26
11	11,825.50	\$ 1,182.55	313.38	1,495.93
12	10,642.95	\$ 1,182.55	282.04	1,464.59
13	9,460.40	\$ 1,182.55	250.70	1,433.25
14	8,277.85	\$ 1,182.55	219.36	1,401.91
15	7,095.30	\$ 1,182.55	188.03	1,370.58
16	5,912.75	\$ 1,182.55	156.69	1,339.24
17	4,730.20	\$ 1,182.55	125.35	1,307.90
18	3,547.65	\$ 1,182.55	94.01	1,276.56
19	2,365.10	\$ 1,182.55	62.68	1,245.23
20	1,182.55	\$ 1,182.55	31.34	1,213.89
	\$ 23,651	\$ 5,954	\$ 29,605	

The total sum of payments over time would be \$29,605. Mr. Steeger said that some time after the public hearing the Sewer Commission would then levy the assessment and files it with the Town Clerk. Within five days of the filing the Sewer Commission is obligated by Statute to publicly notice the assessment and mail it out to the homeowners. 15 days after the Public Hearing, the Sewer Commission has to publish the notice of assessment again. The owner then has 21 days to file an appeal in Superior Court in Stamford, CT. The homeowner can also appeal the assessment with the Sewer Commission to defer the levy of assessment.

3. PUBLIC COMMENTARY OR QUESTIONS

Mr. Stewart Johnson, 42 Goodwives River Road, asked why the Town isn't paying for the sewer project. Mr. Riith explained that the people pay for it. He said this was all explained at the original public hearing. Mr. Johnson asked why they have to pay for it if they are not hooking up to it, and it was said that the homeowner still is required to pay the assessment. Discussion took place about the voting on this matter that occurred back in 2004.

Mr. Jeff Scofield, 65 Goodwives River Road, thanked the Commission for putting the sewer system in because ledge and wetland, made it virtually impossible to have a septic system.

Discussion took place about the land acquisition costing \$39,100 with 77 assessments from this project paying for the parcel and the Town of Darien now owning the property. Mr. Scofield asked why the town would not pay for the land instead of just the sewer assessments. Mr. Steeger said that no real consideration has been given to the use of eminent domain. He said that the price is based on a professional appraisal, and the town owns the property, not the 77 people paying for it. Mr. Steeger said purchasing the property was the advice of Town Counsel, and that the cost of an easement may have been equivalent purchase costs.

Mr. Robert Hopper said he understands the timeframe and asked when the assessment has to be paid. Mr. Riith said that the assessment will become due on November 1, 2012. In response to a homeowner's question regarding paying for the assessment over time, Mr. Steeger said that if a balance is due on the assessment when a property is transferred, lien is attached to a property, and unless some other arrangement is made, the balance passes with the property if the property is sold.

4. CLOSE OF PUBLIC HEARING

Mr. Riith closed the Public Hearing portion of the meeting at 7:22 p.m.

1. CALL TO ORDER SPECIAL MEETING

3 Mr. Riith called the Special Meeting to order at 7:25 p.m. He said the Commission agreed to defer the vote on the sewer assessment, discussed in the Public Hearing, to the next meeting, which will now be Tuesday, July 10, 2012.

2. 33 GOODWIVES RIVER ROAD, IRON ALGAE ISSUE DISCUSSION AND ACTION.

Mr. Oustafine said that directional drilling occurred adjacent to this property, and part of this yard is on town property. The iron algae appears to be erupting through the ground and flowing towards Goodwives River Road. This issue had been mentioned to the commission in previous meetings. According to the Darien Health Department and staff for Darien EPC this is probably the result of a naturally occurring iron algae, or iron oxide. The homeowners, Mr. & Mrs. Barton Bergman, have lived there for 6 years. They explained the situation, providing pictures taken as recently as today, and maps, and said it appears to be getting worse. Much discussion took place about possible causes of the problem, including the directional drilling, trenches, catch basins, storm drains, bentonite clay, and groundwater. The homeowners have lived there for 6 years

and are anxious to get the problem resolved so there won't be any further damage to the surrounding area or river. Aquarion Water Company came out and said there are no pipes in the area. There were no pictures available that were taken before the drilling began. It was agreed that further work, including sending a camera down the storm drain will be done by Mr. Oustafine and the Public Works Department to determine the cause and solution of this problem. Also that test results of the eruption will be forwarded to the commission for their review.

**3. GOODWIVES RIVER ROAD (ET AL), CONTRACT 58 SEWER EXTENSION.
DISCUSSION AND ACTION**

The Commission agreed to table this vote until the next Commission meeting, now scheduled for Tuesday, July 10, 2012 as stated above at opening of special meeting

**4 APPROVAL OF MEETING MINUTES OF SEWER COMMISSION REGULAR
MEETING OF MAY 1, 2012. ATTACHMENT.**

- ** MR. GENOVESE MOVED TO APPROVE THE MINUTES OF MAY 1, 2012 AS AMENDED.
- ** MR. FLAHERTY SECONDED.
- ** MOTION PASSED UNANIMOUSLY.

**5 APPROVAL OF DECLARATION OF SANITARY SEWER EASEMENT
9 WHALING ROAD TO 19 WHALING ROAD. ATTACHMENT.**

It was explained that this form was given to the homeowners, it was drafted up by the lawyer and filed with the Town Clerk. The sewer was installed. This should be approved as a formality.

- ** MR. FLAHERTY MOVED TO APPROVE THE DECLARATION OF THE SANITARY SEWER EASEMENT FOR 9 WHALING ROAD TO 19 WHALING ROAD.
- ** MR. GENOVESE SECONDED.
- ** MOTION PASSED UNANIMOUSLY.

SUPERINTENDENT'S REPORT

Mr. Steeger said with regard to the Stamford sewer negotiations, he received an email from Attorney Fox about arranging a meeting with Attorney McCabe within the next two weeks. He said it was obvious that both parties are coming at this from two different directions. He said that Darien is looking to be fair and equitable. Mr. Steeger stated that he could see no movement or willingness to negotiate from Stamford and

that there is no arbitration clause in the current – expired contract but that Darien has proposed that there will be an arbitration clause in the next contract.

Mr. Steeger said that there is no problem with having an area at Weed Beach, near the sewer property, to be used as an overflow parking area, as per a request from the Parks & Recreation Commission in 2008 and that P&R is proceeding with this project.

Mr. Steeger said the sewer manhole raising work is underway on Mansfield Avenue.

Mr. Steeger said that the I-Link system is operational, but there is more work to be done at Stonybrook and Nearwater Lane.

Mr. Steeger said that the issues with the generator at the Hoyt Street Pump Station relative to the Procaccini development require them to go from a 2.5 to 5 horse power pumps. The town standard brand, Kohler doesn't fit in the building. A 25 Kilowatt generator is needed where a 20 KW is existing.

Mr. Oustafine reported on the Allen O'Neill development, saying that it was supposed to have started in May. He has emailed the Manager to request a firm start date. Regarding the bond, he said there is a dual obligee rider, to their existing bond, not a performance bond. Mr. Oustafine went on to explain the procedure, which involves Town Counsel.

With regards to the Westmere lawsuit, Mr. Steeger said that he recently signed an Admission of Fact. There appears to be a different concept of how sewers are funded. He said they are on track to go to trial.

- ** MR. GENOVESE MOVED TO APPROVE THE SUPERINTENDENT'S REPORT.**
- ** MR. FLAHERTY SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

PAYMENT OF INVOICES

6a) Curtis, Brinkerhoff & Barrett, PC	
Westmere Group, Inc., v. Town of Darien	\$ 4,546.00
City of Stamford WPCA Sewer Contract	\$ 650.00

- ** MR. FLAHERTY MOVED TO APPROVE THE PAYMENT OF \$4,546.00 TO CURTIS, BRINKERHOFF & BARRETT, PC FOR WORK RELATED TO THE WESTMERE GROUP,**

INC., V. TOWN OF DARIEN; AND \$650.00 TO CURTIS, BRINKERHOFF & BARRETT, PC
FOR WORK RELATED TO THE CITY OF STAMFORD WPCA SEWER CONTRACT.

**** MR. GENOVESE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

NEW BUSINESS

There was no new business to discuss.

ADJOURNMENT

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

**** MR. GENOVESE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Carolyn Marr
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
JULY 10, 2012**

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

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

OTHER: Carolyn Marr, Recording Secretary.

ABSENT: Anne Shaw;
Rocco Genovese.

CALL TO ORDER

Mr. Riith called the Special Meeting to order at 4:30 p.m.

33 GOODWIVES RIVER ROAD, IRON ALGAE ISSUE.
ATTACHMENT. DISCUSSION AND ACTION.

Mr. Oustafine explained that they still have to TV the pipe. He said that as reported at the last meeting, the results are that it's an iron not things that are common in bentonite clay. Typically, the material appears approximately two days after rain. He hopes to have more information on this at the next meeting.

SET ASSESSMENT FOR GOODWIVES RIVER ROAD (ET AL).
CONTRACT 58 SEWER EXTENSION.
DISCUSSION AND ACTION.

Mr. Steeger said that the draft resolution was attached and minor adjustments were made. The amount has been reduced from what was anticipated at last month's public hearing.

**** MR. FLAHERTY MOVED TO APPROVE THE FOLLOWING RESOLUTION: BE IT RESOLVED THAT A SANITARY SEWER ASSESSMENT OF \$23,530 SHALL BE LEVIED AGAINST EACH OF THE 77 PROPERTIES DIRECTLY ACCESSIBLE AND PROVIDED SEWER**

CONNECTIONS TO SANITARY SEWER CONTRACT 58, WHICH SERVES SOME OR ALL PROPERTIES ON THE FOLLOWING ROADS: GOODWIVES RIVER ROAD, SALEM STRAITS, HAWTHORN ROAD, BEVERLY PLACE, WHALING ROAD, CONANT PLACE, PEABODY LANE, CANDLEWOOD LANE, AND SUNSWYCK ROAD.

** MR. VAN WINKLE SECONDED.

** MOTION PASSED UNANIMOUSLY.

APPROVAL OF MEETING MINUTES OF SEWER COMMISSION PUBLIC HEARING (CONTRACT 58 ASSESSMENT) AND SPECIAL MEETING OF JUNE 5, 2012. ATTACHMENT.

** MR. VAN WINKLE MOVED TO APPROVE THE MINUTES OF THE SEWER COMMISSION PUBLIC HEARING (CONTRACT 58 ASSESSMENT) AND SPECIAL MEETING OF JUNE 5, 2012 AS AMENDED.

** MR. FLAHERTY SECONDED.

** MOTION PASSED UNANIMOUSLY.

AUTHORIZE CHAIRMAN OF DARIEN SEWER COMMISSION TO ENTER INTO SERVICE AGREEMENT WITH COMPUTIL RELATIVE TO SEWER USER FEE BILLING SERVICES. ATTACHMENT.

Mr. Steeger explained that the amount is the same as in the previous year.

** MR. FLAHERTY MOVED TO HAVE THE CHAIRMAN OF THE DARIEN SEWER COMMISSION ENTER INTO A SERVICE AGREEMENT WITH COMPUTIL RELATIVE TO SEWER USER FEE BILLING SERVICES.

** MR. VAN WINKLE SECONDED.

** MOTION PASSED UNANIMOUSLY.

NUTMEG LANE SEWER EXTENSION, APPROVAL OF AFFIDAVIT. ATTACHMENT.

Mr. Oustafine explained that this is an old development project which serves one house. Others ran laterals down Nutmeg Lane to sewer in Hollow Tree Ridge Road. He said he deducted \$2,000 for the lateral pipe from the main to the private house and \$3,200 for overhead and supervision from the \$45,600, and the bill is now \$40,400. Mr. Oustafine said the contractor's confirmed recollection is that he was charged. If the other house connected, he would owe approximately \$20,200 to connect. Mr. Oustafine confirmed the length was approximately 250 ft.

** MR. VAN WINKLE MOVED TO APPROVE THE AFFIDAVIT RELATIVE TO THE NUTMEG LANE SEWER EXTENSION.

** MR. FLAHERTY SECONDED.

** MOTION PASSED UNANIMOUSLY.

SUPERINTENDENT'S REPORT

Mr. Steeger said the attorneys for Stamford and Darien met on June 6, 2012. He said Stamford offered a counter proposal. He said they took out 15% in administrative fees and revenue sharing. He explained that the 15% administrative and nitrogen credits are greater than the value of the shared nitrogen credits. He said the new proposal contains new regulatory additions. Town Counsel has asked him to look into it. He then read some of the regulatory requirements. He said that it is not regulatory at this point, and merely an advisory and a tool used by the EPA. There are no mandatory requirements for Darien as cited by the EPA. He referred back to the wording in the old contract, in which it states standby and bypass facilities. He then read the following confirmed information regarding regulatory and permitting issues contained in Stamford's latest proposal:

1. The Town is not required to apply for a discharge permit since it does not discharge anything.
2. DEEP does not require the Town of Darien to maintain standby bypass facilities. Furthermore, DEEP would not permit the Town of Darien to operate a bypass without specific incident driven circumstances, and even then it is highly doubtful DEEP would issue such permission as we saw in March 2011.
3. Federal EPA regulations do not mandate development and implementation of CMOM i.e. Capacity Monitoring Operation and Management. CMOM is not required unless EPA issues a specific order including CMOM measurers.

Mr. Steeger stated that Stamford wants Darien to take responsibility for 100% of the sewer from Cove Pumping Station to Wallach's Point. He said it is apparent to him that City of Stamford has not taken this negotiation seriously, has not researched their position, and has not been reasonable in their approach. Mr. Steeger further stated that even at this point in time following Darien's efforts to fairly negotiate, we still do not know who the decision makers, or author of their counter proposal, are.

More discussion took place regarding the Stamford WPCA contract.

Mr. Steeger explained that an appraiser has been hired to rebut the appraisal done by Westmere. The results of the appraisal are favorable to Darien. He said that Darien's appraiser found inconsistencies in Westmere's appraisal. He said that the sewer was built under the Developer's Agreement. They are awaiting a court date.

Mr. Oustafine said that work on the Allen O'Neill project started yesterday with inspections being done in phases and 1/3 of the building being shut down. The sewers have been shut off in phase 1. There is a new sewer going in.

Mr. Oustafine said that the sewer work has resumed at Kensett Lane (aka Procaccini property). They are close to showing and selling the units, so the C/O's are needed. There has not been any directional drilling yet. There are issues with the placement of the generator. They brought in a contractor and it was determined that the generator will fit on the pad that is already there. The capacity of the existing generator is 20 KW; a capacity of 25 KW is needed; Kohler doesn't make a 25KW generator; the decision was made to go with a Kohler 30 KW generator. He said he told GHD to confirm with the Building Department the use of the existing pump station building for the new generator. He said that we have given permission to the developer to use the existing sewer from Wakemore through the site with 8 new units temporarily connected, or these 8 units into the Hoyt Street Pump Station prior to final upgrade. Either scenario can handle the 8 units. The model unit and the clubhouse in the development appear to be finished; the pool is almost finished.

- ** MR. FLAHERTY MOVED TO APPROVE THE SUPERINTENDENT'S REPORT.**
- ** MR. VAN WINKLE SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

PAYMENT OF INVOICES. ATTACHMENTS.

- a) Curtis, Brinkerhoff & Barrett, PC
Westmere Group, Inc., v. Town of Darien \$ 19,264.79
- City of Stamford WPCA Sewer Contract \$ 350.00
- b) Dewberry Engineers, Inc. Inspection Services
Hoyt Street, Kensett Lane (aka Procaccini) \$ 15,824.00

- ** MR. VAN WINKLE MOVED TO APPROVE THE PAYMENT OF \$19,264.79 TO CURTIS, BRINKERHOFF & BARRETT, PC FOR WORK RELATED TO THE WESTMERE GROUP, INC., V. TOWN OF DARIEN, AND \$350.00 FOR WORK RELATED TO THE CITY OF STAMFORD WPCA SEWER CONTRACT; AND \$15,824.00 TO DEWBERRY ENGINEERS, INC. INSPECTION SERVICES FOR WORK RELATED TO THE HOYT STREET/KENSETT LANE (AKA PROCACCINI) PROJECT.**
- ** MR. FLAHERTY SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

- ** MR. FLAHERTY MOVED TO ADJOURN.**
- ** MR. VAN WINKLE SECONDED.**

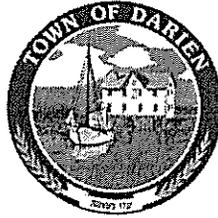
**** MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 5:20 p.m.

Respectfully submitted,

Carolyn Marr
Telesco Secretarial Services

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



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

**TOWN OF DARIEN
SEWER COMMISSION
SPECIAL MEETING
JULY 10, 2012**

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

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

OTHER: Carolyn Marr, Recording Secretary.

ABSENT: Anne Shaw;
Rocco Genovese.

CALL TO ORDER

Mr. Riith called the Special Meeting to order at 4:30 p.m.

33 GOODWIVES RIVER ROAD, IRON ALGAE ISSUE.
ATTACHMENT. DISCUSSION AND ACTION.

Mr. Oustafine explained that they still have to TV the pipe. He said that as reported at the last meeting, the results are that it's an iron not things that are common in bentonite clay. Typically, the material appears approximately two days after rain. He hopes to have more information on this at the next meeting.

SET ASSESSMENT FOR GOODWIVES RIVER ROAD (ET AL),
CONTRACT 58 SEWER EXTENSION.
DISCUSSION AND ACTION.

Mr. Steeger said that the draft resolution was attached and minor adjustments were made. The amount has been reduced from what was anticipated at last month's public hearing.

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** MR. VAN WINKLE SECONDED.

** MOTION PASSED UNANIMOUSLY.

APPROVAL OF MEETING MINUTES OF SEWER COMMISSION PUBLIC HEARING (CONTRACT 58 ASSESSMENT) AND SPECIAL MEETING OF JUNE 5, 2012. ATTACHMENT.

** MR. VAN WINKLE MOVED TO APPROVE THE MINUTES OF THE SEWER COMMISSION PUBLIC HEARING (CONTRACT 58 ASSESSMENT) AND SPECIAL MEETING OF JUNE 5, 2012 AS AMENDED.

** MR. FLAHERTY SECONDED.

** MOTION PASSED UNANIMOUSLY.

AUTHORIZE CHAIRMAN OF DARIEN SEWER COMMISSION TO ENTER INTO SERVICE AGREEMENT WITH COMPUTIL RELATIVE TO SEWER USER FEE BILLING SERVICES. ATTACHMENT.

Mr. Steeger explained that the amount is the same as in the previous year.

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** MR. FLAHERTY SECONDED.

** MOTION PASSED UNANIMOUSLY.

SUPERINTENDENT'S REPORT

Mr. Steeger said the attorneys for Stamford and Darien met on June 6, 2012. He said Stamford offered a counter proposal. He said they took out 15% in administrative fees and revenue sharing. He explained that the 15% administrative and nitrogen credits are greater than the value of the shared nitrogen credits. He said the new proposal contains new regulatory additions. Town Counsel has asked him to look into it. He then read some of the regulatory requirements. He said that it is not regulatory at this point, and merely an advisory and a tool used by the EPA. There are no mandatory requirements for Darien as cited by the EPA. He referred back to the wording in the old contract, in which it states standby and bypass facilities. He then read the following confirmed information regarding regulatory and permitting issues contained in Stamford's latest proposal:

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- ** MR. FLAHERTY MOVED TO APPROVE THE SUPERINTENDENT'S REPORT.**
- ** MR. VAN WINKLE SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

PAYMENT OF INVOICES. ATTACHMENTS.

- a) Curtis, Brinkerhoff & Barrett, PC
Westmere Group, Inc., v. Town of Darien \$ 19,264.79
- City of Stamford WPCA Sewer Contract \$ 350.00
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- ** MR. VAN WINKLE MOVED TO APPROVE THE PAYMENT OF \$19,264.79 TO CURTIS, BRINKERHOFF & BARRETT, PC FOR WORK RELATED TO THE WESTMERE GROUP, INC., V. TOWN OF DARIEN, AND \$350.00 FOR WORK RELATED TO THE CITY OF STAMFORD WPCA SEWER CONTRACT; AND \$15,824.00 TO DEWBERRY ENGINEERS, INC. INSPECTION SERVICES FOR WORK RELATED TO THE HOYT STREET/KENSETT LANE (AKA PROCACCINI) PROJECT.**
- ** MR. FLAHERTY SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

- ** MR. FLAHERTY MOVED TO ADJOURN.**
- ** MR. VAN WINKLE SECONDED.**

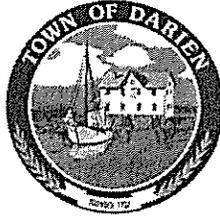
**** MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 5:20 p.m.

Respectfully submitted,

Carolyn Marr
Telesco Secretarial Services

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



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

**TOWN OF DARIEN
SEWER COMMISSION
REGULAR MEETING
AUGUST 7, 2012**

ATTENDANCE: Robert Riith, Chairman;
Craig Flaherty, P.E.;
Anne Shaw;
Rocco Genovese

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

OTHER: Carolyn Marr, Recording Secretary;
Ms. Beth Bergman

ABSENT: Peter Van Winkle

CALL TO ORDER

Mr. Riith called the Regular Meeting to order at 4:30 p.m.

**APPROVAL OF MEETING MINUTES OF JULY 10, 2012 SPECIAL MEETING OF THE DARIEN
SEWER COMMISSION. ATTACHMENT.
DISCUSSION AND ACTION.**

- ** MS. SHAW MOVED TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF THE SEWER COMMISSION OF JULY 10, 2012 AS AMENDED.
- ** MR. FLAHERTY SECONDED.
- ** MOTION PASSED UNANIMOUSLY.

**33 GOODWIVES RIVER ROAD, IRON ALGAE ISSUE.
ATTACHMENT. DISCUSSION.**

Mr. Oustafine explained that at the July 10, 2012 meeting, it was determined that the lab results of the sludge taken from the lawn area indicated it was iron algae. The Commission at that point had asked him to check out the pipe adjacent to the area. He reported that the pipe was clean. He reported that there is no evidence of iron algae or staining as of July 17, when he was at the site. Mrs. Bergman, the homeowner, was present and reported that the sludge was still in the river bed but had not come from

the spot in lawn area. It was mentioned that this could be due to the last rainfall being on July 15. It was agreed that the situation would continue to be monitored.

TOWN OF DARIEN SEWER USER FEE RATE ADJUSTMENT. ATTACHMENT. DISCUSSION.

Mr. Steeger prepared a spreadsheet titled comparison of sewer service rates which was distributed during the meeting and is included below. Mr Steeger stated that every scenario results in a surplus (or build up of the reserve account), however that all scenarios are based upon favorable outcome with City of Stamford contract negotiations. There is also no contingency built into the budget. Mr. Steeger provided additional information on the rate setting and discussed the information from the provided charts. He said that the total water consumption number is up and the number of accounts is down. He said that they most likely will see an increase in customers from the Procaccini development, and the Allen O'Neill development. He explained that the projected reserve fund balance is a soft number because we are paying Stamford what we believe is fair and equitable not what the City of Stamford believes they should be paid. He said the Sewer Commission Regulations say that the Sewer Commission will set the preliminary sewer rate in August and the final sewer rate in September. He said that \$160,000 is to go into the reserve for FY 12 if nothing else is changed with the amount they are currently paying Stamford which is an amount less than Stamford billed Darien, but what Darien believes is proper. He recommended that the Commission consider setting the rate at no less than a 5% increase for the next year (FY 13).

Mr. Steeger went on to explain that they are not anticipating any breakdowns, and they will continue the root control treatments, which have been proven to be helpful, and they also will not fill the third authorized full-time position. The only known issue he is aware of is with the Stony Brook pump stations, where a larger force main pipe would allow a greater flow most need during wet weather events when all 3 pumps are at capacity. He said all other pump at the town's pump stations have been replaced within the last 10 years. The upgraded SCADA system is in place. He said that what hasn't been done is a tv scope of the pipes to determine where repair is needed. He said that there hasn't been a spill at the Stony Brook station in that time.

Some discussion took place about the reserve fund balance. He stated that it was \$7.4M in FY 2007 and went down to 3.3M at the end of FY 2012, due to \$4M being paid to the City of Stamford.

Comparison of Sewer Service Rates

FY 12 Preliminary Financial Results

Payments to Stamford	\$ 1,776,462
Total Expenditures	\$ 2,952,770
Total Revenue from Operations	\$ 3,113,622
Total From Reserve	\$ (160,852)
Payments to Stamford/Total Revenue from operations	0.57

Total Budgeted Expense (Operations) FY 13	\$ 2,867,764
Total Budgeted Expense (Capital) FY 13	74,889
Total Other Revenue	110,000
Total Revenue Needed	\$ 2,832,653

FY 13 Rate Comparison

<u>Rate/CCF</u>	<u>% inc</u>	<u>Residential</u>	<u>Commercial</u>	<u>Monthly</u>	<u>Wells</u>	<u>Total</u>	<u>Reserve</u>
\$5.00	0	\$2,250,450	\$609,885	\$163,865	\$69,840	\$ 3,094,040	\$ (261,387)
\$5.25	5.00	\$2,362,973	\$640,379	\$172,058	\$71,804	\$ 3,247,215	\$ (414,562)
\$5.50	10.00	\$2,475,495	\$670,874	\$180,252	\$75,224	\$ 3,401,844	\$ (569,191)
\$5.75	15.00	\$2,588,018	\$701,368	\$188,445	\$78,643	\$ 3,556,474	\$ (723,821)
\$6.00	20.00	\$2,700,540	\$731,862	\$196,638	\$82,062	\$ 3,711,102	\$ (878,449)
			<u>Water Use</u>	<u>No. Accts</u>	<u>Avg. use</u>		
		residential	450,090	4619	97		
		commercial	121,977	249	490		
		monthly	32,773	20	1639		
		wells		144			
			604,840	5,032			

Notes:

- 1 Total FY 12 payments to Stamford \$328,492 less than Stamford billing letter
- 2 Total FY 12 payments to Stamford may increase

- 3 Total Budgeted Expense (Operations) FY 13 may increase

SUPERINTENDENT'S REPORT

Mr. Steeger said he met with Ernie Orgera, Operations Director and Tim Curtin, WPCA member, regarding the Stamford WPCA matter. He felt they were not familiar with all the issues or details of the contract. He said he felt that they did not have a hand in crafting the current proposal from Stamford. He said there are two more meetings scheduled with them, the first being at 11:00 a.m. on Wednesday, August 15th in Stamford. Mr. Steeger stated that he asked Stamford, about the rationale of their reluctance to share nitrogen trading credits. Mr. Tim Curtin stated the reason is that Stamford must put together all of their projects and must handle all complaints related to the plant. Mr. Steeger stated that he made the counter point that if Darien were not a part of the Stamford treatment plant, then Stamford would still have to perform all of these tasks and that Darien is a paying partner in all of these efforts. Mr. Steeger stated that it was asked why Darien didn't open the bypass valve sooner during the Wallach's Point sewer break, and he said he told Mr. Orgera and Mr. Curtin that the request didn't come until a day and ½ after the incident. He said they didn't know about the details surrounding the break, and once he gave them the details, he felt that they listened and understood.

**** MR. FLAHERTY MOVED TO APPROVE PUBLICATION OF THE PRELIMINARY SEWER SERVICE RATE OF 7.5% AT \$5.375 PER CUBIC FOOT.**

**** MR. GENOVESE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

It was agreed that the Public Hearing for the Sewer Service Rate will be at 7:00 p.m. on Tuesday, September 4, 2012, followed by the Special Meeting at 7:30 p.m.

Mr. Steeger said that the motion for summary judgment for Westmere and the counter-motion by Darien were both denied. A court date will be set in the near future.

Mr. Oustafine said the Procaccini development project is done until the work under the railroad is done.

**** MS. SHAW MOVED TO APPROVE THE SUPERINTENDENT'S REPORT.**

**** MR. GENOVESE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

PAYMENT OF INVOICES. ATTACHMENTS.

a) Curtis, Brinkerhoff & Barrett, PC

Westmere Group, Inc., v. Town of Darien

\$ 7,239.93

TOWN OF DARIEN
SEWER COMMISSION
REGULAR MEETING
AUGUST 7, 2012

Page 4 of 5

- City of Stamford WPCA Sewer Contract \$ 1,000.00
- b) Dewberry Engineers, Inc. Inspection Services
Hoyt Street, Kensett Lane (aka Procaccini) \$ 13,248.00
- c) GHD, Inspection Services
Allen O'Neill Housing Project \$ 10,178.75

**** MR. GENOVESE MOVED TO DEDUCT THE AMOUNT OF \$1,518.00 FROM THE \$7,239.93 OWED TO CURTIS, BRINKERHOFF & BARRETT, PC FOR THE WESTMERE GROUP, INC. v. TOWN OF DARIEN DUE TO A DUPLICATED CHARGE.**

**** MR. FLAHERTY SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

**** MR. GENOVESE MOVED TO APPROVE PAYMENT OF \$5,721.93 TO CURTIS, BRINKERHOFF & BARRETT, PC FOR WORK RELATED TO WESTMERE GROUP, INC., V. TOWN OF DARIEN, AND THE CITY OF STAMFORD WPCA SEWER CONTRACT; THE AMOUNT OF \$13,248.00 TO DEWBERRY ENGINEERS, INC. INSPECTION SERVICES FOR WORK RELATED TO HOYT STREET, KENSETT LANE (AKA PROCACCINI); AND THE AMOUNT OF \$10,178.75 TO GHD, INSPECTION SERVICES FOR WORK RELATED TO THE ALLEN O'NEILL HOUSING PROJECT.**

**** MS. SHAW SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** MR. GENOVESE MOVED TO ADJOURN.**

**** MS. SHAW SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

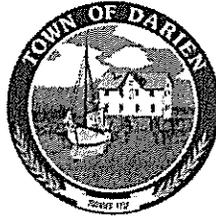
The meeting adjourned at 5:27 p.m.

Respectfully submitted,

Carolyn Marr
Telesco Secretarial Services

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

**TOWN OF DARIEN
SEWER COMMISSION
PUBLIC HEARING AND SPECIAL MEETING
SEPTEMBER 4, 2012**

TOWN OF DARIEN - TOWN HALL, 2, RENSRAW RD, AUDITORIUM, 7:00 PM

- ATTENDANCE:** Robert Riith, Chairman;
Craig Flaherty, P.E;
Rocco Genovese;
Peter Van Winkle, Esq;
Anne Shaw
- STAFF:** Darren Oustafine, Assistant Director of Public Works
- OTHER:** Carolyn Marr, Recording Secretary
- ABSENT:** Robert Steeger, Director of Public Works

OPEN PUBLIC HEARING AND OPENING STATEMENTS

Mr. Riith called the Public Hearing to order at 7:00 p.m. He read the following legal notice into the record:

“Notice to Sewer Users of Public Hearing on: Proposed Amendments to Sanitary Sewer Regulations.

The Town of Darien Sewer Commission will conduct a Public Hearing on Tuesday, September 4, 2012 at 7:00 p.m. in the auditorium at the Town of Darien Town Hall – 2 Renshaw Road, Darien, Ct for the purpose of affording property owners and residents within the Town of Darien, an opportunity to be heard concerning proposed amendments to the Darien Code of Ordinance, Appendix C, Administrative Regulations, Article XI, Sanitary Sewer Regulations, Section 1000.6, sub sections 6-2.1 and 6-.1. Proposed amendments in relevant part are:

6-2.1 Effective October 1, 2012, the standard charge shall be at a rate of \$5.38 per hundred cubic feet of water.

6-3.1 Effective October 1, 2012, the minimum service charge shall be \$208.55 per annum.

All members of the public are invited to be present and will be given an opportunity to be heard regarding the proposed changes.”

**BY ORDER OF THE
DARIEN SEWER COMMISSION
ROBERT A. RIITH, CHAIRMAN**

Mr. Oustafine said that the above legal notice was advertised in the Thursday, August 16, 2012 issue of the Darien Times. He said a copy of the legal notice is included in the Commissioners’ packets. He also added that during the last Sewer Commission meeting, the Commission gave preliminary indication that they wanted a 7.5% increase. He said he provided the Commissioners a spreadsheet that added that line for their consideration.

PUBLIC COMMENT, DISCUSSION OR QUESTIONS

There were no members of the public present to speak.

CLOSE OF PUBLIC HEARING

Mr. Riith closed the Public Hearing portion of the meeting at 7:03 p.m.

CALL TO ORDER

Mr. Riith called the Special Meeting to order at 7:10 p.m. He noted that due to the Public Hearing closing early, and the Special Meeting not due to begin and be taped until 7:30, it was agreed that the agenda items will be discussed, and then the votes will be taken afterwards.

APPROVAL OF MEETING MINUTES OF THE AUGUST 7, 2012 SPECIAL MEETING OF THE DARIEN SEWER COMMISSION.
ATTACHMENT. DISCUSSION AND ACTION.

Mr. Oustafine said that in addition to the provided revised minutes, two additional corrections should be noted. They are on page 4, under Superintendent's Report, 1st paragraph, 6th sentence, change "Mr. Tim Curtain" to "Mr. Tim Curtin"; and in the 4th paragraph, 1st sentence, change "re-judgment" to "summary judgment".

**** MS. SHAW MOVED TO APPROVE THE MEETING MINUTES OF THE AUGUST 7, 2012 SPECIAL MEETING AS AMENDED.**

**** MR. FLAHERTY SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

TOWN OF DARIEN SEWER USER FEE RATE ADJUSTMENT. ATTACHMENT. DISCUSSION AND ACTION.

Mr. Oustafine reiterated that a spreadsheet has been provided that reflects the direction of the Commission for the rate increase of 7.5%, which actually rounds up to 7.6%.

**** MR. GENOVESE MOVED TO APPROVE**

SUPERINTENDENT'S REPORT

Mr. Oustafine reported that there is nothing new to report on the Westmere lawsuit; the status is the same.

He said the I-Link SCADA system is 90% complete. There are glitches to work out. He said they have not paid the consultant any money yet until they work out the glitches.

Regarding the City of Stamford contract negotiations, there is a meeting at Darien Town Hall at 11:00 a.m. on Wednesday, September 5, 2012. Mr. Steeger will be at the meeting and Mr. Oustafine said that all the Commissioners are welcome to attend.

- ** MR. VAN WINKLE MOVED TO APPROVE THE SUPERINTENDENT’S REPORT.**
- ** MR. FLAHERTY SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

PAYMENT OF INVOICES. ATTACHMENT.

5a) Curtis, Brinkerhoff & Barrett, PC

- 1) Westmere Group, Inc., v. Town of Darien \$ 730.00
- 2) City of Stamford WPCA Sewer Contract \$ 550.00

5b) Dewberry Engineers, Inc. Inspection Services

- Hoyt Street, Kensett Lane (aka Procaccini) \$ 9,200.00

5c) GHD, Inspection Services

- Allen O’Neill Housing Project \$ 7,480.00

**** MR. FLAHERTY MOVED TO APPROVE THE PAYMENT OF \$730.00 TO CURTIS, BRINKERHOFF & BARRETT, PC FOR WORK RELATED TO THE WESTMERE GROUP, INC., V. TOWN OF DARIEN; AND \$550.00 TO CURTIS, BRINKERHOFF & BARRETT, PC FOR WORK RELATED TO THE CITY OF STAMFORD WPCA SEWER CONTRACT; \$9,200.00 TO DEWBERRY ENGINEERS, INC. INSPECTION SERVICES FOR WORK RELATED TO HOYT STREET, KENSETT LANE (PROCACCINI), AND \$7,480.00 TO GHD, INSPECTION SERVICES FOR WORK RELATED TO THE ALLEN O’NEILL HOUSING PROJECT.**

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

NEW BUSINESS

There was no new business to discuss.

ADJOURNMENT

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

**** MR. GENOVESE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

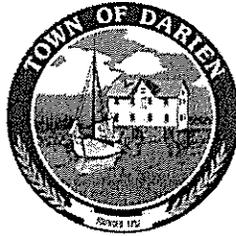
The meeting adjourned at 7:21 p.m.

Respectfully submitted,

Carolyn Marr
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
SEWER COMMISSION
SPECIAL MEETING
OCTOBER 2, 2012**

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

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

ABSENT: Anne Shaw,
Rocco Genovese

OTHERS: Mr. Jon Paul Johnson, resident;
Ms. Carol Johnson, resident;
Mr. Frank Adelman, RTM.

CALL TO ORDER

Mr. Riith called the meeting to order at 4:36 p.m. A quorum was present.

**APPROVAL OF PUBLIC HEARING AND SPECIAL MEETING MINUTES OF SEPTEMBER 4, 2012 OF
THE DARIEN SEWER COMMISSION.**

**** MR. VAN WINKLE MOVED THE MINUTES OF THE DARIEN SEWER COMMISSION PUBLIC HEARING AND SPECIAL MEETING MINUTES OF SEPTEMBER 4, 2012.**
**** MR. FLAHERTY SECONDED.**
**** THE MOTION TO APPROVE THE MINUTES OF THE DARIEN SEWER COMMISSION PUBLIC HEARING AND SPECIAL MEETING MINUTES OF SEPTEMBER 4, 2012 AS SUBMITTED PASSED UNANIMOUSLY.**

Sanitary Sewer Easement in favor of 4 Red Barn Road from 6 Red Barn Road for installation and maintenance of sewer lateral.

The owners, Paul and Carol Johnson, were present. Mr. Johnson said that while he owns both parcels, he was advised that an easement should be prepared in case the property at 4 Red

Barn was ever sold. There are already laterals in place. Mr. Johnson came forward and indicated where the buildings were on the site map and where the lines would be extended.

Mr. Flaherty asked if there were any development restrictions on the parcel. Mr. Johnson said that the line runs from the back of the house, across some blacktop and would go onto the other parcel. Mr. Oustafine indicated that there were some unusual aspects to one of the lateral lines, which crosses private property. Mr. Johnson then reviewed the details of the easement that was given to the Town of Darien. Discussion followed.

Mr. Oustafine said that one more issue regarding the arrangement the Johnsons and Fresh Meadow still remained to be worked out. Mr. Johnson reviewed the details of this with Mr. Oustafine and the Commissioners.

The issue before the Commission is from Mr. Johnson to himself. Mr. Van Winkle pointed out that the Commission could not prevent Mr. Johnson from doing this since he owned both properties. Mr. Flaherty said that by doing it this, the change would be reflected on the land records.

**** MR. VAN WINKLE MOVED TO APPROVE THE SANITARY SEWER EASEMENT IN FAVOR OF 4 RED BARN ROAD FROM 6 RED BARN ROAD FOR INSTALLATION AND MAINTENANCE OF SEWER LATERAL.**

**** MR. FLAHERTY SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

SUPERINTENDENT'S REPORT

Mr. Robert Steeger said that the sewer bills had been sent out. He said that there was more staff time available to do a review of the bills before they were mailed out. Last year, there were numerous problems with the bills.

As of last Wednesday there was a report of a leak in the end of the force main line at Long Neck pressure sewer. There is also a sewer or septic smell coming from some of the catch basins. The department will be working on identifying the problem and correcting it.

The manhole work on Mansfield Avenue has been completed and the State reimbursement has been received.

The yearly chemical root control program has been completed. This is a regularly scheduled program where every year, a portion of the system is treated.

Mr. Steeger met with the City of Stamford officials on September 5th and the discussion focused on revenue sharing. Stamford claims they did not understand that revenue sharing was a deal breaker for Darien. Another meeting was scheduled. Mr. Steeger said that Darien wanted a written proposal that included revenue sharing before the next meeting.

To date, Stamford had not forwarded a written proposal to the Town. There was a recent article in the newspaper reporting a 10 year audit has been proposed for the Stamford WPCA. Ms. Rhudean Bull is the new acting director of the Stamford WPCA. First Selectman Stevenson has indicated her willingness to move to the next level of legal recourse. Mr. Steeger said that when the original contract was drafted it included a statement that the Darien and Stamford would share in not only the cost, but also the benefits.

Mr. Flaherty asked for some of the details regarding the billing and payments to Stamford. Mr. Steeger reviewed these with him. Discussion followed.

Mr. Flaherty asked what the Stamford residents pay. Mr. Steeger said that their customer rate is \$3.89 while Darien's rate is over \$5.00.

Mr. Flaherty asked if there were spreadsheets and summaries of this. Mr. Steeger said that there were. Mr. Flaherty requested copies of those. Mr. Steeger made a note of this.

The discussion then moved to a previous suggestion regarding the nitrogen credit fund. Mr. Steeger said that Darien would consider having a third party mediator, but Stamford was not interested. Darien has not received any financial benefit since the new plant opened in Stamford.

PAYMENT OF INVOICES

a.	1. Curtis, Brinkerhoff & Barrett, P.C.	
	Westmere Group, Inc, v. Town of Darien	\$0.00
	2. City of Stamford WPCA Sewer Contract	\$1,525.00
b.	GHD, Inspection Services	
	Allen O'Neill Housing Project	\$1,402.50

**** MR. FLAHERTY MOVED TO APPROVE THE PAYMENT OF \$1,525.00 TO THE CITY OF STAMFORD FOR THE WPCA SEWER CONTRACT AND THE SUM OF \$1,402.50 TO GHD, INSPECTION SERVICES FOR THE ALLEN O'NEILL HOUSING PROJECT.**

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

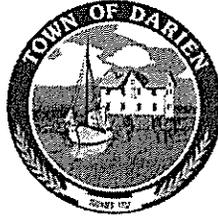
ADJOURNMENT

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

The meeting adjourned at 5: 20 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
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ROBERT A. RIITH, CHAIRMAN
CRAIG J. FLAHERTY, P.E.
ROCCO GENOVESE
ANNE SHAW
PETER VAN WINKLE, ESQ.

**TOWN OF DARIEN
SEWER COMMISSION
REGULAR MEETING
NOVEMBER 13, 2012**

ATTENDANCE: Craig Flaherty, P.E;
Peter Van Winkle, Esq;
Anne Shaw

STAFF: Darren Oustafine, Assistant Director of Public Works

OTHER: Carolyn Marr, Recording Secretary
Frank Rondano
Hubert Reidel
Grant Badura

ABSENT: Robert Steeger, Director of Public Works;
Robert Riith, Chairman;
Rocco Genovese

CALL TO ORDER

Ms. Shaw called the Special Meeting to order at 4:40 p.m.

**APPROVAL OF MEETING MINUTES OF OCTOBER 2, 2012 OF THE DARIEN SEWER
COMMISSION.
ATTACHMENT. DISCUSSION AND ACTION.**

- ** MR. FLAHERTY MOVED TO APPROVE THE MEETING MINUTES OF THE OCTOBER 2, 2012 DARIEN SEWER COMMISSION MEETING AS SUBMITTED.**
- ** MR. VAN WINKLE SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

**APPROVAL OF DARIEN SEWER COMMISSION REGULAR MEETING SCHEDULE FOR 2013.
ATTACHMENT. DISCUSSION AND ACTION.**

- ** MR. FLAHERTY MOVED TO APPROVE THE DARIEN SEWER COMMISSION REGULAR MEETING SCHEDULE FOR 2013.**
- ** MR. VAN WINKLE SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

Mr. Oustafine provided an overview of agenda items #4 through #9.

He explained that Mr. Frank Rondano lives at 11 Chestnut Street but also owns the property at 498 Hoyt Street. The Hoyt Street property is on a well but the house is not occupied. Mr. Rondano had supplied Mr. Oustafine with bills that demonstrated that the property could not possibly be lived in because the electricity charges are so low. Mr. Oustafine added that he had not included these bills in the Commissioners' packets.

Mr. Oustafine then explained agenda item #5, with an address of 369 Middlesex Road, and said that the homeowner, Mr. Raleigh, is upset that the price has gone up so dramatically.

He said that agenda item #6, with an address of 28 Ward Lane, is similar to agenda item #4, except that the property is not on a well and Ms. Blechar doesn't want to pay the minimum. She doesn't agree that there should be a minimum when she doesn't live there. She is paying the sewer user fees where she lives on Beach Drive and doesn't want to pay the minimum charge on 28 Ward Lane because her daughter lives out of the country.

Mr. Oustafine explained agenda item #7, 19 Weeds Landing, and said that the homeowner feels that his bill is extremely high due to sprinkler use. The homeowners have not installed a meter.

Agenda item #8, 337 Middlesex Road and 3 High School Lane, is owned by Mr. Hubert Reidel, who was present at the meeting. Mr. Oustafine said that Mr. Reidel feels his bill is high, even though it is based on two low quarters. He said Mr. Reidel's claim is that because the winter was so warm last year, he had to water his hemlock trees earlier. There is no meter installed.

Lastly, Mr. Oustafine said that agenda item #9 is Mr. Grant Badura of 32 Gardiner Street who is appealing the sewer user fee because it is a payment in advance and he intends to demolish the house.

Mr. Oustafine confirmed that these are all residences and not commercial properties. He said that the bills are based on two low quarters. He said one exception is the case of a well, which is based on the average use of a residential user of 9700 cubic feet at a rate of \$5.38 per 100 cubic feet, which is approximately \$522 a year. The minimum charge established to keep the Sewer Commission afloat is \$209 per year.

SANITARY SEWER USER FEE APPEAL, FRANK RONDANO, 11 CHESTNUT STREET, WELL RATE AT 498 HOYT STREET. REQUEST FOR MINIMUM RATE. NO ATTACHMENT. DISCUSSION AND ACTION.

Mr. Rondano was present at the meeting and stated that his house at 498 Hoyt Street has been vacant for one year and he plans to sell it, not occupy it. He lives at 11 Chestnut Street and said there is no problem there. He understands the minimum charge and is willing to accept it. Mr. Oustafine confirmed that the payment is in advance and is based on last year's usage.

**** MR. VAN WINKLE MOVED TO GRANT THE SANITARY SEWER USER FEE APPEAL FOR A ONE YEAR MINIMUM CHARGE FOR RONDANO, 498 HOYT STREET, AND ANY FUTURE CONSIDERATION WOULD NEED TO HAVE THE WATER BILLS PROVIDED.**

**** MR. FLAHERTY SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

SANITARY SEWER USER FEE APPEAL, WALTER (BUD) RALEIGH, 369 MIDDLESEX ROAD, WELL RATE AT 369 MIDDLESEX ROAD. ATTACHMENT. DISCUSSION AND ACTION.

Mr. Oustafine said that Mr. Raleigh was not present at the meeting but said that he provided copies of emails between him and Mr. Steeger in the Commissioner's packets. He explained that Mr. Raleigh claims that his bill has gone up 30% in two years. The house is on a well, and he said that because there is no meter, the only thing they can do is take the average of 9700 cubic feet and multiply it by \$5.38, which is the sewer user fee rate.

**** MR. FLAHERTY MOVED TO DENY THE SANITARY SEWER USER FEE APPEAL FOR RALEIGH, 369 MIDDLESEX ROAD, WITH THE RECOMMENDATION THAT A METER BE INSTALLED.**

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

**** MOTION PASSED UNANIMOUSLY.**

SANITARY SEWER USER FEE APPEAL, STEPHEN AND JENNIFER BLECHAR, 28 WARD LANE, APPEAL OF MINIMUM FEE AT 28 WARD LANE. ATTACHMENT. DISCUSSION AND ACTION.

Mr. Oustafine said that Mrs. Blechar was not present at the meeting but referred to the provided email correspondences. He said that Mrs. Blechar doesn't want to pay the minimum charge and confirmed that he had explained the charges to her.

Mr. Flaherty asked if this should wait until the homeowner could be present for the meeting. Mr. Oustafine said that he has provided each person the opportunity to be present at the meeting.

Mr. Oustafine reminded the Commissioners that people had complained about the minimum rate two years ago during the public hearing to raise rates, and that the sewer commission did not take staff's recommendation to make the minimum fee the same as the average or well rate, rather maintained a substantially lower minimum fee compared to the average.

Mr. Flaherty reminded everyone that in addition to Mr. Oustafine being responsible for sewers and water usage, he is also the Assistant Public Works Director and has been extremely busy the past two weeks due to two recent major storms.

**** MR. FLAHERTY MOVED TO DENY THE SANITARY SEWER USER FEE APPEAL FOR BLECHAR, 28 WARD LANE.**

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

**** MOTION PASSED UNANIMOUSLY.**

SANITARY SEWER USER FEE APPEAL, BAKHRAMOV RAY AND VIZGINA NADYA, 19 WEEDS LANDING, APPEAL OF SEWER USER FEE AT 19 WEEDS LANDING. ATTACHMENT. DISCUSSION AND ACTION.

Mr. Oustafine explained that the homeowners had done a considerable amount of watering with a sprinkler system, gardener line and pool being installed. Bills for the year 2011-2012 have been provided. To Mr. Oustafine's knowledge, a meter has not been installed.

**** MR. FLAHERTY MOVED TO DENY THE SANITARY SEWER USER FEE APPEAL FOR BAKHRAMOV RAY AND VIZGINA NADYA, 19 WEEDS LANDING.**

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

**** MOTION PASSED UNANIMOUSLY.**

SANITARY SEWER USER FEE APPEAL, HUBERT REIDEL, 337 MIDDLESEX ROAD, 3 HIGH SCHOOL LANE, APPEAL OF SEWER USER FEE AT 337 MIDDLESEX ROAD.

Mr. Oustafine said there is no meter installed for this property. He said the claim is that irrigation happened earlier due to the warm weather. He said that the two low quarters were used in the calculations.

Mr. Reidel explained the situation between the two properties and said that he started watering (with hoses) the new hemlock hedge, planted in late November, during the warm weather in February due to the lack of snow. He said that he and his wife live in the front house on Middlesex Road, and the family that has lived behind them for seven years have two children. He provided six years of bills from the water company. He said the bills have been increased by \$960, and even though he only had information on the High School Lane property, he said he was disputing both bills. Appeal for 337 Middlesex Road will be discussed in the future and upon review of water usage history for that property.

**** MR. FLAHERTY MOVED TO APPROVE A ONE-TIME GRANT BY TAKING THE LOWEST QUARTER USAGE OF 41 CCF AND MULTIPLYING BY 4 FOR A TOTAL OF 164CCF OR \$882.32 FOR THE SANITARY SEWER USER FEE APPEAL FOR HUBERT REIDEL, FOR 3 HIGH SCHOOL LANE, WITH NO FUTURE CONSIDERATION FOR APPEALS ON THIS PROPERTY UNLESS BASED UPON WATER CONSUMPTION AS MEASURED BY METER TO MEASURE IRRIGATION WATER AND INSTALLED BY MR REIDEL.**

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

**** MOTION PASSED UNANIMOUSLY.**

SANITARY SEWER USER FEE APPEAL, GRANT BADURA, 32 GARDINER STREET, APPEAL OF SEWER USER FEE, 32 GARDINER STREET. ATTACHMENT. DISCUSSION AND ACTION.

Mr. Badura was present and said he intends to demolish the house. He said he recently purchased it and has had the water turned off. He provided architect plans for the new home and said he expects to have the demolition permit filed in the next few months. Some discussion took place among Mr. Badura, Mr. Oustafine and the Commissioners regarding the bills for the property.

**** MS. SHAW MOVED TO APPROVE GRANTING THE SANITARY SEWER USER FEE APPEAL FOR BADURA, 32 GARDINER STREET, FOR THE MINIMUM CHARGE OF \$209.00 FOR 2013.**

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

**** MOTION PASSED WITH TWO (2) VOTES IN FAVOR (SHAW, VAN WINKLE) AND ONE (1) VOTE OPPOSED (FLAHERTY).**

ALLEN O'NEILL SANITARY SEWER EXTENSION EASEMENT MAP. ATTACHMENT. DISCUSSION AND ACTION.

Mr. Oustafine said that Town Council has reviewed the developers agreement and easement agreement. He said it had been mentioned that it would be nice to have the recorded map numbers in those documents. He said the easement map has been

**TOWN OF DARIEN
SEWER COMMISSION
SPECIAL MEETING
NOVEMBER 13, 2012**

Page 5 of 7

approved and put in the developer's agreement. He said Anthony Rowan is the developer's liaison. He said there is a manhole missing near Elm Street.

- ** MR. VAN WINKLE MOVED TO APPROVE THE SANITARY SEWER EASEMENT MAP SO IT COULD BE RECORDED IN THE DARIEN LAND RECORDS .**
- ** MR. FLAHERTY SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

SUPERINTENDENT'S REPORT

Mr. Oustafine said that Mr. Steeger asked him to inform the Commissioners of the most recent meeting with the Stamford WPCA resulted in Stamford making an informal proposal to the municipal agreement. The proposal specifically asked Darien to accept 6% of the nitrogen credits going forward. They were not interested in entertaining any nitrogen credits in arrears. Darien counter-proposed all nitrogen credits going forward, nothing in arrears, and full nitrogen credits based on usage. He confirmed that Darien's sewage flows to Stamford averages between 12, and 14 percent of Stamford's total treated flows. He said that Mr. Steeger reported that Darien has not paid anything to the City of Stamford yet this fiscal year, nor has Darien been billed yet this year.

Mr. Oustafine said that during the recent hurricane, a berm was built and therefore saved the Nearwater pumping station, which serves 2/3 of the town. He went on to explain that if the pump station had gone underwater, it would have been catastrophic. Some discussion took place regarding the storm damage and costs to repair. He said that a low-cost fix of \$6,500 to pour concrete around the window wells for further protection will prevent further damage.

Mr. Flaherty mentioned that other towns were considering raising the elevation of their infrastructure and that Darien should seek proposals to raise the Nearwater Pump Station to prevent the threat of flood waters overtaking the pump station. Mr. Oustafine opined that raising the building would cost millions of dollars. It was reported that there were no sewage overflows during the storm.

Mr. Oustafine said he had reported last month on the Long Neck Point bypass that was traced back to a Cablevision Company directional drilling error which resulted in obliterating a two-inch pipe. Residents had complained about an odor. The cable company's subcontractor was invoiced approximately \$4,000 and the town has received payment for our out of pocket costs.

- ** MR. VAN WINKLE MOVED TO APPROVE THE SUPERINTENDENT'S REPORT.**
- ** MR. FLAHERTY SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

PAYMENT OF INVOICES. ATTACHMENT.

- a) Curtis, Brinkerhoff & Barrett, PC
- 1) Westmere Group, Inc., v. Town of Darien \$ 2,026.00
 - 2) City of Stamford WPCA Sewer Contract \$ 1,225.00
- b) GHD, Inspection Services
- Allen O'Neill Housing Project \$ 3,485.00
- ** MR. VAN WINKLE MOVED TO APPROVE THE PAYMENT OF \$2,026.00 TO CURTIS, BRINKERHOFF & BARRETT, PC FOR WORK RELATED TO THE WESTMERE GROUP, INC., V. TOWN OF DARIEN; AND \$1,225.00 TO CURTIS, BRINKERHOFF & BARRETT, PC FOR WORK RELATED TO THE CITY OF STAMFORD WPCA SEWER CONTRACT; AND \$3,485.00 TO GHD, INSPECTION SERVICES FOR WORK RELATED TO THE ALLEN O'NEILL HOUSING PROJECT.**
- ** MR. FLAHERTY SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

NEW BUSINESS

There was no new business to discuss.

ADJOURNMENT

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

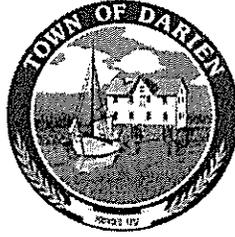
The meeting adjourned at 6:00 p.m.

Respectfully submitted,

Carolyn Marr
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
SEWER COMMISSION
SPECIAL MEETING
OCTOBER 2, 2012**

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

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

ABSENT: Anne Shaw,
Rocco Genovese

OTHERS: Mr. Jon Paul Johnson, resident;
Ms. Carol Johnson, resident;
Mr. Frank Adelman, RTM.

CALL TO ORDER

Mr. Riith called the meeting to order at 4:36 p.m. A quorum was present.

**APPROVAL OF PUBLIC HEARING AND SPECIAL MEETING MINUTES OF SEPTEMBER 4, 2012 OF
THE DARIEN SEWER COMMISSION.**

**** MR. VAN WINKLE MOVED THE MINUTES OF THE DARIEN SEWER COMMISSION PUBLIC
HEARING AND SPECIAL MEETING MINUTES OF SEPTEMBER 4, 2012.**

**** MR. FLAHERTY SECONDED.**

**** THE MOTION TO APPROVE THE MINUTES OF THE DARIEN SEWER COMMISSION PUBLIC
HEARING AND SPECIAL MEETING MINUTES OF SEPTEMBER 4, 2012 AS SUBMITTED PASSED
UNANIMOUSLY.**

**Sanitary Sewer Easement in favor of 4 Red Barn Road from 6 Red Barn Road for installation
and maintenance of sewer lateral.**

The owners, Paul and Carol Johnson, were present. Mr. Johnson said that while he owns both
parcels, he was advised that an easement should be prepared in case the property at 4 Red

Barn was ever sold. There are already laterals in place. Mr. Johnson came forward and indicated where the buildings were on the site map and where the lines would be extended.

Mr. Flaherty asked if there were any development restrictions on the parcel. Mr. Johnson said that the line runs from the back of the house, across some blacktop and would go onto the other parcel. Mr. Oustafine indicated that there were some unusual aspects to one of the lateral lines, which crosses private property. Mr. Johnson then reviewed the details of the easement that was given to the Town of Darien. Discussion followed.

Mr. Oustafine said that one more issue regarding the arrangement the Johnsons and Fresh Meadow still remained to be worked out. Mr. Johnson reviewed the details of this with Mr. Oustafine and the Commissioners.

The issue before the Commission is from Mr. Johnson to himself. Mr. Van Winkle pointed out that the Commission could not prevent Mr. Johnson from doing this since he owned both properties. Mr. Flaherty said that by doing it this, the change would be reflected on the land records.

**** MR. VAN WINKLE MOVED TO APPROVE THE SANITARY SEWER EASEMENT IN FAVOR OF 4 RED BARN ROAD FROM 6 RED BARN ROAD FOR INSTALLATION AND MAINTENANCE OF SEWER LATERAL.**

**** MR. FLAHERTY SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

SUPERINTENDENT'S REPORT

Mr. Robert Steeger said that the sewer bills had been sent out. He said that there was more staff time available to do a review of the bills before they were mailed out. Last year, there were numerous problems with the bills.

As of last Wednesday there was a report of a leak in the end of the force main line at Long Neck pressure sewer. There is also a sewer or septic smell coming from some of the catch basins. The department will be working on identifying the problem and correcting it.

The manhole work on Mansfield Avenue has been completed and the State reimbursement has been received.

The yearly chemical root control program has been completed. This is a regularly scheduled program where every year, a portion of the system is treated.

Mr. Steeger met with the City of Stamford officials on September 5th and the discussion focused on revenue sharing. Stamford claims they did not understand that revenue sharing was a deal breaker for Darien. Another meeting was scheduled. Mr. Steeger said that Darien wanted a written proposal that included revenue sharing before the next meeting.

To date, Stamford had not forwarded a written proposal to the Town. There was a recent article in the newspaper reporting a 10 year audit has been proposed for the Stamford WPCA. Ms. Rhudean Bull is the new acting director of the Stamford WPCA. First Selectman Stevenson has indicated her willingness to move to the next level of legal recourse. Mr. Steeger said that when the original contract was drafted it included a statement that the Darien and Stamford would share in not only the cost, but also the benefits.

Mr. Flaherty asked for some of the details regarding the billing and payments to Stamford. Mr. Steeger reviewed these with him. Discussion followed.

Mr. Flaherty asked what the Stamford residents pay. Mr. Steeger said that their customer rate is \$3.89 while Darien's rate is over \$5.00.

Mr. Flaherty asked if there were spreadsheets and summaries of this. Mr. Steeger said that there were. Mr. Flaherty requested copies of those. Mr. Steeger made a note of this.

The discussion then moved to a previous suggestion regarding the nitrogen credit fund. Mr. Steeger said that Darien would consider having a third party mediator, but Stamford was not interested. Darien has not received any financial benefit since the new plant opened in Stamford.

PAYMENT OF INVOICES

a.	1. Curtis, Brinkerhoff & Barrett, P.C.	
	Westmere Group, Inc, v. Town of Darien	\$0.00
	2. City of Stamford WPCA Sewer Contract	\$1,525.00
b.	GHD, Inspection Services	
	Allen O'Neill Housing Project	\$1,402.50

**** MR. FLAHERTY MOVED TO APPROVE THE PAYMENT OF \$1,525.00 TO THE CITY OF STAMFORD FOR THE WPCA SEWER CONTRACT AND THE SUM OF \$1,402.50 TO GHD, INSPECTION SERVICES FOR THE ALLEN O'NEILL HOUSING PROJECT.**

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

ADJOURNMENT

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

The meeting adjourned at 5: 20 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
REGULAR MEETING
DECEMBER 4, 2012**

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

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

OTHER: Carolyn Marr, Recording Secretary;
Andrew Kiggins

ABSENT: Rocco Genovese;
Anne Shaw

CALL TO ORDER

Mr. Riith called the Regular Meeting to order at 4:35 p.m.

**APPROVAL OF MEETING MINUTES OF NOVEMBER 13, 2012 OF THE DARIEN SEWER
COMMISSION. ATTACHMENT. DISCUSSION AND ACTION.**

The following additional corrections were noted for the minutes:

On page 6, 5th paragraph, 1st sentence, change "Mr. Falherty" to "Mr. Flaherty";

On page 6, 5th paragraph, 1st sentence and 2nd sentence, change "rasing" to "raising".

**** MR. VAN WINKLE MOVED TO APPROVE THE MEETING MINUTES OF THE
NOVEMBER 13, 2012 DARIEN SEWER COMMISSION MEETING AS SUBMITTED.**

**** MR. FLAHERTY SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

**SANITARY SEWER USER FEE APPEAL, HUBERTUS REIDEL, 337 MIDDLESEX ROAD,
APPEAL OF SEWER USER FEE AT 337 MIDDLESEX ROAD. ATTACHMENT. DISCUSSION
AND ACTION.**

Mr. Oustafine explained that there are two properties, and that 3 High School Lane is behind the 337 Middlesex Road property and was appealed before the commission at the November 2012 regular meeting. He said the commission now has the water usage data, as had been requested at the previous Sewer Commission meeting. The current bill is \$1,022.20; in 2011, the bill was \$560.00; and in 2010, the bill was \$422.40. Some discussion took place among the Commissioners and Mr. Oustafine regarding the provided water usage data. It was decided to use the lowest quarter at 30 x 4, x \$5.38, for an adjusted total of \$645.60.

**** MR. FLAHERTY MOVED TO GRANT THE SANITARY SEWER USER FEE APPEAL FOR REIDEL, USING THE 3/2011 QUARTER OF 30 HUNDRED CU FT X 4 X \$5.38 FOR AN ADJUSTED TOTAL OF \$645.60, WITH THE PROVISION THAT THIS IS A ONE-TIME APPEAL, AND ANY FUTURE APPEAL ON THIS PROPERTY WOULD REQUIRE DOCUMENTATION OF WATER CONSUMPTION MEASURED BY METER FOR IRRIGATION PURPOSES.**

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

**** MOTION PASSED UNANIMOUSLY.**

SANITARY SEWER USER FEE APPEAL, ANDREW KIGGINS, 6 JUNIPER ROAD, APPEAL OF SEWER USER FEE FOR 236 OLD KINGS HIGHWAY NORTH. ATTACHMENT. DISCUSSION AND ACTION.

Mr. Oustafine read from the provided information, saying that the two low quarters, 42 and 41, amounted to \$893.00; the bill for 2011, with low quarters of 18 and 20, was \$380.00; and the 2010 bill, with low quarters of 31 and 33, was \$536.00. Mr. Kiggins said the house is a rental property, and the basis of the appeal is that the bill has doubled since last year. He said he feels it is impossible that the tenants have used twice as much water as last year. Mr. Kiggins said that there is no irrigation system on the property. It was mentioned that there could be a leak, and it was suggested that Mr. Kiggins contact the water company. Mr. Kiggins said he has paid the first half of the bill, and the second half of the bill is due in January. Mr. Kiggins reported that the bill he just paid seemed to be in the normal range of usage. Some discussion took place regarding meter readings, documentation provided of water consumption, etc., and it was agreed that this would be revisited next year.

**** MR. VAN WINKLE MOVED TO GRANT THE SANITARY SEWER USER FEE APPEAL FOR KIGGINS, 236 OLD KINGS HIGHWAY NORTH, USING 21 AND 21 AS THE TWO LOW QUARTERS, ASSUMING THAT 42 AND 0 WERE SKIPPED, MULTIPLIED BY 2 BY \$5.38, WITH A TOTAL ADJUSTED BILL OF \$451.92.**

**** MR. FLAHERTY SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

SUPERINTENDENT'S REPORT

Mr. Steeger reported that he had just gotten off the phone with Town Counsel Wayne Fox, who said that there has been no response from the City of Stamford relative to the Town of Darien counter offer.

Mr. Steeger wished to correct the previous Sewer Commission Meeting's information regarding Darien's counter offer. He stated that Darien's counter offer to Stamford was that Darien would forgo the first two years of nitrogen credits and beyond that, everything stayed in place, not at straight 6%. In addition, Darien has been paying Stamford an amount that Mr. Steeger feels is a reasonable amount since July of the fiscal year. They have not received a billing statement as of this date for the past or future fiscal year. Mr. Steeger reported that our attorney John Wayne Fox reached out to his counter part in Stamford, Attorney McCabe. Mr. McCabe stated that he had not forgotten about responding to Darien's counter proposal but that they just hadn't gotten to it yet.

Mr. Steeger said that they had made arrangements with S&S Industries to pump out storage tanks on low pressure sewer systems that were at capacity during the hurricane. There was a total of 17 E1 pumps that were serviced.

Mr. Steeger said that a pre-trial meeting regarding Westmere will be held in the Stamford Courthouse on December 11, 2012.

Mr. Steeger explained for Mr. Flaherty that concrete was poured around the windows at the Nearwater pump station in an effort to make it more floodproof. The same floodproofing measures were put in place around the generator. The level is now 3 ½-4 ft higher than the water reached during the hurricane.

- ** MR. VAN WINKLE MOVED TO APPROVE THE SUPERINTENDENT'S REPORT.**
- ** MR. FLAHERTY SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

PAYMENT OF INVOICES. ATTACHMENT.

a) Curtis, Brinkerhoff & Barrett, PC

- | | |
|--|-------------|
| 1) Westmere Group, Inc., v. Town of Darien | \$ 2,527.38 |
| 2) City of Stamford WPCA Sewer Contract | \$ 3,617.90 |

b) GHD, Inspection Services

Allen O'Neill Housing Project

\$ 4,207.50

**** MR. VAN WINKLE MOVED TO APPROVE THE PAYMENT OF \$2,527.38 TO CURTIS, BRINKERHOFF & BARRETT, PC FOR WORK RELATED TO THE WESTMERE GROUP, INC., V. TOWN OF DARIEN; AND \$3,617.90 TO CURTIS, BRINKERHOFF & BARRETT, PC FOR WORK RELATED TO THE CITY OF STAMFORD WPCA SEWER CONTRACT; AND \$4,207.50 TO GHD, INSPECTION SERVICES FOR WORK RELATED TO THE ALLEN O'NEILL HOUSING PROJECT.**

**** MR. FLAHERTY SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

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

**** MR. FLAHERTY SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 5:20 p.m.

Respectfully submitted,

Carolyn Marr
Telesco Secretarial Services

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