

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
M. REESE HUTCHISON III
PETER VAN WINKLE, ESQ.

TOWN OF DARIEN
DARIEN SEWER COMMISSION
REGULAR MEETING MINUTES
4:30 P.M. July 5, 2016
ROOM 206, DARIEN TOWN HALL,
2 RENSRAW ROAD, DARIEN, CT 06820

ATTENDANCE: Robert Riith, Chairman
Peter Van Winkle
M. Reese Hutchison

ABSENT: Craig Flaherty
Rocco Genovese

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

OTHER: Greg Romano
Lauren Chisholm
Corey Fogg
Leah Mink

1. Call to Order

Chairman Riith called the meeting to order at 4:30 p.m.

2. Approval of Minutes of Previous Meeting

** MR. VAN WINKLE MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING
OF JUNE 7, 2016 AS EDITED WITH CORRECTIONS MADE BY MR. OUSTAFINE
** MR. HUTCHINSON SECONDED THE MOTION
** MOTION PASSED UNANIMOUSLY

3. 68 Salem Straits. Thomas Murphy. Appeal of Technical Standards. Attachment.
Discussion and Action. Lack of permit and inspection for Pool House Sewer Lateral.

Mr. Oustafine advised that he left a voice mail for Corey Fogg that today's meeting was going forward and suggested we skip over this section in the hopes he would come to

the meeting. The commission did pass a motion to suspend the rules and formalities and to take meeting agenda out of order.

The topic was revisited at 5:20 p.m. at Mr. Fogg's arrival. Mr. Oustafine gave an overview advising after further investigation, there is every indication that the pipe is still installed and is beneath the electrical line. Mr. Fogg presented a map of pipe in question.

After hearing Mr. Oustafine's outline of what the Commission's options were, Mr. Hutchison recommended writing a notice to be recorded in the Darien Land Records of conditions and lack of inspection on the town's part for reference by any potential and future land owners. He suggested working with the Town Council to come up with appropriate language.

Mr. Fogg wanted to note to the Commission that this project had a very long approval process including many meetings with Planning and Zoning and resulted in a set time limit that they could chip. Mr. Fogg said they went over extensively with the Building Department exactly what they were doing and had asked for a letter for town records to put on the As-built for the property.

Mr. Hutchison asked Mr. Oustafine if a recording of the map would suffice. Mr. Oustafine replied yes, although you would need the map on Mylar. Mr. Oustafine also wanted to make clear that when speaking to the Building Inspector, Peter Solheim, in regards to this issue, he was adamant that he would not exert his authority over an area that was not his jurisdiction. He suggested perhaps it was likely that when he went to inspect the electrical line, the pipe in question was buried underneath.

Mr. Fogg replied that they inspected the depth of the pipe and saw the water line in the trench, which has to be as deep.

Mr. Riith said they should have an As-built in there with the correct wording.

Mr. Oustafine clarified what the motion would be before it was taken.

**** MR. HUTCHISON MOVED TO REQUEST THAT THE AS-BUILT MAP BE SUBMITTED, ON MYLAR AND THAT A NOTE BE CREATED FOR LAND RECORDS THAT REFERENCES THE SAID MAP AND THAT MAP SHALL BE RECORDED FIRST AND WRITTEN DISCLAIMER EXPLAINING DEFICIENCIES, REFERENCE DARIEN LAND RECORD MAP NUMBER, AND THAT TOWN COUNSEL REVIEW AND APPROVE DISCLAIMER, AND THEN DISCLAIMER THEN BE RECORDED.**

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

4. Settlers Trail, Clocks Lane, Sewer Extension. Attachment. Discussion and Action.

Mr. Oustafine advised that since the last meeting, soil borings had been completed; results were in the packet and informed them that they now have solid numbers to report on. He continued with passing out a letter from Paul Harris, reaffirming his stance on the matter as Mr. Harris was unable to attend the meeting and wanted his opinion on the record.

Mr. Riith asked if the three-week notice could be sent.

Mr. Oustafine replied yes and if a quorum could be achieved, they could hold the Public Hearing on Tuesday July 26th at either 7:00 or 7:30 p.m. This would also give Ms. Chisholm an opportunity to attend, as she would not be able to attend another date suggested. Mr. Riith advised 7:30 p.m. would be okay and Mr. Van Winkle agreed.

Mr. Gentile wanted to add that before the test borings had been done, his comfort level to give an estimate was low. He also wanted to note that they stayed underneath the \$7,500.00 budget that had been previously set for benefit appraisal and title searches with the cost of soil borings and believed it was within the best interest of the sewer commission to go ahead and proceed with the borings. Mr. Riith confirmed he agreed it was good to know the data ahead of time.

Ms. Chisholm (Clocks Lane) spoke that she was trying very hard to understand this process and she had received different information from the beginning. In regards to the borings, it was her understanding was that in the last meeting Mr. Flaherty had advised the borings would not be done. She then saw town workers on her property and when asked what they were doing, had been told the borings were being done. Ms. Chisholm said no one had asked her for an easement. She knows they were not drilling on her property but workers were driving and walking on her property. Ms. Chisholm wanted to note that she is trying to genuinely understand the process and has found that the staff makes decisions opposite of what she is witnessing in the meetings. She wanted the Commission to know that she has continued to take time out of her schedule to come to these meetings, but is frustrated that what she understands to be said, is not being followed.

Mr. Riith advised Ms. Chisholm that the borings were necessary because of the topography of the land and it doesn't make sense to proceed without them.

Mr. Hutchison spoke in depth to Ms Chisholm's concerns, telling her it would take time and belabor the process when it sounds to him like they happen to get someone that could do the borings on short notice. He agreed that this was prudent to do to quantify costs and although he understands her perspective, does not believe the borings to be a wrong choice.

Mr. Van Winkle, Mr. Hutchison and Ms. Chisholm discussed her real estate details at length, giving suggestions and advice of what her next steps could be.

Mr. Gentile wanted to add that in the last meeting, Paul Harris had gone on record to state that he would financially secure the assessment. Not having the paperwork done, Mr. Gentile can see Ms. Chisholm's concerns and thinks when someone stands up in good faith as in the last meeting, they should be held to that.

Mr. Oustafine then wanted to make a few points. He thinks it is important to note that a Public Hearing has not been held yet and that a decision has not yet been made. They are simply trying to provide as much information as possible to the Commission and the public. Mr. Oustafine then advised that his Boss is the Sewer Superintendent and functions with the betterment of the entire sewer system in mind, thus his responsibility to provide as much data as possible. Mr. Van Winkle agreed stating that he has the authority to do everything that had been done. Mr. Oustafine also noted that staff is very careful with benefit appraisal process, and that staff advised town counsel of some homes that would be razed, and that staff had no input whatsoever in choosing Ms. Chisholms property as the subject of the benefit appraisal report. Mr. Oustafine also noted that a benefit of a sewer system is an increased bedroom count, as septic systems are designed based upon bedroom count of a residence.

Mr. Romano (Clocks Lane) spoke briefly; stating he was happy to hear the borings went well and noted that damage was minimal. He thinks this will be a huge benefit as his septic tank is nearing 60 years old and drainage is not ideal on his property. He appreciates the Commission in helping to speed up this process.

5. Sewer User Fee Appeals. Attachments. Discussion and Action

a. Middlesex Commons, Hale Lane.

Mr. Oustafine briefed the Commission and made some cliff notes on the bills that were and were not paid. He advised he had sent Anthony Taccone out and the meters in question are dedicated for irrigation only; if there is something else connected to it,

they are unaware of it. Mr. Oustafine described the structure that was connected to sewer and it appears they have usage of the system, but have not been charged is the building closest to Leroy Avenue which may be used for recycling or an office for the complex. Mr. Oustafine stated that this building had not been billed for sewer user fees and should be as it is connected to sewer. The minimum charge that was paid was in 2013 and he believes they will be asking to forgive the 2014 and 2015 large bills solely with irrigation.

- ** MR. HUTCHISON MOVED TO GRANT PERMISSION FOR STAFF TO FORGIVE 2014 AND 2015 IRRIGATION BILLS AND ADD THE STRUCTURE FOR FUTURE USAGE
- ** MR. VAN WINKLE SECONDED THE MOTION
- ** MOTION PASSED UNANIMOUSLY

b. Arthur Allen, Garden City road.

Mr. Allen was not present and had asked the subject to be tabled. Mr. Oustafine briefed the Commission on the past subject recalling that the Commission had asked Mr. Allen to gather more information and come back at a later date. It has been a few months and Mr. Allen hasn't returned, thinking everything was fine. Mr. Oustafine went through the minutes from that meeting to confirm that the Commission had asked him to come back.

Mr. Riith confirms he would like to settle the subject once and for all and will await more information.

6. West Norwalk Road, Sewer Extension. Attachment. Discussion and Action.

Mr. Brown was not present. Mr. Oustafine included in the package a map showing his lot and gave an overview of issue which is that Mr. Browns property lies mostly or all in the City of Norwalk albeit at least on the city line and Mr. Brown wants to connect to the Darien Sewer System.

Mr. Hutchison asked if Mr. Brown pays a tax bill because that is the way to know if Mr. Brown has any property in the Town of Darien. Mr. Hutchison stated that if there is even a minimal amount of property within the Darien borders, that taxes would be assessed to that owner.

Mr. Oustafine advised there are other people in neighboring towns on the user fee roster and have not yet had a problem with payment, but assumes they would be treated like any one else there were not payment. He advised Mr. Brown's property lies

in Norwalk and claims to have a small property in Darien. He recommends the item be tabled, as he is not here.

- ** MR. HUTCHISON MOVED TO TABLE THE ISSUE
- ** MR. VAN WINKLE SECONDED THE MOTION
- ** MOTION PASSED UNANIMOUSLY

7. Superintendents Report – Ed Gentile

Mr. Gentile gave a brief update on the last two 75 horsepower pumps for the Stony Brook and Nearwater Pump Stations that they had been waiting for and are scheduled to be delivered on or around October 1st.

Stamford (WPCA). The invoice has come back \$1,500.00 less than previous invoice from the Stamford WPCA There are still some differences in opinion but nothing that cannot be worked out.

Staff is working on obtaining estimates for the Five Mile River Road Pump Station repairs.

8. Invoice Approval

Mr. Oustafine asked for a motion to bundle New Business with this Invoice approval.

- ** MR. HUTCHISON MOTIONED TO DISCUSS TOPICS #8 AND #9 OF THIS AGENDA TOGETHER.
- ** MR. VAN WINKLE SECONDED THE MOTION
- ** MOTION PASSED UNANIMOUSLY

a. Curtis Brinkerhoff & Barrett, P.C., Clocks Lane & Settlers Trail Sewer Extension \$3,544.00

b. Associated Borings Co., Inc. Clocks Lane & Settlers Trail Sewer Extension \$2,000.00

9. New Business – None.

- ** MR. VAN WINKLE MOTIONED TO AUTHORIZE THE CHAIRMAN TO ENTER INTO COMPUTIEL AGREEMENT AND TO PAY COMPUTIL, CURTIS BRINKERHOFF & BARRETT, AND ASSOCIATED BORINGS CO., INC, AS PRESENTED.
- ** MR. HUTCHISON SECONDED THE MOTION

** MOTION PASSED UNANIMOUSLY

9. Adjournment

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

The meeting was adjourned at 5:30 p.m.

Respectfully submitted,
Leah Mink
Telesco Secretarial Services