

TOWN OF DARIEN  
DEPARTMENT OF PUBLIC WORKS  
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To: RTM

December 23, 2014

Re: Sewer Damage Re-imburement – 27 Lakeside Avenue

On June 27th, 2014, the address above experienced a sewer backup and the homeowner submitted a claim for damages. The backup was apparently caused by a blockage of the main line located in Lakeside Avenue. Upon getting a call from the homeowner, the Sewer Department responded immediately and determined the location of the blockage in the main and proceeded to unclog the pipe using the jetting equipment. Just prior to relieving the clog, the upstream manhole was opened and found to have a surcharge condition indicating a main blockage not a lateral to the dwelling. This condition indicates that the town system was not functioning properly and would make the town liable for any damages. The owner submitted an estimate of damages along with his cleanup costs and the costs for Rotor Rooter. The Sewer Commission decided to hire its own adjuster to investigate the claim and provide a third party determination of damages. After many months of questions and inquiry from the Commission regarding cleanup costs, property damage and compensation, the Commission agreed to what they believe is a fair and equitable settlement based upon the third party investigation of the property after the incident.

On November 18th, 2014 the Sewer Commission approved payment of a claim submitted by the homeowner of #27 Lakeside Avenue in the amount of \$30,843 with regards to damage due to a backup of raw sewage into their basement. Subsequently, at that same meeting the Sewer Commission authorized the transfer of funds to a Capital Account specifically created for this claim. Since that time approvals from the Board of Selectmen and the Board of Finance were obtained earlier this month. Furthermore, a General Release of Liability was presented to the owners of the property for signature and was required to be signed and in full effect prior to payment per the Sewer Commission. The General Release of Liability has now been signed by the owner and returned to the town as of December 11<sup>th</sup>, 2015.

In the past, as recent as January 2014, the Sewer Commission has authorized payment for damages due to a sewer backup. In two past situations, the Commission has recouped the compensation from the party they believed to be at fault. In this case, it is apparent that the sewer backed up happened in the main and obviously not the fault of a third party, which places full responsibility on the Town of Darien and the Sewer Commission.