

TOWN OF DARIEN
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To: RTM

December 23, 2014

Re: Stephanie Lane, Stephanie Lane South Sewer Extension
Town of Darien Public Hearing on Acquisition and Assessment

The Town of Darien has been approached by the Stephanie Lane Sewer Association LLC (Association) with the intent to transfer of responsibility to the Town of Darien for; maintenance, ownership, and collection of future connection fees, relative to the sanitary sewer system in Stephanie Lane and Stephanie Lane South (SL/SLS). In all actuality, the Sewer Commission is already responsible for the sewer system at this location according to the DEEP.

The sanitary sewer system serving SL/SLS, was installed in the years 1994 and 1995. The sewer system was initiated and installed by private sponsors residing on SL/SLS who were in need of off-site sewage disposal due to failing septic systems or property development needs. These sponsors put up the money to fund the engineering, legal and construction costs of the sewer extension. Sponsor contributions were not equal. Some residents contributed zero money towards the sewer, while others contributed a portion of the ultimate total connection fee and finally others contributed more than the ultimate connection fee (pro rata share of costs).

Administration of connection fees, payment and redistribution of money collected, and maintaining an active corporation (LLC) status has fallen on a few stalwarts. The Town of Darien has a part to play in collection of fees prior to issuance of sewer connection permit, however we are forced to rely upon fee structure as directed by the Association and has no direct involvement with the redistribution of funds to those who have overpaid. Only a few people have the requisite background and history with the Association to carry on its business. Should primary contacts cease to remain in control, a crisis could erupt every time a new connection to sewer system is contemplated (10 locations exist). In short, the long term viability of the Association is untenable.

The Town of Darien Sewer Commission has considered the Association's request and held 2 public hearings on December 2, 2014. One public hearing was for the town to accept input from the public regarding acquisition of the sewer system, the other was for assessments

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(connection fee or pro rata share). Both public hearings were required by law. Attendance was not required and no decisions were made during the public hearing. A letter of notification of the public hearing was sent to all affected residents.

If the sewer commission does take ownership, maintenance and administrative responsibility, which is the preferred direction, the sewer commission will:

- pay off all those Association members amount that was paid in excess of pro rata share;
- pay off all those Association members that have contributed but have not yet connected;
- charge any and all future connections at the rate of one pro rata share (approximately \$9,900) prior to issuance of sewer connection permit;
- obtain hold harmless statements from all members of the Association;
- abandon, supersede, or otherwise render moot, Sewer Agreement between Town of Darien and Association;
- accept dissolution of Association; and,
- make rights to sewer follow the land so that current owner at time of connection to sewer, will be wholly responsible for payment of connection fee (assessment due to be recorded on land records).

Explanation of assessment.

There are 22 residences that have, or are capable of connecting to the subject sanitary sewer extension. The typical sanitary sewer extension assessment is calculated by taking the total sum of all project costs divided by the number of residences. In this case, the "assessment" works out to be \$9,849.77 per residence. This number could change slightly due to corporation fees which are a project costs and continue to be incurred.

Per written agreement, contribution exceeds the assessment for any residence that has connected to the sewer. As stated above, reimbursement is due for over payment down to the assessed value.

Contributions towards assessments (albeit the less than total) for four of the residences were received by the Association. These four residences are not yet connected to the sewer. As stated above, these payments will be reimbursed to zero so that at the time of connection a full assessment will be due.

No contribution has been received towards the assessment of six of the residences. Obviously no reimbursement will be due as no contributions were made. Upon connection to sewer system, the owners of these residences (at the time of connection) will be responsible for payment in full of assessment.

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In some cases, a residence has changed owners and the original owner did not transfer rights to sewer. Reimbursement or payment due as shown below is in reference to the residence listed and may not be attributable, in whole or in part, to the original owner (as listed in column B). Column E shows reimbursement from the town due to over payment, column F shows reimbursement from town due to payment for sewer for those not yet connected, and column G shows the cost to be paid to the town upon connection to the sewer system (by current owner at time of connection).

A	B	C	D	E	F	G
NUMBER	ADDRESS	ORIGINAL NAME OWNER	Connected to sewer (Y/N)	TO BE PAID TO OWNER/MEMBER UPON TRANSFER OF OWNERSHIP	TO BE PAID TO OWNER/MEMBER BY TOWN UPON TRANSFER	TO BE PAID BY OWNER TO TOWN UPON CONNECTION
2	Stephanie La. S	Hathaway	Y	\$ 12,274.13	\$ -	\$ -
3	Stephanie La. S	Kraig	N	\$ -	\$ -	\$ 9,849.77
22	Stephanie Lane	French	N	\$ -	\$ -	\$ 9,849.77
28	Stephanie Lane	Blecher	N	\$ -	\$ -	\$ 9,849.77
31	Stephanie Lane	Lauro	N	\$ -	\$ -	\$ 9,849.77
33	Stephanie Lane	McAuliffe	N	\$ -	\$ -	\$ 9,849.77
501	HTRR	Kammerer	N	\$ -	\$ -	\$ 9,849.77
4	Stephanie La. S	Scott	Y	\$ 5,824.74	\$ -	\$ -
5	Stephanie La. S	Dysenchuk	Y	\$ 5,824.74	\$ -	\$ -
18	Stephanie Lane	Mapel	Y	\$ 5,824.74	\$ -	\$ -
19	Stephanie Lane	Michele	Y	\$ 5,824.74	\$ -	\$ -
25	Stephanie Lane	Kratky	Y	\$ 5,824.74	\$ -	\$ -
30	Stephanie Lane	Mandel	Y	\$ 5,824.74	\$ -	\$ -
34	Stephanie Lane	Evans	Y	\$ 5,824.74	\$ -	\$ -
37	Stephanie Lane	Simon	Y	\$ 5,824.74	\$ -	\$ -
521	HTRR	Sullivan	N	\$ -	\$ 5,856.19	\$ 9,849.77
7	Stephanie Lane	Verhaegen	N	\$ -	\$ 3,739.12	\$ 9,849.77
8	Stephanie Lane	Knechtel	Y	\$ 8,341.51	\$ -	\$ -
11	Stephanie Lane	George	N	\$ -	\$ 3,739.12	\$ 9,849.77
15	Stephanie Lane	Lewis	Y	\$ 7,527.34	\$ -	\$ -
21	Stephanie Lane	Conley	N	\$ -	\$ 3,739.12	\$ 9,849.77
26	Stephanie Lane	Peterson	Y	\$ 6,683.26	\$ -	\$ -