

New Canaan Police Department

174 South Avenue, New Canaan CT 06840

(203) 594-3500

Page 1 of 4

CASE/INCIDENT REPORT

SUPPLEMENTARY ☐

CFS NO 2300004646	DAY 3	INCIDENT DATE 04/25/2023 04/25/2023	TIME 10:57	DATE OF RPT 04/25/2023	TIME OF RPT 10:57	TYPE OF INCIDENT SERVICES-OTHER/ASSIST	INCIDENT CD SERV	INVESTIGATING OFFICER Sergeant LaTourette, Aaron	BADGE NO S11			
DIVISION		DIVISION NO		REFERENCE DIVISION		REFERENCE DIVISION NO		CASE X-REFERENCE	UNIT ID S11	TYPIST LATOUA	DATE TYPED 04/25/2023	TIME TYPED 16:07
STREET NO 00751	STREET NAME AND TYPE WEED St New Canaan			APT NO.	INTERSECTING STREET NAME AND TYPE			PREMISES NAME 751 WEED ST		STATUS Closed	TOWN CD T090	

OFFENSE	LOCAL X-REF CODE	IBR CODE	ATT/COMP	OFFENSE DESCRIPTION
All Other Offenses	90Z	90Z	Completed	Residence/home

STATUS CODE C=COMPLAINANT V=VICTIM A=ARRESTEE J=JUVENILE H=OTHER M=MISSING W=WITNESS O=OFFENDER D=DRIVER S=SUSPECT P=POLICE OFFICER T=TOT

STATUS	NAME	SEX	RACE	D.O.B.	TELEPHONE	ADDRESS	OP STATE & NO.
C	Livesay, Andrew W	M	W	REDACTED	Hom	REDACTED 339 ELM St New Canaan CT	REDACTED
H	Moynihan, Kevin J	M	W	REDACTED	Hom	(203) 594 - 5630 REDACTED	REDACTED
H	Karp, Arnold	M	W	REDACTED	Hom	REDACTED 16 Cross St New Canaan CT	CT
C	Landi, Giacomo	M	W	REDACTED	Cel	REDACTED 313 Elm St New Canaan CT	CT
H	Palumbo, Joe	M	U		Cel	REDACTED	CT
H	Knuff, John	M					
H	Rocco V. D'Andrea P.E. & L.S. Land				Bus	(203) 637 - 1779 Six Neil Lane PO Box 549 Riverside CT	
H	Karp Associates Inc				Bus	(203) 972 - 3366 16 Cross St New Canaan CT	

1=NONE 2=BURNED 3=COUNTERFEIT/FORGED 4=DAMAGED/DEST 5=RECOVERED 6=SEIZED 7=STOLEN 8=UNKNOWN 9=IMPOUNDED/FOUND T=TOWED E=EVIDENCE A=ABANDONED

CODE	QTY	DESCRIPTION	BRAND	MODEL	YEAR	STATE	REG	MAKE	MODEL	COLOR	VIN/SERIAL NO.	EST.VALUE
K	1	Documents/Personal or Business										
Map of Property in question and Sanitary Sewer Easement document												

On 04/25/2023 while working the day shift at the New Canaan Police Department I was asked by Chief DiFederico to respond to 751 Weed St and see if I could assist. Chief DiFederico further explained that he had received several phone calls and emails in regards to a property dispute that has been ongoing.

Upon arriving at 751 Weed St I observed a group of people working in a hedgerow of trees and shrubs and they were wearing green reflectorized vests. Arnold Karp came forward and stated that he was a builder / developer and that his company Karp associates were

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the owner of 751 Weed St. Karp stated that the property of 751 Weed St has a sanitary sewer easement that runs through the property of 313 Elm St. Karp provided me with a map and additional documentation from the New Canaan planning and zoning that is included with this report and has been placed into property management as safe keeping. Karp stated that he hired a surveying company (Rocco V. D'andrea Inc.) to survey the easement. The survey crew was the workers wearing the green reflectorized vests. Officer Jarvis was also on the property of 751 Weed St.

Karp stated that he requested to put in sewer and drainage from 751 Weed St directly out to Elm St and connect it to the towns sewer and water drainage lines. Karp stated that these requests have been denied and that he has no other choice other than to use the easement depicted on the map. At this time Kevin Moynihan walked across the back yard of 339 Elm St to where Karp and I were standing. Moynihan stated that neither of these home owners have given permission. I asked Moynihan if he was the property owner of 339 Elm St and he stated that he was not and that he lived across the street and that he was the first selectman. I asked Moynihan if he was a legal representative of the owner of 339 Elm St and he stated that he was not. Moynihan stated that Andrew Livesay the property owner at 339 Elm St emailed him and stated that he was objecting to this. I asked Moynihan to wait in the driveway and that I would come speak to him after I spoke to Karp.

Karp stated that the easement was for sewer and drainage. He stated that he could not put underground utility wires in. Karp stated that he could no build on the easement. Karp stated that at some point he would have to take down a fence and take down a few trees in order to put new sewer and drainage in. He stated that he would have to replace the fence and any trees or shrubbery.

Officer Jarvis and I walked to the driveway of 339 Elm St where Moynihan and another gentleman were standing. The other individual was identified as Giacomo Landi who is the homeowner at 313 Elm St. Landi stated that he did not call the police. Landi

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stated that he was not exactly sure where the property line was. I asked Moynihan how he was involved and he stated that he received emails from Landi and Livesay about people being on private property. Moynihan stated that it was not trespassing. Landi asked if we could walk back over to his property so that we could talk, which we did.

Landi stated that he first observed people on his property at approximately 9 am on 04/25/2023. Landi stated that he emailed the town council, Mr Moynihan and other town officials. I asked Landi way he would email town officials and he stated that this was a much bigger legal issue. Landi stated that he bought his property in 2017. I asked if he had his property surveyed when he purchased the residence and he stated no, however stated that he has map of the property and was aware of the easement. Landi asked if Karp and the surveyors were allowed to be on the easement or not. I informed Landi that Karp had hired a Surveyor to ensure that he knew where the easement was and that he did not go onto any property of 313 and 339 Elm St that he was not supposed to. Landi stated that stated that he was concerned about the surveyor stakes that were sticking up in the air on his property and asked if one of his kids got hurt on them who would be responsible.

I spoke to Joe Palumbo from Rocco V. D'andrea surveyors and asked him if the survey stakes had to remain protruding from the ground. Palumbo stated that he would pull the stakes out of the ground and just leave the wooden survey pegs that were flush with the ground and painted orange. I showed Landi the orange wooden pegs that were in the ground and flush with the dirt. Landi stated that the entire easement was on his property and none of it was on the property of 339 Elm St. Landi stated that Livesay had a Survey of his property done a while ago and that there was a survey stake in the ground on the front corner, and back corner of the property. Landi showed me these Survey stakes.

Andrew Livesay arrived and walked over to where Officer Jarvis and I were speaking to Landi. Livesay stated that he did not want

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these people on his property. I explained to him that they were not on his property they were in fact on Landi's property and that is where the easement is. I showed Livesay the map that Karp had provided. Livesay stated that he had a survey of his property done last fall and had a map of his property. I asked Landi and Livesay if they have ever talked to Karp and they both stated no. I asked if they wanted to talk to him or had any questions for him. Both Landi and Livesay stated no. Landi and Livesay stated that they are being represented by Attorney John Knuff. I did inform Livesay and Landi that it was a violation to disturb or remove a surveyors marker or monument (section 47-34a). They both stated that they understood.

By the time I finished talking to Landi and Livesay, Moynihan had left the property of 339 Elm St. The surveyors had completed surveying the property. Palumbo stated that he had three workers with him that were doing the surveying. Karp, Palumbo and his workers left the easement property of 313 Elm St.

I provided Landi, Livesay with business cards and informed them that I would be doing an incident report.

I had my body camera on during this incident. I briefed Chief DiFederico upon returning to the police department and informed him that I would complete an incident report.

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