

July 8, 2016 @ 9:35 AM  
John E. Ginnelli

**MEMBERS OF THE WPCA THAT ARE UNABLE TO ATTEND THIS MEETING,  
PLEASE CALL ETHER DIAZ, (860) 644-2511, EXT. 243, ON OR BEFORE 4:30 P.M. ON  
THE DAY OF THE MEETING**

***WATER POLLUTION CONTROL AUTHORITY  
TOWN OF SOUTH WINDSOR***

REGULAR MEETING  
SPRENKEL ROOM, TOWN HALL

**AGENDA**

7:00 P.M.  
JULY 12, 2016

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- A. ROLL CALL
- B. ACCEPTANCE OF MINUTES OF PREVIOUS MEETINGS
  - 1. June 7, 2016, Public Hearing
  - 2. June 7, 2016, Regular Meeting
- C. NEW BUSINESS
  - 1. Clark Estates II (Approval to Connect)
  - 2. Collins Corner (Approval to change location of sewer laterals)
  - 3. Adopt proposed sewer user charge discount rates for qualified income residents for Fiscal Year 2016-2017
  - 4. 194 Carriage Drive (Approval to add to Billing List)
  - 5. Misty Meadow Lane –Condo Units #1003-1011 (Approval to return to Billing List)
  - 6. Ellington Road pipe repair (Approval to go out to bid)
- D. COMMUNICATIONS AND REPORTS
  - 1. Secondary Clarifier Improvements
  - 2. Phase III Sewer System Improvements
- E. PUBLIC PARTICIPATION (Items not on the agenda)
- F. BILLS, CHANGE ORDERS, DISBURSEMENTS
- G. UNFINISHED BUSINESS
  - 1. Uncollected Sewer User Charges (Discussion)
- H. MOTION TO GO INTO EXECUTIVE SESSION TO DISCUSS PENDING CLAIMS
- I. ADJOURNMENT

**WATER POLLUTION CONTROL AUTHORITY  
TOWN OF SOUTH WINDSOR**

**JUL 22 2016**  
*John B. ...*  
4:10 PM

**MINUTES  
SPRENKEL ROOM**

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**A. ROLL CALL**

**Members Present:** Richard Aries, Donald Antaya, Carol Fletterick, and William Vees

**Members Absent:** Vicki Paliulis and Zaheer Sharaf

**Alternates Present:** Ed Havens, Jr. sitting in for Ms. Vicky Paliulis  
Patrick Soucy sitting in for Mr. Zaheer Sharaf

**Staff Present:** C. Fred Shaw, Superintendent of Pollution Control  
Donna Thompson, Recording Secretary

**Others:** Robert Mannarino, Mannarino Builders, Inc.

Chairman Richard Aries called the meeting to order at 7:00 p.m. The following actions were taken during the July 12, 2016 Regular Meeting of the Water Pollution Control Authority (WPCA).

Mr. Ed Havens, Jr. was appointed to sit in for Ms. Vicki Paliulis.  
Mr. Patrick Soucy was appointed to sit in for Mr. Zaheer Sharaf

**B. ACCEPTANCE OF MINUTES OF PREVIOUS MEETINGS**

1. June 7, 2016, Public Hearing

Motion was made to accept the minutes as presented.

The motion was made by Mr. Ed Havens, Jr. and seconded by Ms. Carol Fletterick.  
The motion carried unanimously.

2. June 7, 2016, Regular Meeting

Motion was made to accept the minutes as presented.

The motion was made by Mr. Ed Havens, Jr. and seconded by Mr. Donald Antaya.  
The motion carried unanimously.

**C. NEW BUSINESS**

1. Clark Estates II (Approval to Connect)

Mr. Robert Mannarino of Mannarino Builders, Inc. was in attendance this evening and presented the application. He explained that the project has been approved by Planning and Zoning Commission and Inland Wetlands Agency/Conservation

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Commission. Revised plans have been submitted to the Engineering Department reflecting all the changes on the comments from the Engineering Department.

Mr. Mannarino explained that the sewer connection will be into a new manhole on Clark Street north of Margaret Drive. Mr. Shaw explained that units 15 and 16 connect to existing laterals on Clark Street. Mr. Mannarino responded that yes, the existing laterals are going to be used; this is shown on the plans submitted to the Engineering Department. The proposed gravity sewer for the development will be a private sewer which the property association will be responsible for maintaining.

Chairman Richard Aries asked about sewer assessments for this project. Mr. Shaw explained that he informed Mr. Mannarino that there is a potential for a sewer assessment. In this particular case, there was not a caveat on the property, but it should have been on file. There will be one assessment for the whole lot. Mr. Shaw will provide Mr. Mannarino with a copy of the town's regulation concerning sewer assessments.

Motion was made to approve the application as presented for connection of a 22 unit proposed single family residential development to the Town of South Windsor public sewerage system on Clark Street, as more specifically shown on plans entitled "Clark Estates II, Proposed Single Family Residential Development, Clark Estates II, Prepared for Mannarino Builders, Inc."; Prepared by Alford Associates, Inc., Windsor, CT; Sheet No.: G-1 "Topographic and Conservation Plan", Dated: May 16, 2016, Revision Dates: 6/9/16, 6/20/16. This approval is subject to the following condition: This site may be subject to sewer assessment.

The motion was made by Mr. Patrick Soucy and seconded by Mr. Donald Antaya. The motion carried unanimously.

**2. Collins Corner (Approval to change location of sewer laterals)**

Mr. Rob Mannarino presented the application. He explained that this project was previously approved by the WPCA; this was a two lot subdivision on the corner of Foster Road and Strong Road. After looking at the approval given by the WPCA, he explained that he would rather use the existing manhole in the road and connect to a new manhole off the road in front of house #470 Foster Road, instead of making two big cuts in Foster Road. The reason for this is that the soil is sandy and the water table is high and this alternative would be better for maintaining the surface of the road. Mr. Shaw explained that to the Town Engineer and he agrees with this assessment and recommends this alternate means of sewer connection. He will run a lateral for each new house to the new manhole. Therefore, Mr. Mannarino was seeking approval from the WPCA to install a new manhole behind the existing manhole in the town's right of way, in front of house #470 Foster Road, and have two laterals go off of that to the new houses.

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Motion was made to approve modification to the previous WPCA approval for Collins Corner application to allow the installation of a second manhole in the Town's right of way.

The motion was made by Mr. Patrick Soucy and seconded by Ms. Carol Fletterick. The motion carried unanimously

3. Adopt proposed sewer user charge discount rates for qualified income residents for Fiscal Year 2016-2017

Chairman Richard Aries explained that the purpose of the public hearing this evening was to present the proposed sewer user charge discount rates. He asked Mr. Shaw if he has heard from anyone from the public with regards to this program. Mr. Shaw responded that he heard from a couple of single people; they expressed that it was unfair that they did not get as much of a discount as the married couples.

Mr. Shaw explained that the only change in the discount program was the range of the eligible income levels which corresponds to the state's income levels; however, the percentages remained the same.

Motion was made to adopt the proposed sewer user charge discount rates for qualified income residents for FY 2016/2017 as presented in the Public Hearing this evening (see Exhibit A).

Motion was made by Mr. Patrick Soucy and seconded by Mr. Donald Antaya. The motion carried unanimously.

4. 194 Carriage Drive (Approval to add to Billing List)

Mr. Fred Shaw explained that 194 Carriage Drive currently is not on the residential sewer billing list. He explained that the reason why they are not on the billing list is because there was no drain layer's permit on file. Mr. Shaw explained the situation with regards to Carriage Drive. He explained that years ago apparently the Town gave approval for a development that included capped sanitary sewers. All the houses were tied into septic tanks, but the capped sewer was put in the road until such time as when the town public sewer extended to this development so as to allow connection. The plumbing inside the house and the connections were already made to the sewer although capped and not therefore is use.

However, most of these houses are still connected to their original septic system. In this particular case, the property owner of 194 Carriage Drive went ahead and connected when he took out a building permit. So, no drain layers permit was taken out through engineering as is the normal process by which the property is added to the sewer billing list.

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Mr. Shaw explained that the Pollution Control staff went out with a CCTV to visually inspect the Lipman and Carriage Drive areas, to see if there are any other active laterals for properties not listed on the sewer billing list. In this particular case, Mr. Shaw doesn't know when the sewer was actually connected.

Ms. Carol Fletterick asked Mr. Shaw how he became aware of this situation. Mr. Shaw responded that the property owner wanted to connect a therapeutic pool for medical purposes and the question came up if they are discharging to the septic system that may be a problem. Mr. Ed Havens asked how long these people have owned the house. Mr. Shaw responded that he did not know but this information is available.

Mr. Patrick Soucy expressed that the Authority should just add the property to the billing list and bill the property owner only for last year and the current fiscal year rather than having the property owner show evidence as to when the house was connected. Chairman Aries explained that the Authority don't have an enforcement program; therefore they can't enforce or compel. Mr. Shaw explained that he sent a letter to the property owner explaining that this matter was to be discussed this evening; and suggested that he may attend the meeting if he chose to or if he had any questions, he could call Mr. Shaw.

There was a consensus to table this issue for discussion during the September meeting. Mr. Shaw was asked to find out when the current owner purchased the house. Mr. Shaw will send him notice explaining that this matter it's been carried over to the September meeting for discussion but he will be added to the list and he'll get a bill in late September.

**5. Misty Meadow Lane –Condo Units #1003-1011 (Approval to return to Billing List)**

Included with the Agenda was a Memorandum from Mr. Fred Shaw dated July 8, 2016 (see Exhibit B). He explained that on July 19, 2014, there was a fire which damaged eleven residential condominium units on Misty Meadow Lane, displacing the residents for a period of time. The WPCA approved the temporary removal of these sewer accounts from the sewer billing list until such time as the damaged units could be repaired and the residents able to reoccupy their homes. Mr. Shaw just recently became aware that certificates of occupancy were issued at different times. The earliest one was back in December 2014, and the rest of them were this year and August 2015. Mr. Shaw explained that there are three units (1001 Misty Meadow Lane, 1002 Misty Meadow Lane, and 1004 Misty Meadow Lane) that although they were listed as damaged, the residents were not displaced.

Mr. Shaw requested to return these accounts to the user billing list and collect those outstanding sewer user charges that are due based upon the issuance date of the certificate of occupancy; interest in arrears will not be applied.

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Motion was made to add Misty meadow Lane – Condo Units #1003-1011 to the sewer user charge billing list and billed them accordingly.

The motion was made by Mr. Donald Antaya and seconded by Mr. Patrick Soucy.  
The motion carried unanimously.

**6. Ellington Road pipe repair (Approval to go out to bid)**

Mr. Fred Shaw explained that they are in the process of preparing bid documents for the permanent repair of the Ellington Road sewer (see Exhibit C). A temporary repair was made during the winter months. Now there is a 200 foot section of concrete pipe that needs to be replaced. In the first design effort, the replacement of the 200 feet sewer was considered, however, during the process Mr. Shaw suggested that the engineer take a look at the option of just extending a force main.

Mr. Shaw explained that the project involves bypass pumping which means that they need to pump around the site in order to get the work done. It will take several days just to replace this 200 feet pipe; so bypass pumping is very important. The engineer also looked at options to just replace the 200 feet of pipe instead of forcemain. Money can be saved on the cost of excavation and it can be done in the time that the system is been used. It was decided to go above the existing pipe; same trench, using the old pipe for bypassing purposes. This would eliminate the expenses of bypass pumping around the construction site. Once the contractor is finished installing the pipe and make the connections they are going to fill the old pipe with concrete and abandon it.

Mr. Shaw explained that one of the factors was to find out whether or not Victorian Woods, a private development on the north side of Ellington Road, was connected to the pipe on Ellington Road. Mr. Shaw explained to the engineer that there is no ongoing sulfite problem here. There was a sulfite problem initially because the pump station was built before the area was fully developed; so they had a long period of time when waste water in the pump station generated sulfite gases causing corrosion on the concrete pipe. However, that's not an ongoing situation and the engineer agreed. Mr. Shaw explained that the Authority will be able to save \$40,000 by going with the extension of the force main and will probably be able to save more now that he has confirmed that Victorian Woods forcemain is not connected to pipe to be replaced.

Mr. Shaw explained that this project is not in the budget; therefore, he was seeking approval of funds not to exceed \$114,000 to go out to bid (Option 2 Forcemain extension) and commence the construction phase; and the transfer of funds from capital reserve. Mr. Shaw, during the September meeting, will come back with the results of the bidding and at that time the Authority can approve to award the project.

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Motion was made to authorize the expenditure of funds not to exceed \$114,000, and to approve the transfer of \$114,000 from Reserve for Capital for this project for bidding phase services and construction phase.

The motion was made by Mr. Patrick Soucy and seconded by Mr. William Veas. The motion carried unanimously.

**D. COMMUNICATIONS AND REPORTS**

**1. Secondary Clarifier Improvements**

Mr. Fred Shaw had nothing to report at this time.

**2. Phase III Sewer System Improvements**

Mr. Fred Shaw reported that Precision Industrial is the contractor who will begin this project on Thursday, July 14<sup>th</sup>. The contract engineer reported that they would have to bypass the sewer in the Oakland Road area during the time they are doing the repair. At the time the contractor was to begin this project, the State Department of Transportation (DOT) was paving the road and they paved over the manholes. The State never informed the consulting engineers (Wright-Pierce) that they were going to be paving Oakland Road in the Spring of 2016. Mr. Shaw is pursuing reimbursement for the manhole paved over as they will need to go back and raise the manholes. However, now that the State paved over the road, the Town is looking additional costs to bypass pump around the construction site. He explained that he suggested to the engineer and the contractor to consider using the storm drainage pipe that goes underneath the road; the Engineering Department staff thought this was feasible and to pursue the matter with the State. Mr. Shaw met with members of the State Department of Transportation (DOT). He has submitted a DOT encroachment permit for this work and is waiting for the final approval. Therefore, the contractor for this project hold-up a little bit in this area due to this matter.

Mr. Shaw also explained that another encroachment permit was submitted to the DOT because there is another contractor that needs to go in and cut down some of the brush that has grown in that area. Part of this project is to work with the contractor that recently did the vegetation control else where in town. This is going to avoid the greater expense to have to cut through a newly paved road for the purposes of by pass pumping.

**E. PUBLIC PARTICIPATION (Items not on the agenda)**

None

**F. BILLS, CHANGE ORDERS, DISBURSEMENTS**

None

**G. UNFINISHED BUSINESS**

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**1. Uncollected Sewer User Charges (Discussion)**

Mr. Fred Shaw reported that he did not receive the latest report on the monthly collections activity. Chairman Richard Aries explained that before the meeting started this evening, information was provided off the records that the constables are not getting the whole list at once of outstanding sewer accounts. Therefore, Chairman Aries explained that there is a discrepancy with what's been reported by the Finance Director.

Mr. Shaw explained that he talked to the Town Attorney to review the proposed contract submitted by Tax Serve; Town Attorney said that the Authority needs to solicit a Request for Proposals (RFP) for these services. Mr. Patrick Soucy expressed that agrees with hiring a professional firm to collect outstanding sewer user fees, however, he recommended providing the constables with the whole list in the meantime. He explained that the constables have been elected to that position and to fulfill the job; however, they have not been provided with the information that they need to do the job.

Chairman Aries asked Mr. Shaw what is the argument for just not giving the constables the whole list of outstanding accounts. Mr. Shaw responded that he will find out what the process is by consulting the Director of Finance. Mr. Soucy suggested giving the constables the full list prior to going out for RFP.

On another subject, Mr. Donald Antaya asked what the status on Avery Street and Frontier Communications is. Mr. Shaw responded that he will have some photograph from the Engineering Department showing how the utility's grounding were penetrated the Town's sewer pipe. Mr. Shaw will go back to the Town Attorney for legal advice.

Mr. Antaya also asked on the Enterprise Fund. Mr. Shaw reviewed the objective of an Enterprise Fund, and explained that to do a proper Enterprise Fund, assets have to be depreciated. And that creates a concern.

On another subject matter, Mr. Shaw explained that Atty. Lord was asked to look at certain sections of the state statute that concerns benefit assessments to determine whether or not there was any legality as far as caveats and public hearings requirements. Attorney Lord did reinforce the idea that a caveat should have been in place on land records from day one (see Exhibit D). He explained that if the Town puts in a sewer project and they defer the property for future assessments, a caveat needs to be put on the records letting the respective future buyers know that there could be an assessment. However, that was never done for most properties in Town.

Attorney Lord advised concerning the subject of public notice following the final approval of sewer assessment. The notice should list every individual property assessed and it must be placed within five days after the Authority sets the final assessment. Mr. Shaw explained that during the September meeting, the Authority



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will have to set the sewer assessment rate for Lawrence Road, and a legal notice listing all the assessments must be placed in the news paper.

Mr. Shaw explained that the Town's GIS analyst provided him with a map showing all the areas that have not been assessed that front on sewer. Mr. Shaw asked the GIS analyst to provide him with all those vacant properties that front on sewer that could potentially be developed and that excludes open space or town owned properties. Mr. Shaw will present to the Town Attorney with the list of those properties and ask him to prepare the caveats so that the Collector of Revenue may put that information on the property records. In the meantime, respective developers are advised up front that there could be a potential for sewer assessments.

**H. MOTION TO GO INTO EXECUTIVE SESSION TO DISCUSS PENDING CLAIMS**  
None

**I. ADJOURNMENT**

Motion was made to adjourn the meeting at 8:39 p.m.

The motion was made by Mr. Ed Havens, Jr., and seconded by Mr. William Vees. The motion carried unanimously.

Respectfully Submitted,

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Donna Thompson  
Recording Secretary

LEGAL NOTICE  
TOWN OF SOUTH WINDSOR  
SEWER USER RATES FOR FY 2016/2017

*Kari Teahan TC*  
6-22-16

Exhibit A

Pursuant to Chapter 103 Sections 7-245 through 7-255 of the Connecticut General Statutes, notice is hereby given that the South Windsor Water Pollution Control Authority will hold a Public Hearing on Tuesday, July 12, 2016 at 6:45 p.m. in the Sprekel Room in the Town Hall, 1540 Sullivan Avenue, South Windsor, Connecticut to present the proposed sewer user charge discount rates for qualified income residents for fiscal year 2016-2017.

The proposed regulatory changes and discounted sewer user charge rates will be available on June 22, 2016 for review in the Town Clerk's Office in the Town Hall, 1540 Sullivan Avenue, South Windsor, Connecticut. Any appeals from such charges must be taken within twenty-one days after such filing.

## Qualifying Income Sewer User Charge Discount

### Home Owners FY 2016/2017

Full Undiscounted Residential User Charge is \$374.00  
Filing Period February 1, 2016 - May 15, 2016

Income		User Charge Credit %		Discounted User Charge	
Over	To	Married	Unmarried	Married	Unmarried
\$0	\$17,600	50%	40%	\$ 187.00	\$ 224.40
\$17,600	\$23,600	40%	30%	\$ 224.40	\$ 261.80
\$23,600	\$29,500	30%	20%	\$ 261.80	\$ 299.20
\$29,500	\$35,200	20%	10%	\$ 299.20	\$ 336.60
\$35,200	\$42,700	10%	0%	\$ 336.60	\$ 374.00

The foregoing user rates are established based upon estimated budget requirements and operating costs for the Pollution Control Division of the Public Works Department.

Richard Aries, Chairman  
Water Pollution Control Authority

# Memorandum

**TO:** Members of the South Windsor Water Pollution Control Authority

**FROM:** C. Fred Shaw, Superintendent Pollution Control *CS*

**RE:** Misty Meadow Lane – Burr Meadow Condominiums

**DATE:** July 8, 2016

On July 19, 2014, there was a fire which damaged eleven residential condominium units on Misty Meadow Lane, displacing the residents for a period of time. The WPCA approved the temporary removal of these sewer accounts from the sewer billing list until such time as the damaged units could be repaired and the residents able to reoccupy their homes.

The following is a record of when certificates of occupancy were reissued, and the amount of sewer charges due since these dates.

Account No.	Address	C.O. Reissued Date	User Charge Due
332930	1001 Misty Meadow Lane	NA*	\$712.00
333860	1002 Misty Meadow Lane	NA*	\$712.00
332920	1003 Misty Meadow Lane	12/10/14	\$563.65
332100	1004 Misty Meadow Lane	NA*	\$712.00
333190	1005 Misty Meadow Lane	12/10/14	\$563.65
332970	1006 Misty Meadow Lane	12/14/15	\$207.65
332090	1007 Misty Meadow Lane	6/9/16	\$29.63
333200	1008 Misty Meadow Lane	1/12/16	\$177.98
331800	1009 Misty Meadow Lane	8/12/15	\$326.33
334740	1010 Misty Meadow Lane	1/6/16	\$177.98
330360	1011 Misty Meadow Lane	1/6/16	\$177.98

\*Not Significantly Damaged – No resident displacement

# Memorandum

**TO:** Members of the South Windsor Water Pollution Control Authority

**RE:** FY 2014/2015 Residential Sewer User Charge Billing List

**DATE:** September 2, 2014

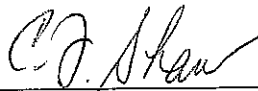
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On July 19, 2014 there was a fire at Burr Meadow Condominiums. As a result of the fire, eleven residential units were heavily damaged forcing the occupants to leave and seek other shelter.

I recommend that the sewer billing for these users be temporally suspended until such time as repairs are completed and new certificates of occupancy are reissued.

The account numbers are 332930, 333860, 332920, 332100, 333190, 332970, 332090, 333200, 331800, 334740, and 330360.



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C.F. Shaw  
Superintendent Pollution Control

Exhibit C

**Shaw, Fred**

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**From:** Dennis Dievert [dennis.dievert@wright-pierce.com]  
**Sent:** Monday, July 04, 2016 7:53 PM  
**To:** Shaw, Fred  
**Cc:** Friend, Timothy; Doolittle, Jeffrey; Gantick, Michael; Lisa Muscanell-DePaola  
**Subject:** Ellington Road Sewer Replacement/Force Main Extension  
**Attachments:** EllingtonRdConstCostEst.xls

Fred,

I have prepared construction cost estimates for your WPCA meeting as requested. They are in the attached excel file (2 separate tabs):

1. Direct replacement of 200 LF of 15" Gravity Sewer on Ellington Rd.
2. Abandon 200 LF of 15" Gravity Sewer and Extend Force Main 200 LF

There are pros and cons to both alternatives. You can save about \$40,000 with option 2 but end up with a long sewer service connection. It will also take less time to construct option 2. In both cases, the DOT requirements for a mill and overlay are unknown but will not affect the overall cost savings. We may only have to pave the trench so only those costs were carried until we get the encroachment permit requirements. This may bump up the construction costs by about \$10,000 for either option.

However, if the force main is extended, you are potentially moving the release of sulfides from the wastewater down to the next sewer section so you must plan for the rehabilitation of the next two sections as well. If you are budgeting for that, then this may be a non-issue. Otherwise, I recommend going with replacement of the gravity sewer in option 1.

Once you have decided, we are ready to prepare final plans and specifications for bidding.

Thank you.

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**Dennis Dievert Jr., PE | Project Manager**

169 Main Street | 700 Plaza 3<sup>rd</sup> Floor | Middletown, CT 06457  
**Office:** 860.343.8297 | **Direct:** 860.852.1920 | **Cell:** 860.559.8293

**WRIGHT-PIERCE** Water | Wastewater | Infrastructure  
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7/7/2016

**SOUTH WINDSOR, CT - PHASE I SEWER SYSTEM IMPROVEMENTS PROJECT 100%  
COST ESTIMATE**

**Construction Costs - Ellington Road Gravity Sewer Replacement**

Item #	Item Description	Quantity	Unit	Unit Price	Total Price
1	Furnish and Install 15" PVC Sewer Pipe	200	LF	\$ 275	\$ 55,000
2	Reconnect Sewer Service	1	LS	\$ 1,000	\$ 1,000
3	Temporary Bypass Pumping (Set-up & Operate)	1	LS	\$ 15,000	\$ 15,000
4	Temporary Bituminous Trench Pavement	30	TON	\$ 180	\$ 5,400
5	Permanent Trench Pavement	130	TON	\$ 180	\$ 23,400
6	E&S, Site Restoration, Etc.	1	LS	\$ 5,000	\$ 5,000
7	Traffic Control	15	DAY	\$ 1,000	\$ 15,000
<b>SUBTOTAL CONSTRUCTION COST</b>					\$ 120,000
General Contractor OH&P and Gen. Conditions				15%	\$ 18,000
Bonds and Insurances				2%	\$ 2,400
<b>SUBTOTAL</b>					\$ 140,000
Contingency				10%	\$ 14,000
<b>ESTIMATE OF CONSTRUCTION COST</b>					\$ 154,000

# DRAFT

Exhibit D

## M E M O R A N D U M

TO: Mr. C. Fred Shaw  
Superintendent of Control Authority

FROM: Andrew W. Lord, Esq.

DATE: July 11, 2016

RE: Procedures for Establishing Sewer Benefit Assessments

This memorandum provides a brief summary of the statutory procedural and notice requirements for establishing benefit assessments to recover capital costs for sewerage system construction. Chapter 103 of the Connecticut General Statutes applies generally to "Municipal Sewerage Systems." Benefit assessments are addressed in Sections 7-249 to 7-254. This memorandum provides references to the applicable statutes and a sample administrative checklist for assuring that the proper procedural requirements are met going forward.

In summary, benefit assessments are often used to recover the capital costs of constructing a sewerage collection and or treatment system. The concept behind the statutes is that each person that is "benefitted" by the system is to be assessed for the value of the benefit. In general, the process of establishing benefit assessments requires WPCAs to publish a proposed benefit assessment, provide public notice of a public hearing where the effected residents may comment on the proposed assessments, establish a final assessment based on the comments at the public hearing and provide public notice regarding the final assessment. The date of the public notice provides the start of a time period for property owners that are aggrieved by the final assessment to file an appeal with the Superior Court. Additional details requiring the process and notice requirements are provided in the statutory references and the attached administrative checklist.

**Section 7-249 of the General Statutes provides WPCAs with the authority to establish benefit assessments based on a variety of methodologies.**

- Any time after a municipality, by its water pollution control authority, has acquired or constructed, a sewerage system or portion thereof, the water pollution control authority may levy benefit assessments upon the lands and buildings in the municipality which, in its judgment, are especially benefited thereby, whether they abut on such sewerage system or not, and upon the owners of such land and buildings, according to such rule as the water pollution control authority adopts, subject to the right of appeal as hereinafter provided.
- Benefits to buildings or structures constructed or expanded after the initial assessment may be assessed as if the new or expanded buildings or structures had existed at the time of the initial assessment.

- In assessing benefits and apportioning the amount to be raised thereby among the properties benefited, the water pollution control authority may give consideration to the area, frontage, grand list valuation and to present or permitted use or classification of benefited properties and to any other relevant factors
- Revenue from the assessment of benefits shall be used solely for the acquisition or construction of the sewerage system providing such benefits or for the payment of principal of and interest on bonds or notes issued to finance such acquisition or construction.
- No assessment shall be made against any property in excess of the special benefit to accrue to such property.
- The water pollution control authority shall place a caveat on the land records in each instance where assessment of benefits to anticipated development of land zoned for other than business, commercial or industrial purposes or land classified as farm land, forest land or open space land has been deferred.

**Section 7-250 requires WPCAs to hold a public hearing prior to establishing a final benefit assessment after due notice by publication and mailing and provides aggrieved landowners to file an appeal of the assessment to Superior Court.**

- No assessment shall be made until after a public hearing before the water pollution control authority at which the owner of the property to be assessed shall have an opportunity to be heard concerning the proposed assessment.
- Notice of the time, place and purpose of such hearing shall be published at least ten days before the date thereof in a newspaper having a general circulation in the municipality, and a copy of such notice shall be mailed to the owner of any property to be affected thereby at such owner's address as shown in the last-completed grand list of the municipality or at any later address of which the water pollution control authority may have knowledge.
- A copy of the proposed assessment shall be on file in the office of the clerk of the municipality and available for inspection by the public for at least ten days before the date of such hearing.
- When the water pollution control authority has determined the amount of the assessment to be levied, it shall file a copy thereof in the office of the clerk of the municipality.
- Not later than five days after such filing, it shall cause a copy of such assessment to be published in a newspaper having a general circulation in the municipality, and it shall mail a copy of such assessment to the owner of any property to be affected thereby at such owner's address as shown in the last-completed grand list of the municipality or at any later address of which the water pollution control authority may have knowledge. Such publication and mailing shall state the date on which such assessment was filed and that any appeals from such assessment must be taken within twenty-one days after such filing.



- Any person aggrieved by any assessment may appeal to the superior court for the judicial district wherein the property is located and shall bring any such appeal to a return day of said court not less than twelve nor more than thirty days after service thereof and such appeal shall be privileged in respect to its assignment for trial

**Section 7-253 allows WPCAs to provide for installment payments of assessments. The terms of the installment payments are to be recorded on the land records in accordance with a form provided within the statute (not included here).**

- In the case of an acquisition, construction or expansion of a sewerage system financed from the general reserves of the municipality or by bonds or notes issued by the municipality, the water pollution control authority may provide for the payment of any assessment in substantially equal annual installments, not exceeding thirty, and may provide for interest charges applicable to such deferred payments.

**Sec. 7-253a permits WPCAs to allow for adjustments in sewer assessment payments for elderly or disabled property owners, in certain circumstances.**

- Any municipality may, by ordinance, permit any property owner who is eligible for tax relief for (1) elderly taxpayers under the provisions of section 12-129b, section 12-170aa, or a plan of tax relief for elderly taxpayers provided by such municipality in accordance with subdivision (1) of subsection (a) of section 12-129n or (2) any property owner under age sixty-five who is eligible under the provisions of a plan for tax relief provided by such municipality in accordance with subdivision (2) of subsection (a) of section 12-129n to apply to the water pollution control authority in such municipality for approval of a plan of payment of such property owner's sewer assessment in a manner other than as provided under section 7-253.
- Such ordinance may allow optional methods of payment of any sewer assessment by an eligible property owner, subject to approval of the authority, including an option to pay only the annual interest charge, as provided in said section 7-253, on any deferred payments or outstanding balance of principal, provided in any such optional method of payment, the outstanding balance of principal deferred under such optional method of payment shall become due upon any transfer of title to the property subject to such assessment or upon the death of such property owner. Any such optional method of payment shall be subject to annual review by the authority.

**Sec. 7-254 creates a lien for delinquent assessment payments that can be collected in the same manner as delinquent tax payments.**

- Any assessment of benefits or any installment thereof, not paid within thirty days after the due date, shall be delinquent and shall be subject to interest from such due date at the interest rate and in the manner provided by the general statutes for delinquent property taxes. Each addition of interest shall be collectible as a part of such assessment.
- Whenever any installment of an assessment becomes delinquent, the interest on such delinquent installment shall be as provided in subsection (a) of this section or five dollars, whichever is greater. Any unpaid assessment and any interest due thereon shall constitute a lien upon the real estate against which the assessment was levied from the date of such

levy. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be enforced in the same manner as property tax liens. The tax collector of the municipality may collect such assessments in accordance with any mandatory provision of the general statutes for the collection of property taxes and the municipality may recover any such assessment in a civil action against any person liable therefor.

- Any municipality, by resolution of its legislative body, may assign, for consideration, any and all liens filed by the tax collector to secure unpaid sewer assessments as provided under the provisions of this chapter. The consideration received by the municipality shall be negotiated between the municipality and the assignee. The assignee or assignees of such liens shall have and possess the same powers and rights at law or in equity as such municipality and municipality's tax collector would have had if the lien had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection. The assignee shall have the same rights to enforce such liens as any private party holding a lien on real property, including, but not limited to, foreclosure and a suit on the debt. Costs and reasonable attorneys' fees incurred by the assignee as a result of any foreclosure action or other legal proceeding brought pursuant to this section and directly related to the proceeding shall be taxed in any such proceeding against each person having title to any property subject to the proceedings. Such costs and fees may be collected by the assignee at any time after demand for payment has been made by the assignee.

If you have any questions or require additional information, please do not hesitate to contact me. The sample administrative checklist is on the following page.

**SAMPLE**  
**SEWER ASSESSMENT PROCEDURE CHECKLIST\***  
 (See Sections 7-249, 7-250, 7-251 and 7-252 CT General Statutes)

\*This sample checklist should be reviewed and modified as necessary to comply with applicable local regulations and ordinances.

Action To Be Taken	Date Action To Be Taken	Date Action Taken
1. Publish Notice of Public Hearing in newspaper stating time, place and purpose of hearing.	At least 10 days before Public Hearing	_____
2. Mail copy of Notice of Public Hearing to property owners affected (owner per last Grand List or per any later information of Commission)	At least 10 days before Public Hearing	_____
3. File copy of proposed final assessment with Town Clerk	At least 10 days before Public Hearing	_____
4. Publish copy of proposed final assessments in newspaper (see vol. #, Page #)	Within 5 days from the filing thereof with Town Clerk	_____
5. Public Hearing	Follow town procedures for conduct of public hearings pursuant to applicable ordinances and regulations hearing.	_____
6. File copy of amount of assessments to be levied in Town Clerk's office	When the Authority has determined amount of assessment to be levied.	_____
7. Publish copy of amount of final assessment in newspaper. Publication to state <ul style="list-style-type: none"> <li>◦ date on which assessment was filed;</li> <li>◦ that any appeal from such assessments must be taken within 21 days after such filing</li> </ul>	No more than 5 days after filing copy of final assessments in Town Clerk's office	_____
8. Send letters to residents letting them know the final figures and payment set-up and those payments that will be deferred and subject to a corresponding recording of a caveat on the land records.	Letters shall be sent within three days of the Authority's final decision.	_____
9. Publish notice <u>at least twice</u> in newspaper. Notice is to: <ul style="list-style-type: none"> <li>◦ State date when assessments are due and payable;</li> <li>◦ Shall list the streets</li> <li>◦ Shall describe the area within which are located any properties against which such assessments are due.</li> </ul>	Notice to be published at least twice within a period of 15 days in a newspaper having general circulation in the municipality.	_____
10. Mail a copy of such notice to owners of the property assessed at their last know address. No assessments shall be due and payable earlier than 30 days after the 1 <sup>st</sup> publication of such notice.		_____