

January 7.20
Ann Blum

**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***

| | | |
|-------------------------|------------------|-------------------------|
| SPECIAL MEETING | | 7:30 PM |
| <u>COUNCIL CHAMBERS</u> | <u>TOWN HALL</u> | <u>JANUARY 14, 2016</u> |

A G E N D A

1. Proposed sewer assessments for properties on Lawrence Road and Cliffwood Drive – (Discussion and Approval)

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

FEB 23 2016

John S. Shaw
3:25 PM

**MINUTES
COUNCIL CHAMBERS**

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**SPECIAL MEETING
JANUARY 14, 2016 at 7:30 p.m.**

ROLL CALL

Members Present: Richard Aries, Donald Antaya, Zaheer Sharaf, and Richard Siedman

Members Absent: Carol Fletterick, Vicki Paliulis, and William Vees

Alternates Present: Ed Havens, Jr. and Patrick Soucy

Staff Present: C. Fred Shaw, Superintendent of Pollution Control
Ether A. Diaz, Recording Secretary

Public Participation: Michael Smith, 208 Lawrence Road, South Windsor, CT
John Stonoho, 268 Lawrence Road, South Windsor, CT
Wayne Chalmers, 249 Lawrence Road, South Windsor, CT

Chairman Richard Aries called the meeting to order at 6:30 p.m. The following actions were taken during the January 14, 2016 Special Meeting of the Water Pollution Control Authority (WPCA).

1. Proposed sewer assessments for properties on Lawrence Road and Cliffwood Drive –
(Discussion and Approval)

Chairman Richard Aries explained that earlier this evening a public hearing was convened to present the proposed sewer assessments for properties located on Lawrence Road and Cliffwood Drive; comments were received from the public. Chairman Aries asked Mr. Fred Shaw to further explain this matter including some of the cases that the Authority may not have been fully aware of before.

Mr. Fred Shaw explained that there are several cases in point. One of them was brought up during the public hearing this evening. He explained that he was unaware that 268 Lawrence Road had been connected to the sewer on Cliffwood Drive. Mr. Shaw reported that there is a section of sewer line on Cliffwood Drive that was put in by a private developer back in the late 1990's. At that time, Town staff had recommended that the sewer be extended up to the intersection of Lawrence Road and Cliffwood Drive. It was decided not to do that but a lateral was provided by the developer; and on the plans available show that a lateral was provided for 278 Lawrence Road, not 268 Lawrence Road. However, apparently 268 Lawrence Road did connect a few years ago. Mr. Shaw explained that he'll need to confirm that information; and that the property owner should have been assessed at the time of the connection based upon the rates that were in effect at that time. He explained that the regulation requires that if an existing property owner does not connect to the sewer installed by a developer, the owner shall not be assessed until the time of connection and would be assessed at the current assessment rate in effect. Mr. Shaw recommended removing 268 Lawrence Road off the list.

Chairman Richard Aries asked a couple of questions on this matter. He asked what the mechanism for similar situations is where the sewer is provided by the developer but the house is connected years later; is there a mechanism to make sure that the individual get assessed at the time of connection. Mr. Shaw responded that there should have been a caveat placed on the records; a caveat is just a warning that there is a potential for a sewer assessment.

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Chairman Aries asked what the current process for getting an assessment done is and if there other residences that are connected to sewers but not yet are been assessed. Mr. Shaw responded that he don't know what the standard operating procedures or written procedures are for this matter. He will have to check with the Collector of Revenue who would normally place the caveat on the records.

Chairman Aries also asked what department is in charge of calculating the sewer assessments. Mr. Shaw responded that in the past all of the assessments previously in years gone by were done by the Collector of Revenue within the Finance Department. However, he's been getting involved with that process lately.

Chairman Aries asked Mr. Shaw to obtain information about what's the mechanism in processing sewer assessments and if there are other residences that have years of sewer service but never have been assessed at all. Chairman Aries asked to have this matter as an agenda item for next meeting.

Mr. Patrick Soucy asked if 278 Lawrence Road should have been assessed when the lateral was provided by the developer. Mr. Fred Shaw responded that a lateral was provided by the developer but the house has not connected yet. He explained that it will be assessed at the time of connection.

Mr. Donald Antaya asked if the Town reimburses the developer when he puts in a sewer line. Mr. Shaw responded that no, in the past there have been two developer's agreements that allowed the developer to assess properties if they connected to his sewer and if the connection was completed within a ten year period. But mostly the developers when they put in the sewer they turned it over to the Town as a public sewer. Mr. Antaya asked why the Town is doing the property assessments in the event that the sewers are provided by the developer. Mr. Shaw responded that it was a benefit assessment. He understood that was a regulation that the WPCA adopted some years ago; that even though the Town didn't paid to put in the sewer, they will assess the property owner if and when they connect to the sewer.

Chairman Aries explained that he needs to review again the CT General Statutes regarding language on sewers provided by the developer. He explained that there are two individual affected by this (268 Lawrence Rd and 278 Lawrence Rd). He explained that 278 Lawrence Road is not connected to the sewers, therefore, a decision is been made to not purse the property owner for any assessment until the time of connection. In the case of 268 Lawrence Road, Chairman Aries suggested to defer from any action until Mr. Shaw confirms the connection date and calculate the assessments accordingly.

Mr. Shaw reported that 239 Lawrence Road installed a septic system. The property owner had made the argument that he shouldn't be assessed because he has put in a very expensive designed system at the time before the sewers were installed. Chairman Aries asked if the property owner has made any specific written request that he not be assessed at this point and time. Mr. Fred Shaw responded that the only thing on records is his attendance at the

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January 4, 2011 public hearing where he raised that issue. Chairman Aries explained that there is an appeal process. This is a benefit assessment, not a cost assessment and if the current property owner is to sell his property today with the septic system fully functional he will still derive a benefit from having sewers in front of his house ready to connect. The property will be assessed accordingly and the owner can appeal the decision if so desires to.

Mr. Fred Shaw also reported on 36 Cliffwood Drive. He explained that there was a change of ownership at 36 Cliffwood Drive. The previous owner had received a certified letter notifying him of the proposed assessment back in 2011; however, apparently he did not share that information with the new buyer. Chairman Aries responded that when it comes to assessments the statute refers to the property will be assessed; it doesn't say the property owner will be assessed. Therefore, it is the property that will be assessed and whoever is the owner at the time of assessment, said Chairman Aries. He explained that the property derives a benefit, the current owner has derived a benefit from having the sewers and he will be assessed accordingly; however, he can appeal the decision if he so desires. Mr. Patrick Soucy agreed.

Mr. Shaw explained that once the Authority have determine what the amount the assessment is going to be, there is a strict time schedule involved. A copy of the approved sewer assessments needs to be filed in the Town Clerk's office; not later than five days after such filing a copy have to be published in the newspaper. That needs to be twice within a fifteen day period. The Authority needs to determine what the due date is going to be and whether is going to be a single payment or two payments option. Chairman Aries expressed that he will be in favor of allowing the option of two payments if authorized. He asked if the Town have the ability to send out a billing in which the individual can elect to pay one half now and one half later. Mr. Shaw responded that the Town does it with the property taxes. Mr. Soucy explained that the Town has the ability to do that as he receives a property tax bill once a year with two individual pay slips in it allowing the option to make a partial payment by July 1st and the remainder by January 1st.

Mr. Richard Siedman asked if anyone listed in the proposed sewer assessments is elderly and perhaps eligible for the deferment program. Mr. Shaw responded that he did checked and no one on the sewer assessments list is also listed on the elderly or totally disabled program list.

Chairman Aries explained that during the course of the public hearing this evening, the issue came up about what is actually the cost saving with the new interest rate. Therefore, he asked if a couple of more columns can be added to the proposed assessments list. One column indicating the prior proposed assessments with the 6% interest rate; one column with the new interest rate (2.6%) and the total cost savings on a third column to give an idea of how much they are saving by the reduction. Chairman Aries also recommended sending out a letter to the affected residents providing them more information about their options. Mr. Shaw will draft a letter and add the additional information as discussed to the proposed sewer assessments list.

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Chairman Aries recommended deferring from any vote this evening; this matter will be further discussed at the next WPCA meeting. Chairman Aries provided a copy of the State Statutes Sections 7-249, 7-249a, and 7-253(see Exhibit B) to members of the Authority for their review and asked them to review also review the WPCA rules and regulations (Section 14) which are available on the Town's website.

Motion was made to defer final approval of the proposed Lawrence Road and Cliffwood Drive sewer assessments (see Exhibit A), until the next meeting, pending the answer to questions that have to be considered by members of the Authority.

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

Motion was made to adjourn at 8:07 p.m.

The motion was made by Mr. Richard Siedman
The motion was seconded by Mr. Patrick Soucy
The motion carried unanimously

Respectfully Submitted,

Ether A. Diaz
Recording Secretary

Lawrence Road Sewer Assessments

Dec-15

| Residence | | <u>Lateral</u> | <u>Base Chg.</u> | <u>Frontage</u> | <u>Total</u> | <u>Annual Payment (15 yrs. @ 2.6%)</u> |
|-----------|------------|----------------|------------------|-----------------|--------------|--|
| #64 | Front Line | 225 | | | | |
| | Rear Line | 230 | | | | |
| | Frontage | 227 | \$997 | \$1,993 | 7491 | \$10,481 |
| | | | | | | \$831.14 |
| #74 | Front Line | 111.25 | | | | |
| | Rear Line | 90 | | | | |
| | Frontage | 102.75 | \$997 | \$1,993 | 3366 | \$6,356 |
| | | | | | | \$504.03 |
| #96 | Front Line | 150 | | | | |
| | Rear Line | 150 | | | | |
| | Frontage | 150 | \$997 | \$1,993 | 4950 | \$7,940 |
| | | | | | | \$629.64 |
| #139 | Front Line | 175 | | | | |
| | Rear Line | 192.68 | | | | |
| | Frontage | 181.8 | \$997 | \$1,993 | \$5,973 | \$8,963 |
| | | | | | | \$710.77 |
| #152 | Front Line | 187.19 | | | | |
| | Rear Line | 190.08 | | | | |
| | Frontage | 188.346 | \$997 | \$1,993 | 6204 | \$9,194 |
| | | | | | | \$729.08 |
| #140 | Front Line | 186.13 | | | | |
| | Rear Line | 184.2 | | | | |
| | Frontage | 185.358 | \$997 | \$1,993 | 6105 | \$9,095 |
| | | | | | | \$721.23 |
| #190 | Front Line | 134.47 | | | | |
| | Rear Line | 216.17 | | | | |
| | Frontage | 167.15 | \$997 | \$1,993 | 5511 | \$8,501 |
| | | | | | | \$674.13 |
| #208 | Front Line | 135.51 | | | | |
| | Rear Line | 124.63 | | | | |
| | Frontage | 131.158 | \$997 | \$1,993 | 4323 | \$7,313 |
| | | | | | | \$579.92 |

Lawrence Road Sewer Assessments
Dec-15

| Residence | | Lateral | Base Chg. | Frontage | Total | Annual Payment (15 yrs. @ 2.6%) |
|------------------|------------|----------------|------------------|-----------------|--------------|--|
| #220 | Front Line | 150 | | | | |
| | Rear Line | 119.01 | | | | |
| | Frontage | 137.604 | 137 | \$997 | \$1,993 | 4521 |
| | | | | | | \$7,511 |
| | | | | | | \$595.62 |
| #232 | Front Line | 150 | | | | |
| | Rear Line | 134.18 | | | | |
| | Frontage | 143.672 | 143 | \$997 | \$1,993 | 4719 |
| | | | | | | \$7,709 |
| | | | | | | \$611.32 |
| #278 | Front Line | 221.42 | | | | |
| | Rear Line | 182.94 | | | | |
| | Frontage | 206.028 | 206 | \$997 | \$1,993 | 6798 |
| | | | | | | \$9,788 |
| | | | | | | \$776.19 |
| #244 | Front Line | 150 | | | | |
| | Rear Line | 150.59 | | | | |
| | Frontage | 150.236 | 150 | \$997 | \$1,993 | 4950 |
| | | | | | | \$7,940 |
| | | | | | | \$629.64 |
| #256 | Front Line | 150 | | | | |
| | Rear Line | 150 | | | | |
| | Frontage | 150 | 150 | \$997 | \$1,993 | 4950 |
| | | | | | | \$7,940 |
| | | | | | | \$629.64 |
| #268 | Front Line | 161.42 | | | | |
| | Rear Line | 150 | | | | |
| | Frontage | 156.852 | 156 | \$997 | \$1,993 | 5148 |
| | | | | | | \$8,138 |
| | | | | | | \$645.34 |
| #279 | Front Line | 137.12 | | | | |
| | Rear Line | 110 | | | | |
| | Frontage | 126.272 | 126 | \$997 | \$1,993 | 4158 |
| | | | | | | \$7,148 |
| | | | | | | \$566.84 |
| #269 | Front Line | 136.6 | | | | |
| | Rear Line | 136.6 | | | | |
| | Frontage | 136.6 | 136 | \$997 | \$1,993 | 4488 |
| | | | | | | \$7,478 |
| | | | | | | \$593.01 |

Lawrence Road Sewer Assessments
Dec-15

| Residence | | <u>Laterals</u> | | <u>Base Chg.</u> | | <u>Frontage</u> | <u>Total</u> | <u>Annual Payment (15 yrs. @ 2.6%)</u> |
|------------------------|------------|-----------------|---------|------------------|------|-----------------|--------------|--|
| #259 | Front Line | | | | | | | |
| | Rear Line | | | | | | | |
| | Frontage | 137 | \$1,047 | \$2,093 | 4795 | \$7,935 | | \$629.25 |
| #249 | Front Line | | | | | | | |
| | Rear Line | | | | | | | |
| | Frontage | 133 | \$1,047 | \$2,093 | 4655 | \$7,795 | | \$618.14 |
| #239 | Front Line | | | | | | | |
| | Rear Line | | | | | | | |
| | Frontage | 150 | \$997 | \$1,993 | 4950 | \$7,940 | | \$629.64 |
| #225 | Front Line | | | | | | | |
| | Rear Line | | | | | | | |
| | Frontage | 198 | \$997 | \$1,993 | 6534 | \$9,524 | | \$755.25 |
| #215 | Front Line | | | | | | | |
| | Rear Line | | | | | | | |
| | Frontage | 153 | \$997 | \$1,993 | 5049 | \$8,039 | | \$637.49 |
| <u>Cliffwood Drive</u> | | | | | | | | |
| #23 | Front Line | | | | | | | |
| | Rear Line | | | | | | | |
| | Frontage | 168 | \$1,048 | \$2,095 | 5880 | \$9,023 | | \$715.52 |
| #33 | Front Line | | | | | | | |
| | Rear Line | | | | | | | |
| | Frontage | 178 | \$1,048 | \$2,095 | 6230 | \$9,373 | | \$743.28 |

Dec-15

| | |
|--|-----------|
| Estimate Construction Cost | \$384,803 |
| Sewer Fund Capital Reserve Expenditure | \$212,075 |

Exhibit B

CONNECTICUT GENERAL STATUTES - CHAPTER 103* MUNICIPAL SEWERAGE SYSTEMS**Sec. 7-247. Powers and duties of water pollution control authority re sewerage systems. Obligation to consider feasibility of sewage as energy source. Establishment of decentralized wastewater management districts.**

(a) Any municipality by its water pollution control authority may acquire, construct and operate a sewerage system or systems; may enter upon and take and hold by purchase, condemnation or otherwise the whole or any part of any real property or interest therein which it determines is necessary or desirable for use in connection with any sewerage system; may establish and revise rules and regulations for the supervision, management, control, operation and use of a sewerage system, including rules and regulations prohibiting or regulating the discharge into a sewerage system of any sewage or any stormwater runoff which in the opinion of the water pollution control authority will adversely affect any part or any process of the sewerage system except that any such rule or regulation regarding decentralized systems shall be approved by the local director of health before such rule or regulation may be effective; may enter into and fulfill contracts, including contracts for a term of years, with any person or any other municipality or municipalities to provide or obtain sewerage system service for any sewage, and may make arrangements for the provision or exchange of staff services and equipment with any person or any other municipality or municipalities, or for any other lawful services. The water pollution control authority of any municipality planning to acquire, construct or operate a new or additional sewerage system shall consider the feasibility of using the sewage collected by such system as an energy source for the generation of electricity or the production of other energy sources. The water pollution control authority may establish rules for the transaction of its business. It shall keep a record of its proceedings and shall designate an officer or employee to be the custodian of its books, papers and documents. No person shall have a right to a hearing or an appeal in the manner provided in sections 22a-436 and 22a-437 from a decision of a water pollution control authority to deny a permit or issue an order unless such water pollution control authority was delegated authority by the commissioner pursuant to section 22a-430 to make the decision that is the subject of such hearing or appeal.

(b) Following approval of an engineering report by the Commissioner of Environmental Protection that includes concurrence with such approval by the Commissioner of Public Health, and in consultation with the local director of health, a municipality, acting in conjunction with its water pollution control authority may, by ordinance, establish geographical areas of decentralized wastewater management districts within such municipality.

(1) Such ordinance may also include, following the approval of such ordinance by the local director of health pursuant to such director's authority under section 19a-207: (A) Remediation and technical standards for the design and construction of subsurface sewage disposal systems that are more stringent than those imposed by the Public Health Code; (B) authority for the local director of health to order the upgrade of subsurface sewage disposal systems in accordance with such remediation and technical standards; (C) authority for the local director of health to establish criteria for the abandonment of substandard subsurface sewage disposal systems; (D) authority for the local director of health to order the property owner of a substandard subsurface sewage disposal system that does not comply with such remediation standards, technical standards or other criteria to abandon such substandard subsurface sewage disposal system thus allowing the water pollution control authority to order such owner to connect to a sewerage system pursuant to section 7-257; (E) standards established by the local director of health for the effective supervision, management, control, operation and maintenance of managed subsurface sewage disposal systems within such decentralized wastewater management districts; or (F) authority for the water pollution control authority to enact and amend regulations, following the approval of such regulations by the local director of health, that govern the supervision, management, control, operation and maintenance of such decentralized systems.

(2) Such ordinance shall include remediation standards for the design, construction and installation of alternative sewage treatment systems and standards for the effective supervision, management, control, operation and maintenance of alternative sewage treatment systems within such decentralized wastewater management districts that are consistent with any permit, order or recommendation of the Commissioner of Environmental Protection.

(c) Notwithstanding any provision of the general statutes, an area that is designated by ordinance of a municipality as a decentralized wastewater management district shall not be a public sewer for purposes of the Public Health Code.

(d) Nothing in this section shall be construed to limit the authority of a local director of health, the Commissioner of Public Health or the Commissioner of Environmental Protection.

(1949 Rev., S. 732; 1949, S. 314d; 1971, P.A. 694, S. 2; P.A. 78-154, S. 3; P.A. 79-225; June 30 Sp. Sess. P.A. 03-6, S. 142; P.A. 04-151, S. 7.)

History: 1971 act gave power to exchange staff services, equipment, etc. with persons or other municipalities and to provide services for them; P.A. 78-154 substituted water pollution control authority for sewer authority; P.A. 79-225 required consideration of feasibility of using sewage to generate power when planning new system; June 30 Sp. Sess. P.A. 03-6 designated existing provisions as Subsec. (a), amended Subsec. (a) to require any rule or regulation re decentralized systems to be approved by the local director of health and added Subsecs. (b), (c) and (d) re establishment of decentralized wastewater management districts; P.A. 04-151 amended Subsec. (a) to add provision re prohibition on the right to a hearing or appeal from a decision unless the water pollution control authority was delegated

authority to make the subject decision, effective May 21, 2004.

Cited. 159 C. 422. Cited. 218 C. 144, 149. Cited. 231 C. 344, 348. Water pollution control authority may exercise its discretionary ability to acquire or construct a municipal sewer system without first having to issue rules and regulations governing such a process. 270 C. 409.

Cited. 2 CA 355, 357. Cited. 44 CA 351.

Sec. 7-247a. Public hearing on proposed acquisition or construction. No municipal water pollution control authority shall acquire or construct all or any part of a sewerage system until after a public hearing at which the affected property owners of the municipality shall have an opportunity to be heard concerning the proposed acquisition or construction. Notice of the time, place and purpose of such hearing shall be mailed not later than fifteen days before the date of the hearing by certified mail, return receipt requested, to the owner of any property to be taken for the proposed acquisition or construction 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, and shall be published at least ten days before the date thereof in a newspaper having a general circulation in the municipality.

(1971, P.A. 373; P.A. 78-154, S. 4; P.A. 83-513, S. 2; P.A. 89-14.)

History: P.A. 78-154 substituted water pollution control authority for sewer authority; P.A. 83-513 provided that notice should be in a newspaper having a "general" circulation in the municipality; P.A. 89-14 required that notice of public hearings be given by certified mail to owners of property to be taken for the acquisition or construction of sewage systems.

Cited. 216 C. 436, 438, 441, 442.

Sec. 7-247b. Monitoring duties of the Department of Public Health. Any oversight or monitoring duties created for the Department of Public Health by the provisions of section 7-245, subsection (b) of section 7-246 or section 7-247 shall be conducted within available appropriations.

(June 30 Sp. Sess. P.A. 03-6, S. 144.)

Sec. 7-248. Determination of compensation for property. Whenever the water pollution control authority is unable to agree with the owner of any property as to the compensation to be paid for the taking of such property, the water pollution control authority in the name of the municipality may, in the same manner specified for redevelopment agencies in accordance with sections 8-129 to 8-133, inclusive, determine such compensation and proceed in the acquisition and use of such property as provided therein.

(1949 Rev., S. 732; 1949, S. 315d; 1961, P.A. 517, S. 4; 1971, P.A. 870, S. 34; P.A. 76-436, S. 284, 681; P.A. 77-419; P.A. 78-154, S. 5.)

History: 1961 act removed obsolete reference to county treasurer, substituting state treasurer therefor; 1971 act substituted court of common pleas for superior court, effective September 1, 1971, except that courts with matters pending retain jurisdiction unless matters pending are transferable; P.A. 76-436 substituted superior court for court of common pleas, effective July 1, 1978; P.A. 77-419 deleted provisions concerning determination of compensation by common pleas court when property owner and authority disagree and replaced them with provision for determination as for redevelopment agencies; P.A. 78-154 substituted water pollution control authority for sewer authority.

Decision that committee to assess damages be appointed as distinguished from actual appointment of members of such committee, is not a final judgment from which appeal may be taken. 159 C. 421, 427. Cited. 189 C. 710, 713. Cited. 215 C. 197, 198.

Cited. 2 CA 355, 357, 358, 362.

Cited. 39 CS 454-456.

Sec. 7-249. Assessment of benefits. At 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. Such benefits and 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 on the last completed grand list of the municipality in which such land is located, pursuant to the provisions of sections 12-107a to 12-107e, inclusive, shall not be assessed until such construction or expansion or development is approved or occurs. In case of a property so zoned or classified which exceeds by more than one hundred per cent the size of the smallest lot permitted in the lowest density residential zone allowed under zoning regulations or, in the case of a town having no zoning regulations, a lot size of one acre in area and one hundred fifty feet in frontage, assessment of such excess land shall be deferred until such time as such excess land shall be built upon or a building permit issued therefor or until approval of a subdivision plan of such excess property by the planning commission having jurisdiction, whichever event occurs first at which time assessment may be made as provided herein.

No lien securing payment shall be filed until the property is assessed. The sum of initial and subsequent assessments shall not exceed the special benefit accruing to the property. Such assessment may include a proportionate share of the cost of any part of the sewerage system, including the cost of preliminary studies and surveys, detailed working plans and specifications, acquiring necessary land or property or any interest therein, damage awards, construction costs, interest charges during construction, legal and other fees, or any other expense incidental to the completion of the work. The water pollution control authority may divide the total territory to be benefited by a sewerage system into districts and may levy assessments against the property benefited in each district separately. In assessing benefits against property in any district the water pollution control authority may add to the cost of the part of the sewerage system located in the district a proportionate share of the cost of any part of the sewerage system located outside the district but deemed by the water pollution control authority to be necessary or desirable for the operation of the part of the system within the district. 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. The water pollution control authority may make reasonable allowances in the case of properties having a frontage on more than one street and whenever for any reason the particular situation of any property requires an allowance. 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.

(1949 Rev., S. 735; 1949, S. 316d; 1971, P.A. 699; P.A. 73-523, S. 1, 3; P.A. 78-154, S. 6.)

History: 1971 act clarified procedure for benefit assessment and deferred assessment; P.A. 73-523 added provision for deferred assessments on land zoned for other than business, commercial or industrial uses and on land classified as farm, forest or open space land; P.A. 78-154 substituted water pollution control authority for sewer authority.

Cited. 168 C. 514. Cited. 171 C. 74, 85. Cited. 179 C. 229, 231. Cited. 192 C. 638, 639, 643, 645-647. Cited. 195 C. 682-684. Cited. 213 C. 112-114, 117-126. Cited. 216 C. 436, 438, 440-442. Cited. 220 C. 18, 21. Cited. 231 C. 344-347, 349-353.

Cited. 4 CA 24-27. Cited. 15 CA 140, 143, 144. Cited. 26 CA 540, 541.

Cited. 34 CS 568.

Sec. 7-249a. Assessment of benefits upon industrial users of federally financed sewage systems. Notwithstanding the provisions of section 7-249, any municipal water pollution control authority which constructs any sewerage system or portion thereof, with federal financial assistance under the provisions of the federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, as from time to time amended, may, in lieu of or in addition to, levying benefit assessments in accordance with the provisions of said section 7-249, assess industrial users of the portion of the sewerage system constructed with federal financial assistance for the cost of construction of such portion to the extent such cost is attributable to the treatment of such industrial users' wastes. In determining such assessments, the municipal water pollution control authority may establish such classifications as may be approved by the administrator of the United States Environmental Protection Agency and the Commissioner of Environmental Protection.

(P.A. 75-600, S. 1; P.A. 78-154, S. 7.)

History: P.A. 78-154 substituted water pollution control authority for sewer authority.

Cited. 192 C. 638, 639, 642, 643.

Cited. 4 CA 24, 27.

Sec. 7-250. Public hearing. Appeal. 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. Said court may appoint a state referee to appraise the benefits to such property and to make a report of his doings to the court. The judgment of said court, either confirming or altering such assessment, shall be final. No such appeal shall stay proceedings for the collection of the particular assessment upon which the appeal is predicated but the appellant shall be reimbursed for any overpayments made if, as a result of such appeal, his assessment is reduced.

(1949 Rev., S. 736; 1949, S. 317d; 1967, P.A. 894; 1971, P.A. 179, S. 1; P.A. 76-436, S. 285, 681; P.A. 78-154, S. 8; 78-280, S. 1, 127; P.A. 82-80; 82-472, S. 15, 183; P.A. 83-513, S. 3.)

History: 1967 act made appeals privileged, substituted state referee for three disinterested persons and provided that appeals not stay assessment collection although overpayments resulting from decision to reduce assessment would be refunded - previously appeals had served to stay all proceedings for collection; 1971 act required action on return day of court at least twelve but not more than thirty days after service rather than "the next return day or the next but one" as previously; P.A. 76-436 substituted superior court for court of common pleas, effective July 1, 1978; P.A. 78-154 substituted water pollution control authority for sewer authority; P.A. 78-280 deleted reference to "county"; P.A. 82-80 added the provisions relating to the mailing of copies of assessments; P.A. 82-472 deleted obsolete reference to county as venue for superior court; P.A. 83-513 provided that notice should be in a newspaper having a "general" circulation in the municipality.

This section is the exclusive remedy available to a person aggrieved by an assessment of benefits levied for construction of municipal sewerage systems. 168 C. 514. Cited. 176 C. 497, 498, 500-505, 507. Case brought under this section is trial de novo. 179 C. 342, 344. Cited. 190 C. 158, 162. Cited. 192 C. 638, 639. Cited. 195 C. 682, 685, 686, 688, 690. Cited. 213 C. 112, 113. Cited. 216 C. 436, 439, 441, 442. Cited. 231 C. 344, 346. Cited. 236 C. 701, 705-707, 709, 710.

Cited. 17 CA 166, 171. Cited. 18 CA 508, 513. Cited. 26 CA 540-542.

Cited. 43 CS 91, 97, 101.

Sec. 7-251. New and supplementary assessments. If any assessment is not valid or enforceable for any reason, a new assessment may be made. If any assessment is made which is not sufficient to cover the entire cost of the work to be paid for by such assessment, a supplementary assessment may be made by the water pollution control authority against those properties previously assessed to the end that a sum sufficient to pay the cost of such work may be obtained, provided no such supplementary assessment, together with the original assessment, shall exceed the value of the special benefit to accrue to the property against which the benefit is assessed.

(1949, S. 318d; P.A. 78-154, S. 9.)

History: P.A. 78-154 substituted water pollution control authority for sewer authority.

Cited. 179 C. 229, 230.

Sec. 7-252. Due date of assessment. Assessments shall be due and payable at such time as is fixed by the water pollution control authority, provided no assessment shall become due until the work or particular portion thereof for which such assessment was levied has been completed, except that when the work or particular portion thereof for which such assessment was levied is being performed by the water pollution control authority pursuant to an order of the Department of Environmental Protection, the entire assessment may be made due and payable, provided the portion of the total work bonded by the water pollution control authority, which directly benefits the particular property has been completed. The water pollution control authority shall give notice of the date when assessments are due and payable by publication at least twice within a period of fifteen days in a newspaper having a general circulation in the municipality and shall mail a copy of such notice to the owners of the property assessed at their last known addresses. Such notice shall list the streets and describe the area within which are located any properties against which such assessments are due. No assessment shall be due and payable earlier than thirty days after the first publication of such notice.

(1949 Rev., S. 745; 1949, S. 319d; P.A. 73-523, S. 2, 3; P.A. 78-154, S. 10; P.A. 83-513, S. 4.)

History: P.A. 73-523 added exception to provision that assessments become due only after work for which they are levied is completed re work ordered by environmental control department; P.A. 78-154 substituted water pollution control authority for sewer authority; P.A. 83-513 provided that notice should be in a newspaper having a general circulation in the municipality and provided for notice by mail.

Cited. 153 C. 457.

Sec. 7-253. Installment payment of assessment. 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. The last installment of any assessment shall be due not later than one year prior to the date of the last maturity of any bonds or notes issued by the municipality to finance the acquisition or construction of the sewerage system or portion thereof in respect to which the assessment was levied, except that if such bonds or notes are a general obligation of the municipality, the municipality may levy an assessment the last installment of which may be due up to ten years after the date of the last maturity of such bonds or notes provided the total amount of such

assessment does not exceed the amount of the principal of such bonds or notes which have been paid prior to the levying of such assessment. Any such interest charges may not exceed the maximum rate of interest the municipality is obligated to pay on such bonds or notes. Any person may pay any installment for which he is liable at any time prior to the due date thereof and no interest on any such installment shall be charged beyond the date of such payment. The water pollution control authority shall cause the town clerk of the town in which the property so assessed, in such equal installments, is located, to record on the land records a certificate, signed by the tax collector or treasurer of the municipality, of such facts in form substantially as follows:

**CERTIFICATE OF NOTICE OF INSTALLMENT
PAYMENT OF ASSESSMENT OF BENEFITS**

The undersigned Tax Collector (or Treasurer) of the Town of (district of) in the County of, State of Connecticut, hereby certifies from the date hereof an installment payment plan is in effect, for payment of an assessment of benefits for the installation of a sewerage system, in favor of the Town of (district of) upon real property situated in (town or municipality), Connecticut, which real property is more fully described in the (town) Land Records in:

| | | | |
|-----------|-----------|-----------|-----------|
| Vol. | Page | Vol. | Page |
|-----------|-----------|-----------|-----------|

The notice of such assessment of sewerage benefits herein certified is to (owner of property), the principal of which is \$.... due to said Town of, (district of), together with legal interest, fees and charges thereon, assessed on (date) in the name of (owner of property) and the same became due on (date) and may be paid in annual installment payments of \$.... each plus or including interest and continuing to

(Indicate which) (date of last installment)

This certificate is filed pursuant to section 7-253 of the general statutes as amended, (or (Indicate special act or charter)).

The property assessed is:

Lot

Item No.

Received 20..

Recorded in Land Records.

Vol. Page Street

.... Tax Collector (or Treasurer)

At M.

.... Town Clerk

Such certificate shall operate as notice of the existence of a plan for payment of such assessment by installments and the town clerk shall cancel or remove the same within seven calendar days after the last installment due has been satisfied, or the total assessment together with all interest, fees and charges has been paid in full.

(1949 Rev., S. 738; 1949, S. 320d; 1969, P.A. 559; P.A. 74-98; P.A. 75-59; 75-291; P.A. 78-154, S. 11; P.A. 80-96; P.A. 88-234, S. 1, 2; 88-364, S. 7, 123.)

History: 1969 act specified form of certificate of installment payment and added provision for disposing of certificate when payment complete; P.A. 74-98 changed interest charge maximum from five to six and one-half per cent and forbade charging higher interest than municipality pays; P.A. 75-59 increased maximum number of installments from twenty to thirty; P.A. 75-291 removed provision forbidding charging higher interest than municipality pays; P.A. 78-154 substituted water pollution control authority for sewer authority; P.A. 80-96 deleted provision for maximum interest rate of six and one-half per cent and reinstated provision prohibiting higher interest rate than municipality pays; P.A. 88-234 permitted municipalities to levy sewer assessments in installments due up to ten years after the date of maturity in the case of certain general obligation bonds or rates and made technical changes; P.A. 88-364 reiterated technical changes; (Revisor's note: In 2001 the reference in this section to the date "19.." was changed editorially by the Revisors to "20.." to reflect the new millennium).

Sec. 7-253a. Adjustments in sewer assessment payments for elderly or disabled property owners. 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.

(P.A. 78-301, S. 1, 2; P.A. 80-77, S. 1, 2; P.A. 85-442, S. 1, 3; P.A. 91-98, S. 1, 3.)

History: P.A. 80-77 substituted water pollution control authority for sewer authority; P.A. 85-442 applied provisions to property owners eligible for tax relief in accordance with Sec. 12-129n; P.A. 91-98 applied provisions to disabled property owners under Sec. 12-129n and made technical changes, effective July 1, 1991, and applicable to assessment years commencing on and after October 1, 1991.

Sec. 7-254. Delinquent assessments. Liens. Assignment of liens. (a) 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.

(b) Whenever any installment of an assessment becomes delinquent, the interest on such delinquent installment shall be as provided in subsection (a) 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.

(c) 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.

(1949 Rev., S. 745; 1949, S. 321d; 1971, P.A. 279, S. 1; P.A. 95-228, S. 9, 15; P.A. 99-283, S. 2, 10.)

History: 1971 act divided section into subsections, deleted provisions concerning delinquency of remaining installments upon delinquency of any installment and stated that interest charged is to be a minimum of five dollars; P.A. 95-228 amended Subsec. (b) to provide that liens and encumbrances be enforced, rather than foreclosed, effective July 6, 1995, and applicable to tax sale notices posted, filed or published on and after that date; P.A. 99-283 added new Subsec. (c) re assignment of liens, effective July 1, 1999.

See Sec. 12-146 re interest on delinquent taxes.

See chapter 205 re municipal tax liens generally.

Cited. 153 C. 457.

Sec. 7-254a. Waiver of interest. Section 7-254a is repealed, effective October 1, 2002.
(P.A. 97-215; S.A. 02-12, S. 1.)

Sec. 7-255. Charges. Hearing. Appeal. Payment by municipalities of charges upon specified classification of property or users. Optional payment plans. (a) The water pollution control authority may establish and revise fair and reasonable charges for connection with and for the use of a sewerage system. The owner of property against which any such connection or use charge is levied shall be liable for the payment thereof. Municipally-owned and other tax-exempt property which uses the sewerage system shall be subject to such charges under the same conditions as are the owners of other property, but nothing herein shall be deemed to authorize the levying of any property tax by any municipality against any property exempt by the general statutes from property taxation. No charge for connection with or for the use of a sewerage system shall be established or revised until after a public hearing before the water pollution control authority at which the owner of property against which the charges are to be levied shall have an opportunity to be heard concerning the proposed charges. 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. A copy of the proposed charges 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 established or revised such charges, it shall file a copy thereof in the office of the clerk of the municipality and, not later than five days

after such filing, shall cause the same to be published in a newspaper having a general circulation in the municipality. Such publication shall state the date on which such charges were filed and the time and manner of paying such charges and shall state that any appeals from such charges must be taken within twenty-one days after such filing. In establishing or revising such charges the water pollution control authority may classify the property connected or to be connected with the sewer system and the users of such system, including categories of industrial users, and may give consideration to any factors relating to the kind, quality or extent of use of any such property or classification of property or users including, but not limited to, (1) the volume of water discharged to the sewerage system, (2) the type or size of building connected with the sewerage system, (3) the number of plumbing fixtures connected with the sewerage system, (4) the number of persons customarily using the property served by the sewerage system, (5) in the case of commercial or industrial property, the average number of employees and guests using the property and (6) the quality and character of the material discharged into the sewerage system. The water pollution control authority may establish minimum charges for connection with and for the use of a sewerage system. Any person aggrieved by any charge for connection with or for the use of a sewerage system may appeal to the superior court for the judicial district wherein the municipality is located and shall bring any such appeal to a return day of said court not less than twelve or more than thirty days after service thereof. The judgment of the court shall be final.

(b) Any municipality may, by ordinance, provide for the payment to the water pollution control authority by such municipality of the whole or a portion of such charges for specified classifications of property or users, provided such classifications are established by the water pollution control authority in accordance with the provisions of subsection (a) of this section and meet the requirements of the federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, as from time to time amended.

(c) Any municipality may, by ordinance, provide for optional methods of payment of sewer use charges to the water pollution control authority by (1) elderly taxpayers who are eligible for tax relief 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 section 12-129n or (2) any taxpayer under the age of sixty-five who is eligible for tax relief under the provisions of a plan for tax relief provided by such municipality in accordance with subdivision (2) of section 12-129n.

(1949 Rev., S. 744; 1949, S. 322d; 1971, P.A. 179, S. 2; P.A. 75-600, S. 2; P.A. 76-436, S. 286, 681; P.A. 78-154, S. 12; 78-280, S. 1, 127; P.A. 82-472, S. 16, 183; P.A. 83-513, S. 5; P.A. 91-98, S. 2, 3.)

History: 1971 act changed return day to a day not less than twelve or more than thirty days after service - previously it was the "next" or "next but one" return day; P.A. 75-600 permitted classifications of users of system as well as classifications of property, changed alphabetic subdivision indicators to numeric ones and added Subsec. (b) re payments by municipality for charges to specified classifications of property or users; P.A. 76-436 substituted superior court for court of common pleas, effective July 1, 1978; P.A. 78-154 substituted water pollution control authority for sewer authority; P.A. 78-280 deleted reference to "county"; P.A. 82-472 deleted obsolete reference to county as venue for superior court; P.A. 83-513 provided that notice should be in a newspaper having a "general" circulation in the municipality; P.A. 91-98 added Subsec. (c) re optional payment plans, effective July 1, 1991, and applicable to assessment years commencing on and after October 1, 1991.

Assessment of charges for sewer connection not limited exclusively to statute; special act provisions effective. 160 C. 446. Cited. 171 C. 74, 85. Cited. 213 C. 112, 119. Cited. 231 C. 344, 349.

Subsec. (a):

Cited. 213 C. 112, 113, 119, 122. Cited. 216 C. 436, 441. Cited. 220 C. 18, 19, 21, 28, 29.

Sec. 7-256. Revision of rates for payment of bonds. Whenever a municipality has pledged revenue to be derived from charges for connection with or for the use of a sewerage system to the payment of the principal or the interest of any bonds or notes, the water pollution control authority shall establish and, when necessary, revise such charges at rates which shall produce sufficient revenue for the punctual payment of the annual interest and amortization requirements of such bonds or notes and, together with any moneys available from other sources, for the fulfillment of any covenant or agreement which has been made by the municipality with the holders of any bonds or notes with respect to the operation of such sewerage system.

(1949, S. 323d; P.A. 78-154, S. 13.)

History: P.A. 78-154 substituted water pollution control authority for sewer authority.

Sec. 7-257. Order to connect. Appeal. The water pollution control authority may order the owner of any building to which a sewerage system is available to connect such building with the system or order the owner to construct and connect the building to an alternative sewage treatment system. No such order shall be issued until after a public hearing with respect thereto after due notice in writing to such property owner. Any owner aggrieved by such an order may, within twenty-one days, appeal to the superior court for the judicial district wherein the municipality is located. Such appeal shall be brought to a return day of said court not less than twelve or more than thirty days after service thereof. The judgment of the court shall be final. If any owner fails to comply with an order to connect, the water pollution control authority shall cause the connection to be made and shall assess the expense thereof against such owner.

(1949 Rev., S. 737; 1949, S. 324d; 1971, P.A. 179, S. 3; P.A. 76-436, S. 287, 681; P.A. 78-154, S. 14; 78-280, S. 1, 127; P.A. 82-472, S. 17, 183; June 30 Sp. Sess. P.A. 03-6, S. 143.)

History: 1971 act required that appeal be made within twenty-one days of order and that return day be not less than twelve or more than thirty days after service rather than the "next" or "next but one" return day within the twenty-one day period after the order; P.A. 76-436 substituted superior court for court of common pleas, effective July 1, 1978; P.A. 78-154 substituted water pollution control authority for sewer authority; P.A. 78-280 deleted reference to "county"; P.A. 82-472 deleted obsolete reference to county as venue for superior court; June 30 Sp. Sess. P.A. 03-6 authorized a water pollution control authority to order the owner to construct and connect the building to an alternative sewage treatment system.

Sec. 7-258. Delinquent charge for connection or use. Lien. Assignment of liens. (a) Any charge for connection with or for the use of a sewerage system, not paid within thirty days of the due date, shall thereupon be delinquent and shall bear interest from the due date at the 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 connection or use charge. Any such unpaid connection or use charge shall constitute a lien upon the real estate against which such charge was levied from the date it became delinquent. 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 foreclosed in the same manner as a lien for property taxes. The municipality may by ordinance designate the tax collector or any other person as collector of sewerage system connection and use charges and such collector of sewerage system connection and use charges may collect such charges in accordance with the provisions of the general statutes for the collection of property taxes. The municipality may recover any such charges in a civil action against any person liable therefor. For the purpose of establishing or revising such connection or use charges and for the purpose of collecting such charges any municipality may enter into agreements with any water company or municipal water department furnishing water in such municipality for the purchase from such water company or municipal water department of information or services and such agreement may designate such water company or municipal water department as a billing or collecting agent of the collector of sewerage system connection and use charges in the municipality. Any water company or municipal water department may enter into and fulfill any such agreements and may utilize for the collection of such charges any of the methods utilized by it for the collection of its water charges.

(b) Any municipality, by resolution of its legislative body, may assign, for consideration, any and all liens filed by the tax collector or collector of sewerage system connection and use charges to secure unpaid sewerage connection and use charges 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.

(1949 Rev., S. 745; 1949, S. 325d; P.A. 99-283, S. 3, 10.)

History: P.A. 99-283 designated existing provisions as Subsec. (a) and added new Subsec. (b) re assignment of liens, effective July 1, 1999.

See chapter 205 re municipal tax liens generally.

Sec. 7-259. Bonds, notes or other obligations. Whenever a municipality has authorized the acquisition or construction of all or any part of a sewerage system, whether located within or without such municipality and whether constructed or acquired by such municipality acting alone or jointly with one or more other municipalities, and has made an appropriation or has incurred debt therefor, or has made an appropriation for the purpose of contributing funds to another municipality located within or without this state for sharing the costs of acquisition or construction by such other municipality of all or any part of a sewerage system which will benefit the municipality making such appropriation, it may issue bonds, notes or other obligations which are secured as to both principal and interest by (a) the full faith and credit of the municipality, (b) a pledge of revenues to be derived from sewerage system use charges or (c) a pledge of revenues to be derived from sewerage system connection or use charges or benefit assessments or both and also by the full faith and credit of the municipality. The body having power to authorize such bonds, notes or other obligations shall determine the maximum authorized amount of such bonds, notes or other obligations and may determine or may authorize an officer or board or commission of the municipality to determine the form of such bonds, notes or other obligations, their date, the dates of principal and interest payments, the manner of issuing such bonds, notes or other obligations and by whom such bonds, notes or other obligations shall be signed or countersigned and, except as otherwise provided herein, all other particulars thereof. Such body or the legislative body of the municipality, if different, may determine the rate or rates of interest for each issue of bonds, notes or other obligations or may provide that the rate or rates of interest shall be determined by an officer or board or commission of the municipality or that such officer,

board or commission shall provide for the method or manner of determining such rate or rates or time or times at which interest is payable. Bonds may be coupon or registered bonds. If coupon bonds, they may be registrable as to principal only or as to both principal and interest. Any premium received for sale of bonds, notes or other obligations, less the cost of preparing, issuing and marketing them, shall be applied to the payment of the principal of the first bonds, notes or other obligations of that particular issue to mature, and contributions from other sources for payment of such bonds, notes or other obligations shall be reduced correspondingly.

(1949 Rev., S. 740, 741; 1949, S. 326d; 1967, P.A. 457, S. 1; 1969, P.A. 424, S. 5; 1971, P.A. 142, S. 1; P.A. 73-294, S. 3, 4; P.A. 77-374, S. 1; P.A. 86-350, S. 13, 28.)

History: 1967 act increased maximum interest rate from five to six per cent; 1969 act deleted provision placing six per cent limit on interest; 1971 act specified that sewerage system could be "within or without" the municipality and could be either owned separately or jointly with other municipalities; P.A. 73-294 allowed issuance of bonds by municipalities contributing funds to another municipality within or without the state for sewerage system; P.A. 77-374 required that body empowered to authorize bonds should determine maximum authorized amount rather than the body empowered to make annual appropriations, recognizing that the two may not be one and the same; P.A. 86-350 added references to "other obligations", provided for methods for determining rates and times of payments of interest, and deleted provision which had allowed the sale of notes maturing not later than one year from their date to be sold at discount.

Sec. 7-260. Sale of bonds, notes or other obligations. Use of proceeds. Bonds, notes or other obligations issued under authority of this chapter shall be sold by the municipality at par and accrued interest or at a discount. Notwithstanding the terms of any resolution or ordinance authorizing the issuance of bonds bearing a single rate of interest prior to October 1, 1977, the bonds, notes or other obligations may bear a single rate of interest, may bear different rates of interest for different maturities or may contain provisions for the method or manner of determining such rate or rates or the time or times at which interest is payable. The proceeds arising from the sale of any bonds, notes or other obligations issued under the authority of this chapter shall be delivered to the treasurer of the municipality and kept by him in accounts separate from other funds of the municipality. Said proceeds shall be expended only for the purposes and subject to the provisions of this chapter, provided the proceeds of sale of any bonds, notes or other obligations shall first be applied to the payment of such temporary notes as have been issued in anticipation of such issue.

(1949, S. 327d; 1961, P.A. 466; 1967, P.A. 457, S. 2; 1972, P.A. 294, S. 4; P.A. 77-374, S. 2; P.A. 83-519, S. 16, 23; P.A. 86-350, S. 14, 28.)

History: 1961 act deleted requirement that notice of sale be given in newspaper having circulation in municipality as well as in financial publication; 1967 act permitted private sale of notes issued in anticipation of proceeds from sale of bonds or sewer assessments and raised maximum interest rate from five to six per cent; 1972 act deleted provision for six per cent limit on interest; P.A. 77-374 added clause re ordinance or resolution in effect prior to October 1, 1977, and deleted provision limiting different rates to maximum of three; P.A. 83-519 eliminated requirements related to public sale of bonds or notes issued under chapter 103 to conform with more commonly adopted provisions authorizing municipalities to sell bonds, additionally such change is necessary if bonds issued under chapter 103 are to be consolidated with other types of bonds for sale as a single issue in accordance with Sec. 42b-15; P.A. 86-350 added references to "other obligations", provided for methods for determining rates and times of payments of interest, and authorized sales at less than par and accrued interest or at discount where previously sales at less than par and accrued interest were prohibited.

See Title 42b re registered obligations of public entities.

See Sec. 42b-1 for definitions re registered public obligations.

See Sec. 42b-11 re effect of chapter 748 (Sec. 42b-1 et seq.) with respect to registered public obligations issued on or after July 7, 1983.

See Sec. 42b-12 for requirement that this section and chapter 748 (Sec. 42b-1 et seq.) be construed in conjunction with the Uniform Commercial Code.

See Sec. 42b-14 re severability of provisions relating to registered public obligations.

Sec. 7-261. Full faith and credit. Bonds or notes issued under the authority of this chapter, except those which are secured only by sewerage system use charges, shall be obligatory upon the municipality and the inhabitants and property thereof according to the tenor and purport of the same and the full faith and credit of the municipality shall be pledged to the payment thereof, whether or not such pledge is stated in the bonds or notes or in the vote authorizing their issuance, and thereafter the municipality shall appropriate in each year during which any such bonds or notes are outstanding, and there shall be available on or before the date when the same are payable, an amount of money which, together with other revenue available for such purpose, shall be sufficient to pay the principal and interest on such bonds or notes payable in that year, and there shall be included in the tax levy for each such year an amount which, together with other revenues available for such purpose, shall be sufficient to meet such appropriation.

(1949, S. 328d.)

Sec. 7-262. Signatures of officers on date of execution binding. Any bonds or notes issued under the authority of this

chapter, if properly executed and signed by officers of a municipality in office on the date of execution, shall be valid and binding according to their terms notwithstanding that before the delivery thereof and payment therefor such officers have ceased to be officers of the municipality.

(1949, S. 329d.)

Sec. 7-263. Form. Maturity. Bonds, notes or other obligations issued under the authority of this chapter shall be in serial form maturing in annual or semiannual installments of principal that shall substantially equalize the aggregate amount of principal and interest due in each annual period commencing with the first annual period in which an installment of principal is due, or maturing in annual or semiannual installments of principal no one of which shall exceed by more than fifty per cent the amount of any prior or shall be in term form with mandatory deposit of sinking fund payments into a sinking fund of amounts sufficient to redeem or amortize the principal of the obligations in annual or semiannual installments that shall substantially equalize the aggregate amount of principal redeemed or amortized and interest due in each annual period commencing with the first annual period in which a mandatory sinking fund payment becomes due, or sufficient to redeem or amortize the principal of the obligations in annual or semiannual installments no one of which shall exceed by more than fifty per cent the amount of any prior installment. The first installment or the first sinking fund payment of any such series of obligations, other than obligations secured solely by a pledge of revenue to be derived from sewerage system use charges, shall mature or shall be due not later than three years from the date of issue of such series and the last installment or the last sinking fund payment shall mature or shall be due not later than thirty years from the date of issue of such series or, if any notes have been issued in anticipation thereof or are to be paid from the proceeds thereof, from the date of issue of the first such note. The first installment or the first sinking fund payment of any series of obligations issued under the authority of this chapter which are secured solely by a pledge of revenues to be derived from sewerage system use charges shall mature or shall be due not later than four years from the date of issue of such series and the last installment or the last sinking fund payment shall mature or shall be due not later than thirty years from the date of the issue of such series or, if any notes have been issued in anticipation thereof or are to be paid from the proceeds thereof, from the date of issue of the first such note.

(1949 Rev., S. 741; 1949, S. 330d; 1967, P.A. 457, S. 3; P.A. 83-408, S. 3, 6; P.A. 86-350, S. 15, 28; P.A. 87-506, S. 3, 9; P.A. 89-337, S. 1, 6.)

History: 1967 act rephrased provisions re maturity dates for clarity; P.A. 83-408 added language in respect to installments payable to maturity, allowing substantially equal installments in addition to the previously authorized form allowing increasing installments subject to limitation on the amount of increase; P.A. 86-350 expanded the provisions concerning the options for maturity schedules and required that first installment mature not more than three, rather than two, years from date of issue; P.A. 87-506 rewrote the section to provide for various methods determining payment amounts; P.A. 89-337 allowed semiannual installments.

Sec. 7-264. Temporary notes. Any municipality which has authorized the acquisition or construction of all or of any part of a sewerage system and which has made an appropriation therefor may borrow temporarily upon the credit of the municipality such sum or sums as may be necessary for such acquisition or construction and may issue temporary notes for any such loan, including temporary notes issued in anticipation of the sale of bonds to be secured by the full faith and credit of the municipality, by the pledge of revenues to be derived from sewerage system use charges or by both the full faith and credit of the municipality and the pledge of revenues to be derived from sewerage system use charges. That portion of the proceeds of the issue of any such temporary notes being issued as part of a common sale, which portion is not used to refund outstanding temporary notes shall be deemed a separate loan and be considered to have a separate original issue date. Each such portion of any such temporary notes may be renewed for a period of not more than two years, from the date of original issue of such temporary notes, except that any temporary notes issued in anticipation of the sale of bonds to be secured solely by the pledge of revenues to be derived from sewerage system use charges may be for a period of not more than four years from the date of original issue of such temporary notes. Such temporary note or notes may be renewed from time to time by the issue of other temporary notes, provided the period from the date of original issue of such temporary note or notes to the date of maturity of the last renewal notes shall not be more than two or four years, as the case may be. The interest or discount on such temporary notes, including renewals thereof, and the expense of preparing, issuing and marketing the same, may be included as a cost of the acquisition or construction of a sewerage system and may either be borrowed temporarily under the provisions of this section or funded by the issue of serial bonds or notes under the provisions of this chapter. Temporary notes may be issued under the authority of this section in anticipation of proceeds to be derived from the sale of bonds notwithstanding that, at the time of issuing such temporary notes, the municipality has not actually authorized the issue of such bonds.

(1949, S. 331d; P.A. 86-350, S. 16, 28.)

History: P.A. 86-350 clarified the determination of the date of issuance of notes.

Cited. 216 C. 436, 441.

Sec. 7-264a. Temporary notes for financing capital projects. Methods of payment. (a) In addition to its other powers described under this chapter, any municipality operating a sewerage system may issue temporary notes for purposes of

financing any capital project related to such system, and such municipality may renew such notes for not more than fifteen years, provided in the first year immediately following completion of such project, or if more than one project is financed by any issue of such notes, in the first year immediately following completion of the last of such projects, or in the sixth year following the date of issue of such notes, whichever is sooner, and in each year thereafter, not less than one-fifteenth of the total of the notes so issued shall be retired using funds derived from the sources of payment set forth below. Payment of principal and interest on such notes may be secured by a pledge of (1) the full faith and credit of the municipality, (2) revenues to be derived from sewerage system use charges, (3) revenues to be derived from sewerage system connection charges, (4) revenues to be derived from sewerage system benefit assessments, (5) any other revenues which are collected by the municipal water pollution control authority or (6) any combination of the aforementioned sources of payment. Any temporary notes which are secured by a pledge of the full faith and credit of the municipality shall be obligatory upon the municipality and the inhabitants and property thereof according to the tenor and purport of such pledge, whether or not such notes are also secured by one or more additional sources of payment as herein provided. In each year during which such notes secured by a pledge of the full faith and credit of the municipality are outstanding, the municipality shall appropriate and there shall be available on or before the date when any principal, interest or mandatory annual retirement payment on such notes is required to be paid, an amount of money which, together with all revenues from other sources available for such purpose, shall be sufficient to pay such principal, interest or mandatory annual retirement payment on such payment date. There shall be included in the tax levy for each such year an amount which, together with other revenues available for such purpose, shall be sufficient to provide for such appropriations.

(b) The legislative body of any municipality issuing temporary notes as provided in this section shall determine the maximum authorized amount of such notes to be issued and may determine or may authorize an officer or officers of such municipality to determine the form of such notes, their date, the dates of principal and interest payments on such notes, provisions for protecting and enforcing the rights and remedies of the holders of such notes and all other terms, conditions and particular matters regarding the issuing and securing of and the payment of debt service on such notes. Such legislative body may determine the rate or rates of interest for each issue of such notes or may provide that such rate or rates of interest shall be determined subsequently by an officer or officers of such municipality, which determination may be based upon the receipt of bids to purchase such notes. Each note issued in accordance with this section shall be exempt, both as to principal and interest, from taxation.

(c) Any powers granted under this section shall be in addition to, and not in derogation of, any powers granted to any municipality under the provisions of its municipal charter or of any general statute or special act.

(d) Notwithstanding the provisions of subsection (c) of this section, to the extent payment of principal and interest on such notes is not secured in whole or in part by a pledge of the full faith and credit of the municipality, any limitations on the powers granted to any municipality under the provisions of its municipal charter or of any general statute or special act regarding renewal of such notes or the total amount of such notes outstanding shall not be applicable to those notes issued pursuant to this section.

(P.A. 86-309, S. 4.)

Sec. 7-265. Revenue or guaranteed bonds not included in debt limitation. Bonds and notes issued pursuant to this chapter and (a) secured solely by a pledge of revenues to be derived from sewerage system use charges or (b) guaranteed, in whole or in part, by state, federal or private grants of money shall not be subject to any statutory limitation, to the extent of such security or guarantee, on the indebtedness of the municipality and such bonds and notes when issued shall not be included in computing the aggregate indebtedness of the municipality in respect to and to the extent of any such limitation. Any provision of any special act inconsistent with the provisions of this section is repealed. (1949 Rev., S. 740; 1949, November, 1949, 1953, S. 332d; 1953, S. 364d; 1969; P.A. 162.)

History: 1969 act excluded bonds and notes guaranteed by state, federal or private grants from statutory limitation on indebtedness to the extent guaranteed.

Issuance of revenue bonds alternative to method of financing provided for in sections 7-259 to 7-261. 5 CS 256.

Sec. 7-266. Agreement with bondholders. In connection with any bonds or notes issued under the authority of this chapter, the municipality may, by resolution of the body having power to make appropriations for such municipality, covenant and agree with the holders thereof as to (a) the rates or charges to be imposed upon the users of such sewerage system, including the municipality, for connection with or the use of such system, (b) the use and disposition of the revenue from such rates or charges, (c) the creation and maintenance of special funds and the management, use and disposition thereof, (d) the purposes for which the proceeds of the sale of such bonds or notes may be used, (e) the acts or conduct which shall constitute a default and the rights and liabilities of the holders arising upon such default, (f) the terms and conditions upon which bonds or notes issued under the authority of this chapter shall become or may be declared due before maturity and the terms and conditions upon which such declaration and its consequences may be waived, (g) the conditions upon which other or additional bonds or notes may be issued and secured by revenue from sewerage system use charges or benefit assessments or both, (h) the insurance to be carried upon the sewerage system, or parts thereof, and the use and disposition of any insurance moneys, (i) the maintenance of books of account and the inspection and audit thereof.

(1949, S. 333d.)

Sec. 7-267. Use of funds. All benefit assessments and charges for connection with or use of the sewerage system, whether pledged for payment of bonds or notes or otherwise, shall be kept separate from other funds of the municipality and shall be used for the sewerage system, including the payment of debt incurred for the sewerage system and interest thereon, and for no other purpose.

(1949, S. 334d.)

Cited. 171 C. 74, 85.

Sec. 7-268. Special fund. Any municipality which has issued bonds or notes in accordance with this chapter may by ordinance establish a special fund for payment of all or any part of such bonds or notes or interest thereon, may make and revise necessary rules and regulations not contrary to this chapter for the management of such special fund and may provide for payments into such special fund of all or any part of any charges for connection with or use of the sewerage system or from any other source. The municipality shall not withdraw any moneys from the fund except for such purpose and shall not alter any vote or agreement in respect to revenues to be paid into the fund until such bonds or notes have been paid in full or the special fund is sufficient to do so.

(1949 Rev., S. 742; 1949, S. 335d.)

Sec. 7-269. Tax exemption. Each bond or note issued in accordance with this chapter shall be exempt, both as to principal and interest, from taxation.

(1949, S. 336d.)

Sec. 7-269a. Anticipation notes. In addition to its other powers under this chapter, any municipality operating a sewerage system may issue temporary notes to be paid from anticipated income from sewer assessments and may renew such notes annually for not more than fifteen years.

(1959, P.A. 583; 1963, P.A. 342; 1967, P.A. 413; P.A. 76-375, S. 1, 2.)

History: 1963 act increased number of years notes may be renewed from three to five; 1967 act specified anticipated income from sewer assessments for payments of temporary notes and increased number of annual renewals from five to twelve; P.A. 76-375 increased number of renewals to fifteen.

Sec. 7-269b. Special municipal taxing districts for sewerage system purposes. Any town may, by ordinance, establish a special taxing district for the purpose of defraying, by taxes levied solely upon properties within such district, any of the costs of acquisition or construction of a sewerage system in accordance with the provisions of this chapter. Such special taxes shall be based upon annual budget appropriations and estimates of receipts from special benefit assessments and use charges levied with respect to such system approved by such town for the special taxing district in the manner required for the adopting of the annual budgets of such town and shall be included but shown separately in the annual tax levies of such town. Such town may, from time to time, by ordinance, alter the boundaries of such special taxing district. To meet any costs of acquisition or construction, including planning, of any such sewerage system the town may issue its general or special obligation bonds in accordance with the laws applicable thereto, the principal and interest on which shall be paid from the budgets of such special taxing district. For the purposes of this section "town" means town, consolidated town and city and consolidated town and borough.

(1967, P.A. 57, S. 26.)

Sec. 7-270. Application to existing systems. Any municipality, for all or any part of any existing sewerage system, may exercise any authority of this chapter pertaining to the operation of a sewerage system and may establish sewerage use charges, in the manner hereinbefore provided, to pay the cost of operation of such sewerage system or for the payment of all or any part of bonds or notes issued for the acquisition or construction of such sewerage system, including interest thereon.

(1949, S. 338d.)

Sec. 7-271. Power to be additional. Any power granted by this chapter shall be in addition to, and not in derogation of, any power granted to any municipality under the provisions of any special act or of any general statute.

(1949, S. 339d.)

Any powers granted under statute are in addition to and not in derogation of powers already granted to municipalities. 160 C. 446.

Sec. 7-272. Joint operation of sewerage system. Any two or more municipalities may enter into and revise from time to time, and may fulfill, contracts jointly to acquire, construct or operate all or any part of a sewerage system. Any such agreement shall particularize (a) the portion or portions of the sewerage system to be jointly acquired, constructed or operated, (b) the acts relating to acquiring, constructing or operating such portion or portions of the sewerage system to be performed jointly by the municipalities and (c) the method of apportioning the cost thereof. Whenever any two or

more municipalities have entered into such an agreement, the sewer authorities of such municipalities jointly shall have, for the portion or portions of the sewerage system and for the acts relating to acquisition, construction or operation of the sewerage system covered by the agreement, all of the authority conferred by this chapter on a municipality and each such municipality shall continue to have all other authority conferred by this chapter.

(1949, S. 337d.)

Sec. 7-273. Contract for use of sewerage system. Any town, city, borough or fire or sewer district, maintaining a sewerage system, may contract with any adjoining town or property owner therein for connection with and the use of such sewerage system.

(1949 Rev., S. 635.)

Sec. 7-273a. Charges when no assessment made. In all cases in which any municipality or any sewer commission or authority established in accordance with law has constructed or caused to be constructed a public sanitary sewer or sewers through any public highway or highways within the territorial limits of its jurisdiction, for which no assessment of benefits and damages has been made, such municipality, commission or authority may establish service charges payable in equal annual installments for a period of not more than five years for the payment for the use of such sewer, until such time as the fair and proportionate cost of installing such sewer has been paid by the property owner or owners whose property has been benefited by the construction and use of such sewer. This section shall apply only to public sewers constructed otherwise than in accordance with this chapter and after October 1, 1950.

(1959, P.A. 532.)

Cited. 216 C. 436, 441.

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