

Agenda
Sewer Sub-Committee
March 25, 2010
Conf. Room "B"
5:00 PM

- A. Call to Order.
- B. Reading of Minutes.
 - 1. July 8, 2009 (Attachment)
- C. Public Comments.
- D. Old Business.
- E. New Business
 - 1) To Recommend the Attached Revisions and Amendments to the Code of the Town of Farmington, Chapter 156: "Sewers" to the Farmington Town Council for Approval.

Attachments: Memo dated July 30, 2009 to Jim Foote from Kathleen Eagen.

Memo dated March 17, 2010 to Kathleen Eagen from William Kaminski.

Final Revisions Chapter 156 "Sewers"

Water Pollution Control Policy dated December 9, 2009
Septic System Replacement or Repair Assessment Waiver
Policy for New Construction of Sanitary Sewers.

- F. Adjournment.

cc: Sewer Sub-Committee
Joseph Swetcky, Finance Director
Paula Ray, Town Clerk
Deb Bull, by e-mail
Kathleen A. Eagen, Town Manager
Russell Arnold, Director of Public Works and Dev. Svcs.
William Kaminski, WPCF Superintendent
Jim Foote, WPCA Chair
Jo-Ann Walker, resident

Chris Sprague, Farmington Polo Club
By e-mail csprague@southgate-investments.com

Office of the Town Manager
Memorandum

TO: Jim Foote, WPCA Chair

FROM: Kathleen A. Eagen, Town Manager

RE: Sewer Sub-Committee Update

DATE: July 30, 2009

On May 12, 2009, the Farmington Town Council held a Public Hearing on amendments to Town Ordinance, Chapter 156: "Sewers". At the Public Hearing several residents posed various questions, which led to the Town Council referring those questions back to the Sewer Sub-Committee.

In summary, the residents asked that the following issues be addressed:

- 1) Assessment Method or Zone Charge
- 2) Payment Options
- 3) New Septic System
- 4) Philosophy of Property Owners Being Assessed for Sewers

Attached are the minutes of the July 8, 2009 Sewer Sub-Committee meeting which gives details about each of these issues and the Sub-Committee's recommendations.

The Sub-Committee also asked that I forward to the Water Pollution Control Authority the attached amended ordinance for comment and approval. The Sewer Sub-Committee approved these minor changes at its July 8, 2009 meeting. The amended Ordinance incorporates recommendations from the Town Attorney, who feels the issue of value of assessments and/ or zone charges have been addressed.

The Sewer Sub-Committee asked that the WPCA consider creating or amending policies or to amend the Sewer Ordinance to incorporate the following:

- 1) To use an appraiser in the WPCA policy for sewer installation projects.
- 2) To consider allowing the Town to finance the laterals plus the zone charge.
- 3) To consider freezing the zone charge for property owners who can establish that they recently replaced their septic system.

I understand that some of these suggestions may require further ordinance amendments and other suggestions could be policy directives.

I have asked Bill Kaminski, WPCF Superintendent to review these issues for consideration and be prepared to make his recommendations to the Water Pollution Control Authority at its September meeting. I have also asked Joe Swetcky, Finance Director to review these issues and the financial affect and legality of the suggestions if the WPCA decides to implement any of the Sewer Sub-Committee's recommendations.

If you have any questions please feel free to contact me. I look forward to hearing from you after the WPCA has an opportunity to review these issues.

Thank you.

Attachments: Amended Ordinance with Changes from Public Hearing
Minutes of the July 8, 2009 Sewer Sub-Committee

Office of the Superintendent, WPCF
Memorandum

TO: Kathleen Eagen, Town Manager

FROM: William J. Kaminski, Superintendent WPCF

RE: 1. Revisions and Amendments to the Code of the Town of Farmington – Chapter 156: Sewers

2. July 30, 2009 memo request from the Sewer Sub-Committee Request to consider creating or amending policies

DATE: March 17, 2010

In response to the memo you sent me requesting a packet regarding the above subjects:

1. Revisions and Amendments to the Code of the Town of Farmington – Chapter 156: Sewers

- a. The Final Document is attached.
- b. The Legal Notice for the Public Hearing was published on February 11, 2010. The Public Hearing was held on March 3, 2010 at 7:00 p.m. at the Town Hall, Board of Education Conference room. The following action was taken at this Public Hearing by the Water Pollution Control Authority:

Motion: That the WPCA approve the Revisions and Amendments to the Code of the Town of Farmington, Connecticut Chapter 156: Sewers

Upon a motion duly made and seconded (Thompson / Conlon), it was unanimously

VOTED: To approve these revisions and amendments to the Town of Farmington Code, Chapter 156: Sewers

2. The following action was taken by the Water Pollution Control Authority on the following matters as submitted by the Sewer Sub-Committee:

- a. WPCA Policy regarding that an Appraiser be integrated in the Sanitary sewer system design standards.
At the November 12, 2009 WPCA Meeting upon a motion duly made and seconded (Thompson/Charette) it was unanimously voted not to accept this policy.

- b. WPCA Policy to finance sewer laterals.
At the November 12, 2009 WPCA Meeting the Authority took no action on this, being covered within the existing Farmington Code, Chapter 156, Sewers

- c. WPCA Policy regarding to freeze the existing zone charge for Property owners who can establish that they recently replaced their septic system.
At the December 9, 2009 WPCA Meeting upon a motion duly made and seconded (Thompson/McGrane) it was unanimously voted to accept this policy. Policy attached.

Revisions and Amendments to the Code of the Town of Farmington, Connecticut Chapter 156: SEWERS

§156-4. Sewer connection charge.

The amount of a sanitary sewer connection charge to be paid in lieu of a benefit assessment shall be in an amount equal to the final assessment rate of the original final assessment applied to the frontage or acreage, as the case may be, of said land or such part of such land as, in the opinion of the Authority, is benefited at the time of connection; provided, that the connection charge for any property that is zoned for residential use shall be in an amount not greater than the present value of the original final assessment of said land or such part of such land as, in the opinion of the Authority, is benefited at the time of connection, determined in accordance with § 156-49.

§156-7. Reimbursement of developers.

The Authority is empowered, at its discretion, to include in agreements with developers or other owners for the construction of sewers by and at the expense of such developers or owners provisions for the reimbursement of said developers or owners for sanitary sewers connection charges collected as provided in [186-6] § 156-6 hereof for the costs of sewers constructed by them in sections of highways on which lands owned by them do not abut, such reimbursement not to exceed the cost of construction within such sections of highways, and to limit the time within which such reimbursements may occur to such time as said Authority may deem expedient for the particular case, but no reimbursement shall be made after 20 years from the date of the incorporation of the particular sewer into the public system. Expiration of the time for reimbursement to the developer shall not release subsequent permittees from paying a connection charge to the Town of Farmington.

§156-9. Determination of amount of connection charge.

The amount of the sanitary sewer connection charge for the connection under § 156-6, 156-7 and 156-8 hereof shall be determined by calculating the present value of the project's original assessment in accordance with § 156-49. Such connection charges, including those deferred in §156-3B hereof, shall be paid to the Collector of Revenue of the Town of Farmington, the collecting agent for the Water Pollution Control Authority and the Town of Farmington, credited to the proper account, turned over by said Collector of Revenue to the Treasurer of the Town of Farmington and deposited in the sewer fund, which shall be separate from other funds of the Town of Farmington.

§ 156-15. Connection charge.

- A.** A connection charge may be established as a provision of the permit agreement calling for the installation of the sewer system, except that the amount of such charge shall not be stated nor shall it become due until the sewer system in the development is connected to the public sewer system. The Authority shall, within 30 days from the date of its approval of the permit agreement, cause a caveat warning of said charge to be prepared and recorded on all lots contained within said development.
- B.** At such time as a sewer system constructed by a developer pursuant to a permit agreement is connected to the public sewer system, the developer shall pay a fee consisting of the sum of \$1,000 for each approved residential dwelling to be serviced by the sewer system constructed by the developer. Said fee is intended to represent the costs associated with the preliminary sewer plan review and the preliminary engineering review of such sewer system. The developer shall pay such sum to the Collector of Revenue of the Town of Farmington, the collecting agent for the Water Pollution Control Authority and the Town of Farmington, and the sum collected shall be turned over by said Collector of Revenue to the Treasurer of the Town of Farmington and deposited in the sewer fund, which shall be separate from other funds of the Town of Farmington.

Preamble

The following sections § 156-49, 156-50, 156-51 are intended to be consistent with any rule or regulation which has been adopted by the Town of Farmington Water Pollution Control Authority (hereinafter the “Authority”) in accordance with the Connecticut General Statutes. In the event that a provision of these sections may conflict with a rule or regulation adopted by the Authority, the rule or regulation adopted by the Authority shall govern.

ARTICLE V Residential Assessments and Sewer Costs

§156-49 Benefit Assessment Methods for Properties Zoned for Residential Use

The following table provides the maximum benefit assessments to be paid by benefiting property owners of property zoned for residential use within the Town of Farmington, provided, however, the assessment amounts contained in the table shall be updated annually by the Authority during its budget process using the Construction Cost Index set forth in the latest edition of the *Engineering News Record* (“ENR”).

2010 Calendar Year Assessment Amounts

Zoning Class	Assessment Amount
R-20 and Under	\$10,000
R-30 and R-40	\$12,500
R-80	\$15,000

When a property owner who deferred his sewer benefit assessment requests connection or is required to connect to a public sewer system, or when persons independently connect to a Developer constructed sewer, or when the owner of a newly created lot seeks to connect to a public sewer system for which an assessment has not previously been set, the amount of the sanitary sewer connection charge for the connection shall be determined by converting the original assessment rate for that sewer to present value using the Construction Cost Index set forth by the latest edition of the *Engineering News Record* ("ENR").

In accordance with General Statutes § 7-249, the maximum amount that the Authority shall assess a benefiting property owner shall be the lesser amount of either the assessment amount as determined by the above table or the net project cost, after deduction of grants and reimbursements, divided by the number of benefiting property owners.

§156-50. Sewer Cost Responsibilities

A. The intent of this section is to provide a guideline for the determination of the responsibility for the payment of the costs related to a non-developer sewer project and the various sources of payment of such costs by the Town (general taxpayers), the Authority and a benefiting property owner:

1. Town of Farmington

- a. Funding source
 - i. General obligation bonds paid by general taxpayers
- b. Cost responsibilities
 - i. Water treatment plant upgrades
 - ii. New pumping stations and other new collection system improvements (e.g. interceptors)
 - iii. Portion of mainline/lateral extension costs not covered by sewer assessments (e.g. neighborhood sewer projects)

2. Water Pollution Control Authority

- a. Funding source
 - i. Sewer use fees paid by all users of system
- b. Cost responsibilities

- i. Operation and maintenance of treatment plant
- ii. Basic and routine maintenance, repairs and upgrades to town wide system
- iii. Replacement and upgrades to pumping stations and other collection system improvements (e.g. interceptors)
- iv. Studies and engineering work

3. Benefiting Property Owners

- a. Funding source
 - i. Private sources
- b. Cost responsibilities
 - i. Assessable portion of neighborhood mainline/lateral extensions costs
 - ii. Costs and expenses incidental to the installation of sewer lines from property line to property owner's residence and related costs (TOF Code § 156-24 & 46).

B. The following definitions are provided herein as a guideline with respect to certain terms referenced in this Chapter with respect to a sewer system:

Benefit Assessment

A benefit assessment is the charge a municipality or wastewater district places against a property to recover the cost of capital expenditures for the acquisition, construction, or upgrading of wastewater collection, conveyance, or treatment facilities. ("Methods of Capital Cost Recovery on Water Pollution Control Projects," published January 1997 by CT-DEP).

Connection Charge

A connection charge, referenced in CGS 7-255, may be levied at the time of connection with the sewer and is generally in addition to the benefit assessment. Connection charges take basically two forms. The first, which exists while the debt for the sewer system is still active, generally covers the municipal cost of processing a permit to connect, including the inspection of the connection. The second, which usually occurs after the capital debt for the sewer has been paid off, covers both the permit processing costs and a lump sum payment in lieu of a benefit assessment. ("Methods of Capital Cost Recovery on Water Pollution Control Projects," published January 1997 by CT-DEP).

User Charge

A sewer use charge is designed to recover the operating costs of the wastewater treatment system (operations, maintenance and limited component replacement) and is charged only to those properties, which actually discharge to the sewer system. ("Methods of Capital Cost Recovery on Water Pollution Control Projects," published January 1997 by CT DEP).

§ 156-51. The Authority's power to mandate sewer projects

- A.** Pursuant to Title 7, Chapter 103 of the General Statutes and Chapter 68 of the Town of Farmington Municipal Code, the power to acquire, construct and operate a sewerage system or systems within the Town of Farmington rests with the Authority.
- B.** The Authority may, within its discretion, deem it necessary to construct a sewer system and mandate that such system be constructed. Such construction shall be carried out in accordance with the Connecticut General Statutes. *Such sewer projects will be assessed to the individual homeowners within the project in accordance with § 156-49.*
- C.** If an existing development or neighborhood which the Authority has not yet mandated to have a sewerage system wishes to construct a sewerage system, the construction of the system shall be considered a developer built project under a developer permit agreement. The existing development or neighborhood shall be considered the developer in accordance with § 156-14. In the event that an existing development or neighborhood elects to construct a sewerage system, the property owners within the scope of said project shall be responsible for all costs not excepted by § 156-12.D or § 156-14.

The seal of the Town of Farmington, Connecticut, is circular and features a central figure holding a staff. The text around the seal includes "TOWN OF FARMINGTON CONNECTICUT", "NEW BRITAIN BERLIN BRIDGE", and "1640 INC 1645 OFFICE".

**WATER POLLUTION CONTROL AUTHORITY
SANITARY SEWER SYSTEM POLICY FOR THE TOWN OF
FARMINGTON**

**Septic System Replacement or Repair Assessment Waiver Policy for new
Construction of Sanitary Sewers
Adopted at WPCA Meeting December 9, 2009**

General policy objectives:

It is the purpose of the Farmington Water Pollution Control Authority (WPCA) that the following policy is made known to the residents of the Town of Farmington.

Construction of a new public sanitary sewer within an existing street or right of way will be paid for by abutting property owners according to a Benefit Assessment established at the time of construction.

If an abutting property owner has recently reconstructed his subsurface sanitary system, and does not wish to connect to the Town sewer system at the time of construction of the street sewer, he may postpone connection and the Benefit Assessment, if qualified.

The following criteria will be used to determine eligibility for this waiver:

1. The cost for the necessary replacement or repair that a homeowner did to their septic system must equal or exceed the existing zone charge.
2. The replacement or repair to the septic system must be within ten (10) years from the date of commencement of construction of the sanitary sewer system within the neighborhood or road.

Upon transfer of ownership of property or failure of the subsurface sanitary system, it will be a requirement to connect to the sanitary sewer system and the benefit assessment will be due.

The payment of this postponed benefit assessment would follow existing policy for repayment. Time payments would be allowed with annual payments not to exceed ten (10) years and the interest rate on the unpaid balance shall be at a rate of six (6) percent per annum.