

Water Pollution Control Authority
June 27, 2012
Public Hearing
Town Hall – Council Chambers

Members Present: Mr. Matt Bowman
Mr. Steve Carroll
Mr. Tim Pelton (Chairman)
Mr. John Perrotti
Mr. Thomas Scannell

Members Absent: Mr. Walter Gancarz

Others Present: Mr. Joseph Michelangelo, Director of Public Works
Mr. Donald Chelton, AECOM
Town Attorney Andrew Lord

Chairman Pelton called the public hearing to order at 7:00 p.m. Roll was called and a quorum determined. The assembled group recited the Pledge of Allegiance. Mr. Pelton explained to the audience how to exit the chamber in the event of an emergency, in compliance with the Fire Marshal's order.

The Chair informed the audience that the purpose of the public hearing would be to receive input from property owners regarding the proposed sewer assessment for portions of Oxford Court, Riverside Drive, Applewood Drive, Bridget's Lane and Country Club Road.

Mr. Pelton read the legal notice as follows:

WATER POLLUTION CONTROL AUTHORITY
NOTICE OF PUBLIC HEARING
PORTIONS OF OXFORD COURT, RIVERSIDE DRIVE, APPLEWOOD DRIVE,
BRIDGET'S LANE, COUNTRY CLUB ROAD

Notice is hereby given that a Public Hearing will be held by the Water Pollution Control Authority of the Town of Cheshire in Town Hall, Council Chambers, 84 South Main St. Cheshire, Connecticut, at 7:00 pm on June 27, 2012. At said time and place, the Water Pollution Control Authority will consider and take action on the proposed benefit assessments to be levied on certain properties serviced by the Cheshire Sewerage System, known as the PORTIONS OF OXFORD COURT, RIVERSIDE DRIVE, APPLEWOOD LANE, BRIDGET'S LANE, COUNTRY CLUB ROAD and against which no benefit assessment has been levied. The owner of any property to be assessed shall have an opportunity to be heard concerning the proposed assessment.

The Water Pollution Control Authority proposes to levy assessments pursuant to the provisions of Chapter 103 of the General Statutes of Connecticut. Any such assessments

may be paid in seventeen (17) substantially equal annual installments together with an interest charge of 3.89 percent per annum on the unpaid balance. Properties to be affected by the proposed assessment are located on the following streets:

ADDRESS	MAP & LOT	PROPOSED SEWER MAIN ASSESSMENT	LATERAL CHARGE	TOTAL PROPOSED ASSESSMENT
5 Applewood Drive	45-27	\$5,220.00	\$500.00	\$5,720.00
8 Applewood Drive	45-26	\$5,220.00	\$500.00	\$5,720.00
18 Applewood Drive	45-32	\$5,220.00	\$500.00	\$5,720.00
19 Applewood Drive	45-25	\$5,220.00	\$500.00	\$5,720.00
370 Country Club Road	45-28	\$5,220.00	\$500.00	\$5,720.00
373 Country Club Road	45-29	\$5,220.00	\$500.00	\$5,720.00
397 Country Club Road	52-16	\$5,220.00	\$500.00	\$5,720.00
404 Country Club Road	45-30	\$5,220.00	\$500.00	\$5,720.00
424 Country Club Road	52-15	\$5,220.00	\$500.00	\$5,720.00
10 Bridgets Lane	45-43	\$5,220.00	\$500.00	\$5,720.00
15 Bridgets Lane	45-34	\$5,220.00	\$500.00	\$5,720.00
20 Bridgets Lane	45-42	\$5,220.00	\$500.00	\$5,720.00
540 Riverside Drive	39-6	\$5,220.00	\$500.00	\$5,720.00
550 Riverside Drive	39-15	\$5,220.00	\$500.00	\$5,720.00
555 Riverside Drive	38-182	\$5,220.00	\$500.00	\$5,720.00
565 Riverside Drive	38-184	\$5,220.00	\$500.00	\$5,720.00
570 Riverside Drive	39-16	\$5,220.00	\$500.00	\$5,720.00
575 Riverside Drive	38-185	\$5,220.00	\$500.00	\$5,720.00
585 Riverside Drive	38-186	\$5,220.00	\$500.00	\$5,720.00
590 Riverside Drive	39-17	\$5,220.00	\$500.00	\$5,720.00
595 Riverside Drive	39-31	\$5,220.00	\$500.00	\$5,720.00
605 Riverside Drive	39-25	\$5,220.00	\$500.00	\$5,720.00
20 Oxford Court	39-26	\$5,220.00	\$500.00	\$5,720.00
25 Oxford Court	39-30	\$5,220.00	\$500.00	\$5,720.00
30 Oxford Court	39-27	\$5,220.00	\$500.00	\$5,720.00
35 Oxford Court	39-29	\$5,220.00	\$500.00	\$5,720.00
40 Oxford Court	39-28	\$5,220.00	\$500.00	\$5,720.00

Mr. Michelangelo detailed the history of the project, noting that this project was initiated four years ago with a public hearing to inform property owners of the anticipated project. The total cost of the project was \$3,866,400 and the sewer line was extended to 27 properties with a sewer lateral in front of the properties.

The town attempts to collect costs of the project from property owners, which in this case would be \$14,000 per property. As part of this process property owners are assessed an amount which by State Statute cannot exceed the average benefit value to the property owner.

The WPCA engaged the services of a professional appraiser to assess the benefit amount to each property as a result of having the ability to connect to the town sewer system. The result of that professional appraisal determined that the average benefit is \$6,000. The Authority is recommending an assessment of \$5,720, which includes a \$500 connection fee.

Mr. Carroll informed the audience that there is no mandate to connect to the sewer system, but the assessment must be paid. If the septic system on the property is working properly, the property owner is not required to connect, but has that ability in the event of the failure of the septic system. Mr. Carroll noted that all septic systems will fail at some point over time. It has been demonstrated that there have been septic system failures in some of the areas involved in this project.

Cele Okoro, 40 Oxford Court, addressed the Authority and stated that he just moved to Cheshire from Hamden and did not know about this project or the proposed assessment or that his property was not connected to the sewer system. He queried as to whether he would have to connect to the sewer system. Mr. Pelton responded that the property owner does not have to connect, but must pay the assessment. The assessment is paying for the sewer in the road and the ability to connect at some future time.

Rich Tabor of 5 Applewood Drive addressed the Authority and stated that the assessment seems fair, but questioned how the Authority arrived at the assessment. Mr. Pelton stated that the Authority engaged a professional appraiser to determine the average cost benefit to the properties, which was determined to be \$6,000. That is the maximum number that the Authority can assess.

Mr. Pelton stated that the Authority has been involved in this process many times over the years and the process utilized has been determined to be the best and fairest method. Mr. Tabor stated that he recently refinanced his property, and the bank informed him that the availability of the sewer line does not increase the value of the property.

Mr. Sheldon Pollack, 30 Fairwood Drive, addressed the Authority and asked Mr. Estrada, the professional appraiser, to discuss his findings in relation to the assessment. Mr. Pollack stated that he understands that the property owner is not required to connect, but the lateral is there if there is a need to do so. Mr. Pelton responded that Mr. Estrada will address this issue during the public hearing.

Steve Owen, 397 Country Club Road, asked about payments for the assessment. Mr. Michelangelo stated that property owners would receive a bill each year. In response to a query from Mr. Owen, Mr. Michelangelo stated that there would not be a penalty for prepaying the assessment. In response to another query, Mr. Pelton stated that an accountant would have to be consulted to determine if the interest is tax deductible. The Authority does not have that expertise.

Mr. Daryn Kilpatrick of 19 Applewood Drive addressed the Authority and stated that he has had problems with this project since its inception. He queried as to why this project was not placed on the land records and thus not available to prospective property owners. It was noted that there is no requirement that the information be placed on the land records, although Authority members concurred that it would be helpful to develop a mechanism to make this information available.

In response to a query from Mr. Bowman, it was noted that the assessment cannot be made prior to the project, as the exact costs must be known before an assessment can be levied. It was suggested that local realtors be notified of each project so they can inform their clients. It was noted that this could be perceived as a negative for the person selling their home. Mr. Perrotti commented that there was a public hearing conducted prior to the inception of this project.

Dawn Flohr of 8 Applewood Drive addressed the Authority and inquired as to whether the property owner has to collapse their septic tank if they connect to the sewer. The Authority responded that the septic system must be pumped out, filled with sand and taken out of service. The biological process will eventually stop.

Mr. Michelangelo stated that licensed contractors know of the process and will follow what needs to be done. In response to a query from Ms. Flohr Mr. Michelangelo stated that the assessment cost is static and does not increase over time whether the property owner connects to the sewer line or does not.

Mr. Fitzpatrick addressed the Authority again and stated that he is looking for more information about the sewer assessment process and the installation process. Mr. Pelton reiterated the steps that the Authority takes regarding the assessment and noted that once the assessment is levied, the property owner needs to consult a licensed and experienced contractor to determine the cost and involvement of connecting to the sewer system.

It was noted that the Building Inspector must be consulted and will provide more information as to what steps are necessary to proceed with connection to the sewer system. Mr. Bowman commented that the contractor has to be bonded so they will have the necessary experience. Mr. Perrotti commented that it is important to use a reputable general contractor, and it is not the task of the Authority to direct property owners in the process of connecting to the sewers.

Mr. John Rowinski of 15 Bridget's Lane inquired of the Authority as to how this area was selected as part of the sewer project. Mr. Pelton stated that over the years the Authority looks at problem areas around the town before making a determination regarding where to install sewers. Mr. Bowman commented that each month Chesprocott formally informs the Authority of all septic system failures and repairs for each month.

Mr. Rowinski stated that he spoke with a Town Council representative who stated that he never would have voted for this project on the basis of the number of properties who actually had problems with their septic system. Mr. Rowinski only recalled one person who spoke in favor of this project at the public hearing held before the project commenced.

In response to whether the cost of repaving was included in the costs of the project, Mr. Michelangelo stated that it was not.

Linda Prairie of 18 Applewood Drive addressed the Authority and stated that property owners should have access to the appraisals prior to this public hearing. She stated that she does not have facts about the appraisal. Mr. Pelton stated that Mr. Estrada, the professional appraiser is present at this meeting will be available to discuss the process. Mr. Pelton noted that the assessment is based on the value added to the property by having the ability to connect to the sewer system.

Mr. Estrada explained that the assessment is not an exact science because the housing market is not a perfect science. He explained that he has had 40 years of experience conducting this type of assessment. The Authority looks to State Statutes for specifics regarding appraisals and conducts them fairly. Mr. Estrada stated that most communities just levy the assessments based on construction costs without benefit of hiring a professional appraiser. Mr. Estrada stated that Cheshire is one of the few that does due diligence in trying to determine a fair assessment based on professional advice and recommendations.

Mr. Estrada stated that the goal is to determine the average benefit to property owners—some properties will benefit more and some less. He stated that he looks at properties with sewers and those without and compares comparable sales.

Mrs. Prairie inquired about the cost to install the sewers. She stated that the cost to the property owner to connect to the sewer should be included in the benefit to the property. If she spends \$20,000 to connect to the sewer then that cost should be deducted from the benefit to the property. That connection cost should be factored into the assessment. Mrs. Prairie concluded that the math does not work as she sees it.

Attorney Lord stated that the process of the assessment is to allocate the sewer costs in a fair manner. If a property owner is not satisfied they have the right to appeal in court. At that time it would be a battle of the appraisers, as the property owner would have to obtain an independent appraisal. Attorney Lord noted that this appraisal came back far less than if actual construction costs were used as a basis. He stated that the appraisal is

just a test and State Statute gives the Authority the ability to allocate construction costs. The Authority could have just used construction costs and set an assessment at \$14,000. In a dissimilar economic time the assessment could have been much different.

Ms. Prairie stated that having the ability to hook up to the sewer and actually connecting to it should be two different assessments. She feels that Applewood Drive was just included in this project because of problems with surrounding streets.

Mr. George Flohr, 8 Applewood Drive, addressed the Authority and inquired as to whether the 3.89% interest rate could be increased over time. Mr. Michelangelo stated that the rate is fixed and is based upon the rate of the bond for this project that the town is paying.

Mr. John Rowinski inquired as to whether the Richmond Glen project is sewerred and whether that project has anything to do with this sewer project. It was stated that Richmond Glen is sewerred via a different area and has nothing to do with this project.

Mrs. Flohr stated that she is also concerned about the lack of communication from the Authority, specifically the fact that she just received notice of this public hearing on Monday. It was noted that notice was in local papers and because the notice must be certified and signed for, sometimes it takes a while to get to the property owner for a signature. Mr. Pelton stated that the Authority would take the issue of communication under advisement when the process is addressed going forward.

Mr. Bowman suggested keeping the public hearing open for further input. Attorney Lord advised that the public input has been received and recommended closing the public hearing.

In response to a query from Ms. Flohr, Mr. Michelangelo stated that payments will begin in the fall.

There being no one wishing to speak further regarding this public hearing, Mr. Pelton declared the public hearing closed.

Respectfully submitted,

Tim Pelton, Chairman
Water Pollution Control Authority

Attest:

Susan F. Zwick

Distribution:

Members: W.P.C.A.
Michael Milone, Town Manager
David Schrumm, Town Council Liaison
Andrew Lord, Town Attorney
Donald Chelton/Jon Pearson, AECOM
Joseph Michelangelo, Ex-Officio Member
George Noewatne, Operations Manager
Dennis Dievert, Superintendent [WPCD](#)
Susan Zwick, Recording Secretary