

Bolton Lakes Regional Water Pollution Control Authority (BLRWPCA) Sewer Benefit Assessment Policy

1. STATEMENT OF PURPOSE

The purpose of this sewer benefit assessment policy is to explain the basis for levying sewer benefit assessments against properties located in the BLRWPCA Sewer Service Area as shown generally on a map "Bolton Lakes Proposed Sewer Service Area," prepared by Fuss and O'Neill Inc., 146 Hartford Road, Manchester, Ct. dated 12/07/05, and maybe revised in the future by BLRWPCA and as authorized by Chapter 103 of the General Statutes of Connecticut (CGS). The BLRWPCA may levy benefit assessments in accordance with this section and in accordance with Sections 7-249 through 7-253 of the CGS.

2. DETERMINATION OF COST OF SEWERAGE SYSTEM; AUTHORITY TO DIVIDE BENEFITED TERRITORY INTO DISTRICTS

The BLRWPCA shall ascertain the cost of the sewerage system and in so doing shall take into account all costs of construction, including, but not limited to, the cost of construction, land acquisition, all costs connected with borrowing whether by temporary or permanent financing, all engineering or legal fees especially chargeable to the project, and any other costs or expenses needed to build the sewerage system or a portion thereof, and may divide the total territory to be benefited into districts or segments pursuant to this section, the Plan of Operations for the Bolton Lakes Regional Water Pollution Control Authority and Section 7-249 of the CGS.

The sum of initial and subsequent assessments shall not exceed the special benefit accruing to the property. No lien securing payment shall be filed until the property is assessed.

In assessing benefits against a property in any district, the BLRWPCA 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 BLRWPCA to be necessary or desirable for the operation of the part of the system within the district.

3. DEFINITIONS

EDU: Equivalent Dwelling Unit represents the estimated sewer use for a single-family residence, which has been determined to be equivalent to 200 gallons of sewage per day.

4. ASSESSMENT ASSIGNED

The minimum base assessment to be levied against all properties is intended to be a reasonable value of having the benefit of public sewers to remove wastewater from the property, convey the wastewater to a collection system and to have the wastewater adequately treated for discharge to the environment. As of October 11, 2005, all improved properties within the initial construction phase of sewer service area shall be assessed at ten thousand dollars (\$10,000) per Equivalent Dwelling Units (EDU) upon completion of each of the construction contracts 1 through 5. For subsequent approved additional properties to the sewerage system, this amount is subject to change by action of

the Water Pollution Control Authority as the rates of inflation, prices and costs increase or decrease. Subsequent assessment benefits shall be determined by the BLRWPCA. As provided below, the sewer benefit assessment is based upon the EDU assigned to each type of building located on the property.

5. ASSIGNMENT OF EQUIVALENT DWELLING UNITS

The following table reflects the classification of properties and the Equivalent Dwelling Unit (EDU) value assigned to each classification of property. For commercial properties, the BLRWPCA may at its discretion assign a revised EDU value based on water meter data and/or other pertinent information presented by the property owner to the BLRWPCA.

Description	EDU's*
Single Family Dwelling	1.0
Each dwelling in a Multi-dwelling, Apartment or Condominium	1.0
One family dwelling with a professional/Business office combined	2.0
Each Mobile Home	1.0
Each office, Store or Commercial	
10 occupants or employees, or less	1.0
Each additional occupant or employee	0.1
Industrial Plants	
10 employees or less	1.0
Each additional employee	0.1
Plus process wastewater from DEP permit per 200 gpd	1.0
Auto Service Station	
With Public Restrooms	2.0
Without Public Restrooms	1.0
Laundromats – Each washer	1.6
Beauty Salon	
One chair	1.0
Each additional chair	0.8
Restaurants, Luncheonettes, Taverns, Cocktail Lounges, etc.	
10 seats or less	2.0
With Public Bar, Add to above	1.0
Each additional seat – per 200 gallons/day waste flow	0.1
Nursing, Rest or Convalescent Homes – each bed	0.6

Churches	1.0
Rectory	1.0
Elderly Housing, per unit	1.0
Boarding Homes/Motels/Hotels	1.0
Add per room	0.5
Storage Facility	1.0
Health Club – per member	0.01
School	
Per student and staff with Cafeteria	0.08
Per student and staff with Cafeteria and shower	0.10
Dentist Office – per chair	1.0
Doctor’s office	
10 occupants or employees, or less	1.0
Each additional occupant or employee	0.1
Funeral Home	
10 employees or less	1.0
Each additional employee	0.1
Florist	1.5
Car Wash – per 200 gallons/day waste flow	1.0
Plant Nursery	1.5
Dog Kennel – per pen	0.2
Day Care	1.0
Each child	0.06
Add if cafeteria is present	1.0

* = no property shall be assigned an EDU of less than 1.0

6. ENACTMENT PROCEDURE

The BLRWPCA shall fix the due date of assessments made hereunder as well as the manner in which same shall be paid, whether in full or by substantially equal annual installments pursuant to Sections 7-252 and 7-253 of the CGS.

No assessment shall be made until after a public hearing before the BLRWPCA at which time 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 (10) calendar days before the date of such hearing. When the BLRWPCA has determined the amount of the assessment to be levied, it shall file a copy thereof in the Town Clerk's office of the Town of Bolton and the Town of Vernon and, not later than five (5) calendar days after such filing, shall cause the same to be published in a newspaper having a substantial circulation in the BLRWPCA 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 Town of Bolton or Town of Vernon or at any later address of which the BLRWPCA may have knowledge. Such publication shall state the date on which such assessment was filed and that any appeals from such assessment must be taken within twenty-one (21) calendar days after such filing. Any person aggrieved by any assessment may appeal to the Superior Court for the Judicial District of Tolland County, at Rockville, which appeal shall be brought in strict conformance and in accordance with CGS, Section 7-250.

7. APPLICABILITY TO FUTURE CONSTRUCTION

Benefits shall not be assessed against any property unless said land has been constructed upon or has been approved for construction, expansion or development. This includes property zoned for residential, business, commercial or industrial purposes or for land classified as farm land, forest land or open space land as of the last-completed grand list of the Membership Towns of the BLRWPCA pursuant to Sections 12-107a through 12-107e inclusive of the CGS.

Property zoned for residential use may be assessed in accordance with the provisions hereof if same has been subdivided, has been built upon or where a building permit has been issued thereon.

Vacant Land - As provided under Section 7-249 of the State Statutes where residential land is left vacant and is considered excess land beyond the smallest size lot allowed under the zoning regulations, assessment of such excess land shall be waived until such time as such excess or vacant land shall be built upon and derives a direct benefit from the sewerage system or a building permit issued or until a subdivision plan of such property is approved by the Planning & Zoning Commission. Said land will not be used in the calculation of initial assessments.

In the event a building or buildings are constructed or expanded after the initial assessment hereunder, the BLRWPCA may assess benefits against the property as if said buildings or structures had existed at the time of the initial assessment (and may elect to assign such portion of said funds as represent an accrued assessment from the initial assessment date for the acquisition or construction of the sewerage system).

Warehouses, Garages, and Storage Facilities – Where warehouses, garages, storage facilities are built upon land to which sewerage facilities are available and where such structures are not used for human occupancy and to the extent that there are no bathrooms, sinks, or other plumbing fixtures, the assessment associated with such buildings shall be waived until such time as improvements are made in.

Uninhabitable Buildings - Where buildings or structures are uninhabitable in accordance with current building codes, the assessment associated with such building shall be deferred until such time as improvements are made.

8. 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 levied against those properties previously assessed to the end that a sum sufficient to pay the cost of such work may be obtained, provided that 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.

9. RELIEF FOR ELDERLY

Any residential property owner, who is eligible for tax relief under the Town of Bolton and the Town of Vernon Ordinances Tax Relief for Elderly, may apply to the BLRWPCA to pay only the annual interest charge of the benefit assessment levied by the BLRWPCA. The outstanding balance of principal deferred shall become due and payable upon the sale of any property subject to such assessment, or upon death of the property owner. Applications for relief shall be subject to annual review by the BLRWPCA.

10. GENERAL PAYMENT INFORMATION

- A. Sewer benefit assessments levied as part of the original construction of BLRWPCA's sewerage system may be payable over a period of years, not to exceed 20 years or the term of the loan or financing instrument, as determined by the WPCA. All assessments paid on said payment plan shall be charged interest on the unpaid principal balance at the rate of 2% per year or a rate that cannot exceed interest on the loan or financing instrument. The unpaid balance of a benefit assessment shall be completely satisfied upon transfer of the property to any other person, party, entity, business, etc.
- B. Sewer benefit assessments levied after those levied as part of the initial construction shall be due and payable in full at the time of levy.

11. DELINQUENT ASSESSMENTS

Delinquent assessments shall be secured in the method hereinafter provided:

Any assessment of benefits or any installment thereof, not paid within thirty (30) calendar 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 Section 7-254 of the CGS. Each addition of interest shall be collectible as a part of such assessment.

Whenever any installment of an assessment becomes delinquent, the interest on such delinquent installment shall be as provided above or five dollars (\$5.00), 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 CGS 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 property tax liens. The BLRWPCA may collect such assessments in accordance with any mandatory provision of the CGS for the collection of property taxes, and the BLRWPCA may recover any such assessment in a civil action against any person liable therefore.

12. EFFECTIVE DATE

Sewer Benefit Assessment Policy effective upon adoption.

Public Hearing: March 15, 2011

Adopted by BLRWPCA: March 15, 2011