



PUBLIC UTILITIES COMMISSION

Bethel Municipal Center, 1 School Street
Bethel, Connecticut 06801 Telephone: (203) 794-8501

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TOWN OF BETHEL
TOWN CLERK

MINUTES OF SPECIAL MEETING

Thursday, March 20, 2008

4:00 p.m.

CJH Municipal Center – Meeting Room “A”

PRESENT: First Selectman Burke, Selectman Szatkowski, Michael Gribbin and William Michaels. Also in attendance were Attorney Jeffrey Sienkiewicz, Town Attorney William Hagan, Town Engineer Andrew Morosky, Utilities Supervisor Kelly Curtis and Utility Consultant Len Assard.

First Selectman Burke called the Special Meeting to order at 4:00 p.m.

Consideration of Proposed Sewer Assessments – Stony Hill Contract 1:

After considerable review of the proposed Sewer Assessments, First Selectman Burke made a motion, which was seconded by Commissioner Michaels, to adopt the Resolution as proposed. Vote, all in favor, motion unanimously approved.

RESOLUTION REGARDING PROPOSED LEVY OF BENEFIT ASSESSMENTS STONY HILL SEWER PROJECT, PHASE I

WHEREAS the Bethel Public Utilities Commission, acting for the Town of Bethel, has placed Phase I of the Stony Hill Sewer Project into service, thereby expanding the municipal sewerage system; and

WHEREAS the Commission has determined that an initial benefit assessments should be levied upon the lands and buildings, and upon the owners thereof, which are especially benefited by the availability of sewers in Phase I of the Stony Hill Sewer Project; and

WHEREAS, the Commission has given due and deliberate consideration to relevant factors and to various combinations of such factors to be utilized in imposing benefit assessments, all in accordance with the provisions of the Connecticut General Statutes Section 7-249; and

WHEREAS, the Commission has determined that the most equitable method of apportioning the costs of

sewer construction incurred to date among the owners of the lands and buildings especially benefited by such construction is to levy against each such property and the owner thereof a benefit assessment calculated based upon a "unit charge" of \$8,500 per property plus an "assessment charge" sufficient to recover, after accounting for all such "unit charges", the balance of the estimated cost of Phase I construction.

NOW, THEREFORE, BE IT RESOLVED by the Bethel Public Utilities Commission that:

- 1) The land and buildings especially benefited by the availability of sewers in Phase I of the Stony Hill Sewer Project are those set forth on Schedule A, attached hereto and made a part hereof.
- 2) The amount expended to date for construction of Phase I of the Stony Hill Sewer Project is estimated at \$4,800,000. Said sum does not represent the entire cost of the work as it is exclusive of additional costs that will be incurred to complete the Stony Hill Sewer Project. The Commission contemplates that, pursuant to Conn. Gen. Stat., Sec. 7-249 and 7-251, an additional benefit assessment will be levied against the properties listed on Schedule A at a future date to recover a portion of such additional Project costs. The amount to be recovered through the levy of benefit assessments at this date, however, is \$4,800,000 as set forth on Schedule A
- 3) To recover such cost, the Commission proposes that a benefit assessment be levied against each property and the owner thereof listed on Schedule A in a principal amount equal to a "unit charge" of \$8,500.00 per property plus an "assessment charge" sufficient to recover, after accounting for all such "unit charges", the balance of the estimated cost of the Phase I construction.
- 4) The "unit charge" and the "assessment charge" shall be based on the status of the property as of October 1, 2007. The "assessment charge" shall be calculated on the basis of each property's assessed valuation on the October 1, 2007 Bethel Grand List (except 97 Payne Road which shall be calculated based on an assumed "assessed valuation" of \$230,980 for purposes of this initial assessment) and shall be an equal percentage for all properties for

which a Phase I benefit assessment is imposed and shall be sufficient to recover the balance of the estimated cost of Phase I construction after accounting for the "unit charges".

- 5) The amount of each such proposed benefit assessment set forth on Schedule A has been determined in accordance with such calculation.
- 6) The benefit assessment levied against each such property may, at the option of the owner thereof, be paid in equal annual installments over a term of twenty-five (25) years, together with interest on the unpaid principal amount of such benefit assessment at the estimated rate of 4.3%¹ per annum or at such other rate of interest not to exceed the maximum rate of interest which the Town Bethel is obligated to pay to finance said project as determined by the Commission to be appropriate; provided, however, that if any such installment remains unpaid for 30 days after the same shall become due and payable, then at the option of the Commission, the entire unpaid balance of such benefit assessment, together with all unpaid interest, shall become immediately due and payable. In addition, the Commission shall have all of the rights provided by Section 7-254 of the Connecticut General Statutes, as amended, with respect to delinquent assessments.
- 7) Any property owner may prepay any or all installments for which such property owner is liable at any time prior to the due date thereof and no interest on any such prepaid installment shall be charged beyond the date of such payment.
- 8) A public hearing shall be held by the Bethel Public Utilities Commission on April 21, 2008 at 7:00 p.m. in the Auditorium of the Bethel Middle School, Whittlesey Drive, Bethel, Connecticut, or at such other place as the Chairman shall deem convenient, at which the owners of all properties listed on Schedule A shall have an opportunity to be heard concerning the proposed benefit assessments.
- 9) The Chairman is directed to cause notice of the time, place, and purpose of said hearing to be published in the Bethel Beacon, or other newspaper having circulation in the Town of

¹ Percent based on anticipated Bond interest rate.

Bethel, not later than Friday, April 11, 2008 and to mail not later than Friday, April 11, 2008, a copy of such notice, and of each property owner's proposed benefit assessment, to each such owner of property set forth on Schedule A at the owners' address as shown on the last completed grand list, or to any such subsequent address of which the Commission may have knowledge.

- 10) For benefited properties set forth on Schedule A which, subsequent to October 1, 2007, are or have been subdivided so as to increase their number of parcels or improved so as to increase the number or character of their existing residential, commercial or other uses, the Commission shall levy a supplemental benefit assessment based upon the Formula for Calculating Benefit Assessments attached to and made a part of this Resolution. In addition, for properties which are not set forth on Schedule A, and for properties served by Phase I of the Stony Hill Sewer Project which have not been previously assessed, but which connect directly or indirectly to the Phase I sewers in the Stony Hill Sewer Project, the Commission shall levy a benefit assessment or a supplemental benefit assessment based upon the Formula for Calculating Benefit Assessments attached to and made a part of this Resolution.
- 11) The monies derived from the payment of all such benefit assessments, net of any collection expense, shall be placed in a specially designated fund to be used from time to time by the Commission for one or more of the following purposes: (a) for the reimbursement to the Town of Bethel on account of any bonds or other borrowings issued or made by the Town of Bethel in connection with the construction of the Stony Hill Sewer Project (b) for repair, improvement or additional Project expenses associated with the Stony Hill Sewer Project.
- 12) The Chairman is directed to cause a copy of each proposed benefit assessment to be imposed pursuant to this Resolution to be placed on file for public inspection in the office of the Town Clerk of the Town of Bethel not later than 10:00 a.m. on Friday, April 11, 2008.

**Formula for Calculating Benefit Assessments
Phase I Stony Hill Sewer Project**

Section 1: Previously Assessed Properties

A. For benefited properties which, subsequent to October 1, 2007, are divided or subdivided so as to increase their number of parcels or improved so as to increase the number or change the character of their existing residential, commercial or other uses, the Commission shall levy a supplemental benefit assessment.

B. Such supplemental benefit assessments shall be determined in accordance with the following formula:

Supplemental Sewer Benefit Assessment = (unit charge x classification factor) plus \$6,000 for each new building lot added or created after October 1, 2007.

C. Unit Charge - The unit charge shall be \$8,500.00.

D. The supplemental benefit assessment shall be adjusted as necessary to insure that the supplemental benefit assessment reflects only the incremental increase, i.e., change, in the overall benefit assessment resulting from the new or changed use and/or additional building lot. For example, a change of use from single family dwelling (classification factor = 1) to single family dwelling with accessory apartment (classification factor = 1.25) would result in a supplemental benefit assessment of \$2,125 ($\$8,500 \times 0.25 = 2,125$). A change of use from vacant land (classification factor = 1) to single family dwelling (classification factor = 1) would not result in a supplemental benefit assessment.

Section 2. Properties Not Previously Assessed

A. For properties which have not been assessed, but which connect directly or indirectly to the Phase I sewers in the Stony Hill Sewer Project, the Commission shall levy a benefit assessment.

B. Such benefit assessments shall be determined in accordance with the following formula:

Benefit Assessment = (unit charge x classification factor) plus (and "assessment charge" equal to 4.5% of the property's assessed value on the most recently completed Bethel Grand List)

C. Unit Charge - The unit charge shall be \$8,500.00.

Section 3. Payment of Supplemental Benefit Assessments and New Benefit Assessments

Such supplemental benefit assessment or new benefit assessment shall be due and payable as follows: The assessment may be paid in full at the time assessed, or if an existing installment method for the payment of the original benefit assessments remains in effect, the assessment may be paid in equal principal installments, together with interest at the established rate, over the remaining term of the installment payment plan.

Section 4. Classification Factors

For purposes of establishing such assessments, the following classification of properties shall apply:

(1) Residential property shall include property designed or used for year round or seasonal occupancy as follows:

- (a) Single family dwelling - a dwelling for one single family.
- (b) Single family dwelling with accessory apartment - a dwelling for a single family with an additional unit for related family members, provided that said unit is currently permitted by the Bethel Zoning Commission.
- (c) Multifamily dwelling - a dwelling for two or more family units.
- (d) Single family condominium dwelling - an individually owned single family dwelling within a multi-unit condominium structure.

(2) Commercial/industrial property includes properties designed or used for commercial and industrial purposes, excludes residential use classified under subsection 1 above and excludes restaurant properties classified under subsection 3 below and shall include, but is not limited to:

- (a) motel, hotel, boarding house and bed and breakfast inn - buildings normally operated for commercial purposes providing rooms, toilet facilities and may include dining and other facilities.
- (b) Commercial:
 - (i) retail - includes properties used for all common retail operations including, but not limited to, grocery and convenience stores, delicatessens, gas stations, automotive repair garages, nurseries, beauty salons, pharmacies, florists and kennels.
 - (ii) professional office - includes, but is not limited to, banks, medical offices and law offices.
- (c) industrial - includes, but is not limited to, structures used in all manner of manufacturing operations and machine shops.
- (d) warehouse - all structures used solely for the storage of merchandise, commodities or household goods.

(3) Restaurant property shall include properties designed or used as:

- (a) restaurants
- (b) luncheonettes
- (c) bars

(4) School property shall include:

- (a) all educational facilities operated, designed for or used by public or private entities.

(5) other property shall include, but is not limited to-

- (a) churches
- (b) hospitals
- (c) nursing homes and convalescent homes
- (d) government buildings
- (e) mixed use property including, but not limited to; residential/commercial, residential/restaurant, commercial/restaurant
- (f) any other property benefiting from the availability of public sewers

(3) Classification Factor - Each existing or subsequently added unit shall have a classification factor applied to the Unit Charge according to the property classification(s) defined herein. The basic unit value shall be modified by the appropriate classification factor in accordance with the following schedule:

PROPERTY CLASSIFICATION	CLASSIFICATION FACTOR
vacant land	1
single family dwelling	1
single family dwelling with accessory apartment	1.25
single family condominium dwelling	0.75
multi-family dwelling	(1.0) + (0.5 for each dwelling contained in the structure)
hotel/motel/boarding house/ Bed & Breakfast Inn	(1.0) + (0.25 for each sleeping unit contained in the structure)
Commercial	(1.0) + (0.50 for each increment of 3000 square feet of building space, or fraction thereof)
Commercial Condominium	(1.0 ÷ total number of condominium unites within building) + (0.50 for each increment of 3,000 square fee of condominium unit space or fraction thereof)
Industrial	(1.0) + (0.50 for each increment of 5000 square feet of building space, or fraction thereof)
Warehouse	(1.0) + (0.50 for each increment of 20,000 square feet of building space, or fraction thereof)
Restaurants/Luncheonettes/Bars	(1.0) + (0.50 for each 30 persons, or fraction thereof, permitted to be seated at any one time, as determined by the commission based upon available information as provided by the Fire Marshal's office)
Schools	See detailed procedure explained in Section 5.3.5 (c) below
Churches Structure	(1.0) for each intended for human occupancy
Government Buildings	Same as Commercial Classification
Mixed use Properties	Sum of factors obtained by the application of appropriate formulas for each particular classification
Hospitals and Nursing Homes	(1.0) + (0.10 per each licensed bed)

(c) Determination of Classification factor for schools -

(1) Schools with cafeteria facilities and athletic programs which include locker room and shower facilities shall be assessed 1 Unit Charge for each 225 gallons per day (GPD) of wastewater discharged by the facility based on the application of the following formula. For the purposes of the initial assessment, the number of staff and pupils using the facility as of October 1, prior to the assessment date shall be used.

number of (pupils + staff) x 8 GPD = total flow from the facility
 total flow/225 GPD = number of assessable units
 number of assessable units x Basic Unit Charge = total unit charge

(2) Schools with cafeteria facilities and athletic programs which do not include locker room and shower facilities shall be assessed 1 Unit Charge for each 225 gallons per day (GPD) of wastewater discharged by the facility based on the application of the following formula. For the purposes of the initial assessment, the number of staff and pupils using the facility as of October 1, prior to the assessment date shall be used.

number of (pupils + staff) x 7 GPD = total flow from the facility
 total flow/225 GPD = number of assessable units
 number of assessable units x Basic Unit Charge = total unit charge

(3) Schools which do not include cafeteria facilities or locker room and shower facilities shall be assessed 1 Unit Charge for each 225 gallons per day (GPD) of wastewater discharged by the facility based on the application of the following formula. For the purposes of the initial assessment, the number of staff and pupils using the facility as of October 1, prior to the assessment date, shall be used.

number of (pupils + staff) x 6 GPD = total flow from the facility
 total flow/225 GPD = number of assessable units
 number of assessable units x Basic Unit Charge = total unit charge

Sewer System Evaluation – Plumtrees Sewershed

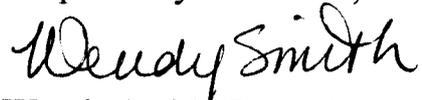
Town Engineer Andrew Morosky explained that, as part of the Consent Order issued by the DEP associated with the Chestnut Street Culvert Project, the Town of Bethel was given the opportunity to perform a Supplemental Environmental Project (SEP) in lieu of paying an approximate \$22,000 fine. The town opted to perform the SEP and suggested a project which consists of two parts: (1) Inflow and infiltration study of the Plumtrees Sewershed and, (2) Leak Detection Survey of the municipal water system. The DEP approved of the Town's suggested projects. The Commission's utility consultant, Heitkamp, Inc., submitted a proposal to perform part (1) of the SEP, the Inflow and Infiltration study.

Commissioner Gribbin made a motion, which was seconded by Selectman Szatkowski, to authorize Town Engineer Andrew Morosky to pursue an agreement with Heitkamp on

Step 1, subject to DEP approval. Cost is anticipated, not to exceed \$12,000. Vote, all in favor, motion unanimously approved.

As there was no further business to come before the Public Utilities Commission, Selectman Szatkowski made a motion, which was seconded by Commissioner Gribbin, to adjourn the meeting at 4:55 p.m. Vote, all in favor, motion unanimously approved.

Respectfully submitted,

A handwritten signature in cursive script that reads "Wendy Smith".

Wendy Smith, Recording Secretary