

BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

Wednesday, April 25, 2012 Room 133 7:00 p.m.

APPROVED MINUTES

1. **Convene Meeting:** Chairman Malwitz called the meeting to order at 7:00 p.m. with the following persons in attendance:

W.P.C.A.

Chairman Malwitz, Chairman

J. Jove

T. Lopez

* P. Kurtz

Others

J. Sienkiewicz, Commission Attorney

M. Finan, Commission Engineer

R. Prinz, Chief of Maintenance

D. Will, Inspector

S. Welwood, Commission Accountant

W. Charles Utschig, Birdsall Engineering

K. McPadden, Executive Administrator

E. Cole, Recording Secretary

H. Lasser, Selectman

*P. Kurtz was a voting member for this meeting.

2. **Approval of Minutes** – 3/28/12 Meeting –

K. McPadden noted two changes to the minutes – second paragraph of page 3 – change \$700 to \$740.

On page 4, two-thirds of the way down the page the bond costs should be \$5,610.00. **J. Jove made a motion to approve the minutes of the previous meeting as amended. T. Lopez seconded the motion, and it carried unanimously, 4-0.**

3. **Correspondence** - None.

4. **Old Business** - None.

5. **New Business**

a. 398 & 414 Federal Road – Connection Modification and Extension Request –

S. Sullivan of CCA, LLC was present to discuss the application.

D. Bertram of BRT was also present to discuss the application.

S. Sullivan stated that he and D. Bertram are asking to extend the existing approval and to modify the project approval that they had received in April 2011. The latest plans that were submitted on April 13, 2012 propose one large building on the south property, with the barn to be used as a community building for the residents of the complex, rather than the original coffee shop use. The age restriction is also being removed, and the unit count will be expanded from 110 to 165 units, due to the incentive housing overlay zone change approved by the Zoning Commission. S. Sullivan stated that the approved sewer flow last April was 18,060 gallons per day, and now the applicant is asking to modify that amount to 25,515 gallons per day. The larger building will use the same plan for sewer convenience – 4 sewer lines coming out of the building – one for the garage floor, and one for every other floor. The barn will also have its own line. D. Bertram noted that these will be rented as apartment units. J. Sienkiewicz asked if there was a permanent maintenance agreement for the property, and S. Sullivan stated that he believed that J. Sienkiewicz had drafted an amended agreement and easement that was dated November 22, 2010. S. Sullivan and D. Bertram asked that the permit be extended and then amended at the next meeting. J. Sienkiewicz stated that the easement would also need to be amended, since the plan will be amended. M. Finan will also review the amended plans.

T. Lopez made a motion to accept the application with the provision that the Commission will set the fees at the next meeting if necessary, and that the permit will be extended for ninety days. J. Jove seconded the motion, and it carried unanimously, 4-0.

J. Sienkiewicz asked D. Bertram and S. Sullivan how long they need the approval extended for, and J.

Sienkiewicz stated that he will review the regulations to determine if the permit can be extended for a longer

period of time than just one year because of the size of the project. D. Bertram and S. Sullivan agreed that a longer extension would be efficient, and Chairman Malwitz asked that D. Bertram bring a project timeline.

6. Accountant Report

a. Annual Review of Bank Accounts –

S. Welwood reviewed the Annual Review of Bank Accounts Report with the Commission.

b. Dedicated Fees -

S. Welwood reviewed the Dedicated Fees Report with the Commission.

c. Policies –

S. Welwood reviewed a brief description of the current policies that she and K. McPadden have been drafting, and she stated that she will continue to draft these policies so they will be available for the future. S. Welwood noted that these policies are a combination of policy and process and are very detail-oriented so they may be used for training purposes. The book of Policies is kept in the WPCA office.

d. Significant Open Special Projects –

S. Welwood reviewed the Significant Open Special Projects Report with the Commission.

e. Capital Project Status Report –

S. Welwood reviewed the Capital Status Report with the Commission.

f. YTD Financial Review –

S. Welwood reviewed the YTD Financial Report with the Commission.

7. Engineer Comments/Project Update

a. Old New Milford Road Sewer Extension Project –

M. Finan stated that there is no engineering activity to report for this project. R. Prinz stated that he had contacted the contractor and he is in contact with the State to get approval to pave earlier than the year from the settlement because the contractor would like to pave Old New Milford and Federal Road at the same time.

b. Sandy Lane Sewer Extension Project/Letter from J. Iapaluccio, Inc. dated 4/12/12 –

M. Finan stated that the paving issue has been worked out with the contractor who met with R. Tedesco to discuss the paving. M. Finan stated that Gray's Bridge Road and Old Gray's Bridge Road will be paved per the contract.

c. Caldor Pump Station Grinder -

M. Finan stated that the grinder has been ordered, and is due in on May 31st for construction in June. R. Prinz stated that the check valves are on order and are due in four weeks. R. Prinz stated that he had purchased the check valves for \$5,700.00. Chairman Malwitz asked for the reason why the current check valves are being replaced. R. Prinz stated that the new check valves are to improve efficiency, and it was noted that these check valves should pay for themselves in four to five years.

d. High Meadow/Ledgewood/Newbury Crossing Project -

M. Finan stated that the fly-over for the survey has been done, and the surveyors would like to complete the ground survey. J. Sienkiewicz stated that, statutorily, the surveyors can enter the property to complete the survey.

e. Delmar Drive Sewer Extension -

M. Finan stated that Birdsall Engineering is progressing with the design, and is currently designing the pump station. M. Finan stated that Birdsall and CCA have been in contact about the installation of the water line, so there will be some coordination between the water and sewer lines. CCA is looking to begin construction in July or August, and would like to put the water line in place after the WPCA has installed the sewer line. Chairman Malwitz stated that the estimate of the work to complete this project was \$731,000.00 from Birdsall Engineering. J. Sienkiewicz stated that the WPCA needs to go through approval with the Board of Selectmen. H. Lasser stated that he believed that this project had already been before the Board of Selectmen for approval of \$430,000.00. Chairman Malwitz clarified that the total approved is \$550,000. This project is a two-part project. This part of the

project is an extension of the original project and is being promulgated at the request of the property owners. Chairman Malwitz stated that this project has been approved through the Board of Selectmen and the Planning Commission for an 8-24 referral. P. Kurtz noted that this item should be put on the Board of Selectmen's next meeting agenda for funding.

T. Lopez made a motion to submit a request to the Board of Selectmen and the Board of Finance for funding in the amount of \$732,000.00 for the expansion of municipal sewers along Del Mar Drive. P. Kurtz seconded the motion. P. Kurtz withdrew his second, and the Commission withdrew the motion.

T. Lopez made a motion to recommend to the Board of Selectmen and to the Board of Finance the appropriation for \$750,000.00 to pay for the costs of the Del Mar Drive sewer extension, including legal, engineering, easement and land acquisitions as may be necessary and to meet said appropriation to authorize the issuance of bonds in the amount of \$750,000.00, and pending the issuance thereof temporary borrowings to fund said project. Said project will include the installation of approximately 1,500 linear feet of gravity main sewer line and approximately 650 linear feet of force main, and a sanitary sewer pump station and is intended to provide sewer services to industrial properties from 7 Del Mar Drive to 87 Del Mar Drive. P. Kurtz seconded the motion, and it carried unanimously, 4-0.

The Commission reviewed who will attend the next Selectmen's meeting to speak about the project. Chairman Malwitz asked M. Finan and K. McPadden if they would be available to attend the Selectmen's meeting because he will be out of town. H. Lasser stated that he would like to review the cost estimates for this project. The Commission confirmed the next meeting dates for both the Board of Selectmen and the Board of Finance meetings.

f. 20 Year Sewer Capacity Study –

W. Charles Utschig reviewed the Draft Twenty Year Capacity Study with the Commission. He stated that Birdsall used the State number for the design of the system, but when projecting actual flows, Birdsall used primarily historical data, which is a more accurate method for this type of study. W. Charles Utschig stated that there is also an analysis of the flow information that goes back to the 1980s. Birdsall took that information and related it to an equivalent unit. The goal was to combine all the uses into a unit of measure to determine a gallons per day unit per measure. The historical data showed a realistic flow rate per equivalent unit that was 100 gallons per day per unit consistently. W. Charles Utschig stated that if the flow rate determined by the Public health code was used, this number would be much larger. W. Charles Utschig stated that Birdsall met with the First Selectman to determine additional town growth that may be developed. W. Charles Utschig noted that Birdsall also included an additional 200 apartment units into the study, which are projected to become available within the next twenty years. W. Charles Utschig stated that this report combined all the properties that have been approved but not connected, and to establish a future sewer service area. W. Charles Utschig stated that this report excludes the properties that are zoned R-80 and larger because those parcels have the adequate size to use on-site septs, and these R-80 and above properties are farther from the sewer service area. There are 2,887 current units billed and Birdsall added units for a total of 3,159 units that would be connected or are proposed to be connected over the next twenty years. W. Charles Utschig stated that Birdsall accounted for more connections in the first five years. W. Charles Utschig stated that in twenty years, his projections report that the annual capacity will be 600,000 gallons per day, and the allotted current per-day capacity is 500,000 gallons. W. Charles Utschig suggested that the Commission review this report every five years, and at some point, the Commission re-negotiate the contract with Danbury at those times. T. Lopez stated that he had done some research about water usage and the relationship of waterlines to the sewer lines to the use capacity. W. Charles Utschig stated that Birdsall had reviewed this information, and much of it had remained consistent with the sewer extension plan that was already in place. J. Sienkiewicz asked how the equivalent unit is defined in the report. D. Will stated that a unit as defined by the WPCA is four full-timers for a business is one unit and for a residential unit, four people occupying the space is a unit. W. Charles Utschig stated that this unit of measure was also accounted for when calculating the equivalent units in the report.

Chairman Malwitz stated that he agrees that the plan should be reviewed every five and/or ten years. P. Kurtz asked if this study includes homes in areas that could be put on a sewer line, and W. Charles Utschig stated that those properties were also included. W. Charles Utschig stated that every property is accounted for at the

maximum zoning limit, and this amount was included in the numbers for the report. W. Charles Utsching stated that there are definite financial implications to reserving the amount of sewer capacity, because the fee amounts will only increase with time. J. Sienkiewicz suggested that this draft report be sent to the Department of Energy and Environmental Protection for review and comment. Although the document is public record, Chairman Malwitz stated that this report is for the Commission's use. J. Sienkiewicz stated that the current contract with Danbury is an inter-local agreement, and he believes that Chairman Malwitz should speak with the Selectmen about renewing the contract. The Commission agreed that this report should be sent to the Department of Energy and Environmental Protection.

g. Other Engineering Matters –

Chairman Malwitz stated that there were some severe flows coming down Federal Road, and he believes that the pipes should be looked at to be sure that the pipes can handle the capacity. Chairman Malwitz stated that the flow was in front of Gray's Bridge Commons at the corner across from the pump station across from Sleepy's. Chairman Malwitz stated that at some point the flows should be studied. W. Charles Utsching stated that the capacity should be monitored, and at some point, the WPCA should have a map to determine what the flow rates are.

8. Legal Matters

a. Termination of Permanent Maintenance Agreement and Release for 14 Candlewood Lake Road -

J. Sienkiewicz stated that this document relates to R&F Danbury, and he is holding a check in the name of Joseph Ades. J. Sienkiewicz stated that there was an indemnification clause that has now been replaced by an interest provision with a cap of \$7,500.00. J. Sienkiewicz stated that he has the revised document for Chairman Malwitz to sign.

b. Sandy Lane Amended Permanent Maintenance Agreement and Easement –

J. Sienkiewicz stated that he sent the easement back to be signed again, because it was signed incorrectly. J. Sienkiewicz stated that over a year ago he had drafted a maintenance agreement, and was waiting for an as-built drawing. J. Sienkiewicz stated that he sent what he had to M. Finan. J. Sienkiewicz noted that \$17,084.63 is being held in escrow pursuant to an existing permanent maintenance agreement that dates back to the 1970s. J. Sienkiewicz stated that the funds should go back to the condo association to put in the reserve fund, and the condo association would need to contribute a certain amount to the WPCA annually per the new Permanent Maintenance Agreement. J. Sienkiewicz reported that the original application was used to determine the numbers for the project. He stated that M. Finan reported that the replacement cost of this system is \$357,500.00 and although this system is already thirty-five or forty years old, J. Sienkiewicz treated the system as a new system for the two percent amount for depreciation. With this amount, the condo association would be contributing \$7,150.00 per year. J. Sienkiewicz stated that he would like the Commission's approval regarding this document.

J. Sienkiewicz stated he had drafted a resolution entitled "Proposed Assessments – Sandy Lane Sewer Extension". J. Sienkiewicz noted that for the property owners who have just hooked up to the sewer line who have never paid any amount for the sewer line, there will be an additional fee of two percent when these new owners hook up. J. Sienkiewicz stated that there are two schedules – one for those owners who do not need to pay the capital cost recovery connection fee and one for the owners who have never paid any amount and will have to pay the capital cost recovery connection fee in addition to the benefit assessment. J. Sienkiewicz stated that the reason that estimated amounts are used is because if a new building is constructed, the two percent amount should be paid on the new building. J. Sienkiewicz noted that the benefit assessment that the WPCA will be levying is 1.933 percent of the assessed value of the property, and this percentage will meet the \$375,000.00 project cost. J. Sienkiewicz stated that he also believed that twenty years was too long of a time period for the bond, so ten years is used in the resolution.

H. Lasser asked what the purpose of the two percent Capital Cost Recovery Connection Charge was. J. Sienkiewicz responded that this charge ensures that the new connections in the southwest district (who were not part of the original Southwest area) do not have a free connection when the originally assessed property owners have already paid into the district. He continued that the Capital Cost Recovery Connection Charge is allowed by and is consistent with State Statute, and is consistent with past practice. He explained that there was a public hearing on the matter in 2005 and no one has complained about it, and that the State recognized that this was a fair way to make an assessment. He stated that funds coming in from the two percent capital recovery fee in the

Southwest district are permitted to be unrestricted funds for general sewer construction, repair, maintenance, and upgrades. H. Lasser stated that this area is already paid for, and he would like to know the rationale for the charge. J. Sienkiewicz stated that this amount is to ensure that the new owners do not have an unfair benefit over those who have already paid for the sewers in that district. Chairman Malwitz stated that this assessment will pay for the ongoing maintenance of the sewer lines and pipes so that all of the property owners are not assessed again for maintenance. Chairman Malwitz stated that per state statute, if an improvement is made to the area, an assessment may be implemented. Chairman Malwitz stated that there is a fair amount of repair and upgrading to be done to the lines. H. Lasser noted that this amount for capital recovery and maintenance is in the WPCA's operating fund. Chairman Malwitz stated that that amount is not enough for the repairs and the improvements to the lines. H. Lasser stated that this assessment makes it difficult for a business to come into the area. R. Prinz stated that without the sewer line the businesses may not be able to build in Town. H. Lasser stated that the capital cost recovery amount should be included in the general operating budget. J. Sienkiewicz stated that if new property owners come onto the system, there will be a capital cost recovery amount of two percent based on the value of the property.

T. Lopez made a motion to adopt the resolution and schedule the public hearing for June 27, 2012 for Sandy Lane. J. Jove seconded the motion and it carried unanimously.

c. Delinquent Accounts –

J. Sienkiewicz stated that he has initiated three levy and sales with the WPCA Collector to start today. J. Sienkiewicz discussed the ongoing dispute with the Branhaven property. J. Sienkiewicz stated that this property was referred to him for collection in the summer of 2011. J. Sienkiewicz reported that he had received a phone call from Mr. Briggs, and at that time Mr. Briggs stated that he was disputing the fees. J. Sienkiewicz stated that he had told Mr. Briggs that the amount due was 10,750.00 per quarter. This amount would be applied to the benefit assessment, and then to resolve the undisputed accounts. J. Sienkiewicz stated that at that time he told him that he would work with him to try to resolve the disputed accounts. Mr. Briggs sent a letter to J. Sienkiewicz that he should not have to pay the sewer usage fee for the vacant units – there was a fire in one unit, and two combined units are vacant due to a sprinkler break. J. Sienkiewicz stated that he had asked Mr. Briggs to show evidence of the damage to the vacant units. J. Sienkiewicz noted that the property has been reviewed per a meeting of D. Will with the management company, and it was determined that some of the units were no longer units. J. Sienkiewicz stated that he sent another letter and levy and sale will proceed. J. Sienkiewicz stated that he met with Mary of the WPCA Office, and also went to the Fire Marshal's office for records of the sprinkler break. J. Sienkiewicz stated that with Mary of the WPCA office, he agreed to reduce or eliminate a number of charges. Where evidence was given when a unit was occupied or unoccupied, the bill for that use was reduced. The sprinkler-damaged units had been gutted, and the bill was reduced to correlate with the first notice from the owner of the sprinkler damage to some of the units. The owner still owes an undisputed benefit assessment of over \$3,000.00 and \$25,770.00 in unpaid use charges. Today, a letter was sent that stated that Branhaven agreed with some of the changes, but did not agree with the records of the sprinkler break, and at most, they are now contesting approximately \$3,600 of the \$25,000.00 bill. There is some information that was sent by the office of Branhaven that stated that the sprinkler break occurred in 2009, and does not match the records that were sent by the Branhaven office earlier last year. P. Kurtz asked if the property goes to sale, what number in line the WPCA is in to be paid the money that is due. J. Sienkiewicz stated that the taxes are first to be paid. J. Sienkiewicz noted that the sale may take up to twelve weeks. The Commission gave it's full support of the levy and sale for this property.

9. Chief of Maintenance Report

Grinder at Pump Station #1 -

R. Prinz stated that he ordered the valves for the pump station replacement and he will order the spool pieces when the valves arrive.

Sandy Lane Extension -

R. Prinz stated that the contractor is working with R. Tedesco and plans to complete the paving soon.

Old New Milford Road –

The State would like a different standard on the road than the Town does, and the contractor is seeking the State approval to complete the paving early.

Projects Under Study –

R. Prinz suggested that west of the Four Corners and the Craft Center/railroad area be considered when the planning for Dean Road is underway.

R. Prinz asked if anyone had made comments to the WPCA plan that he had been working on, and J. Sienkiewicz stated that he needs to edit the document. R. Prinz noted that the study for the state also needs to be completed.

BJ's - R. Prinz reported that the dewatering is under way for BJ's, with two frac tanks that have been dumped, and one remaining. T. Lopez asked how many tanks were used, and R. Prinz reported that there were three tanks used. R. Prinz noted that in the first layer extracted, the diesel fuel could be seen on the surface of the water. The area is clean now, and the tanks will be removed from the area. R. Prinz noted that all of the work took place during working hours.

30 Federal Road – R. Prinz noted that the remediation is done, and the property is connected.

Costco Addition - R. Prinz stated that the Costco project has started, and they will be doing a disconnection of the rug shop. Another bank will be built before the current bank is torn down. There is another sewer line on the north side of the bank that will also be removed.

R. Prinz stated that there is a new law regarding sewer bypass notification that he will need to check the effect this new law will have on procedures.

10. Other WPCA Business

- a. Inspection Fee Increase – Set Public Hearing for June
- b. User Fee Increase – Set Public Hearing for June

K. McPadden noted that the inspection fee is an hourly dedicated fee amount that will be increased from \$35.00 to \$50.00. R. Prinz asked if there are any other items, such as regulation changes, that need to also be adopted at the same time. The Commission replied in the negative.

J. Jove made a motion to set a public hearing to raise the authority's inspection fee from \$35 per hour to \$50 per hour and to raise the sewer use fee from \$85 to \$95 per unit per quarter for July 25, 2012 at 7:00 PM. P. Kurtz seconded the motion, and it carried unanimously, 4-0.

H. Lasser stated that he noted that the assumption for salaries for employees for the current WPCA budget is listed as four percent. He stated that he believed that there should be a common perspective for the entire Town, and that the WPCA employee wage increases are different from the Town's proposed amounts. Chairman Malwitz replied that T. Lopez is working with the Town's Human Resources director to determine the Town's employee increases. In regards to the user fee increase, Chairman Malwitz stated that if the unit charge increase is not adopted, the WPCA would need to take money from their reserve funds.

T. Lopez stated that he met with C. Greenwood to develop a system to complete the job descriptions and to create procedures. Chairman Malwitz stated that T. Lopez is focusing on developing a performance plan.

- c. U.S. Automation Proposal –

Chairman Malwitz stated that this proposal is to add additional monitoring, particularly in the southwest area in the Caldor station so that the WPCA knows where the flows are coming from. Chairman Malwitz stated that the WPCA knows that approximately two-thirds of the flow is generated in the southwest area, so the other nine outlying pump stations are contributing one third of the flow amount that the Town is sending to Danbury. Chairman Malwitz stated that the total cost of this project is approximately \$50,000.00. Chairman Malwitz noted that this a preliminary quote for the Commission's information. Chairman Malwitz stated that the new grinder will also be connected to the new monitoring system. Chairman Malwitz stated that this system would monitor the four major lines. Chairman Malwitz reported that this monitoring will help to determine that the infrastructure is adequate and will also monitor where the flow is coming from in terms of the units. T. Lopez asked if there are any other companies that the Commission is aware of that will do the same type of monitoring. Chairman Malwitz stated that this company, based on other quotes that had been received, offers the best price and the most insight, and he noted that this company monitors sewers all across the country. Chairman Malwitz stated that this

company uses units that go in the pump to measure flow and velocity and height in the pipe. On the other side of Federal Road at the corner near Gray's Bridge Commons, the owner is allowing the WPCA to use their electricity to install a box that attaches to the building that will monitor the sewer use. H. Lasser asked if the \$50,000.00 was included in the WPCA budget plans at this point in time. K. McPadden stated that S. Welwood and R. Prinz are going to establish a 5, 10 and 20 year capital improvements plan. Chairman Malwitz stated that there is not yet a full proposal and when there is a full proposal that is when the WPCA determines the funding. H. Lasser stated that he has no doubt that this project would add benefit, but he asked if this project is better to wait and do in a couple of years when there is planning in the budget for it. Chairman Malwitz stated that R. Prinz, S. Welwood and he will review where this project fits in the five-year capital plan, which will be available next month.

d. Deferred Assessments –

K. McPadden explained that a sewer customer will be applying for an assessment deferral, and she had some questions about the process. She and Atty. Sienkiewicz will discuss the process during normal business hours.

e. Dean Road Survey Update –

K. McPadden stated that she had sent a survey to every property owner on Dean Road, Pocono Road, and Silvermine Road. The results to date out of 91 possible replies are as follows: 11 yes's, 14 no's, 8 unsure's. These numbers also include the online responses. Chairman Malwitz stated that a follow-up response should be sent as a second request. K. McPadden stated that on some of the responses it seems as if some of the people who chose unsure might have meant no. Chairman Malwitz stated that the WPCA will not commit further engineering expenses until the Commission knows if the project will go forward or not.

f. Other WPCA Business –

T. Lopez stated that he has received the last job description that was submitted, and there will be a meeting with the committee to fine-tune some of the job descriptions. Chairman Malwitz stated that the committee has to complete review on the recommended job salaries. T. Lopez also stated that this project is employee-driven, and working with the Human Resources Department will allow the WPCA to be in alignment with the Town. T. Lopez reported that by the next meeting, the committee will be able to make a recommendation. Chairman Malwitz asked T. Lopez if he has reviewed similar job descriptions. R. Prinz noted that the authority has been part of the Town, but that the way that the WPCA is set up by the State is separate from the Town. H. Lasser stated that the employers need to be responsible, and that anyone who is hired for a position needs to be paid adequately for the job that they do. H. Lasser also noted that the Town is reacting to the pressure brought on by various contingencies, and that the increases should be minimized. H. Lasser stated that if an employee is being underpaid in comparison to similar positions in different towns that adjustment also needs to be made. T. Lopez stated that the purpose of asking each employee for personal feedback is so that the committee is more aware of the jobs that are completed by the employees.

11. Vouchers

The Commission reviewed the vouchers.

J. Jove made a motion to approve the vouchers as submitted. P. Kurtz seconded the motion, and it carried unanimously.

12. Adjournment

T. Lopez made a motion to adjourn at 10:43 PM. J. Jove seconded the motion, and it carried unanimously.

*** Next meeting scheduled for May 23, 2012 ***

RESOLUTION: PROPOSED ASSESSMENTS
SANDY LANE SEWER EXTENSION

WHEREAS the Water Pollution Control Authority, acting for the Town of Brookfield, has constructed a municipal sewer extension known as the Sandy Lane Sewer Extension at a cost of \$375,000.00; and

WHEREAS the Authority has determined that benefit assessments should be levied upon the lands and buildings, and upon the owners thereof, which are especially benefited by said Sandy Lane Sewer Extension but recognizes 1) that the properties in Sandy Lane Village Condominium and 195 Federal Road have previously been assessed a benefit assessment for the Southwest Area Sewer Expansion and 2) that other properties for which sewer service is now available by virtue of the Sandy Lane Sewer Extension, have not paid a benefit assessment for the Southwest Area Sewer Expansion and would be obligated, under the Sewer Use Rules and Regulations, to pay the Southwest Area Capital Cost Recovery Connection Charge upon connecting to the Southwest Area of the municipal sewerage system:

NOW, THEREFORE, after consideration of the relevant factors to be considered as described in Connecticut General Statutes, Section 7-249, and the obligation of certain property owners with respect to payment of the Southwest Area Capital Cost Recovery Connection Charge, the Authority proposes that benefit assessments be levied as follows:

- 1) The lands and buildings especially benefited by the Sandy Lane Sewer Extension are those set forth on Schedule A and Schedule B attached hereto and made a part hereof.
- 2) The benefits which have accrued to such land and buildings as a result of the construction or improvement of the Sandy Lane Sewer Extension and the Southwest Area Sewer System are to be recovered through the levy of benefit assessments.
- 3) The Authority proposes that all properties share proportionally in the cost of the Sandy Lane Sewer Extension, which cost is \$375,000.00.
- 4) All properties listed on Schedule A have heretofore been connected to the municipal sewerage system and have paid a benefit assessment for the Southwest Area sewer project. The Authority proposes that such properties and the owners thereof shall pay a benefit assessment in a principal amount equal to **1.933 percent** of such property's assessed value on the October 1, 2011 Grand List of the Town of Brookfield (October 1, 2011 revaluation) to recover a portion of the cost of the Sandy Lane Sewer Project.
- 5) The properties listed on Schedule B have not heretofore been connected to the municipal sewerage system and have not paid a benefit assessment with respect to the Southwest Area Sewer Expansion. The Authority proposes that such properties and the owners thereof shall pay a benefit assessment in a principal amount equal to **1.933 percent** of such property's assessed value on the October 1, 2011 Grand List of the Town of Brookfield (October 1, 2011 revaluation). **Such assessment of the Schedule B properties shall not relieve the owners of such properties from the payment of the Southwest Area Capital Cost Recovery Connection Charge¹ following connection of such properties to the municipal sewerage system.** The Southwest Area Capital Cost Recovery Connection Charge is currently **two percent (2%)** of the assessed value of the property, is due when billed and is estimated (based on current assessed value of the property) on Schedule B.
- 6) The Authority proposes that the benefit assessment levied against each such property may, at the option of the owner thereof, be paid **in 10 equal annual installments**, together with interest on the unpaid principal amount of such benefit assessment at the rate of **3.0% per annum** or at such other rate of interest not to exceed the maximum rate of interest which the Town of Brookfield is obligated to pay to finance said project as determined by the Authority to be appropriate; provided, however, that if any such installment remains unpaid for thirty (30) days after the same shall become due and payable, then at the option of the Authority, the entire unpaid balance of such benefit assessment, together with all unpaid interest, shall become immediately due and payable. In addition, the Authority shall have all of

¹ The Southwest Sewer Area Capital Cost Recovery Connection Charge was established by Resolution adopted on June 22, 2005. See also Sewer Use Rules and Regulations, Section 7.3.1.

the rights provided by Section 7-254 of the Connecticut General Statutes, as amended, with respect to delinquent assessments. Notwithstanding the foregoing, 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.

7) A public hearing shall be held by the Water Pollution Control Authority on Wednesday, **June 27, 2012 at 7:00 p.m. in Room 133** of the Brookfield Municipal Center, 100 Pocono Road, Brookfield, Connecticut at which the owners of all properties listed on **Schedule A** and **Schedule B** shall have an opportunity to be heard concerning the proposed benefit assessments. The Administrator of the Authority is directed to cause notice of the time, place, and purpose of said hearing, to be published in a newspaper having circulation in the Town of Brookfield, not later than **June 15, 2012**, and to mail a copy of such notice to the owner of each property set forth on Schedules A and B at the owners address as shown on the last completed Grand List, or any such subsequent address of which the Authority may have knowledge.

8) The Authority proposes that the benefit assessments levied with respect to the Sandy Lane Sewer Extension shall be due and payable on **September 1, 2012**.

9) For properties which are not set forth on **Schedule A** or **Schedule B** but which connect directly or indirectly to the Sandy Lane Sewer Extension and for benefitted properties set forth on **Schedule A** and **Schedule B** that are improved subsequent to October 1, 2011 so as to increase their assessed valuation for tax purposes, the Authority *proposes that it* shall levy a benefit assessment or a supplemental benefit assessment in the following manner:

A. For residential properties, including residential condominium units:

Step One: Determination of Assessment Valuation

a) The assessment for tax purposes of the subject property as of the date that such benefit assessment or supplemental benefit assessment is to be levied shall be adjusted to October 1, 2011. The purpose of such adjustment is to equalize the then current assessed value of the subject property for tax purposes to the value it would have had had it been assessed as part of the original levy of benefit assessments in 2012.²

b) The current assessment for tax purposes shall be adjusted to October 1, 2011 using the House Price Index Statistical Report - *All Transactions Index*³ for Connecticut as published by the Federal Housing Finance Agency (FHFA) with the base index number for October 1, 2011 fixed at 402.87 (i.e., 2011 Q3 = 402.87).

c) The ratio between the index number⁴ for the third quarter of the last revaluation year (as published on the date that the proposed benefit assessment or proposed supplemental benefit assessment is calculated⁵) and the October 1, 2011 index number (402.87) shall be established by dividing the 2011 index number (402.87) by the index number for the third quarter of the last revaluation year. The quarterly index number is for the third quarter of the last revaluation year, not necessarily the year in which the supplemental benefit assessment is levied⁶.

d) The current tax assessment⁷ (based upon the last revaluation year) shall then be multiplied by the ratio between the 2011 index number (402.87) and the index number for the third quarter of the last revaluation year to determine the equalized assessed value of the subject property as of October 1, 2011.

² Note: The 2012 **proposed** benefit assessments are based on tax assessments on the October 1, 2011 Grand List.

³ Currently at <http://www.fhfa.gov/Default.aspx?Page=87>

⁴ Since the benefit assessment or supplemental benefit assessment is based on the October 1 assessment, the third quarter (Q3) index number for the particular year should be used if it is available. Otherwise the second quarter (Q2) index number should be used.

⁵ The historical HPI index numbers are updated quarterly and as a result are subject to change. It is presumed that the change is within the range of the standard error as published as part of the HPI. As such, the index number to be used is the number as published on the date that the calculation is made.

⁶ If the supplemental assessment is levied in 2014, the index number utilized would be for 2011 Q3, since 2011 would be the last revaluation year prior to 2014.

⁷ Current year tax assessments are presumed to be equalized to the last revaluation year by the Tax Assessor in accordance with state law.

Step Two: Calculation of Benefit or Supplemental Benefit Assessment

e) The benefit assessment or supplemental benefit assessment shall be levied in an amount equal to 1) for properties listed on **Schedule A**, 1.933 **percent (1.933%)** of such property's equalized assessed value as of October 1, 2011 determined in accordance with Step One; and 2) for properties listed on **Schedule B** and for any property not listed on either Schedule A or Schedule B, 1.933 **percent (1.933%)** of such property's equalized assessed value as of October 1, 2011 determined in accordance with Step One.

The Resolution adopted March 21, 2007, concerning Benefit Assessment Adjustments - Federal Road Sewer Project, paragraph 7(A)(c), (d) and (e) contains examples of how the calculations is to be made with respect to residential properties after the next property tax revaluation.

B. For industrial and commercial properties, including industrial or commercial condominiums and apartment houses:

Step One: Determination of Assessment Valuation

aa. The assessment for tax purposes of the subject property as of the date that such benefit assessment or supplemental benefit assessment is to be levied shall be adjusted to October 1, 2011. The purpose of such adjustment is to equalize the current assessed value of the subject property for tax purposes to the value it would have had had it been assessed as part of the original levy of benefit assessments in 2012.⁸

bb. The current assessment for tax purposes shall be adjusted to October 1, 2011 using the Industrial Cost Trend data published by Factory Mutual Insurance Company within the FM Global Property Loss Prevention Data Sheets and entitled "Industrial Cost Trends"⁹ for New England with the base index number for October 1, 2011 fixed at 318.00 (**i.e., 2011 = 318.00**).

cc. The ratio between the index for July of the last revaluation year¹⁰ (as published on the date that the proposed benefit assessment or proposed supplemental benefit assessment is calculated¹¹) and the October 1, 2011 index number (**318.00**) shall be established by dividing the 2011 index number (**318.00**) by the New England index number for July of the last revaluation year. The July index number is for July of the last revaluation year, not necessarily the year in which the supplemental benefit assessment is levied.

dd. The current tax assessment shall then be multiplied by the ratio between the 2011 index number (**318.00**) and the July index number for the last revaluation year to determine the equalized assessed value of the subject property as of October 1, 2011.

Step Two: Calculation of Benefit or Supplemental Benefit Assessment

ee. The benefit assessment or supplemental benefit assessment shall be levied in an amount equal to **1.933 percent (1.933 %)** of such property's equalized assessed value as of October 1, 2011 determined in accordance with Step One.

The Resolution adopted March 21, 2007, concerning Benefit Assessment Adjustments - Federal Road Sewer Project, paragraph 7(B)(cc), (dd) and (ee) contains examples of how the calculation is to be made with respect to commercial and industrial properties after the next property tax revaluation.

⁸ Note: The 2012 benefit assessments are based on tax assessments on the October 1, 2011 Grand List. The October 1, 2011 Grand List is presumed to be equalized as required by State law.

⁹ See <http://www.fmglobal.com/FMGlobalRegistration/Vshared/FMDS0903.pdf>

¹⁰ Data is compiled as of January and July of each year. Since the benefit assessment or supplemental benefit assessment is based on the October 1 assessment, the most current index number available (preferably July) should be used.

¹¹ It is assumed that any discrepancy will be within the range of error of the published index number. As such, the index number to be used is the number available as of the date that the calculation is made.

10. The Authority *proposes that* the funds derived from all such benefit assessments and supplemental benefit assessments of properties listed on **Schedule A** and **Schedule B** be placed in a specially designated *and segregated* fund to be used from time to time in a manner determined by the Authority for one or more of the following purposes: (a) to meet the payment obligations with respect to any bonds or debt obligations issued by the Town of Brookfield in connection with the Sandy Lane Sewer Extension; (b) to reduce, on a proportionate basis, the amounts owed by reason of the benefit assessments and supplemental benefit assessments levied against the properties especially benefitted by the Sandy Lane Sewer Extension; and (c) for extensions within the area of and improvements to the Sandy Lane Sewer Extension, including any capital projects related to increased use of the Three Condominium Sewer Extension or downstream facilities.

11. The Authority proposes that it shall review the assessment program with respect to the Sandy Lane Sewer Extension from time to time. If it appears to the Authority that the funds restricted pursuant to Paragraph 7(a) above will substantially¹² exceed the amount necessary to pay for all capital and borrowing costs associated with the construction, expansion, extension within the area of and improvements to the Sandy Lane Sewer Extension facilities, the Authority shall consider providing credits or reductions to the assessment rate to reduce, on a proportionate basis, the amounts owed by reason of the benefit assessments and supplemental benefit assessments.

12. The Administrator of the Authority is directed to cause a copy of the proposed benefit assessments to be placed on file in the office of the Town Clerk of the Town of Brookfield not later than 10:00 a.m. on **June 15, 2012**.

¹² The Authority retains discretion to determine when future reductions in or credits against benefit assessments may be considered. Notwithstanding such discretion, the Authority proposes that a twenty percent (20%) over-collection shall be deemed substantial.

SCHEDULE A

New Hook- Ups √	#	Street	Owner	Proposed 1.933% Benefit Assessment
	1	Homestead Lane	KELLY DOROTHY C	\$1,632.02
	2	Homestead Lane	AUGSTEIN JEFFREY M	\$1,554.12
	3	Homestead Lane	KALLIVROUSIS DANNY R & ELIZABETH M	\$1,598.77
	4	Homestead Lane	GARAVAL ROBERT M	\$1,554.12
	5	Homestead Lane	HUSSAIN ZAHID & CHAUDHRY SHAZIA	\$2,117.77
	6	Homestead Lane	MIDDLEMISS DONNA L	\$2,059.01
	7	Homestead Lane	CALLAHAN BERNARD J	\$2,117.77
	8	Homestead Lane	CHRISTIANSEN LINDA M	\$2,059.01
	9	Homestead Lane	SAYEGH WADI & KAFA	\$2,117.77
	10	Homestead Lane	GAUDIOS JANET	\$2,059.01
	11	Homestead Lane	BURRIESCI NICHOLAS J & ANN M	\$2,117.77
	12	Homestead Lane	SCANDALIATO GLORIA JEAN	\$1,911.91
	13	Homestead Lane	MCAVOY KEVIN	\$2,138.07
	14	Homestead Lane	SHAH MUKESH & KAILAS M	\$2,339.87
	15	Homestead Lane	SADANA CHIRAG	\$1,598.77
	16	Homestead Lane	GOMES MARIA & ARIOSVALDO	\$1,554.12
	17	Homestead Lane	CHAPMAN YVONNE	\$1,598.77
	18	Homestead Lane	MICHAEL MARCANNE M	\$1,554.12
	19	Homestead Lane	LANGE DEBORAH	\$1,598.77
	20	Homestead Lane	PIERING JEFFREY	\$2,059.01
	21	Homestead Lane	BUDNER CINDY	\$1,598.77
	22	Homestead Lane	BERTALOVITZ RUTHANN	\$2,059.01
	23	Homestead Lane	FRAIOLI ROBERT B	\$2,117.77
	24	Homestead Lane	POLLANDER LORETTA L	\$2,059.01
	25	Homestead Lane	KENNY KATHERINE L	\$2,117.77
	26	Homestead Lane	SEDGHI SINA AND ROUSHANK	\$2,078.54
	27	Homestead Lane	PARSONS GRACE M	\$2,117.77
	28	Homestead Lane	KATRULYA SARAH B	\$2,059.01
	29	Homestead Lane	DERASMO ANNETTE M	\$2,117.77
	30	Homestead Lane	CRONIN JAMES & KATAPODIS THERESE M	\$2,061.14
	31	Homestead Lane	FOX SETH	\$2,117.77
	33	Homestead Lane	JONES PHILIP & DIANE	\$2,090.13
	34	Homestead Lane	MURAWSKI PATRICIA A	\$1,554.12
	35	Homestead Lane	CARVALHO VANIA	\$2,167.26
	36	Homestead Lane	GUGLIUZZA LISA	\$1,554.12
	37	Homestead Lane	PFAHL MICHAEL F	\$2,241.87
	38	Homestead Lane	MEY JOAN W	\$2,059.01

39	Homestead Lane	MESSINA ERICA	\$2,353.02
40	Homestead Lane	PULLEN SARAH	\$2,059.01
41	Homestead Lane	KRESTOFETZ REBECCA E	\$2,148.51
42	Homestead Lane	BARNA MELANIA	\$2,059.01
43	Homestead Lane	OLDHAM CHRIS W	\$2,087.04
44	Homestead Lane	MORGAN CLIFF AND ARLENE J	\$2,059.01
45	Homestead Lane	SAMBUCO FIONA M MARANO JOANN T & ANDERSON KEITH D	\$2,265.26
46	Homestead Lane	TIERNEY JAMES F & MARY E	\$2,059.01
47	Homestead Lane	TIERNEY JAMES F & MARY E	\$2,234.91
48	Homestead Lane	DIAMOND DANIEL J	\$2,032.14
49	Homestead Lane	CAPELIN EDNEI & DANIELLE GOULD BARBARA E & DELISLE THOMAS E	\$2,263.52
50	Homestead Lane	E	\$2,032.14
51	Homestead Lane	MURPHY J PATRICK	\$2,090.13
52	Homestead Lane	SCALZO SANDRA J	\$2,059.01
53	Homestead Lane	BOZEK EDMUND J JR	\$2,117.77
54	Homestead Lane	TURCHIANO JOHN & TERESA	\$2,059.01
55	Homestead Lane	ZHU SUSANNA X	\$2,117.77
56	Homestead Lane	NORISSON PATRICIA	\$2,059.01
57	Homestead Lane	FREDERICKS ADAM	\$2,117.77
58	Homestead Lane	DOUGLAS BRIAN W	\$2,059.01
59	Homestead Lane	AMBLER REAL ESTATE COMPANY LLC	\$2,117.77
60	Homestead Lane	RICCIO MICHAEL L & CELESTE E	\$2,059.01
61	Homestead Lane	CHOMIAK DARIUSZ & DANUTA	\$2,117.77
62	Homestead Lane	CHELLADURAI JAGANATHAN & PARAM	\$2,059.01
63	Homestead Lane	HOSSAN JEANETTE L CHAN AARON W AND AMY L AND GENE W CHAN LAI SHEUNG AND HENRY LIFE USE	\$1,598.77
64	Homestead Lane	USE	\$2,196.83
65	Homestead Lane	LAMP DAVID R & SONIA L	\$1,628.54
66	Homestead Lane	CHOMIAK DARIUSZ & DANUTA	\$2,032.14
67	Homestead Lane	COLOMBO JUDITH A SANDY LANE VILLAGE CONDO ASSOC INC C/O SCALZO PROPERTY MANAGEMENT CO	\$2,090.13
68	Homestead Lane	MANAGEMENT CO	\$2,059.01
69	Homestead Lane	RUGGIERO ROBIN	\$2,090.13
70	Homestead Lane	KNOWLES RICHARD T & BARBARA A	\$2,059.01
71	Homestead Lane	WEBB-WRIGHT NANCY	\$2,032.14
72	Homestead Lane	ALTERMAN JEFFREY P	\$2,059.01
73	Homestead Lane	BARNUM DIANNE L & GEORGE C III	\$2,032.14
74	Homestead Lane	MOROS CHRISTOPHER	\$2,059.01
75	Homestead Lane	HALL-HERON ALEXANDRA BLINEBRY DONALD & LOPEZ	\$2,090.13
76	Homestead Lane	ESPERANZA	\$2,059.01
77	Homestead Lane	FOSTER MILDRED L ALMADY AHMED & ELHASSANIN	\$1,598.77
78	Homestead Lane	HANNAN	\$2,353.21

79	Homestead Lane	WEISS DONALD S	\$1,598.77
80	Homestead Lane	BRAND LISA	\$2,032.14
81	Homestead Lane	BISCOE ROBERT E & CHARLOTTE E	\$2,117.77
82	Homestead Lane	CURRY KATHLEEN A	\$2,032.14
83	Homestead Lane	HENDLER THERESA TKAZYIK FRANK J & HURLBUT	\$2,117.77
84	Homestead Lane	CATHERINE	\$2,059.01
85	Homestead Lane	SCALZO DAVID A	\$2,138.07
86	Homestead Lane	WOJTULEWICZ MARY	\$2,059.01
87	Homestead Lane	WOODWORTH DEBRA L	\$2,117.77
88	Homestead Lane	GRIFFIN MARIBETH	\$2,059.01
89	Homestead Lane	GANDBHIR SANDEEP S	\$2,117.77
90	Homestead Lane	SHAHNAAZ PAUL	\$2,059.01
91	Homestead Lane	HASSEN JEAN E	\$1,451.86
92	Homestead Lane	CAPALBO ELIZABETH M	\$2,032.14
93	Homestead Lane	RAPP TOBY DAWES DAVID KEITH & SCHLUTER	\$1,598.77
94	Homestead Lane	CHRYSTAL	\$2,032.14
96	Homestead Lane	NGUYEN KIM	\$2,059.01
98	Homestead Lane	PRASAD JANNIAH S & SHANTI R	\$2,059.01
100	Homestead Lane	SORRENTINO THERESA L	\$2,059.01
102	Homestead Lane	KNIPPEL ROBERT & DAMARIS	\$2,059.01
104	Homestead Lane	MATTIA JAMES F	\$2,032.14
106	Homestead Lane	SLEATH ELAINE	\$2,263.52
108	Homestead Lane	SAKAMURI RAMANA S	\$2,263.52
110	Homestead Lane	CARPENTER-HILL SUSAN H	\$2,263.52
112	Homestead Lane	DRISCOLL ANN K	\$2,263.52
114	Homestead Lane	SNOW JOE W & BARBARA J	\$2,263.52
116	Homestead Lane	HOCKSPRUNG PETER D & JUCIARA	\$2,285.17
118	Homestead Lane	PURCELL JAMES L III GONDA JACKSON & EDELMANN	\$2,263.52
120	Homestead Lane	HEATHER	\$2,427.25
195	Federal Road	BERKSHIRE INDUSTRIAL CORP	\$85,414.79

SCHEDULE B

New Hook-Ups √	#	Street	Owner	Proposed 1.933% Benefit Assessment	Estimated 2% Capital Cost Recovery (due upon connection)
√	2	Old Grays Bridge Road	VOLPE DOMINICK C JR & JOANNE	\$3,011.78	\$3,116.20
√	8	Old Grays Bridge Road	ANTOUS RICHARD	\$3,401.27	\$3,519.20
√	12	Old Grays Bridge Road	COLADARCI BEATRICE	\$2,957.08	\$3,059.60
√	20	Old Grays Bridge Road	KELLEY STEPHEN L	\$7,853.32	\$8,125.60
√	28	Old Grays Bridge Road	KELLEY STEPHEN L	\$3,505.08	\$3,626.60
√	35	Old Grays Bridge Road	BROOKFIELD TOWN OF GRAYS BRIDGE PARTNERS	\$8,389.14	\$8,680.00
√	48	Old Grays Bridge Road	LLC	\$11,641.77	\$12,045.40
√	58	Old Grays Bridge Road	GB LLC	\$21,850.43	\$22,608.00
√	21	Sandy Lane	SNOWFIELD LLC	\$2,395.74	\$2,478.80
√	30	Sandy Lane	PARKER JEFFREY A & NANCY J	\$4,367.57	\$4,519.00
√	114	Grays Bridge Road	CUNNINGHAM, ROY & LORNA	\$3,095.09	\$3,202.40
√	120	Grays Bridge Road	MOTTOLA, DIANE L	\$2,696.90	\$2,790.40