

BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

Wednesday, June 27, 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.

N. Malwitz, Chairman
L. Trojanowski-Marconi, Vice Chair
P. Donohue
J. Jove
T. Lopez
P. Kurtz, alternate
C. Scott, alternate

Others

J. Sienkiewicz, Commission Attorney
M. Finan, Commission Engineer
W. Davidson, First Selectman
Howard Lasser, Selectman
W. Leverage, Controller
R. Prinz, Chief of Maintenance
D. Will, Inspector
F. Fisher, Part Time Inspector
K. McPadden, Executive Administrator

7:00 p.m. PUBLIC HEARING – SANDY LANE SEWER PROJECT – To receive public comment with respect to the proposed levy of benefit assessments upon properties especially benefitted by the availability of sewers through the construction of the Sandy Lane Sewer Project

Chairman Malwitz opened the Public Hearing at 7:03 p.m. and read the Legal Notice as it was printed in the Danbury News Times. He explained the reasoning for this new sewer line, and stated that the assessment rate is derived by taking the total cost of the project (estimated at \$375,000) and dividing it by the total grand list of all of the properties on the line as assigned by the Tax Assessor, which comes out to 1.933%. This percentage is then multiplied times each property value to arrive at the total benefit assessment for each property. This benefit assessment will be payable over ten (10) years, with an estimated interest rate of 3%. The bills will be mailed on or around September 1, 2012, and will be delinquent after October 1, 2012. Chairman Malwitz opened the floor to questions. Mrs. Volpe, 2 Old Grays Bridge Road asked if she would be required to pay the assessment regardless of whether she connects or not. Chairman Malwitz explained to her that she is not required to connect, but she would be assessed either way. Atty. Sienkiewicz added that the Sandy Lane Condominium complex will be required to maintain a Permanent Maintenance Agreement account, which may be used to cover the costs of new sewer lines should their existing pipes ever need to be repaired or replaced. Mr. Lasser asked if any of the benefitted properties will be changed an Outlet Capacity Charge. Chairman Malwitz stated that the properties currently connected as part of the original Southwest area will not be required to pay an Outlet Capacity Charge – only the properties new to the sewer system will be subject to the charge. Mr. Lasser opined that neither the Outlet Capacity Charge nor the 2% Capital Cost Recovery Connection Charge are necessary, that that the latter is a duplication of charging twice for the same thing. C. Scott asked how many other properties were given an incorrect benefit assessment amount like Mrs. Volpe and suggested that a revised letter be sent out. Atty. Sienkiewicz stated that if the Resolution is approved this evening, the correct amounts will become part of the minutes and that a letter is not necessary. The public hearing was closed at 7:21 p.m.

2. **Approval of Minutes** – 5/23/12 Meeting – **A motion was made by L. Trojanowski-Marconi to approve the minutes of the May 23, 2012 meeting. The motion was seconded by T. Lopez and it carried unanimously.**
3. **New Business**
 - a. Sandy Lane Sewer Project - To consider and act upon Resolutions establishing assessments, connection charges and setting collection dates.
Atty. Sienkiewicz reviewed the proposed Resolution and explained that there will be a reduction in the total benefit assessment amount due to the Board of Assessment appeal adjustment of 58 Old Grays Bridge Road, which reduced their assessed property value, therefore lowering the benefit assessment from \$21,850.43 to \$7,613.51. Chairman Malwitz explained that the bond will be a 10-year bond rather than a 20-year bond, and the bills will go out in September rather than December, to relieve the office staff of billing all assessments in one month (normally December). Mr. Lasser explained that he spoke

with financial advisor Jeanette Marcone, and as long as she is notified, they can adjust the bond amortization schedule in tiers to allow for the 10 year versus 20 year payoff. Chairman Malwitz stated that the bonds are callable, and Mr. Lasser explained that although the bonds are callable, there is a time period in which you have to wait. He stated that a periodic analysis is conducted to determine whether or not it is cost effective to execute a call & explained that it can only be done it once. Chairman Malwitz stated that as of right now, the interest rate is estimated at 3%; if the bond winds up being 2½ %, State law requires the WPCA to lower the interest rate to whatever the bond rate is.

A motion was made by L. Trojanowski-Marconi to adopt the Sandy Lane Resolution as proposed and to levy the benefit assessments on September 1, 2012 as set forth in Schedules A & B, with the exception of 58 Old Grays Bridge Road, which is lowered to \$7,613.51. The motion was seconded by T. Lopez and passed unanimously. Mr. Lasser asked Atty. Sienkiewicz if there was language in the Resolution to remove the 2% Capital Cost Recovery Connection Charge should it be determined that it is a duplicative fee and not necessary. Atty. Sienkiewicz stated that there is not.

b. 227-235 Federal Road – Application to Connect

Present on behalf of the owner was Mike Lillis from CCA, LLC. He explained that the property owner is proposing to demolish the existing structures at 227 and 235 Federal Road and construct one 25,000 square foot building. The project has been approved by Zoning, and 12,000 square feet will be used for a furniture showroom, and 12,800 square feet will be used as regular retail. The building will connect to MH 827, which is just north of the outbound driveway from Rite Aid, with one lateral to be extended to the center of the new building, and a greasetrap to be accessed through a small mechanical room inside the building. Mr. Lillis explained that the retail portion may be divided into up to 7 storefronts, and the anticipated flow for the entire building is roughly 500 gpd. Chairman Malwitz asked if there was an application to disconnect as well. Mr. Lillis stated that currently 2 out of 3 of the existing buildings are connected, and they will need to be disconnected and demolished. T. Lopez asked if Mr. Lillis knew what the timeframe of the project was, and Mr. Lillis expects them to break ground in the fall. **L. Trojanowski-Marconi made a motion to accept the application for 227-235 Federal Road, to forward it to the engineer for review upon receipt of \$2,700.00 escrow fees (\$1,100 engineering, \$1,600 inspection), and to continue the application to next month. T. Lopez seconded the motion and it carried unanimously.**

c. 763 Federal Road – Application to Connect

Present on behalf of the owner were Kathy Castagnetta from Arthur H. Howland & Associates, P.C. and Orville Aarons from The Community's Bank. Mr. Aarons explained that the property is bank owned as a result of a foreclosure, and the plan is to complete the majority of the site work and re-market the property. Ms. Castagnetta explained that there is a sewer connection from the previous building which goes into the lateral at the rear of the building and the plan is to install a grease trap which will connect into the existing pipe. They are working with CL&P to get an easement for the conduit that was hooked up to the transformer without permission. Atty. Sienkiewicz stated that there were prior legal expenses incurred in an effort to stop the prior owner from making the connection without permission or an easement. He also stated that, as previously discussed with Mr. Aarons, the applicant would need to reimburse the WPCA for some of the cost of the easement. Mr. Aarons noted that they intend to be cooperative and are prepared to do what is reasonable and appropriate to get this property sold. He explained that it was his understanding that the required easements are from CL&P and the adjacent property owners. Atty. Sienkiewicz stated that although that may be true, they still need permission from the WPCA to use the easement. Mr. Aarons will have his attorney contact Atty. Sienkiewicz to discuss the necessary steps involved in getting the electrical situation straightened out. He stated that they are looking to break ground next week to complete the site work and would like to get all of the approvals in place in order for them to sell the property. A Permit to Connect was issued in December of 2006, but has since expired and been null and void due to the electrical issues. **A motion was made by P. Kurtz to accept the application for 763 Federal Road, to forward it to the engineer for review upon receipt of \$3,000 escrow fees (\$750 engineering, \$800 inspection, \$1,450 legal) and to continue the application to next month. The motion was seconded by P. Donohue and passed unanimously.** Mr. Aarons asked to have an invoice sent for the escrow funds. He will

stay in touch with Mr. Finan regarding any concerns Birdsall may have, and will forward the size of the transformer to be installed to Mr. Finan.

- d. 106 Federal Road – Application for Temporary Ground Water Remediation Discharge
Present on behalf of the owner was Stanley Dynia from GZA GeoEnvironmental, Inc. Mr. Dynia explained that part 1 of the remediation has been completed, which included the groundwater discharge permit which was acquired when they were dewatering to remove contaminated soil. This application is part 2, which includes groundwater remediation consisting of the installation of 3 wells and a 12' X 20' pump & treat building. The property has been accepted into the CT DEEP's new Brownfield Program, and as part of the program, they need to clean up the site to meet the remediation standard regulations. He stated that the project has been delegated to a Licensed Environmental Professional who will oversee the investigation and remediation.
- They are looking for approval to discharge approximately 5 gpm, or 7,200 gpd of treated water into the sewer for 3 to 5 years. The yield tests have not yet been done, so these numbers may go up or down. The primary contaminants are from the previous dry cleaner tenant, and consist of chlorinated volatile organic compounds (VOC's), primarily trichloroethylene and tetrochloroethylene, or PCE & TCE. At the rate of 7,200 gpd, the cost for this system will be approximately \$2,755 per quarter on top of the use charges for the BJ's business itself. The WPCA requests monthly reports, including the contamination report in contrast to the DEEP levels, and the total flow rates. R. Prinz requested that a visible meter be installed. The water will be discharged into a sewer manhole adjacent to the building. **A motion was made by L. Trojanowski-Marconi to accept the application for 106 Federal Road and to forward it to the engineer for review and to continue the application to next month. The motion was seconded by J. Jove and passed unanimously.** No additional escrow fees are required.

4. **Old Business** - None

5. **Accountant Reports**

- a. Month End Reports – Ms. Welwood handed out and reviewed the monthly financial report.
- b. 10-Year Capital Project Plan - Ms. Welwood handed out and reviewed the 10-Year Capital Project Plan. She thanked R. Prinz for his expertise and input into this report. Ms. Welwood recommends that a 10-year Operating budget be done to make this Capital Project Plan more meaningful.
- c. Capital Projects Status Report - Ms. Welwood handed out and reviewed the Capital Projects Status Report.

6. **Engineer Comments/Project Update**

- a. Old New Milford Road Sewer Extension Project – M. Finan explained that the project is complete and the paving has started on Federal Road with the remainder on Old New Milford Road to be started next week.
- b. Caldor Pump Station Grinder – M. Finan reported that a pre-construction meeting was held with the contractor yesterday to discuss timing, schedule and submittals. There was an issue with the coating on the grinder, which has created a delay due to curing times. This time lag will put them beyond their construction period, but Birdsall Services Group feels that the curing time should not take as long as expected. Birdsall is applying pressure to the contractor to stay within their contract terms.
- c. High Meadow/Ledgewood/Newbury Crossing Project – M. Finan reported that CCA has not received the survey information from Golden Aerial, but once they get it, they will need 1½ to 2 weeks to get Birdsall their information. This item is continued.
- d. Delmar Drive Sewer Extension – M. Finan reported that the design is complete and he has some minor items to address with CCA regarding the water line. The project can be taken out to bid next month, and the cost estimate will be fine tuned prior to it going out to bid. CCA is looking to put their water line installation bid out in August or September; therefore, this project will go out to bid next month. Atty. Sienkiewicz asked if the bid documents will contain the DAS request. Mr. Finan will forward the bid documents to Atty. Sienkiewicz, R. Prinz and Chairman Malwitz prior to going out to bid. **A motion was made by L. Trojanowski-Marconi stating that if the bid documents for the Del Mar Drive project are approved by the engineer, counsel, Chief of Maintenance and Chairman, that**

the engineer is authorized to go out to bid. The motion was seconded by P. Kurtz and passed unanimously.

- e. 20 Year Sewer Capacity Study – Chairman Malwitz explained that the 20 Year Sewer Capacity Study has been finalized and has been placed on the WPCA website for downloading. M. Finan will print up copies with the map to hand out to the Authority for review.
- f. Other Engineering Matters - None

7. Legal Matters

- a. Delinquent Accounts – Atty. Sienkiewicz stated that there is a levy and sale scheduled for July 12, 2012. K. McPadden gave Atty. Sienkiewicz the Report of Top 20 delinquencies for Use and Assessment.
- b. Ordinance Chapter 71 – Atty. Sienkiewicz explained that there was a joint meeting between the Board of Selectmen and the WPCA on June 6, 2012, and he was asked to update the Ordinance using the agreed upon changes as a result of that meeting. Both he and S. Welwood submitted additional changes to the proposed ordinance, and the final draft version will be forwarded to the Board of Selectmen for consideration at their July 2, 2012 public hearing.
- c. Amended Deferred Assessment Policy – K. McPadden explained that the request to amend the policy is due to the billing software's inability to separate the deferred principal and interest and therefore remove the 72% threshold so that the entire assessment is deferred, so long as they meet the eligibility requirements of the Tax Assessor. Following discussion, **a motion was made by L. Trojanowski-Marconi to amend the Elderly – Disabled Deferral Policy for Benefit Assessments in accordance with the changes proposed by Atty. Sienkiewicz and K. McPadden as presented in the draft amendment dated 6/21/12. The motion was seconded by T. Lopez and passed unanimously.**
- d. Dissolution of 12/14/11 Resolution – S. Welwood asked that this unenforced Resolution be dissolved so that the numbers can be removed from the accounting books. Following discussion, **a motion was made by C. Scott to rescind the Resolution entitled High School Benefit Assessment adopted on 12/14/11, for the reason that the transaction never occurred and the auditor has requested we take the action to clear the liability for the books. The motion was seconded by L. Trojanowski-Marconi and passed unanimously.**
- e. Other Legal Matters - None

8. Chief of Maintenance & Inspector Reports – Chief of Maintenance R. Prinz reviewed his report. C. Scott thanked Roger for giving him a tour of the WPCA facilities last week. Chairman Malwitz expressed his gratitude for the excellent work Roger and his team are doing in the field.

9. Other WPCA Business

- a. Inspection Fee Increase –Public Hearing set for July 25, 2012
- b. User Fee Increase – Public Hearing set for July 25, 2012
- c. Ordinance Chapter 71 – Duplicated agenda item, discussed above.
- d. Sub-Committee Formation for review of:
 - 1. Outlet Capacity Charge – First Selectman W. Davidson opined that the WPCA runs a good and effective organization, and it is apparent that it is well funded. As CEO of the Town, he represents 4 constituencies: the Town (aka the taxpayers) as paying sewer customers, the non-profits, the businesses, and the residences of the Town. He feels that the WPCA is a unique body, in that it is a public utility without oversight: a self-policing organization. He stated that at the end of the day, the Board of Selectmen are ultimately responsible on behalf of the taxpayers that this organization is properly run and that bonds are properly paid back. He explained that the Board of Selectmen is delighted to see that the WPCA is looking to form a sub-committee to discuss the Outlet Capacity Charge and the 2% Capital Cost Recovery Connection Charge. His concern is that the WPCA is more than adequately funded, which affects the taxpayers and business people of the Town of Brookfield, which the Board of Selectmen serves. He encouraged the WPCA to look outside of the Brookfield WPCA for advice regarding these 2 charges, including Mr. Lasser. His perspective is that the WPCA is collecting a significant amount of money to meet unknown future eventualities that may or may not occur, and there are other mechanisms available to do this. Mr. Davidson thanked the Authority for their good efforts.

Atty. Sienkiewicz reviewed the history of the Outlet Capacity Charge and how the previous engineer Cliff Gold came up with the numbers. The sense was that they would develop a fund to be able to have money to pay for additional capacity should the WPCA need to go back to the City of Danbury to buy additional capacity. They looked at area towns and what was paid by these towns to purchase additional capacity and came up with the numbers they have. Chairman Malwitz asked for Authority members to form a sub-committee to study the charge and to determine whether or not it should continue or be discontinued. Atty. Sienkiewicz stated that if it is discontinued, the money that has already been collected will have to be refunded. Sub-committee members will be P. Kurtz, C. Scott, P. Donohue and R. Prinz. The timeframe requested is 3 months for submittal of a preliminary report.

2. 2% Capital Cost Recovery Connection Charge – Chairman Malwitz asked that the members of the Outlet Capacity Charge sub-committee form this sub-committee as well. Sub-committee members will be P. Kurtz, C. Scott, P. Donohue and R. Prinz. The timeframe requested is 3 months for submittal of a preliminary report.
 3. Regulations: Restaurants, Nail and Hair Salons, Swimming Pools – Chairman Malwitz asked that a sub-committee be formed to review and/or establish regulations as they pertain to restaurants, nail and hair salons and swimming pools. Sub-committee members will be T. Lopez, L. Trojanowski-Marconi, D. Will and K. McPadden. H. Lasser stated that the 20-year capacity study suggests an assumption of about 100 gpd per unit, yet the regulation estimate assumption is 130 gpd per unit. He suggested that the Authority come up with one number. R. Prinz stated that 250 gpd is the per unit gallonage. Chairman Malwitz stated that the 20-year study is used as a projection number only. Atty. Sienkiewicz stated that the restaurant unit charges came about using Public Health Code information.
 - e. Water Pollution Control Plan – Set Public Hearing – The final version was passed out to all commissioners and a public hearing will be held in August. Atty. Sienkiewicz asked Mr. Prinz if there was a map for this plan – he will get the information to Birdsall in order for them to update the map by next month's meeting.
 - f. Federal Road Manhole Project - R. Prinz stated that this project is part of the FY2012-2013 budget and it has not started yet.
 - g. Other WPCA Business – Dean Road Project – Chairman Malwitz stated that because of the underwhelming response from the residents surveyed, the ball is now in the court of the Brookfield Health Department and that the WPCA will not move forward with this project unless the directive comes to the WPCA. A formal letter will be sent to the Health Department letting them know that the WPCA will not pursue the project without their declaring a finding.
Portable Generator Fact Finding - P. Kurtz is in the process of researching used mobile generators and asked Mr. Prinz what size he would like. Mr. Prinz would like to see an 80kw or 100 kw, and possibly a 40kw as a back-up. Mr. Kurtz stated that the 40's range in price from \$12,000 -15,000 and the 100's run around \$20,000, with no more than 1,000-1,500 hours on each of them. Mr. Prinz stated that the generator at Caldor was purchased in 1976. Mr. Kurtz will continue his fact finding.
Member status – Chairman Malwitz will be recommending to the Board of Selectmen that C. Scott be switched from an alternate member to a regular member and P. Donohue be switched from a regular member to an alternate member. Both Mr. Scott and Mr. Donohue agreed to these changes.
10. **Vouchers** – The Commission reviewed the voucher list, and following discussion, **a motion was made by J. Jove to approve the vouchers as submitted. The motion was seconded by L. Trojanowski-Marconi and passed unanimously.**
11. **Adjournment** – There being no further business, on motion by L. Trojanowski-Marconi, seconded by T. Lopez, the meeting adjourned at 10:37p.m.

*** Next meeting scheduled for July 25, 2012 ***

RESOLUTION ESTABLISHING BENEFIT 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 following a public hearing at which the affected property owners were given the opportunity to be heard, 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; and

Whereas the Authority has given consideration to the comments made at public hearing, the factors set forth 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:

NOW, THEREFORE, BE IT RESOLVED by the Brookfield Water Pollution Control Authority that:

1) The lands and buildings set forth on Schedule A and Schedule B attached hereto and made a part hereof are found to be especially benefited by the Sandy Lane Sewer Extension.

2) The total benefits which have accrued to such land and buildings as a result of the construction or improvement of the Sandy Lane Sewer Extension which are to be recovered through the levy of benefit assessments or otherwise is \$375,000.00.

3) A benefit assessment is levied against each such property, and the owner thereof, in the principal amount set forth on Schedule A and Schedule B. Said amount represents 1.933 percent (1.933%) of such property's assessed value on the October 1, 2011 Grand List of the Town of Brookfield (October 1, 2011 revaluation).

4) The properties listed on Schedule B have not heretofore been connected to the municipal sewerage system and the owners thereof have not paid a benefit assessment with respect to the Southwest Area Sewer Expansion. The 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

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.

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.

5) Such benefit assessments shall be due and payable on **September 1, 2012**, provided that at the option of the owner, the assessment may 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 the rights provided by Section 7-254 of the Connecticut General Statutes, as amended, with respect to delinquent assessments.

6) 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) 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 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, shall be subject to a benefit assessment or a supplemental benefit assessment determined 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).

² Note: The 2012 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>

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.

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

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.

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. Funds derived from all such benefit assessments and supplemental benefit assessments of properties listed on Schedule A and Schedule B shall 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

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.

improvements to the Sandy Lane Sewer Extension, **including any capital projects related to improvement or expansion of downstream facilities.**

9. The Authority 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 8(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.

10. The Executive Administrator of the Authority is directed to cause copy of the benefit assessments so levied 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 **July 16, 2012** and to cause notice of the levy of such benefit assessment to be published **twice** in a newspaper having circulation in the Town of Brookfield, the first such publication to be not later than **July 20, 2012**, and the second such publication to be not later than **August 3, 2012**, and to mail a copy of such notice, and of such benefit assessment, to the affected property owner at the owner's address as shown on the last completed grand list, or to any such subsequent address of which the Authority may have knowledge not later than **July 20, 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
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#	Street	Owner	Proposed 1.933% Benefit Assessment
1	Homestead Lane	KELLY DOROTHY C	\$1,632.03
2	Homestead Lane	AUGSTEIN JEFFREY M	\$1,554.13
3	Homestead Lane	KALLIVROUSIS DANNY R & ELIZABETH M	\$1,598.78
4	Homestead Lane	GARAVAL ROBERT M	\$1,554.13
5	Homestead Lane	HUSSAIN ZAHID & CHAUDHRY SHAZIA	\$2,117.79
6	Homestead Lane	MIDDLEMISS DONNA L	\$2,059.03
7	Homestead Lane	CALLAHAN BERNARD J	\$2,117.79
8	Homestead Lane	CHRISTIANSSEN LINDA M	\$2,059.03
9	Homestead Lane	SAYEGH WADI & KAFA	\$2,117.79
10	Homestead Lane	GAUDIOS JANET	\$2,059.03
11	Homestead Lane	BURRIESCI NICHOLAS J & ANN M	\$2,117.79
12	Homestead Lane	SCANDALIATO GLORIA JEAN	\$1,911.93
13	Homestead Lane	MCAVOY KEVIN	\$2,138.09
14	Homestead Lane	SHAH MUKESH & KAILAS M	\$2,339.90
15	Homestead Lane	SADANA CHIRAG	\$1,598.78
16	Homestead Lane	GOMES MARIA & ARIOSVALDO	\$1,554.13
17	Homestead Lane	CHAPMAN YVONNE	\$1,598.78
18	Homestead Lane	MICHAEL MARCANNE M	\$1,554.13
19	Homestead Lane	LANGE DEBORAH	\$1,598.78
20	Homestead Lane	PIERING JEFFREY	\$2,059.03
21	Homestead Lane	BUDNER CINDY	\$1,598.78
22	Homestead Lane	BERTALOVITZ RUTHANN	\$2,059.03
23	Homestead Lane	FRAIOLI ROBERT B	\$2,117.79
24	Homestead Lane	POLLANDER LORETTA L	\$2,059.03
25	Homestead Lane	KENNY KATHERINE L	\$2,117.79
26	Homestead Lane	SEDGHI SINA AND ROUSHANK	\$2,078.55
27	Homestead Lane	PARSONS GRACE M	\$2,117.79
28	Homestead Lane	KATRULYA SARAH B	\$2,059.03
29	Homestead Lane	DERASMO ANNETTE M	\$2,117.79
30	Homestead Lane	CRONIN JAMES & KATAPODIS THERESE M	\$2,061.16
31	Homestead Lane	FOX SETH	\$2,117.79
33	Homestead Lane	JONES PHILIP & DIANE	\$2,090.15
34	Homestead Lane	MURAWSKI PATRICIA A	\$1,554.13
35	Homestead Lane	CARVALHO VANIA	\$2,167.28
36	Homestead Lane	GUGLIUZZA LISA	\$1,554.13
37	Homestead Lane	PFAHL MICHAEL F	\$2,241.89
38	Homestead Lane	MEY JOAN W	\$2,059.03
39	Homestead Lane	MESSINA ERICA	\$2,353.04
40	Homestead Lane	PULLEN SARAH	\$2,059.03

41	Homestead Lane	KRESTOFETZ REBECCA E	\$2,148.53
42	Homestead Lane	BARNA MELANIA	\$2,059.03
43	Homestead Lane	OLDHAM CHRIS W	\$2,087.06
44	Homestead Lane	MORGAN CLIFF AND ARLENE J	\$2,059.03
45	Homestead Lane	SAMBUCO FIONA M	\$2,265.28
46	Homestead Lane	MARANO JOANN T & ANDERSON KEITH D	\$2,059.03
47	Homestead Lane	TIERNEY JAMES F & MARY E	\$2,234.93
48	Homestead Lane	DIAMOND DANIEL J	\$2,032.16
49	Homestead Lane	CAPELIN EDNEI & DANIELLE	\$2,263.54
50	Homestead Lane	GOULD BARBARA E & DELISLE THOMAS E	\$2,032.16
51	Homestead Lane	MURPHY J PATRICK	\$2,090.15
52	Homestead Lane	SCALZO SANDRA J	\$2,059.03
53	Homestead Lane	BOZEK EDMUND J JR	\$2,117.79
54	Homestead Lane	TURCHIANO JOHN & TERESA	\$2,059.03
55	Homestead Lane	ZHU SUSANNA X	\$2,117.79
56	Homestead Lane	NORISSON PATRICIA	\$2,059.03
57	Homestead Lane	FREDERICKS ADAM	\$2,117.79
58	Homestead Lane	DOUGLAS BRIAN W	\$2,059.03
59	Homestead Lane	AMBLER REAL ESTATE COMPANY LLC	\$2,117.79
60	Homestead Lane	RICCIO MICHAEL L & CELESTE E	\$2,059.03
61	Homestead Lane	CHOMIAK DARIUSZ & DANUTA	\$2,117.79
62	Homestead Lane	CHELLADURAI JAGANATHAN & PARAM	\$2,059.03
63	Homestead Lane	HOSSAN JEANETTE L	\$1,598.78
64	Homestead Lane	CHAN AARON W AND AMY L AND GENE W CHAN LAI SHEUNG AND HENRY LIFE USE	\$2,196.85
65	Homestead Lane	LAMP DAVID R & SONIA L	\$1,628.55
66	Homestead Lane	CHOMIAK DARIUSZ & DANUTA	\$2,032.16
67	Homestead Lane	COLOMBO JUDITH A	\$2,090.15
68	Homestead Lane	SANDY LANE VILLAGE CONDO ASSOC INC C/O SCALZO PROPERTY MANAGEMENT CO	\$2,059.03
69	Homestead Lane	RUGGIERO ROBIN	\$2,090.15
70	Homestead Lane	KNOWLES RICHARD T & BARBARA A	\$2,059.03
71	Homestead Lane	WEBB-WRIGHT NANCY	\$2,032.16
72	Homestead Lane	ALTERMAN JEFFREY P	\$2,059.03
73	Homestead Lane	BARNUM DIANNE L & GEORGE C III	\$2,032.16
74	Homestead Lane	MOROS CHRISTOPHER	\$2,059.03
75	Homestead Lane	HALL-HERON ALEXANDRA	\$2,090.15
76	Homestead Lane	BLINEBRY DONALD & LOPEZ ESPERANZA	\$2,059.03
77	Homestead Lane	FOSTER MILDRED L	\$1,598.78
78	Homestead Lane	ALMADY AHMED & ELHASSANIN HANNAN	\$2,353.23
79	Homestead Lane	WEISS DONALD S	\$1,598.78
80	Homestead Lane	BRAND LISA	\$2,032.16
81	Homestead Lane	BISCOE ROBERT E & CHARLOTTE E	\$2,117.79
82	Homestead Lane	CURRY KATHLEEN A	\$2,032.16
83	Homestead Lane	HENDLER THERESA	\$2,117.79
84	Homestead Lane	TKAZYIK FRANK J & HURLBUT CATHERINE	\$2,059.03

85	Homestead Lane	SCALZO DAVID A	\$2,138.09
86	Homestead Lane	WOJTULEWICZ MARY	\$2,059.03
87	Homestead Lane	WOODWORTH DEBRA L	\$2,117.79
88	Homestead Lane	GRIFFIN MARIBETH	\$2,059.03
89	Homestead Lane	GANDBHIR SANDEEP S	\$2,117.79
90	Homestead Lane	SHAHNAAZ PAUL	\$2,059.03
91	Homestead Lane	HASSEN JEAN E	\$1,451.88
92	Homestead Lane	CAPALBO ELIZABETH M	\$2,032.16
93	Homestead Lane	RAPP TOBY DAWES DAVID KEITH & SCHLUTER	\$1,598.78
94	Homestead Lane	CHRYSTAL	\$2,032.16
96	Homestead Lane	NGUYEN KIM	\$2,059.03
98	Homestead Lane	PRASAD JANNIAH S & SHANTI R	\$2,059.03
100	Homestead Lane	SORRENTINO THERESA L	\$2,059.03
102	Homestead Lane	KNIPPEL ROBERT & DAMARIS	\$2,059.03
104	Homestead Lane	MATTIA JAMES F	\$2,032.16
106	Homestead Lane	SLEATH ELAINE	\$2,263.54
108	Homestead Lane	SAKAMURI RAMANA S	\$2,263.54
110	Homestead Lane	CARPENTER-HILL SUSAN H	\$2,263.54
112	Homestead Lane	DRISCOLL ANN K	\$2,263.54
114	Homestead Lane	SNOW JOE W & BARBARA J	\$2,263.54
116	Homestead Lane	HOCKSPRUNG PETER D & JUCIARA	\$2,285.19
118	Homestead Lane	PURCELL JAMES L III	\$2,263.54
120	Homestead Lane	GONDA JACKSON & EDELMANN HEATHER	\$2,427.27
195	Federal Road	BERKSHIRE INDUSTRIAL CORP	\$85,415.60

SCHEDULE B

PROPERTIES SUBJECT TO 2% SOUTHWEST AREA CAPITAL COST RECOVERY CONNECTION CHARGE AT TIME OF CONNECTION

New Hook- Ups √	#	Street	Owner	Proposed 1.933% Benefit Assessment
√	2	Old Grays Bridge Road	VOLPE DOMINICK C JR & JOANNE	\$3,011.81
√	8	Old Grays Bridge Road	ANTOUS RICHARD	\$3,401.31
√	12	Old Grays Bridge Road	COLADARCI BEATRICE	\$2,957.10
√	20	Old Grays Bridge Road	KELLEY STEPHEN L	\$7,853.39
√	28	Old Grays Bridge Road	KELLEY STEPHEN L	\$3,505.11
√	35	Old Grays Bridge Road	BROOKFIELD TOWN OF	\$8,389.22
√	48	Old Grays Bridge Road	GRAYS BRIDGE PARTNERS LLC	\$11,641.88
√	58	Old Grays Bridge Road	GB LLC	\$7,613.51
√	21	Sandy Lane	SNOWFIELD LLC	\$2,395.76
√	30	Sandy Lane	PARKER JEFFREY A & NANCY J	\$4,367.61
√	114	Grays Bridge Road	CUNNINGHAM, ROY & LORNA	\$3,095.12
√	120	Grays Bridge Road	MOTTOLA, DIANE L	\$2,697.11