

**TOWN OF EAST WINDSOR
WATER POLLUTION CONTROL AUTHORITY**

Minutes of Special Meeting of April 22, 2009

Members Present: Paul Anderson, Tom Davis, Jim Barton, Dave Tyler, Mark Livings and Chuck Riggott (Alternate)

Members Absent: Ed Farrell (Alternate)

Others Present: WPCA Superintendent Kevin Leslie and Recording Secretary Laura Michael

Time and Place

Paul Anderson, Chairman, called the meeting to order at 7:00 p.m. at the East Windsor Water Pollution Control Authority Administration Building, 192 South Water St., East Windsor, CT

Public Hearing Scheduled for 7:00 p.m.

Mr. Anderson explained the purpose of the benefit assessment was to recover the cost of the sewer by those receiving the benefit of having the sewers active. The Town put out money to build the pump station and the policy is to impose an assessment of 50% of the amount to provide service. The Town taxpayers paid for 50% of the cost and the property owners receiving the benefit of the sewers will pay 50%. This policy is set forth in CT State Statutes. This assessment policy is a three part formula: per foot charge, assessed property value charge and an existing or approved building charge. At this time Mr. Anderson read the legal notice that was published in the *Hartford Courant* on April 10, 2009. Mr. Anderson explained that discussion would be held to a reasonable limit and once you have spoken; please do not ask to speak again until everyone has spoken.

Dan Onofrio, 124 Newberry Rd, explained that he owns 5.31 acres. He originally owned 12.5 acres where he moved his former business, Scorpion Fasteners, from South Windsor to East Windsor. He moved the business because of the amenities that the Town of East Windsor had to offer. He paid a connection charge to hookup to the sewer when he built the building. He reported that there is a hundred acre lot located across from his property; when that land is developed, will they pay an assessment and will he receive a prorated refund? Mr. Anderson explained that by State Statutes you can't collect more money than the project cost. They have to take a slice in time and go with that. There can't be future charges. Mr. Tyler explained that every property pays for the sewer line in front of their property. Mr. Onofrio questioned how the assessment amount was arrived at. He doesn't have a building on his property, but is being charged for it. Mr. Leslie explained that that is the purpose of the Public Hearing to correct any mistakes that may have been made. Mr. Onofrio feels the amount of taxes the businesses have brought to the Town have paid for the sewers. Mr. Anderson stated that without reimbursement, sewer projects would not get done.

Alan Dimlow, 120 Newberry Rd, explained that he was representing Scorpion Fasteners. The pump station was built 6 years ago to entice people to East Windsor. They are going to be taxed for 10 years, who will pay if they go out of business or move the business? Mr. Anderson replied that the bill would be settled at the time of the property sale. Mr. Dimlow stated that when the company was purchased, it was clear of any liens. Mr. Anderson replied that caveats were in place. There was notification out there. Mr. Dimlow asked why it took so long for the assessments. Mr. Anderson replied that it took time to get the data; there was a process to go through. It took a long time to get the data from the Assessor. Mr. Leslie explained that the delay in the assessment actually benefits all of the property owners. It spreads the assessments out and lowers them.

Stacy Goff, 100 Newberry Rd, stated that he doesn't receive any benefit and he has no intention of connecting to the sewer. The sewers do not make his property worth more.

Roland Cote, 94 Newberry Rd, stated that he is not connected to the sewer. He asked how much the Town paid to put in dormant sewer lines. Mr. Anderson replied that the State put the sewer lines in. The Town paid to make the sewer line active by building the pump station. Mr. Cote questioned who would pay for repairs at the pump station, will they be charged? Mr. Anderson replied that the maintenance is paid for with sewer user fees.

Attorney Carl Landolina was representing Newberry Village and LTP Realty. He understands the reason for the assessment, but you can't assess more than the amount of the benefit. You can't just pick an arbitrary date; Grand Lists are published every year. The assessments should be uniform. The property was originally zoned industrial; the zoning has been changed. The Town will receive approximately \$490,000 in connection fees. Mr. Leslie explained that is a separate issue. The FCC money is used for paying for the cost of building the plant. Attorney Landolina said these assessments are unfair; they need to go back in time when the infrastructure was in place, why pick 10/1/08.

Ray Noble, 88 Newberry Rd, reported that he was formerly the Chairman of the Sewer Commission. Mr. Noble feels they are being double taxed; connection charges will more than cover the cost of the pump station.

David Watson, 1 Mockingbird Lane, reported that they had received an assessment variation. Mr. Leslie asked him to provide something in writing and an adjustment to the benefit assessment would be made. Mr. Watson questioned assessing Jim Giorgio and the individual owners. Mr. Anderson replied that they received different valuations from the Assessor. Mr. Watson said the assessments were not uniform. Mr. Anderson replied the three part formula was used; there are variations on the evaluations from the Assessor. Mr. Leslie explained that Phase I was assessed only by property value and unit charge; the footage was zero; the next phase was charged by the units in the Grand List and the LTP property was charged by the approved units.

Steve Dearborn, 68 Newberry Rd, stated that the assessments should have been done at the time the pump station was built. He was forced to hook into the sewer; he hooked into the old sewer line. The pump station has brought business and tax revenues to the Town. Why should a few property owners pay for it when the whole Town benefits from it? Mr. Anderson replied that everyone is paying for it. Mr. Leslie asked Mr. Dearborn to bring in a plot plan, maybe they could adjust the front footage and to bring in the assessment adjustment and they will take it into consideration.

John Pagliaruli, 75 Newberry Rd, was representing Poultry Products. He wanted to know where they came up with the 50-50 split. They are paying as a tax payer and a property owner. If the assessments were done at the time the pump station was put in, and they should have been, would Poultry Products and Scorpion Fasteners been charged the \$150,000? The Town would never get the money. Mr. Tyler stated that all the property owners would pay their share, whether the land was developed or not. Mr. Pagliaruli felt the assessments were held off until development started; undeveloped land is less valuable. Mr. Noble reported that they will be in court; they better get the Selectmen to rescind the assessments. Attorney Landolina suggested the property owners approach the Selectmen; it would be more effective for 20 people to go than for Mr. Anderson and Mr. Leslie to do it.

Bob Maynard, 7 Blue Heron Way, thought Mr. Landolina made a good point, the pump station was built 6 or 7 years ago, why are they being assessed now and why does it have to be done in the next 2 or 3 months? He read from the Public Hearing Notice that the purpose of the public hearing is to assess those who benefit from the pump station; he feels that Prospect Hill Dr is benefiting from the pump station. What are the next steps, can they have another public hearing? Mr. Leslie questioned why they would have another. Mr. Anderson stated that if they did find changes, all the numbers would change. They will make a new list of numbers and continue the public hearing. Mr. Maynard would like to talk to the Selectmen. He would like to hear what they have to say and learn more about the process from their point of view. They are looking for consistency and fairness; the benefit to the Town is substantial. He would like to have time to think about what he learned tonight.

Motion: To continue the public hearing until May 20, 2009 at 7:00 p.m.
Tyler/Davis
Passed unanimously

The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Laura Michael
Recording Secretary