

HARWINTON WPCA REGULAR MEETING
Tuesday March 12, 2019 7:00pm

A meeting of the WPCA Board was held on Tuesday, March 12, 2019 in East Conference Room.

Members present: Dennis Baerny, Glenn McGrane, Chris Janco

Attendees: Michael Criss – First Selectman, Atty. Michael Rybak – Town Attorney, Jeff Neumann – Building Official, David Bousquet – Highway Supervisor, Atty. William Tracy, Scott Bayne – Bumper Brook Properties, Laurie Mosely – resident, new alternate member.

Call to Order

Mr. Baerny called the meeting to order at 7:22 pm.

New Business:

Approval of Minutes from last Meeting

Mr. Janco made a motion to approve the minutes from the last meeting. Mr. McGrane seconded. All in favor. Motion carries.

Appointments & Resignations – Mr. McGrane has been reappointed as a member of the Board. Mr. Baerny introduced Laurie Mosley to the WPCA. Mr. Janco made a motion to appoint Laurie Mosley as an alternate member. Mr. McGrane seconded. All in favor. Motion carries.

Residential Request for Sewer Line – a resident requested the possibility to have their property on Neidt Road to be tied into the Torrington sewer line. Mr. Baerny made a recommendation to have the owner of 12 Neidt Road reach out to Torrington to see if that is a possibility. Mr. Janco made a motion to have the WPCA clerk reach out to both the homeowner and Ray Drew to see if this is a possibility. Mr. McGrane seconded. Motion carries.

Mr. Criss asked if the address is in Harwinton but if the connection fee is to be paid to the Harwinton WPCA rather than to Torrington. He suggested that if the house is located in Harwinton and is on the sewer map it needs to be a Harwinton assessment of connection fee and user fees. If not, the Board needs to ask permission if the line that is possibly being tied into is a

Torrington line. The payment will still be paid to WPCA. Mr. Janco made a motion to repeal the previous motion and to amend it to the point that we are going to put the connection fee and the assessment fee to Harwinton. Mr. McGrane seconded. All in favor. Motion carries.

Building Official to discuss Sewer Permit Fees – Mr. Neumann presented to the Board exactly what his role is in the WPCA. About a year ago the Chair approached him asking if he would inspect the sewer hook ups. Mr. Neumann agreed to inspecting sewer hook ups and explained that his realm of authority does not include sewer hook ups as part of the Building Official job description. The WPCA needed to have them inspected. Mr. Neumann agreed to, for the inspection fee of \$75.00ea. Mr. Neumann asked if in lieu of payment that it go to the WPCA clerk to help him with the filing for the Building

Official. Mr. Janco requested that a digital photo be taken of each of the hook ups upon inspection. Mr. Janco made a motion to continue to use Mr. Neumann for the Sewer hook ups. Mr. McGrane seconded. All in favor. Motion carries.

New Business

Formal vote to extend sewer area for Bumper Brook Properties – Motion was made by Mr. Janco to approve the letter for the extension of the sewer service area. Mr. McGrane seconded. All in favor. Motion carries.

Formal vote on letter for fees to extend Bumper Brook Properties – Discussion ensued about the cost of the sewer hook ups – a cost of \$3,500/unit hook up (there are 36 units). Mr. Baerny stated that based on the past practices & cost of sewer hook ups and to avoid possible legal challenges from existing and future developments, he feels that charging the same way as done in the past is the best way to charge for the 36 units. After speaking with other towns he learned that the cost is an assessment fee per unit. Surrounding towns assess the same way, per unit.

Mr. Janco stated that this is a different type of development being a 55 and older development and rentals. He questioned how do we assess these units based on the fact that there hasn't been a development such as this one before? Mr. Baerny clarified that the user fee is \$250 yearly in addition to the \$3,500 connection fee. Atty. Tracy stated that the statute on the connection fees allows the WPCA to classify the properties, i.e.; personal or industrial use, stating that there is authority within the WPCA to decide how to charge for the connection fees. Mr. Baerny stated that the WPCA has always charged on the connection fee per unit that is being put in regardless of age restrictions. Mr. Janco stated that to charge each of these rental units for four hook ups per building seems exorbitant.

Atty. Rybak stated that the WPCA rules do not say anything different about rental housing vs. owned housing. The board can't legislate on a case by case basis without rules. WPCA rules are very clear in stating that the connections are charged \$3,500 by the unit; there are no rules governing apartments other than the existing regulations. A separate category cannot be created on an ad-hoc basis for this one particular application. Atty. Rybak stated that there would have to be a public hearing to amend regulations if the Board wants to charge differently from the past practice of a \$3,500 connection fee per unit; this can't be decided on a case by case basis. The rules don't distinguish between elderly housing units and single family units. There is no exception in Harwinton's rules for this particular project. Ms. Mosely stated that Torrington charges \$3,500 per unit with no exceptions. Atty. Rybak explained that the single family homes, that are being referred to are not large expensive homes, pay a hook up fee. If the proposition is being put before us, 36 units – rental, owned or otherwise – you are going to be paying a \$3,500 connection fee, unless the WPCA creates a new category. These other people payed by the unit; the fee also pays for the past payments that all of the home owners and unit owners that have paid for all of the infrastructure that is in place and all the capacity that has been bought in the past. A unit that comes onto the system as a late entry in a municipality is assessed a benefit connection charge that is not based on just one hook up. It is based on what the assessment is in terms of having to pay for all the prior sewer plant pipes and capacities. It doesn't matter if these are individually owned condominiums or rented as apartments unless there is a federal statute that overrides the WPCA applications then the current regulations apply. If the Board thinks that it is going to apply some sort of an exception, in this particular instance, then it has to pub-

lish a legal notice and have a public hearing to create a new category for a user. And also, unlike Sunset Ridge and Hannah Way, the Board just voted to extend the sewer system for this particular project, which was a large consideration in terms of using capacity. The WPCA regulations will have to be amended and to create a section that applies to this type of development. Right now there is no differentiation within the existing regulations for this particular project, one (1) building with four (4) units with one lateral connection fee. Other projects are still in the process right now that the WPCA have voted on and must follow suit. If the Board is going to distinguish between apartments and where the developers are extending the sewers to the project and doing all the interior, laterals and hook ups then you must follow the section 7-255 in the statutes and notice of public hearing, file the proposed change with the town clerk, legal notice in the paper, people may come out from the other side of the street to find out if they can connect.

Mr. Bayne stated that there are sewers that exist in the street that his development will be tying into. In this particular case there are no sewer improvements with this project. The developments are not the same. The other developments that are similar to this one is that there are four (4) units per building. He stated that the infra structure was different for the other projects that are being compared to the rental units being discussed. Condominiums are single units that have a lateral connecting to the main sewer line. These are buildings housing four (4) units.

Atty. Tracy stated that one line is leaving each building, of four (4). Condos would have 36 separate connections. In this case there are separate buildings; with one (1) drain coming out of the building not four (4) separate laterals. Atty. Rybak asked Atty. Tracy if there will be anything in the restrictions to state that in the future they will not be converted into condominiums. Mr. Neumann stated that converting would be a different fire rating code.

Mr. Baerny suggested to table the motion to go over the regulations and get information on the legalities.

Mr. Janco made a motion to table the discussion on the sewer connections. Mr. McGrane seconded. All in favor. Motion carries.

Formal letter vote to Tax Collector regarding the late fees – Mr. Baerny shared that the Tax Collector discovered that in the WPCA statements that if a resident is delinquent fourteen (14) days the late fee would be waived. If the resident is later more than fifteen (15) days there would be a charge. The Tax Collector asked for a formal letter addressing the 15th day. Mr. Baerny wrote a formal letter stating fifteen (15) days or less to be forgiven, sixteen (16) days or more will pay a penalty. Mr. Janco made a motion to approve the letter to the Tax Collector. Mr. McGrane seconded. All in favor. Motion carries.

Correspondence – Letter to the Tax Collector.

Call for Adjournment – Mr. Janco made a motion to adjourn the meeting at 8:50 pm. Mr. McGrane seconded. All in favor. Motion carries.

RECEIVED FOR RECORD AT HARWINTON CT

ON 3-19-19 AT 11:35am

ATTEST TOWN CLERK

Jan Baerny

Minutes submitted by _____

WPCA Clerk