

From: SimsburyCT Postings September 20, 2012 2:21:59 PM
Subject: Water Pollution Control Authority Minutes 09/13/2012
To: SimsburyCT_WPCAMin
Cc:

WATER POLLUTION CONTROL AUTHORITY
REGULAR MEETING

SEPTEMBER 13, 2012 - DRAFT

1. CALL TO ORDER

Chairman Richardson called the regular meeting of the Water Pollution Control Authority to order at 7:30 p.m. in the Simsbury Water Pollution Control Facility Conference Room, 36 Drake Hill Road, Simsbury. The following members were present: Michael Park, Loren Shoemaker, Ed Kelly, Jay Sheehan, Paul Gilmore and Warren Coe. Also present were James Clifton, WPC Superintendent; Alison Sturgeon, Clerk; as well as other interested parties.

2. SAFETY BRIEF – Chairman Richardson gave a safety brief noting the exits in case of an emergency. He also reminded everyone to be careful of identity theft.

Mr. Shoemaker made a motion to take the agenda out of order to accommodate the people present at this meeting. Dr. Park seconded the motion, which was unanimously approved.

3. STATUS REPORT ON SEWER EXTENSION PROJECTS, ETC.

Mr. Peterson, 20 Longview Drive, questioned if a possible sewer extension to his road would be discussed tonight. He also questioned what the process of an extension would be. Mr. Richardson explained that, although this issue would not be discussed tonight, if there is enough interest, a public hearing would be held in order for residents to be heard, as well as to hear the cost estimates from the Town Engineer. Mr. Richardson also discussed the cost of assessments and the facility connection charge, which could be amortized over a ten year period.

4. REPORT AND RECOMMENDATION OF THE FCC SUBCOMMITTEE TO MODIFY THE AUTHORITY'S FACILITY CONNECTION CHARGE; DISCUSSION AND POSSIBLE VOTE

Chairman Richardson thanked the subcommittee for all of their hard work throughout this process.

Mr. Gilmore stated that the Authority is not under any obligation to revise the FCC Policy; part of the subcommittee's review was whether the current policy was fair and reasonable. He stated that the subcommittee did have a consultant to assist them. He also discussed the facilities upgrade and the cost of the project in terms of universal benefits (the upgrades that would benefit all users) and the provision of additional volume capacity. The facilities connection charge (FCC) is designed to recover only the cost of providing additional capacity: the costs of the universal benefits are being recovered through the annual user fees.

Mr. Gilmore stated that the Water Pollution Control is not subsidized by the Town. It is self-sufficient and charged with the corresponding duty to bring in sufficient revenues to cover all of their costs, which includes some component for reserve funds as well as for payment of capital costs and costs of operation. Fees are set with this in mind. He stated that since it is only the users who pay any of the costs of the facility, and the cost of providing additional capacity is not of benefit to the existing users, fairness dictated charging the new users with paying the actual cost of the additional capacity in the form of a connection charge.

Mr. Gilmore stated that the subcommittee used the proposed Landworks project as a working model for a comparative analysis of Simsbury's current facilities connection charge with what the surrounding Towns charge for connection to their respective facilities. The subcommittee's consultant performed the comparative analysis, and she determined what would be the facilities connection charge for the Landworks project if it were to be developed in various surrounding Towns instead of in Simsbury. Based on the result of the consultant's comparative analysis, it was determined that Simsbury's current facilities connection charge is within 5% of the mean charge and 8% of the median charge of other Towns for all model projects. The consultant's ultimate opinion was that Simsbury's FCC charge is fair and reasonable "as is". The consultant also looked at whether smaller,

condominium-type dwelling units utilize less water. She came to the conclusion that an apartment less than 1200 s.f. would use approximately 60% of the water that a 2,200 s.f. single family home would use; and that an apartment of up to 2,000 s.f. would use approximately 30% less water. If the Authority decided to lessen the FCC charge for some types of dwelling units, the difference of that less revenue would have to come from one of three sources: potential additional new connections; increasing the facilities connection charge for other types of dwelling units; or the general users at large (through an increase in the annual user fee). He stated his concern that increasing the annual user fee to make up the differential in essence would be a de facto tax on all existing users because they would be subsidizing the payment of the cost of additional

capacity without receiving any corresponding benefit.

Mr. Gilmore stated that the subcommittee came up with the following proposed stratified facilities connection charge: 1) For an apartment or condominium that is less than 1,200 s.f. and that has only one bedroom, an FCC equal to 70% of the standard charge for an EDU, which would equal \$2,865.00; 2) For an apartment or condominium that does not qualify under category one, and that is less than 2,000 s.f., to the extent that said apartment or condominium has no more than two bedrooms, an FCC equal to 80% of the standard charge for an EDU, which would equal \$3,275.00.

Mr. Gilmore drafted, for consideration, the following definition of a bedroom (for purposes of implementing this policy: a bedroom shall be defined to mean both a) a room within a dwelling unit designated as such on a floor plan; and b) physical space within a dwelling unit that has the functionality to serve as a bedroom, whether or not so designated, either as constructed or with reasonable modifications. Mr. Kelly suggested using the Assessor data to determine if a room is a bedroom. Mr. Clifton stated that the Assessor does not make his determination until a Certificate of Occupancy is needed. Mr. Richardson stated that definitions would also be needed for apartments and condominium/townhomes.

Mr. Janeczko, Landworks Development, stated that the last time apartments and condominiums were built in Simsbury, there was a \$350 FCC. He stated that an amendment would make sense; new zones now exist. If a reduction to the FCC charge for new zones is reduced, he believes that the shortfall would be made up by volume; these new zones allow denser growth. Regarding the definition of a bedroom, he stated that the Building Official and building codes determine what is a bedroom. Mr. Janeczko stated that there was discussion regarding combining square footage with a bedroom count. He questioned what the definition of square footage is. He feels that the bedroom count is more important because it will determine how many occupants. Mr. Clifton stated that the \$350 was not replaced by the FCC for One West Street, which was the last non-FCC development in Town. Their assessment was based on their tax value.

Mr. Deming, Chairman of the Economic Development Commission, stated that the EDC's position has been, in terms of the two new zones, that it would be easier to go to a flow model, to the extent that new construction reflects metering.

Mr. Jasinski, 43 Woodhaven Road, stated that the new zones allow higher density, which will allow the Town to receive significantly more fees.

Mr. Janeczko stated that apartments are commercial operations and they pay by flow for user fees, although for FCC, they are calculated as

residential. He suggested the square footage of the building be calculated for EDUs based on the commercial usage; commercial and apartment flow are basically equivalent. Mr. Clifton stated that all commercial operations are not created equal; it depends on the use.

Mr. Kelly made a motion to allow the FCC Policy Review Subcommittee to draft the final language for a public hearing that would reflect the 3 tiered charges for the FCC based on the square footage and bedroom language, pending some discussion with the Building Department and/or Assessor. The motion was amended to provide that Mr. Gilmore would be assigned the task of drafting the final language and sending it to all of the Authority

members for them to discuss, and possibly vote upon, as an Authority at large. Mr. Sheehan seconded the motion, as amended, which was approved 6-1. Mr. Coe was in opposition to the motion.

Mr. Gilmore volunteered to draft the final language and send it to all of the Authority members, which would be discussed at the next meeting.

5. CORRESPONDENCE

Mr. Richardson stated that there is a letter from Mr. Clifton, written in Mr. Sawitzke's absence, recommending acceptance of the sewer on Sand Hill Road and Croft Lane.

Mr. Shoemaker made a motion to accept the sewer on Sand Hill Road and Croft Lane. Mr. Gilmore seconded the motion, which was unanimously approved.

6. DISCUSSION: DEVELOPMENT AT 146-150 HOPMEADOW STREET

Mr. Richardson stated that Mr. Ritson is asking for an additional 581 gallons of capacity; a total of 4 more bedrooms. Mr. Kelly stated that, in the past, allocation was borrowed to meet requirements. Mr. Gilmore would like the Authority to consider that this policy was first instituted in a different economic environment and when there was less capacity at the plant. He stated his concerns regarding the financial impact to require a developer to buy capacity given these factors.

Mr. Clifton stated that, several months ago, Mr. Sheehan suggested an infiltration inflow fund. The Authority should have a discussion at some point regarding this issue.

Mr. Gilmore made a motion that the Authority would propose entertaining variances of a modest nature on a case by case basis where the Town

Engineer has certified that, if approved, the modest increase would not adversely affect any other user of the system. Mr. Shoemaker seconded the motion, which was unanimously approved.

7. TREATMENT FACILITY REPORT – J. CLIFTON

The Treatment Facility Report was sent electronically to the Authority members.

Mr. Richardson made a motion to accept the Treatment Facility Report, dated September 11, 2012, into the record. Mr. Gilmore seconded the motion, which was unanimously approved.

8. JUNE 14, 2012 MEETING MINUTES – POSSIBLE APPROVAL

Dr. Park made a motion to approve the June 14, 2012 meeting minutes as written. Mr. Gilmore seconded the motion, which was approved. Mr. Kelly, Mr. Shoemaker and Mr. Sheehan abstained.

9. ADJOURN

Mr. Shoemaker made a motion to adjourn the meeting at 9:35 p.m. Mr. Gilmore seconded the motion, which was unanimously approved.

Philip Richardson, Chairman