

Old Saybrook Water Pollution Control Authority Decentralized Wastewater Management District Benefit Assessment Policy For Lots Implementing Sewerage System Upgrades with the Assistance of CWF Funds

1.1 General

- 1.1.1 Capitalized terms not defined in this Benefit Assessment Policy (this “Policy”) shall have the meanings assigned them in Article II of Chapter 173 of the Town Code of the Town of Old Saybrook (the “WWMD Ordinance”).
- 1.1.2 The Town of Old Saybrook is conducting a program (the “Program”) of systematic investigation and upgrade of individual Sewerage Systems within the Old Saybrook Wastewater Management District (the “WWMD”). As part of the Program, and to the extent necessary under the WWMD Ordinance, the Old Saybrook Water Pollution Control Authority (the “WPCA”) will be installing an SSDS or AT System on certain Lots within the WWMD (the “Upgrade(s)").
- 1.1.3 Where an Upgrade meets the WWMD Ordinance and the Upgrade Program Standards, the Lot Upgrade Costs (as defined in Section 1.2.2 of this Policy) allocable to such Upgrade shall be eligible for the Funding Assistance (as defined in Section 1.1.4 of this Policy).
- 1.1.4 The “Funding Assistance” is (a) a grant from the Clean Water Fund of the State of Connecticut (“CWF”) in an amount equal to twenty five percent (25%) of the eligible Lot Upgrade Costs and (b) Town contributions, which contributions may be in the form of funds or in-kind services, equal to twenty five percent (25%) of the eligible Lot Upgrade Costs.
- 1.1.5 Lot Upgrade Costs, other than those covered by the Funding Assistance, shall be assessed and collected on Lots in accordance with this Policy and Sections 7-249 through 7-254 of the Connecticut General Statutes (“CGS”).

1.2 Determination of Cost of Sewerage System Upgrade

- 1.2.1 The WPCA shall ascertain the cost of an Upgrade necessary under the WWMD Ordinance. In so doing, the WPCA shall take into account all costs of the construction of the Upgrade on the Lot (collectively, the “Lot Specific Costs”), as well as the administrative costs of the Program. Such administrative costs shall include all costs connected with the site

investigation, engineering, and design necessary for the Program; borrowing to support the Program, whether by temporary or permanent financing; all legal fees incurred in furtherance of the Program; and any other costs or expenses required to implement the Program (collectively, the “Administrative Costs” and, together with the Lot Specific Costs for all Lots collectively, the “Total Program Costs”).

- 1.2.2 The “Lot Upgrade Cost” for each Lot will be the Lot Specific Costs for such Lot, plus a share of the Administrative Costs.

1.3 Level of Assessments

- 1.3.1 The amount to be assessed against a given Lot pursuant to this Policy (an “Assessment”), other than Assessments made pursuant to Section 1.6 of this Policy, shall be the Lot Upgrade Cost, less the Funding Assistance applicable to the Upgrade on such Lot.
- 1.3.2 The Assessment made to any Lot shall not exceed the special benefit accruing to such Lot.
- 1.3.3 No lien securing payment of the Assessment for a Lot shall be filed until such Lot is assessed.
- 1.3.4 Any liens securing payment of the Assessment for a Lot shall be paid/discharged in full upon the transfer of ownership of the Lot for consideration.

1.4 Benefit Assessment Procedure

- 1.4.1 The WPCA shall levy an Assessment on the Lot and the owner(s) thereof as provided in this Policy.
- 1.4.2 The WPCA shall fix the due date of Assessments made hereunder as well as the manner in which the same shall be paid, whether in full or by substantially equal annual installments, including interest charges applicable to such installment payments, pursuant to Section 7-253 of the CGS.
- 1.4.3 No Assessment shall be made until after a public hearing before the WPCA at which the owner of the Lot to be assessed shall have an opportunity to be heard concerning the proposed Assessment. Notice of the time, place and purpose of such hearing shall be published at least ten (10) days before the date thereof in a newspaper having a general circulation in the Town, and a copy of such notice shall be mailed to the owner of any Lot to be affected thereby at such owner’s address as shown in the last-completed grand list of the Town or at any later address of which the WPCA may have knowledge. A copy of the proposed

Assessment shall be on file in the office of the Town Clerk and available for inspection by the public for at least ten (10) days before the date of such hearing. When the WPCA has determined the amount of the Assessment to be levied, it shall file a copy thereof in the office of the Town Clerk. Not later than five (5) days after such filing, it shall cause a copy of such Assessment to be published in a newspaper having a general circulation in the Town, and it shall mail a copy of such Assessment to the owner of any Lot to be affected thereby at such owner's address as shown in the last-completed grand list of the Town or at any later address of which the WPCA may have knowledge. Such publication and mailing shall state the date on which such Assessment was filed and that any appeals from such Assessment must be taken within twenty-one (21) days after such filing. Any person aggrieved by any Assessment may appeal to the superior court for the judicial district wherein the Lot is located and shall bring any such appeal to a return day of said court not less than twelve (12) nor more than thirty (30) days after service thereof and such appeal shall be privileged in respect to its assignment for trial. Said court may appoint a state referee to appraise the benefits to such Lot and to make a report of his doings to the court. The judgment of said court, either confirming or altering such Assessment, shall be final. No such appeal shall stay proceedings for the collection of the particular Assessment upon which the appeal is predicated but the appellant shall be reimbursed for any overpayments made if, as a result of such appeal, his Assessment is reduced.

- 1.4.4 The WPCA shall give notice of the date when Assessments are due and payable by publication at least twice within a period of fifteen (15) days in a newspaper having general circulation in the Town and shall mail a copy of such notice to the owners of the Lot assessed at their last known addresses. Such notice shall list the streets and describe the area within which are located any Lots against which such Assessments are due. No Assessment shall be due and payable earlier than thirty (30) days after the first publication of such notice.

1.5 Delinquent Assessments

Delinquent Assessments shall be secured in the method hereinafter provided:

- 1.5.1 Any Assessment or any installment thereof, not paid within thirty (30) days after the due date, shall be delinquent and shall be subject to interest from such due date at the interest rate and in the manner provided by the CGS for delinquent property taxes. Each addition of interest shall be collectible as a part of such Assessment.

1.5.2 Whenever any installment of an Assessment becomes delinquent, the interest on such delinquent installment shall be as provided above or five dollars (\$5.00), whichever is greater. Any unpaid Assessment and any interest due thereon shall constitute a lien upon the real estate against which the Assessment was levied from the date of such levy. Each such lien may be continued, recorded and released in the manner provided by the CGS for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances, except taxes, and may be enforced in the same manner as property tax liens. The Town tax collector and/or the WPCA may collect such Assessments in accordance with any provision of the CGS for the collection of property taxes, and the Town may recover any such Assessment in a civil action against any person liable therefor.

1.6 New and Supplementary Assessments

If any Assessment is not valid or enforceable for any reason, a new Assessment may be made. If Assessments made are not, or will not be, sufficient to cover the Total Program Costs, a supplementary Assessment may be levied against those Lots previously assessed to the end that a sum sufficient to pay the Total Program Costs may be obtained, provided that no such supplementary Assessment, together with the original Assessment, shall exceed the value of the special benefit to accrue to the Lot against which the benefit is assessed.

1.7 Relief for Elderly and Disabled

Any residential Lot owner who is eligible for tax relief under Sections 12-129b or 12-170aa of the CGS or as provided by the Town of Old Saybrook pursuant to Section 12-129n(a) of the CGS, may apply to the WPCA to pay only the annual interest charge of the Assessment levied by the WPCA. The outstanding balance of principal deferred shall become due upon a determination by the WPCA that a transfer of title of the Lot subject to such Assessment has occurred or upon a determination by the WPCA that the death of the relevant Lot owner has occurred. The application and such alternative payment plan shall be subject to annual review by the WPCA, in coordination and conjunction with the Tax Collector of the Town, and may be amended by the WPCA.

Public Hearing Held November 1, 2010

Adopted by the Old Saybrook Water Pollution Control Authority November 1, 2010