

Old Saybrook Water Pollution Control Authority Decentralized Wastewater Management District Benefit Assessment Policy for Emergency Repairs

1.1 General

The Old Saybrook Water Pollution Control Authority (WPCA) may levy benefit assessments for emergency repairs/improvements to wastewater management systems within the Decentralized Wastewater Management District (WWMD). Such assessments of benefits shall be made in accordance with this policy and in accordance with Sections 7-249 through 7-253a of the Connecticut General Statutes (CGS).

An emergency repair/improvement is defined as a repair to a failing septic system within the WWMD in the interim period following adoption of the WWMD Ordinance approved at referendum on August 11, 2009, but prior to the development and adoption of policies and procedures to implement an orderly process of investigation and upgrading of septic systems within the WWMD. Said emergency repairs/improvements shall include modifications to the septic system, if necessary, to meet requirements of the WWMD Ordinance and the Upgrade Program Standards. The emergency repair program does not include installation of advanced treatment systems.

Project costs will be paid from three sources: DEP Clean Water Fund grants, Town contributions and property owner benefit assessments.

1.2 Determination of Cost of Septic System Emergency Repairs/Improvements

1.2.1 The WPCA shall ascertain the cost of emergency repairs/improvements to on-site wastewater management systems ("septic systems") required per the WWMD Ordinance. In so doing the WPCA shall take into account all costs of the emergency repair/improvement, including, but not limited to, the costs of site investigation, design and other engineering, construction, land acquisition, all costs connected with borrowing whether by temporary or permanent financing, all legal fees chargeable to the project, and any other costs or expenses required to implement the decentralized wastewater management program, less any grant funds applicable to said costs; less any pro rata share of funding provided to the project by the Town. Town contributions may be in the form of funds or in-kind services.

- 1.2.2 The amount to be assessed against a given property will be the total cost of the emergency repair/improvement to the septic system implemented on that property, plus a charge of 15 percent of that cost to cover the pro rata share of other program costs as provided in Section 1.2.1.
- 1.2.3 The benefit assessment shall not exceed the special benefit accruing to the property. No lien securing payment of the property owner's benefit assessment shall be filed until the property is assessed.

1.3 Level of Assessments – Emergency Repairs/Improvements

- 1.3.1 The WPCA may provide funding assistance for emergency repairs/improvements as provided in this policy.
- 1.3.2 The determination of whether septic system modifications qualify as emergency repairs/improvements shall be made by the Director of Health, in consultation with the WPCA. The emergency repair/improvement shall be implemented so that the repaired system meets the requirements of the WWMD Ordinance and the Upgrade Program Standards.
- 1.3.3 Where emergency repairs/improvements are made and the modified septic system meets the WWMD Ordinance and the Upgrade Program Standards, the approved cost of said repairs/improvements shall be eligible for funding assistance as described in Section 1.2.

1.4 Benefit Assessment Procedure

- 1.4.1 The WPCA shall levy a benefit assessment on the property and the owner(s) thereof for a portion of the cost of the emergency repair/improvement, 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 property 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 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 property 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 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 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 property 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 days after such filing. Any person aggrieved by any assessment may appeal to the superior court for the judicial district wherein the property is located and shall bring any such appeal to a return day of said court not less than twelve nor more than thirty 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 property 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 days in a newspaper having general circulation in the Town and shall mail a copy of such notice to the owners of the property assessed at their last known addresses. Such notice shall list the streets and describe the area within which are located any properties against which such assessments are due. No assessment shall be due and payable earlier than thirty days after the publication of such notice.

1.5 Delinquent Assessments

Delinquent assessments shall be secured in the method hereinafter provided:

- 1.5.1 Any assessment of benefits 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 foreclosed in the same manner as property tax liens. 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 therefore.

1.6 New and Supplementary Assessments

If any assessment is not valid or enforceable for any reason, a new assessment may be made. If any assessment is made which is not sufficient to cover the entire cost of the work to be paid for by such assessment, a supplementary assessment may be levied against those properties previously assessed to the end that a sum sufficient to pay the cost of such work 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 property against which the benefit is assessed.

1.7 Relief for Elderly

Any residential property owner who is eligible for tax relief under Section 7-253a of the CGS and applicable Town of Old Saybrook policies, may apply to the WPCA to pay only the annual interest charge of the benefit assessment levied by the WPCA. The outstanding balance of principal deferred shall become due upon any transfer of title of the property subject to such assessment or upon the death of the property owner. The application shall be subject to annual review by the WPCA.

Public Hearing Held October 26, 2009

Adopted by the Old Saybrook Water Pollution Control Authority October 26, 2009