PUBLIC UTILITIES COMMISSION
C.J. Hurgin Municipal Center, 1 School Street
Bethel, Connecticut 06801 Telephone: (203)794-8549

MINUTES OF PUBLIC HEARING
Monday, April 21, 2008
7:00 p.m.
Bethel Middle School - Auditorium

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TOWN OF BETHEL
TOWN CLERK

AGENDA

Present: First Selectman, Burke, Selectman Szatkowski, Selectman Cleary, Commissioner Gribbin, Commissioner Michaels, also in attendance Andrew Morosky, Town Engineer, Attorney Jeffrey Sienkiewicz

Call To Order: First Selectman Burke called to the regular meeting to order at 7:00p.m. followed by the pledge of allegiance.

Public Input:

Andrew Morosky, Town Engineer, made a presentation explaining the process for determining the Sewer Assessment formula. He indicated the formula consists of two components: 1) a base charge of $8,500 per parcel and 2) a charge that varies with the parcel's assessed value. These two components combine for the total assessment. The sum of all base charges and the assessed value charges equals $4.8 million, with each component covering approximately half the cost of the project.

Anthony Bonagura, Redwood Drive expressed his dissatisfaction with the Sewer Assessment on his house. Mr. Bonagura feels he is being overcharged due to the size of his home; he would like to see the formula done by frontage rather than assessment value.

Lou Godkin of Weed Road – Sewer assessment should not be based on value of real estate. Costs of project should be evenly spread out as everyone is paying to have access to the sewer system. The current formula is not what was approved.

Kathy Clayton, Budd Drive expressed dissatisfaction with the project overall and with the Sewer Assessment in particular. She has concerns with using meter readings from her well for her sewer bill as not all the water she uses goes to the sewer. First Selectman, Burke indicated the meter was to determine consumption only. Mr. Morosky indicated that the rates charged for sewer are set with knowledge that not all water consumed goes down the drain.

George Zabetakis, Woodlawn Drive expressed his concerns regarding vacant lots and how the assessments would apply to a future large home on an existing vacant lot. He was adamant on his disagreement about the use of current real estate value in applying to the sewer assessments.

Frank Hislop, Evergreen Drive , indicated that the formula does not reflect what was intended, as far as dealing with houses built upon vacant land. The formula should require these vacant parcels to pay more

now. He feels the whole project should be divided equally by homeowners, not by Assessment value. Also asked whether they're will be a secondary assessment in the near future, if the next phases go over budget? Mr. Hislop also wants the paving of the roads to come out of the general fund not the sewer project; he indicated when the project was first discussed that's what the people wanted; that's what they voted for.

First Selectmen Burke discussed the pump station and assessment values as well as reclaiming the roads and the cost savings of the town doing the work vs. outside company.

Kathy Clayton, Budd Drive has concerns about vacant lots and feels that they should be reassessed when built upon.

Bill Hillman, Walnut Hill feels fixed amount per lot is good idea. Using a count of fixtures and bedrooms in combination with the flat rate and the assessed value would be better reflection of the benefit to each property. Mr. Hillman suggested a fixed fee of 50%, then 25% on fixtures/bathrooms, 25% on assessed value.

First Selectman Burke spoke regarding grants on road paving.

Francis Apellaniz, 16 Hearthstone Drive indicated he was ok with the base charge of $8,500; but counting bedrooms and bathrooms as a multiplier would be more fair. He was told that the more people hook up, the less it would cost.

William Tammero, Ridgedale Road expressed dissatisfaction with engineering of project.

Joan Fenn, Adams Drive wanted to know why a pumping station was needed and extra cost for this.

First Selectman Burke indicated that no pump station was needed for Contract 1.

Dennis Janofsky, Redwood Drive indicated he wasn't expecting to pay more or less than his neighbor and would prefer the assessment be charged equally across the board. When vacant lots are developed in the project they should be charged additional.

George Zabetakis, Woodlawn concerns about subdiving the vacant lots, indicated there was going to be a mechanism in place to address this issue.

Attorney Sienkiewicz spoke explaining the assessment formula.

John Trent, Fox Den Road wanted to know when the first payment will start. Indicated he's in favor of equal payments for all homeowners. People shouldn't be taxed twice.

Bill Hillman, Walnut Hill spoke regarding flows and usage charge. Mr. Hillman feels the base charge of 6,000 gallons is too high and this number should be re-assessed if it represents the average flow.

Mr. Morosky explained that the number has been in use for many years and was not addressed during the recent rate study.

Chris Westlake, Redwood Drive spoke against assessment as he will not be hooking his three-bedroom home into the sewers because he has a recently upgraded septic system and a 300 foot driveway. Doesn't want the sewers. He indicated that his interpretation of State Statute 7-249 doesn't allow a property to be reassessed.

Lou Godkin, Weed Road indicated if you have hose bibbs you should be able to divide (separately meter) your water system to keep the sewer charges down.

Anthony Bonagura, Redwood Drive indicated the Real Estate value is not appropriate for a sewer project. Fixtures/Bathrooms are more important factors.

Attorney Sienkiewicz spoke about the formula in determining the sewer assessments and indicated that the use of assessed value captures many of the components from which a property's value is derived.

Kathy Clayton, Budd Drive - Real estate value is not appropriate for assessing costs of sewer project. Too many taxes and charges are driving the seniors out of town.

First Selectman Burke referenced Ludlow Construction Company and their quality of work.

Bill Hillman, Walnut Hill indicated that assessments are benefits, while if a tax district were established for the sewer project, the cost of the assessments could be tax-deductible.

Attorney Sienkiewicz indicated that the City of Danbury tried this approach but was not allowed to implement it.

Mr. Hillman indicated that the sewer and water fees in Greenburgh, NY were tax-deductible.

Attorney Sienkiewicz indicated that the tax structure in Connecticut is based on property value and is different from New York's tax structure.

Chris Westlake, Redwood Drive – Reiterated his assertion that State Statute 7-249 does not allow the PUC to come back to a previously assessed property for more money. He indicated that he wants to close the book on this project.

Attorney Sienkiewicz referred to Statute 7-251, which states, in part, *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 made by the water pollution control authority against those properties previously assessed to the end that a sum sufficient to pay the cost of such work may be obtained, provided 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.*

Bob Legnard, former Selectman, spoke about how and why the project was formed the way it was, with people faced with the possibility of not being able to sell their houses because of failing septic systems. Mr. Legnard doubted that anyone was in favor of paying an extra $2 million just to wait until all the costs for the project come in. Mr. Legnard indicated that everyone benefits from the project and the PUC was trying to be fair with the assessment formula.

Scott Clayton, 12 Budd Drive – When are roads in Contract 2 going to be paved?

Mr. Morosky indicated that the paving schedule was being formulated and that much would depend on the availability of grant money.

James Taylor, 58 Redwood Drive, wants the formula to work both ways, positive and negative; keep the books open so that the assessment can be lowered at a later date if projects come under budget. Mr. Taylor requested that all past PUC minutes be placed on website.

Ann Haffner, 23 Redwood Drive questioned if the number of years of the assessment could be extended beyond 25 years. She also indicated she was new to the area and that the assessment was a big surprise and that it hurts.

Frank Hislop, Evergreen Drive, noted that the interest rate discussed when the project was proposed was 1%.

Selectman Kevin Cleary indicated that the 1 percent rate represents the short term borrowing rate, not the bonding rate which is higher. The whole town voted for this project to guarantee the bonding for it.

Adjourn:

As there was no further business on today's agenda, First Selectman Burke made a motion, which was seconded by Selectman Szatkowski, to adjourn the meeting at 9:25p.m. Vote: All in Favor, Motion Carries.

Respectfully Submitted,

Tracy Rogalski
Recording Secretary