



PUBLIC UTILITIES COMMISSION

Bethel Municipal Center, 1 School Street
Bethel, Connecticut 06801 Telephone: (203) 794-8501

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MINUTES OF SPECIAL MEETING

Monday, December 13, 2010

4:00 p.m.

C.J. Hurgin Municipal Center – Meeting Room “A”

Present: First Selectman Matthew Knickerbocker, Selectmen Richard Straiton, Selectman Paul Szatkowski and Commissioners Michael Gribbin and Peter Valenti. Also in attendance were Town Engineer Andrew Morosky and Town Attorney Martin Lawlor.

Call to Order: First Selectman Knickerbocker called the Special Meeting to order at 4:00 p.m. and led the Pledge of Allegiance.

Sewer Hardship: Selectman Straiton made a motion, which was seconded by Selectman Szatkowski to accept the proposed amendment to the sewer regulations (4.4 Exception to Expansion Permit Outside Sewer Service Area) as prepared by the Town Attorney.

Selectman Szatkowski, referencing paragraph 4.4.d.2.i and 4.4.d.2.ii, indicated he would be inclined to increase the proposed cost for a commercial applicant to connect to the public sewer from \$12,500.00 to \$25,000.00. Selectman Gribbin indicated that the residential portion should also be increased.

Selectman Szatkowski made a motion, which was seconded by Selectman Straiton to change the residential fee in paragraph 4.4.d.2.i from \$7,500.00 to \$12,500.00 and change the commercial fee in paragraph 4.4.d.2.ii from \$12,500.00 to \$25,000.00. Vote: All in Favor, Motion Unanimously Approved.

Discussion took place regarding paragraph 4.4.a.2 of the proposed amendment (distance from the district boundary). Commissioner Valenti would prefer to decrease the distance from within 250 feet to within 125 feet.

Selectman Szatkowski made a motion, which was seconded by Commissioner Valenti to amend the motion, paragraph 4.4.a.2, to reduce the distance to the sewer district boundary from within 250 feet to within 125 feet. Voting in Favor: Commissioner Valenti and Selectman Szatkowski; Voting Against: First Selectman Knickerbocker, Selectman Straiton and Commissioner Gribbin, Motion Fails.

Attorney Lawlor indicated that the local Health Department may have to verify the status of a failed septic system as part of the applicant's hardship case.

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton to amend the motion, paragraph 4.4.c to state the following: Failure to grant the petition for the expanded sewer use to the subject real property will result in undue hardship, subject to

verification by the Town of Bethel's Health Department. Vote: All in Favor, Motion Unanimously Approved.

Reference was made to Len Assard's October 26, 2010 memo regarding his suggested change for paragraph 4.4.c.1.

First Selectman Knickerbocker made a motion, which was seconded by Selectman Szatkowski to amend the motion, paragraph 4.4.c.1 to state the following: "The building(s) to be serviced are located in a public water shed area, an aquifer recharge area and/or". Vote: All in Favor, Motion Unanimously Approved.

There being no further discussion, First Selectman Knickerbocker called for a vote on the original motion, as amended. Vote: All in Favor, Motion Unanimously Approved.

Eureka Water Storage Tank: First Selectman Knickerbocker made a motion, which was seconded by Selectman Szatkowski to Table the discussion of the Eureka Water Storage Tank. Vote: All in Favor, Motion Unanimously Approved.

Adjourn: As there was no further business on the agenda Selectman Straiton made a motion, which was seconded by Selectman Szatkowski, to adjourn the meeting at 4:45 p.m. Vote: All in Favor, Motion Unanimously Approved.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Tracy Rogalski for".

Tracy Rogalski, Recording Secretary

**TOWN OF BETHEL
PUBLIC UTILITIES COMMISSION
RULES AND REGULATIONS
SEWER DEPARTMENT**

PROPOSED AMENDMENT

The following is proposed as an amendment to be added in its entirety:

4.4 EXCEPTION TO EXPANSION PERMIT OUTSIDE SEWER SERVICE AREA.

Any person desiring to expand the sewage collection system out of the established sewer service area will be required to petition the BPUC for permission to proceed in filing an application under Section 4.0 of these sewer Rules and Regulations and must demonstrate the following:

- a. The real property for which the expansion permit is requested must:
 1. Have located thereon a septic system that in the opinion of the local health department has failed or is in imminent danger of failure.
 2. Must be located within 250 feet of the sewer district boundary.
 3. Must have located thereon an existing occupied building. If residential, the building must be inhabited by the owner and/or tenant. If commercial, the building must be occupied and contain an ongoing primary use or combination of primary uses for retail, office and services where the public is invited therein. Specifically excluded from a commercial use for the purposes of this petition are primary industrial uses (as defined by the local planning and zoning regulations) and the primary use of storage and warehousing.
- b. The proposed expanded sewer use will not result in exceeding the public sewer capacity allotment for the sewer district affected by the expansion petition.
- c. Failure to grant the petition for the expanded sewer use to the subject real property will result in undue hardship. Undue hardship for purposes of this petition shall consist of one or more of the following and shall not have been caused by or contributed to by the petitioner:
 1. The building(s) to be serviced are located in a public water shed area; and/or
 2. The only area in which to locate a reconstructed septic system or septic repair is within 100 feet of designated inland wetlands or a water course; and/or

3. The inability to reconstruct or repair a septic system at least seventy (70%) percent of the size required by existing local and state regulations; and/or
 4. The inability to reconstruct or repair a septic system that meets at least seventy (70%) percent of the Minimum Leaching System Spread (MLSS) configuration required by existing local and state regulations; and/or
 5. The cost of the reconstruction or repair to the septic system is greater than the cost for connecting to the public sanitary sewer, excluding any costs associated with this petition and subsequent application costs under Section 4 of these sewer Rules and Regulations.
- d. Should the petition be granted by the BPUC, the petitioner shall be responsible to comply with all other rules, regulations, fees, permit procedures of these sewer Rules and Regulations including the filing of an application under Section 4 herein.

In the event the petitioner's application under Section 4 is granted, the petitioner shall be responsible for the following:

1. All costs and expenses in the expansion and connection of the public sewer line to the subject real property.
2. In addition to any and all other fees and expenses due the BPUC under these sewer Rules and Regulations, the petitioner shall also pay to the BPUC, the following fee:
 - i. Seven Thousand Five Hundred (\$7,500.00) Dollars for any subject property where the primary use is residential, or
 - ii. Twelve Thousand Five Hundred (\$12,500.00) Dollars for any subject property where the primary use is commercial i.e. retail use, office use, and services where the public is invited therein.