

SEWER AUTHORITY  
WATER POLLUTION CONTROL  
AUTHORITY



TOWN HALL  
238 Danbury Road  
Wilton, CT 06897

203-563-0100

WATER POLLUTION CONTROL AUTHORITY  
TOWN HALL MEETING ROOM B  
PUBLIC HEARING AND  
SPECIAL MEETING  
WEDNESDAY, JUNE 27, 2018

RECEIVED FOR RECORD  
TOWN OF WILTON  
2018 JUL - 3 P 3:50  
BY: LK

**PRESENT:** Lynne Vanderslice, Eileen Armstrong, Diane Martucci, Kathy Dhanda  
**OTHERS:** Mike Ahern, Pete Lucia, Anne Kelly-Lenz

**PUBLIC HEARING**

Ms. Vanderslice called the Public Hearing to order for the Sewer Capital Assessment for 21 Station Road (Wilton Commons Inc.) and 21 Station Road (Wilton Commons 2, LLC) at 6:02 p.m. Ms Vanderslice reviewed the attached memo regarding the Sewer Capital Assessments with an adjusted assessment at \$194,568.

Public Comment: A representative spoke on behalf of both Wilton Commons Inc. and Wilton Commons 2, LLC in favor of assessing the property based on size and not a 50/50 split.

After discussion Eileen Armstrong moved to close the Public Hearing; Kathy Dhanda seconded and motion carried unanimously. The Public Hearing closed at 6:06 p.m.

**REGULAR MEETING**

**Call to Order**

Ms. Vanderslice called the meeting to order at 6:06 PM.

**Approval of Minutes**

Ms. Vanderslice asked if all had an opportunity to review the minutes of the Regular Meeting of May 9, 2018. As there were no corrections, Ms. Martucci made a motion to approve minutes as written; Ms. Armstrong seconded and the motion carried 3-0 with Ms. Dhanda abstaining as she was not present at the meeting.

**Request for Waiver from hooking up to Wolfpit Sewer – Emily Hamlin, 158 Wolfpit Road**

Ms. Vanderslice reviewed the request form Emily Hamlin of 158 Wolfpit Road to not hook up to Wolfpit Sewer. Mr. Ahern noted that the previous property owner already had a waiver in place not to hook up to the Wolfpit Sewer. The Hamlin's are new owners seeking to not to hook up to the sewer. Motion made by Ms. Armstrong to grant waiver from hooking up to Wolfpit Sewer at

this time but if septic fails will be required to hook to the Wolfpit Sewer. Motion seconded by Ms. Martucci and carried 4-0.

**Sewer Capital Assessments - 21 Station Road (Wilton Commons Inc.) & 21 Station Road (Wilton Commons 2 LLC)**

During public hearing, representative for both Wilton Commons Inc. and Wilton Commons 2 LLC in favor of assessment based on different property values and square footage.

Motion made by Ms. Armstrong to assess Wilton Commons I at 21 Station Road with a value of \$134,042 seconded by Ms. Martucci and carried 4-0.

Motion made by Ms. Martucci to Assess Wilton Commons II at 21 Station Road with a value of \$60,526 seconded by Ms. Dhanda and carried 4-0.

Motion moved by Ms. Dhanda seconded by Ms. Martucci and carried 4-0 to approve the assessments for 21 Station Road – Wilton Commons Inc. and 21 Station Road – Wilton Commons 2 LLC at a 3.03% interest rate for a 20 year period.

**Sewer Benefit Analysis & Capital Assessment – 31 Old Danbury Road (Station Place)**

Mr. Ahern reviewed the Sewer Benefit Analysis & Capital Assessment for 31 Old Danbury Road (Station Place). Asked for further detail of cost from property owner. OK with information provided to support amount expensed. Sewer benefit cost exceeded analysis. Based on calculation there is no capital assessment to be made.

Motion made to set Public Hearing for August 8, 2018 at 6:00pm if needed. Moved by Ms. Martucci, seconded by Ms. Dhanda and carried 4-0.

**Adjournment**

There being no further business, motion to adjourn made by Ms. Armstrong seconded by Ms. Dhanda, and unanimously carried. Meeting adjourned at 6:22 p.m.

Jacqueline Rochester  
Recording Secretary  
(taken from audio recording)

WILTON PUBLIC WORKS  
DEPARTMENT

(203) 563-0152



TOWN HALL ANNEX  
238 Danbury Road  
Wilton, Connecticut 06897

MEMORANDUM

TO: Lynne Vanderslice, First Selectwoman & WPCA Chair

FROM: Michael Ahern, P.E., Field Engineer *HSA*

DATE: June 26, 2018

RE: Sewer Capital Assessments  
21 Station Road (Wilton Commons)

Based on comments by the facility owner(s) on the Special Benefit Analysis, and subsequent Town Counsel review (attached), we have calculated the sewer capital assessments for Wilton Commons in accordance with the WPCA formula highlighted on the second attachment:

Wilton Commons Inc (Map ID 74-24-1)

a. \$27.50/\$1,000	x	\$3,255,350 (A.V.)	=	\$ 89,522
b. NA		4.80 Acres	=	(Town Land)
c. \$1,050	x	36 Sewer Units	=	\$ 37,800
d. \$6,720	x	One (2" Water Meter)	=	\$ 6,720

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Total			=	\$134,042
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Wilton Commons 2, LLC (Map ID 74-24-2)

a. \$27.50/\$1,000	x	\$1,628,200 (A.V.)	=	\$ 44,776
b. NA		4.80 Acres	=	(Town Land)
c. \$1,050	x	15 Sewer Units	=	\$ 15,750

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Total			=	\$ 60,526
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The use of the formula for sewer construction projects approved by the WPCA between March 9, 2011 and March 29, 2012 reduces each assessment from the previous Special Benefit Analysis dated January 24, 2018. Please let us know if you have any questions.

cc (w/encl): Members – Water Pollution Control Authority  
Chris Burney, Director of Public Works & Facilities

Ira Bloom, Town Counsel  
Anne Kelly Lenz, Chief Financial Officer

**From:** [Nicholas R. Bamonte](#)  
**To:** [Ahern, Mike](#)  
**Cc:** [Ira Bloom](#)  
**Subject:** RE: Wilton Commons - Sewer Assessment  
**Date:** Monday, June 25, 2018 2:00:36 PM

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Mike,

We believe that the assessment should be calculated using the "Capital Assessment Formula" for sewer construction projects approved on or after March 9, 2011 pursuant to Section 9 of the WPCA Regulations.

Under the regulations, it is clear that "sewer construction projects" that were approved after March 9, 2011 are subject to the Capital Assessment Formula. On July 13, 2011, the WPCA approved the sewer connection for Wilton Commons. I believe this sewer connection constitutes a "sewer construction project" because the regulations define sewerage system construction as "extend[ing] ... any part of a sewerage system." Therefore, the approval date requires the use of the Capital Assessment Formula.

Although there does not appear to have been an initial assessment at the completion of Phase 1, this does not change the overall analysis. The key point here is that the assessment formula is determined by the date of the WPCA approval, not the date of an actual assessment.

Nick

**Nicholas R. Bamonte**

**Berchem Moses PC**  
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**From:** Ahern, Mike [mailto:mike.ahern@WILTONCT.ORG]  
**Sent:** Monday, June 25, 2018 9:04 AM  
**To:** Ira Bloom  
**Subject:** FW: Wilton Commons - Sewer Assessment

Ira – see Lynn's note and the background information/request below. Kim sent the first attachment to me – I have also attached the current WPCA regulations for reference. Let me know what else your office needs.

## SECTION 9: CAPITAL ASSESSMENTS

The WPCA will levy benefit assessments upon the owners of land and buildings which in its judgment are especially benefited by the construction of the sewer under the powers granted by the Connecticut General Statutes, Section 7-249, as amended. Such assessment may include a proportionate share of the cost of the sewer, including the cost of preliminary studies and surveys, detailed working plans and specifications, acquiring necessary land or property or an interest therein, damage awards, construction costs, including Wilton's share of Norwalk's construction, sinking funds, or capital funds, interest charges fees, engineering and administrative costs, and any other expense incidental to the completion of the sewer, and the issuance of long term bonds less any Federal, State or other grants. "Construction costs" shall also include the cost to "construct a sewerage system" as the latter term is defined in Section 1 of these regulations.

For sewer construction projects approved by the Authority on or before September 30, 1990 or between August 31, 2005 and March 8, 2011, the Capital Assessment Formula includes three factors: (1) Assessed Valuation, (2) Acreage, and (3) Use, in accordance with the following formula:

- a. \$27.50 for each \$1,000 of assessed valuation;
- b. \$300.00 for each assessable acre in each parcel;
- c. \$1050.00 for each unit of use as determined by the Capital Assessment Schedule (attached at the end of this section of the Regulations).

For sewer construction projects approved by the Authority beginning on or after March 9, 2011, the Capital Assessment Formula includes the same three factors, plus an additional factor, in accordance with the following formula:

- a. \$27.50 for each \$1,000 of assessed valuation;
- b. \$300.00 for each assessable acre in each parcel;
- c. \$1050.00 for each unit of use as determined by the Capital Assessment Schedule (attached at the end of this section of the Regulations);
- d. An additional capital assessment will be required for any new connection to the Wilton sewer system based on the following schedule:

<u>Water Meter/Service Line Size</u>	<u>Calculated Fee</u>
5/8 inch	\$ 840
3/4 inch	\$ 1,260
1 inch	\$ 2,100
1-1/2 inch	\$ 4,200
2 inch	\$ 6,720
3 inch	\$ 13,440
4 inch	\$ 21,000
6-inch	\$ 42,000

8 inch	\$ 67,200
10 inch	\$ 96,600
12 inch	\$180,600

This additional capital assessment will be made for each benefited property owner whether or not that benefited property owner actually connects to the sewer system. If and when the Town of Wilton is required to pay "new connection charges" or the like to the City of Norwalk greater than the "Calculated Fee" above, then the "Calculated Fee" shall be increased to an amount sufficient to cover the cost of such charges, and the capital assessment shall be increased accordingly.

For sewer projects approved by the WPCA between October 1, 1990 and August 31, 2005 inclusive, the Capital Assessment shall be determined by multiplying the "Individual Assessment Factor" by the "Project Cost Multiplier." (See Section 1, Definitions).

Notwithstanding the foregoing, Capital Assessments for Residential Condominiums shall be determined in accordance with the provisions of the section hereinafter entitled "Capital Assessments for Residential Condominiums" which follow.

For sewer construction projects approved by the Authority after March 29, 2012, commercial properties, or commercial parcels, as defined in Section 1, Definitions, shall be excluded from the operation of the Capital Assessment Formula. The special benefit accruing to commercial properties, or commercial parcels, by reason of such sewer projects, and the assessment based upon that special benefit, shall be determined on a case-by-case basis, using either special benefit analysis as performed by an expert qualified to perform such analysis, or any other method acceptable for determining the special benefit to such properties. As used in this paragraph and these Regulations, "special benefit" means the amount by which such sewer project causes commercial properties or commercial parcels to increase in market value. It is calculated by the difference between the market value of such properties with and without a sewer project. "Special benefit analysis" means the method or methods for determining that "special benefit."

Capital Assessments shall be published and a public hearing will be held at which the owner of the property to be assessed will have the opportunity to be heard concerning the proposed assessments. After the hearing, the WPCA shall file a copy of the assessments in the Office of the Town Clerk and shall publish the assessments. Any appeal from the assessment must be filed in accordance with Section 7-250 of the General Statutes within twenty one (21) days of filing of the assessment with the Town Clerk by the WPCA.

Buildings or structures constructed or expanded after the initial assessment has been levied shall be assessed as if the new or expanded building or structure had existed at the time of the initial assessment. "Had existed at the time of the 'initial assessment,' shall mean the date of the initial assessment, taking into account the grand list valuation for tax