

**EAST LYME WATER & SEWER COMMISSION
PUBLIC HEARING I
Tuesday, SEPTEMBER 22nd, 2009
MINUTES**

The East Lyme Water & Sewer Commission held a Public Hearing on September 22, 2009 at Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut to hear comments regarding Sewer Benefit Assessments for Orchards Subdivision, Phase I and Phase III, Supplemental Resolution to Sewer Main Extension No. 5. (Resolution and List of properties attached at end of Minutes).

PRESENT: Paul Formica, Chairman, Steve DiGiovanna, Dave Zoller, Dave Murphy, Joe Mingo, Roger Spencer, Carol Russell, Dave Bond

ALSO PRESENT: Attorney Edward O'Connell, Town Counsel
Brad Kargl, Municipal Utility Engineer
Michael Giannattasio, Director of Public Works

ABSENT: Mary Cahill

Pledge of Allegiance

The Pledge was observed.

Public Hearing I

◆ **Proposed Sewer Benefit Assessments for Orchards Subdivision, Phase I and Phase III, Supplemental Resolution to Sewer Main Extension No. 5.**

Chairman Formica opened the Public Hearing and called it to order at 7:00 PM. He noted that the notice had been published in the local newspaper. (Copy attached at end of Minutes)
He then asked Attorney O'Connell, Town Counsel to give a brief overview of the benefit assessments.

Attorney O'Connell said that this benefit assessment is the same at \$12,066 as was assessed for Boston Post Road and is supplemental to it and is therefore an 'opt-in' system as it is an 'opt-in' resolution. As such, the owners do not have to pay except when they 'opt-in'. The payment schedule for those connected begins on 4/1/2010 and runs for 15 years in substantially equal annual installments. They also do not pay at once but rather in installments over time to the year 2024. He then passed out a map of the Orchards indicating the properties in Phases 1 and III.

Mr. Mingo said that all of the properties should be included on the map and asked about #137 and the Club House.

Mr. Kargl said that #137 is included as is the Club House.

Mr. Formica asked if there were any members of the public who wished to comment –

Nevien Nematalla, 5 Hickory Court asked about the lots that have not been sold yet and if those that are sold are going to take up the whole burden.

Mr. Formica said that they would all be charged the same assessment and that the new lots know that they would be assessed the \$12,066 when purchased. He added that they could pay the assessment off all at once or over time and that if they opted to pay off the balance at any time that they would not be penalized.

Ms. Nematalla asked if there would be another fee beyond this one.

Mr. Formica and Mr. Kargl said that there would not be one for the hook-up but that they would be billed every six (6) months for the use of the system.

Ms. Nematalla asked about the Club House and the people who are there now having to pay for it as it seems that they are paying twice.

Attorney O'Connell explained that they have charged other such associations in the same manner and added that they also have been charged as residential rather than commercial.

Mr. Formica asked if there were any other comments from the public -

Hearing none –

He asked if the Commissioners had any other questions –

Hearing none –

He called for a motion to close the Public Hearing -

****MOTION (1)**

Mr. Mingo moved that this Public Hearing be closed.

Mr. Zoller seconded the motion.

Vote: 8 – 0 – 0. Motion passed.

Mr. Formica closed this Public Hearing at 7:11 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary