

**EAST LYME WATER & SEWER COMMISSION  
PUBLIC HEARING I  
Tuesday, MARCH 23, 2021  
MINUTES**

The East Lyme Water & Sewer Commission held a Public Hearing on March 23, 2021 via Zoom meetings to hear comments on the Supplemental Assessment to Sewer Main Extension No. 5, The Orchards at East Lyme.

**PRESENT:** Kevin Seery, Acting Chairman, Dave Bond, Steve DiGiovanna, Dave Jacques, Dave Murphy, Carol Russell, Roger Spencer, Dave Zoller

**ALSO PRESENT:** Joe Bragaw, Public Works Director  
Brad Kargl, Municipal Utility Engineer  
Ben North, Asst. Municipal Utility Engineer  
Attorney Mark Zamarka, Town Counsel  
Anna Johnson, Finance Director

**ABSENT:** Mark Nickerson, Chairman, Joe Mingo

**Pledge of Allegiance**

The Pledge was observed.

**Public Hearing I**

♦ **Supplemental Assessment to Sewer Main Extension No. 5, The Orchards at East Lyme**

Acting Chairman Seery called this Public Hearing on the Supplemental Assessment to Sewer Main Extension No. 5, The Orchards at East Lyme to order at 6:30 PM.

The Notice of Public Hearing and Supplemental Assessment listing were entered as Exhibit I into the record and are attached to the minutes.

Mr. Seery asked if there were any comments from the public.  
Hearing none,  
He asked if the Commissioners had any comments—  
Hearing none - he called for a motion to close this Public Hearing.

**\*\*MOTION (1)**

Mr. Murphy moved to close this Public Hearing.

Mr. DiGiovanna seconded the motion.

Vote: 8 – 0 – 0. Motion passed.

Mr. Seery closed this Public Hearing at 6:36 PM.

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary

FILED

Mar 30 2021 AT 10:45 AM/PM

*Karen Zmitruk*

EAST LYME TOWN CLERK

**NOTICE OF PUBLIC HEARING  
(Via Zoom – Instructions Below)**

**TOWN OF EAST LYME  
WATER AND SEWER COMMISSION**

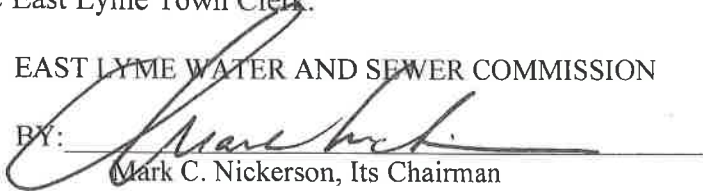
**SUPPLEMENTAL ASSESSMENT TO SEWER MAIN EXTENSION NO. 5  
THE ORCHARDS AT EAST LYME**

Notice is hereby given that the East Lyme Water and Sewer Commission, the duly designated Water Pollution Control Authority of the Town of East Lyme, will hold a Public Hearing via Zoom on Tuesday, March 23, 2021 at 6:30 p.m. regarding the Supplemental Resolution to Sewer Main Extension No. 5, known as “**The Orchards at East Lyme**” for which a subdivision plan has been approved by the Planning Commission and which is on file with the Town of East Lyme; said portions being designated as Partridge Court and Arbor Crossing on a map or plan entitled “Orchards at East Lyme Phase Plan Prepared for Prestige at East Lyme, Connecticut July 17, 2006, Rev. 12-06-07, Sheet I of 11, Gerwick-Mereen, LLC Civil Engineering and Land Surveying.” The purpose of the Public Hearing is to receive and consider comments regarding the proposed assessment resolution and proposed assessments to be levied on the properties benefited by the sanitary sewer system of East Lyme listed on Schedule A attached hereto:

A copy of the proposed assessment resolution and proposed assessments are available for inspection at the office of the East Lyme Town Clerk.

EAST LYME WATER AND SEWER COMMISSION

BY: \_\_\_\_\_

  
Mark C. Nickerson, Its Chairman

East Lyme Water and Sewer Commission is inviting you to a scheduled Zoom Meeting

Topic: Public Hearing for Supplemental Assessment to Sewer Main Extension No. 5, The Orchards at East Lyme

Time: March 23, 2021, 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88389860195?pwd=aGJ4R3dSeWJUVFZHTStoVW83M0hSdz09>

Or Dial by phone +1 646 558 8656 US (New York)

Meeting ID: 883 8986 0195

Passcode: 772864

*Attach mail*

*Ex. 1*

*Web PH 1*

*3/23/21*

**TOWN OF EAST LYME  
WATER AND SEWER COMMISSION**

**NOTICE OF PUBLIC HEARING**

**SUPPLEMENTAL SEWER ASSESSMENT  
ORCHARDS AT EAST LYME**

**SCHEDULE "A"**

<b>OWNER</b>	<b>Acct #</b>	<b>#</b>	<b>Address</b>	<b>Map</b>	<b>Lot</b>	<b>Unit SFR</b>	<b>Assessment</b>
Andia & Pellumb Likollari	996	67	Arbor Crossing	29.1	14.1	1	\$12,066.00
Justin & Heather Murphy	8937	37	Arbor Crossing	29.1	43	1	\$12,066.00
<b>Orchards of East Lyme</b>	8938	3	Partridge Court	29.1	44	1	\$12,066.00
Orchards of East Lyme	8939	5	Partridge Court	29.1	45	1	\$12,066.00
Jon D. Lamoureux	8940	7	Partridge Court	29.1	46	1	\$12,066.00
Lindsay M & Joseph Capone	8941	9	Partridge Court	29.1	47	1	\$12,066.00
Li Xiaoling	8942	11	Partridge Court	29.1	48	1	\$12,066.00
Orchards of East Lyme	8943	15	Partridge Court	29.1	49	1	\$12,066.00
Masaya & Emi Yamaguchi	8944	17	Partridge Court	29.1	50	1	\$12,066.00
Orchards of East Lyme	8945	19	Partridge Court	29.1	51	1	\$12,066.00
Orchards of East Lyme	8946	21	Partridge Court	29.1	52	1	\$12,066.00
Orchards of East Lyme	8947	23	Partridge Court	29.1	53	1	\$12,066.00
Orchards of East Lyme	8948	25	Partridge Court	29.1	54	1	\$12,066.00
Orchards of East Lyme	8949	49	Arbor Crossing	29.1	55	1	\$12,066.00
Michael J. Moscella	8950	47	Arbor Crossing	29.1	56	1	\$12,066.00
Mallory Reardon Porter	8951	10	Partridge Court	29.1	57	1	\$12,066.00
<b>Prasad Bolineni</b>	8952	8	Partridge Court	29.1	58	1	\$12,066.00
Wendy Luca	8953	6	Partridge Court	29.1	59	1	\$12,066.00
Bernardo Lombo Lievano	8954	4	Partridge Court	29.1	60	1	\$12,066.00
James M. & Debra A. Stout	8955	2	Partridge Court	29.1	61	1	\$12,066.00
Brian G. Blake	8956	43	Arbor Crossing	29.1	62	1	\$12,066.00
Matthew William Glasz	8957	45	Arbor Crossing	29.1	63	1	\$12,066.00
Asim Ejaz	8962	63	Arbor Crossing	29.1	68	1	\$12,066.00
Giancarlo M. Dangelo	8963	65	Arbor Crossing	29.1	69	1	\$12,066.00
Michael Finkelstein	9000	50	Arbor Crossing	29.1	106	1	\$12,066.00



**SUPPLEMENTAL RESOLUTION TO SEWER MAIN EXTENSION NO. 5**

**ORCHARDS AT EAST LYME  
(PARTRIDGE COURT and ARBOR CROSSING)**

**RESOLUTION** relative to a supplemental assessment of benefits pursuant to the Resolution for Sewer Main Extension #5 adopted by the East Lyme Water and Sewer Commission on April 28, 2009, (hereinafter the "**Resolution**") in connection with various properties located in the Town of East Lyme, Connecticut, establishing the due date of said assessments, providing for installment payments of assessments and interest thereon:

**WHEREAS**, the East Lyme Water and Sewer Commission, the statutory municipal Water Pollution Control Authority existing under the laws of the State of Connecticut within and for the Town of East Lyme, has heretofore adopted a Resolution relative to the assessment of benefits for public sanitary collection sewers installed in the Town of East Lyme; and

**WHEREAS**, said Resolution provides that assessments may be deferred until approval of a subdivision plan for excess property by the planning commission, at which time assessment shall be made in accordance with the terms of said Resolution; and

**WHEREAS**, the properties hereinafter specified are subdivided portions of a tract known as "**The Orchards at East Lyme**" for which a subdivision plan has been approved by the planning commission and which is on file with the Town of East Lyme; said portions being designated as Partridge Court and Arbor Crossing on a map or plan entitled "Orchards at East Lyme Phase Plan Prepared for Prestige at East Lyme, Connecticut, July 17, 2006, Rev. 12-06-07, Sheet 1 of 11, Gerwick-Mereen, LLC Civil Engineering and Land Surveying;" and

**WHEREAS**, the owners of houses, buildings, units of a common interest community or other structures used as residences and located on the parcels of land below are required to connect said houses, buildings, units and structures to the sewer, at their own expense; and

**WHEREAS**, it is the intention to levy supplemental assessments upon said properties in accordance with Section 7-249 of the Connecticut General Statutes and the Resolution.

**NOW THEREFORE, BE IT RESOLVED** by the East Lyme Water and Sewer Commission as follows:

1. The owners, properties and the amounts of the assessments hereby levied upon said properties are set forth on **Schedule A** attached hereto.

2. The obligation to make payment of the benefit assessment, and the interest thereon, shall not accrue until such time as the owners connect to the sewer. Said

assessment shall be due and payable at the time when the owners connect to the sewer. The owners may pay the entire amount of the assessment in full on or before the date of connection without interest or pay said assessment by installment payments made in accordance with Paragraph 3 hereof.

3. If the election is made to pay said assessment by installment payments, installment payments of the assessment for each property shall be made in substantially equal annual installments, the first installment to be due and payable **June 1, 2021**, and each subsequent payment of an installment to be due and payable on or before **June 1<sup>st</sup>** of each year, and the final payment shall be due and payable no later than **June 1, 2035**. Payments shall be made payable to the order of the Treasurer of the Town of East Lyme. Notice of installment payments will be recorded on the East Lyme land records as provided by the Connecticut General Statutes.

Notwithstanding any other provision herein, if any portion of any installment, including accrued interest, has not been paid by the first anniversary date after such installment was due and payable, then the entire principal sum of the assessment, together with all accrued interest, shall become due and payable.

4. That interest at the rate of **five percent (5%)** per annum on the unpaid balance of the assessment shall be due and payable at the time of the payment of each installment provided for in paragraph 3 above. Any person may pay an installment or installments for which he is liable at any time prior to the due date thereof.

5. That the assessment or any installment thereof, if 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 rate and in the manner set forth in the Connecticut General Statutes for delinquent property taxes.

6. That each installment of interest shall be collectible as part of such assessment.

7. That any delinquent assessment or delinquent installment of any assessment and any interest due thereon shall constitute a lien against the real estate against which the assessment was levied from the date such levy became due. Each such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording, and releasing real property tax liens. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in same manner as real property taxes.

**BE IT FURTHER RESOLVED**, that the assessments of benefits stated herein and in the public record of the Water and Sewer Commission of the Town of East Lyme should be deemed duly and legally made. Notice shall be published listing the proposed properties against which benefits have been assessed, with the amount to be paid by the Owner(s) and a notice of the date when assessments become due and payable. A copy of the assessment of benefits shall be mailed to the Owner(s) of each property affected thereby in accordance with the Connecticut General Statutes.