

**EAST LYME WATER & SEWER COMMISSION
PUBLIC HEARING I
Tuesday, MAY 25, 2021
MINUTES**

The East Lyme Water & Sewer Commission held a Public Hearing on May 25, 2021 to hear comments on the Supplemental Sewer Assessments Pursuant to the Resolution adopted on August 27, 1991 and the Resolution for Sewer Main Extension No. 3 Adopted on September 26, 2006.

PRESENT: Kevin Seery, Acting Chairman, Dave Bond, Steve DiGiovanna, Dave Jacques, Joe Mingo, 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

FILED

ABSENT: Mark Nickerson, Chairman

June 3, 2021 AT 10:01 AM PM

Pledge of Allegiance
The Pledge was observed.

Brooke Johnson ATC
EAST LYME TOWN CLERK

Public Hearing I

- ◆ **Supplemental Sewer Assessments Pursuant to the Resolution adopted on August 27, 1991 and the Resolution for Sewer Main Extension No. 3 Adopted on September 26, 2006.**

Acting Chairman Seery called this Public Hearing on the Supplemental Sewer Assessments to order at 7:00 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. Mingo seconded the motion.

Vote: 9 – 0 – 0. Motion passed.

Mr. Seery closed this Public Hearing at 7:03 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

NOTICE OF PUBLIC HEARING

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

SUPPLEMENTAL SEWER ASSESSMENT

Notice is hereby given that the East Lyme Water and Sewer Commission, acting as the Town of East Lyme's duly designated Water Pollution Authority, will hold a Public Hearing on May 25, 2021 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, Ct at 7:00 PM for proposed supplemental sewer assessments pursuant to the resolution adopted by the East Lyme Water and Sewer Commission on August 27, 1991 and pursuant to the resolution for Sewer Main Extension No. 3 (Smith Avenue/Smith Street Extension) adopted on September 26, 2006, to hear comments regarding the proposed benefit assessments to be levied on the properties benefited by the East Lyme Sanitary Sewer System listed on Schedule A attached hereto.

The public is invited to attend and be heard regarding the proposed benefit assessment resolutions. A copy of the proposed assessment resolutions has been filed with the Town Clerk and is available for inspection by the public.

EAST LYME WATER AND SEWER COMMISSION

BY:



Mark C. Nickerson, Its Chairman

Attachment

Wes PH I

5/25/2021

**SUPPLEMENTAL SEWER
ASSESSMENT RESOLUTION**

RESOLUTION relative to a supplemental assessment of benefits pursuant to the resolution adopted by the East Lyme Water and Sewer Commission on August 27, 1991, as amended on March 24, 1992 (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 structures constructed or expanded after the adoption of the Resolution are to be assessed in accordance with the terms of said Resolution; and

WHEREAS, the properties hereinafter specified contain structures which were constructed or expanded after the adoption of the Resolution; 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 here to.

2. That the assessments set forth in Paragraph 1 hereof shall be due and payable on **JANUARY 1, 2022**. The owner(s) of any assessed property may elect to pay the entire amount of the assessment in full on or before the date that it is due and payable without interest or may elect to 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 **JANUARY 1, 2022**, and each subsequent payment of an installment to be due and payable on or before **JANUARY 1st** of each year, and the final payment shall be due and payable no later than **JANUARY 1, 2036**. 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.

8. That these supplemental assessments are in addition to sewer benefit assessments previously levied against these properties.

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.

SUPPLEMENTAL RESOLUTION TO SEWER MAIN EXTENSION NO. 3

RESOLUTION relative to a supplemental assessment of benefits pursuant to the Resolution for Sewer Main Extension #3 (known generally as the "Smith Avenue/Smith Street Extension") adopted by the East Lyme Water and Sewer Commission on October 24, 2006, (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 structures constructed or expanded after the adoption of the Resolution are to be assessed in accordance with the terms of said Resolution; and

WHEREAS, the properties hereinafter specified contain structures which were constructed or expanded after the adoption of the Resolution; 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.

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 may opt to connect said houses, buildings, units and structures to the sewer, at their own expense; and

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 the following property:

Mark & Amy Tousignant - 34 Smith Avenue – Map 17.3/Lot 164-I - \$9815.31

2. That the assessments set forth in Paragraph 1 hereof shall be due and payable on **JANUARY 1, 2022**. The owner(s) of any assessed property may elect to pay the entire amount of the assessment in full on or before the date that it is due and payable without interest or may elect to 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 **JANUARY 1, 2022**, and each subsequent payment of an installment to be due and payable on or before February 1st of each year, and the final payment shall be due and payable no later than **JANUARY 1, 2036**. 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.

