

**CROMWELL WATER POLLUTION CONTROL AUTHORITY**  
**RESOLUTION ADOPTING RULE OF APPORTIONMENT**  
**OF SEWER SYSTEM BENEFIT ASSESSMENTS**

**Whereas**, The Cromwell Water Pollution Control Authority as agent for the Town of Cromwell (hereinafter "The Town"), has constructed or caused to be constructed a trunk and local Sewer System and proposes to expand said system by building additional Sewer Systems (collectively, the "Sewer System") and:

**Whereas**, The Authority has determined that the properties (lands and improvements) which are or will be benefited by the construction of said Sanitary Sewer System fall within one or two categories – namely generally and specially benefited properties: (1) generally benefited properties being all those properties on the Grand List of the Town, which properties benefit from the increase in value to all property in the Town as a result of the improved sanitation, the abatement of pollution, the service to Town-owned facilities, the value of Town-owned facilities, the availability of trunk sewers for future extension into and service of other areas of the Town, and the value of the sewage collection and treatment system itself, which generally benefited properties are to support the said system through general taxation and /or benefit assessments and (2) specially benefited properties being those to which the Sewer System is, or may become available, whether they abut on said Sewer System or not, which specially benefited properties are to support the said Sewer System through the payment of benefit assessments to be levied upon them by the Town; and

**Whereas**, The Authority desires to establish a fair and equitable method of apportionment of the portion of the cost of said Sewer System, which is to be borne by such specially benefited properties;

**Now Therefore**, be it resolved that the Cromwell Water Pollution Control Authority hereby adopts as a basis for apportionment of the portion of the cost of said Sewer System to be borne by the specially benefited properties, the following rule or method:

**1. Definitions**

For the purpose of this rule or method, the following terms, phrases and words, shall have the following meanings:

**A. Gross Floor Area**

The square footage (SF) of improvements used other than as residence and calculated on the basis of outside measurements.

**B. Improvement**

A building or structure affixed to land, in which a person may dwell or in which a person may work.

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- C. Improved property  
Land upon which an improvement exists.
- D. Zoning Regulations  
The Planning and Zoning regulations, as amended, presently in effect in the Town of Cromwell.
- E. Residential  
An improved property with building(s) or structure(s) used or useable principally as a place of dwelling by one (1) or more persons, whether located in a residential district or not.
- F. Non-Residential  
An improved property with building(s) or structure(s) used by (1) or more persons principally for other than a place of dwelling, including, but not limited to, commercial, industrial, institutional and public improvements.
- G. Multi-Use  
An improved property with building(s) or structure(s), which contains both residential and non-residential uses.
- H. Dwelling  
A building or structure, in which people live or can live.
- I. Unit  
A measurement used to represent the space within a building or structure, occupied for residential purposes by a single-family group whether located in a residential district or not.
- J. Equivalent Dwelling Unit (EDU)  
A measurement used to establish a ratio between residential and non-residential use of improved property.
- K. Development  
A tract of land upon which an improvement is being or is to be constructed, such as, but not limited to, non-residential or residential subdivisions and projects.
- L. Developer  
A person or persons engaged in the subdividing or improvement of land.
- M. Developer's Permit-Agreement (DP-A)  
An agreement between the Authority and a developer providing the terms and conditions under which sewer service is to be extended, by the developer, to a residential subdivision or non-residential development.

N. Sewer Extension Permit-Agreement (SEP-A)

An agreement between the Authority and a property owner providing the terms and conditions under which sewer service is to be extended to a single lot.

O. Sewer System

Shall mean sanitary sewers, force mains, pump stations, manholes, cleanouts, building laterals, and all appurtenant structures thereto as shown on a relevant site plan for the property.

**2. Assessments**

All such specially benefited properties shall be assessed on a uniform rate basis according to categories, adjustments, and exceptions as follows:

The portion of the cost of the Sewer System which is to be borne by the owners of the properties which are specially benefited by such Sewer System shall be determined in accordance with the following three methods and the total assessment of each property shall be the sum of all of the relevant assessments resulting from the application of the three methods to the particular property or the sum of all methods deemed applicable to the particular property by the Authority.

A. Lateral Charge:

A lateral charge of \$3,000.00 shall be assessed and/or collected if a building lateral is being connected to a sewer installed by the Town of Cromwell. This lateral charge shall include the first twenty-five (25') feet, or portion thereof, and thereafter a charge of \$120.00 per linear foot (LF).

No lateral charge(s) shall be assessed or collected for a lateral installed by a developer.

B. Unit Charge:

Residential or Residential component of a Mixed Use— a minimum uniform charge of \$2,600.00 shall be assessed for each unit, equivalent dwelling unit or portion thereof contained in the property being assessed. The actual unit charge may increase if insufficient to reimburse the Town and CWPCA for actual Sewer System construction costs. Such unit charge shall be levied against the owner or owners of each property containing such unit or units.

No unit charge(s) shall be assessed to connect a building to a sewer line installed by a developer.

No unit charge(s) will be assessed to connect a building to an existing sewer line where the bonding obligations for same already have been paid in full.

Non-Residential or Non-Residential Component of a Mixed Use Unit Charge will be calculated in accordance with Sections 4.A & 4.B.

C. Outlet Charge (Connection Fee):

Residential or Residential component of a Mixed Use— a minimum uniform charge of \$3000.00 shall be assessed and/or collected for each unit, equivalent dwelling unit, or portion thereof, contained in the property being assessed. The outlet charge for a development may increase to account for all costs associated with the design, construction and, financing of existing trunk interceptor lines to which the development will connect. Such outlet charge to be levied against the owner/developer of each property containing such unit or units.

Non-Residential or Non-Residential Component of a Mixed Use Outlet Charge will be calculated in accordance with Sections 4.D & 4.E.

**3. Method of Calculation of Units and Equivalent Dwelling Units (EDU's) – Residential or Residential Component of Mixed Use**

Units/EDUs: Residential

One (1) unit shall be assessed for each residential dwelling unit contained within a building or structure regardless of size.

One (1) unit shall be assessed for each property that is an approvable building lot.

One (1) outlet charge shall be assessed for each unit connected to the sanitary sewer.

**4. Method of Calculation of Units and Equivalent Dwelling Units (EDU's)**

A. Units/EDUs: Non-Residential or Non-Residential Component of a Mixed Use.

For non-residential properties the basis for an equivalent dwelling unit is 2,500 square feet.

B. All improved properties containing non-residential uses shall be charged for the non-residential component of the property based on the EDU Formula on the total non-residential building square footage divided by 2,500, or any part thereof, as follows:

EDU Formula (SF Unit Multiplier) \*See "Appendix A - Assessment Examples"

1 Unit -	\$2,600	1st 2,500 SF
2 - 5 Units -	\$2,100	2,501 – 12,500 SF
6 -10 Units -	\$1,600	12,501 – 25,000 SF
11 + Units -	\$1,100	25,001 – and up

C. Improvement to an existing non-residential building or structure:

Provided the improvement is equal to or exceeds 2,500 SF, the improvement shall be assessed per the EDU formula in Section 4.A. The existing building's Square

Footage shall be considered in the calculation of additional EDUs using the appropriate step in the EDU formula.

If being connected to the Sewer System, a minimum of One (1) unit shall be assessed to any freestanding improvement in accordance with this Section A.

**D. Multi-Use:**

Such building or structure shall be assessed for each residential dwelling unit together with all non-residential square footage.

**E. Outlets /EDUs: Non-Residential**

All improved properties containing non-residential uses shall be charged based on the EDU Formula on the total non-residential building square footage divided by 2,500 square feet, or any part thereof, as follows:

EDU Formula (SF Outlet Multiplier) \*See "Appendix A - Assessment Examples"

1 Outlet -	\$3,000	1st 2,500 SF
2 - 5 Outlets -	\$2,500	2,501 – 12,500 SF
6 -10 Outlets -	\$2,000	12,501 – 25,000 SF
11 + Outlets -	\$1,500	25,001 – and up

**5. Permit Agreements**

**A. Developer's Permit-Agreement (DP-A)**

Said assessment shall be made, as to each proposed unit in said development, and shall be due and payable at the time the Sewer System is formally approved for use by the CWPCA. No Performance Bond shall be formally reduced or released by the CWPCA unless all sewer assessment charges have been paid in full.

**B. Sewer Extension Permit-Agreement (SEP-A)**

Said assessment shall be made, as to each proposed unit in said development, and shall be due and payable at the time the Sewer System is formally approved for use by the CWPCA. No Performance Bond shall be formally reduced or released by the CWPCA unless all sewer assessment charges have been paid in full.

**6. Assessment Benefit Waiver**

Whenever, in the opinion of the Authority, as provided for in the Connecticut General Statutes (CGS), Chapter 103, Municipal Sewerage Systems, Sections §7-245 through §7-273a, because of the shape, condition, nature, location or distance of any land or improvements, but not because of the application of the EDU Formula, the total assessment of such property under the provisions hereof would not fairly reflect the actual benefit to such property, a factor or percentage of such lateral charge and/or unit charge and/or outlet charge may be used in the Authority's discretion to adjust the

assessments to more fairly reflect the extent to which the Authority believes such property to be benefited by the sewer system.

## **7. Project Cost Waiver**

If in the opinion of the CWPCA, a proposed sewer system would improve the health, environment or general welfare of an area and/or of the Town, but the cost of the sewer installation and assessments would cause an undue hardship on the property owners who would be assessed, the CWPCA, may, in its sole discretion, deduct certain costs of the sewer project from the overall project costs, and pay such deducted costs from previously collected sewer funds; provided the previously collected sewer funds are adequate and have not been pledged for other purposes.

The CWPCA, in its sole discretion, may take into account the following, in its determination whether such deductions are warranted:

- A. The ability of the users being directly benefited by the sewer to satisfy an assessment.
- B. The increase in property values by the project.
- C. Costs that may benefit a larger part of the Town, or costs that would naturally fall under different budget.
- D. Other benefits that result from the addition of sewers based upon economic or other data available to the CWPCA.
- E. Other factors that the CWPCA, in its sole discretion, concludes are in the best interests of the Town and the existing and future sewer users.
- F. Any cost reduction deemed reasonable by the CWPCA, in its sole discretion, for any specific project may not be utilized for another, separate project, nor does such a decision set precedent with respect to any future decision by the CWPCA.

## **8. Assessment for Residential Undeveloped Property**

- A. Undeveloped property with existing sewers, which cannot be subdivided pursuant to the current zoning and/or subdivision regulations, will be assessed in accordance with the rule of apportionment as a single lot. The property will be assessed and the assessment collected as follows:

Lateral Charge: Due and payable at issuance of sewer connection permit.

Unit Charge: Assessed per method 2.B., as applicable.

Outlet Charge: Due and payable at issuance of sewer connection permit.

In the event such property is subdivided or an additional lot(s) is established, after an assessment has been levied, each newly established lot(s), when developed, will be assessed per sections 2.A., 2.B. and 2.C.

- B. Undeveloped property with existing sewers, which can be subdivided in accordance with zoning and/or subdivision regulations in place at the time assessments are established:

One Unit assessment is established for such property and assessed per the rule of apportionment (with additional lateral and outlet charges deferred if the property is undeveloped). If the property is subdivided once an assessment has been levied, each of the newly established properties will be assessed per sections 2.A., 2.B. and 2.C.

- C. New Sewer Construction:

One assessment is established for such undeveloped property and assessed per the rule of apportionment (with the unit and lateral charge(s) due upon Sewer System construction completion and the outlet charge(s) deferred until issuance of sewer connection permits. If a property is subdivided once an assessment has been levied, each of the newly established lot(s) will be assessed per section 2.A., 2.B. and 2.C.

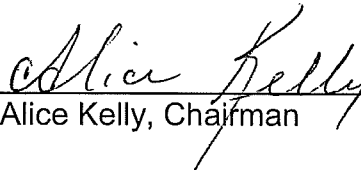
#### **9. Assessment for Non-Residential Undeveloped Property**

Before the issuance of a Drain Layer's Permit (sewer connection permit) the Unit and/or, Outlet and/or Lateral Charge (as applicable) is due and payable in full; based on the square footage of the improvement and the applicable Rule of Apportionment formula.

#### **10. Assessment for New Sewer Projects**

Town Installed Sewer Bonded Projects Assessment charges shall be based on actual Sewer System project costs. The CWPCA, upon their approval, may offer a deferred payment plan based upon the last maturity date of any bond, which shall include the corresponding bond rate charged to that project.

Adopted by,  
Cromwell Water Pollution Control Authority, March 12, 2018.

  
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Alice Kelly, Chairman

## Appendix A - Assessment Examples

The following examples are presented for illustration purposes only as an explanation of how the process for determining assessments is undertaken. **These examples should not be interpreted as an indication of a proposed assessment, nor should they be construed as anything other than examples.** In the event of a conflict between these examples and the Rule of Apportionment (ROA), the language of the ROA shall prevail.

For residential and non-residential properties the basis for an equivalent dwelling unit is 2,500 SF. This was established in 2007 by taking the median single family home's square footage built in Cromwell between the years of 2002 through 2006.

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Estimates are based on an assumed assessment for a single-family home, which equals one (1) equivalent dwelling unit (EDU), regardless of size:

| <b><u>Type of Charge</u></b> | <b><u>Assessment Formula Per EDU</u></b> |
|------------------------------|------------------------------------------|
| Lateral                      | \$ 3,000.00                              |
| Outlet                       | \$ 3,000.00                              |
| Unit                         | \$ 2,600.00 minimum for project          |

EDU Formula for non-residential assessments – Outlet equals Square Footage (SF) divided by 2,500.

|              |             |
|--------------|-------------|
| 1 Outlet     | \$3, 000.00 |
| 2-5 Outlets  | \$2, 500.00 |
| 6-10 Outlets | \$2, 000.00 |
| 11+ Outlets  | \$1, 500.00 |

EDU Formula for non-residential assessments – Unit equals Square Footage (SF) divided by 2,500.

|            |             |
|------------|-------------|
| 1 Unit     | \$2, 600.00 |
| 2-5 Units  | \$2, 100.00 |
| 6-10 Units | \$1, 600.00 |
| 11+ Units  | \$1, 100.00 |

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### **Residential Assessment – Town Installed Sewers**

<b><u>Example #1</u></b>	<b><u>Single Family Dwelling (1 EDU, regardless of size)</u></b>
1 Lateral	\$ 3,000
1 Outlet	\$ 3,000
1 Unit	<u>\$ 2,600 (minimum charge)</u>
Assessment Total	\$ 8,600



Example #2                                      Multi-Family Dwelling (3 EDU's)

1 Lateral	\$3,000.00
3 Outlet x 3,000 ea.	\$9,000.00
3 Unit x 2,600 ea.	<u>\$7,800.00</u>
Assessment Total	\$19,800.00

**Residential Assessment – Developer Installed Sewers**

Example #1                                      Single Family Dwelling (1 EDU regardless of size)

1 Outlet	\$ 3,000.00
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Example #2                                      25 Lot Subdivision (1 EDU regardless of size)

25 Outlets x 3,000	\$ 75,000
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**Non-Residential Assessment – Town Installed Sewers**

Example #1                                      4,900 S. F. Office Building (1.96 EDU's)

Lateral 1 x 3,000	\$3,000.00
1 Outlet x 3,000	\$3,000.00
.96 Unit x 2,500	\$2,400.00
1 Unit x 2,600	\$2,600.00
.96 Unit x 2,100	<u>\$2,016.00</u>
Assessment Total	\$13,016.00

Example #2                                      100,000 SF Office Building (40.00 EDU's)

Lateral 1 x 3,000	\$3,000.00
1 Outlet x 3,000	\$ 3,000.00
4 Outlets x 2,500	\$10,000.00
5 Outlets x 2,000	\$10,000.00
30 Outlets x 1,500	<u>\$45,000.00</u>
1 Unit x 2,600	\$2,600.00
4 Units x 2,100	\$8,400.00
5 Units x 1,600	\$8,000.00
30 Units x 1,100	<u>\$33,000.00</u>
Assessment Total	\$123,000.00

## Multi-Use Assessment – Town Installed Sewers

### Example #1

2 Residential "Apartments" (2 EDU's)  
& 3,200 SF Building (1.28 EDU's)

Lateral 1 x 3,000	\$3,000.00
Outlet- 2 Residential x 3,000	\$6,000.00
1 Outlet x 3,000	\$3,000.00
.28 Outlet x 2,500	\$ 700.00
Unit-2 Residential x 2,600	\$5,200.00
1 Unit x 2,100	\$2,100.00
.28 Unit x 1,600	<u>\$ 448.00</u>
Assessment Total	\$20,448.00

## Non-Residential Assessment – Developer Installed Sewers

### Example #1

4,900 S. F. Office Building (1.96 EDU's)

1 Outlet x 3,000	\$3,000.00
.96 Outlet x 2,500	<u>\$2,400.00</u>
	\$5,400.00

### Example #2

23,000 SF Office Building (9.20 EDU's)

1 Outlet x 3,000	\$ 3,000.00
4 Outlets x 2,500	\$10,000.00
4.2 Outlets x 2,000	<u>\$ 8,400.00</u>
	<u>\$21,400.00</u>

### Example #3

25,000 SF Existing Building (10.00 EDU's)- Paid  
Addition SF 15,000 (6 EDU's) – Use 11+ Outlet Multiplier

6 Outlets x 1,500	\$9,000.00
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