



BOARD OF SEWER COMMISSIONERS
Regular Meeting Agenda
Tuesday, February 15, 2022 6:00 p.m.

If anyone from the public would like to attend and provide comment in person as opposed to calling in or using Zoom, may do so at the Water Filtration Plant, 1080 Terryville Avenue, Bristol, Connecticut.

WEBSITE: www.zoom.us/join

MEETING ID#: 845 169 6140

PASSWORD: 12345

CALL IN: 1 (929) 205-6099

1. Call to Order
2. Pledge of Allegiance
3. Moment of Silence
4. Approval of the minutes of the January 18, 2022 Regular Board Meeting
5. Public Participation
6. Customer Correspondence
15 Dutton Avenue – Janis Bevivino
7. On-call Engineering RFQ
8. Assessments and Ordinance
9. FOG Permit Fee
10. Superintendent's Report
11. Old Business
12. New Business
13. Adjournment

Next Meeting: Tuesday, March 15, 2022 at 6:00 pm

BOARD OF SEWER COMMISSIONERS

JANUARY 18, 2022 – REGULAR MEETING

PRESENT by videoconference: Chairperson Dunn, Commissioners Phelan, Suarez, Ferrier and Porrini. Council Liaison Jacqueline Olsen.

STAFF PRESENT by videoconference: Superintendent Robert Longo, Sean Hennessey, Director of Sewer, Assistant Superintendents Pagliaruli, Bolduc and Office Manager Dawn LaBella.

ABSENT: Assistant Superintendent Lynch.

1) CALL TO ORDER.

Chairman Dunn called the meeting of the Board of Sewer Commissioners held via videoconference to order at 6:03 p.m.

2) PLEDGE OF ALLEGIANCE.

3) MOMENT OF SILENCE.

4) APPROVAL OF THE MINUTES OF THE DECEMBER 21, 2021 REGULAR BOARD MEETING.

On motion of Commissioner Phelan and seconded, it was unanimously voted to approve the December 21, 2021 minutes as presented.

Roll call vote: Chairperson Dunn – Yes
 Commissioner Phelan – Yes
 Commissioner Suarez – Yes
 Commissioner Ferrier – Yes
 Commissioner Porrini – Yes

Motion passed.

5) PUBLIC PARTICIPATION.

None.

6) CUSTOMER CORRESPONDENCE.

1444 Farmington Avenue – Sewer Connection Waiver, Attorney Timothy Furey for Hillcrest Development Partners, LLC:

Attorney Timothy Furey noted he represents Hillcrest Development Partners, LLC for the project on 1444 Farmington Avenue. His client plans to demolish the old Ruby Tuesday's Restaurant at 1444 Farmington Avenue. The plan includes to build two separate buildings on the one parcel using the existing sewer line to connect both buildings through the rear of the property. Attorney Furey requested a waiver be granted in the same fashion that was given to Walmart by allowing them to connect to the rear of their property. A lengthy discussion ensued to the plans, sewage capacity and that it potentially could have two different owners.

Superintendent Longo read into record the Sewer Ordinance Section 22-19, (2) *License suspension/revocation (e) Separate connections for each building*. Each independent house or building shall have a direct connection the public sewer serving it, separate from any other building sewer serving any other house, building or structure. The sewer commission may permit variations of this requirement upon receipt of a written request to that effect from the owners of all the land in any way concerned. A discussion ensued and the Board stated they could not grant the waiver because there will be two separate buildings and potentially two separate owners.

On motion of Commissioner Ferrier and seconded, it was unanimously voted that no waiver be granted for 1444 Farmington Avenue, Chipotle and Starbuck development built by Hillcrest Development Partners, LLC.

Roll call vote: Chairperson Dunn – Yes
 Commissioner Phelan – Yes
 Commissioner Suarez – Yes
 Commissioner Ferrier – Yes
 Commissioner Porrini – Yes

Motion.

7) ON-CALL ENGINEERING RFQ.

None.

8) SUPERINTENDENT'S REPORT.

No action taken.

9) OLD BUSINESS.

None.

10) NEW BUSINESS.

None.

11) ADJOURNMENT.

At 7:16 p.m., on motion of Commissioner Suarez and seconded, it was unanimously voted to adjourn.

ATTEST: _____

Renee M. LaMarre

Water & Sewer Administrative Assistant

DRAFT

REQUEST FOR LEGAL OPINION

TO: Corporation Counsel

FROM: Robert Longo, Superintendent Bristol Water and Sewer

SUBJECT: **Sewer** – Special Connection Agreements

DATE: February 3, 2022

FACTS: The Bristol Water and Sewer Departments has found that the City of Bristol entered into "Special Connection Agreements" with many residents over the years instead of assessing properties. These agreements allowed residents to connect to the City Sewer system through a "Special Connection Fee" and under the terms of the agreements, the resident agreed to make semi-annual payments over a certain time period until the residents responsibility for the original cost to install the Sewer mains was completely paid for.

In our review of these agreements and payment plans, most residents have not been making the required payments and many have gone years without making a payment leaving over \$700,000 unpaid to the City.

The Bristol Water Department Rules and Regulations do not permit a resident to connect to the City Water System unless the assessment for the installation of the water main is paid in advance. The City has permitted residents to connect to the City Sewer System without paying any assessments in advance. The Sewer Department is considering requesting a change to the City Ordinance since payments are not being made and the Department cannot continue to finance Sewer mains without any form of recourse if payment is not made.

A copy of one of these agreements is attached.

LAW: Bristol City Charter Sec. 48 and 48A.

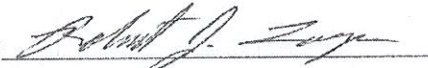
QUESTION: Since the Sewer Department cannot terminate service for Sewer, is there any recourse the department can take to recover the investments made by the department? In the agreements, there was never any statement made on the recourse the City or Sewer Department could take to collect on the debt.

REASON FOR REQUEST AND DATE NEEDED: We would like to bring this item to the Board of Sewer Commissioners for their input and direction at their March 15, 2022 regularly scheduled meeting. It would be appreciated if we could get a response from Corporation Counsel by March 7, 2022 so that the item can be included on the Agenda for the March 15, 2022 meeting.

Signed:



APPROVED BY DEPARTMENT HEAD

Signed: 

Date: 2-3-22



City of Bristol

BRISTOL, CONNECTICUT 06010

SPECIAL CONNECTION AGREEMENT

I, Bruce J. Porrini, owners of Lot Number 4-1A, Perkins Street, Bristol, Connecticut, in accordance with City Ordinance 22-26, do agree to pay my fair share of the construction cost for the installation of sanitary sewers in Perkins Street, in the form of a special connection fee in the amount of \$6,333.21 (which may be paid in thirty semi-annual installment payments of \$211.11 each plus interest at a rate of 3.75%) plus a \$500.00 connection fee and ongoing sewer user fees, upon issuance of a connection permit from the City of Bristol.

I also understand that it is my responsibility to take out all necessary permits in order to make said connection.

Patricia Desantis
Witness

Bruce J. Porrini
Bruce J. Porrini

Suzanne Bashaw
Witness

February 15, 2007

Date

STATE OF CONNECTICUT

ss. Bristol

A.D. February 15, 2007

Date

COUNTY OF HARTFORD

Personally appeared:

Bruce J. Porrini

Signer and Sealer of the foregoing instrument and acknowledged the same to be his free act and deed, before me.

Patricia Desantis
Notary Public

My Commission Expires 5-31-2010

EDWARD C. KRAWIECKI, JR.
CORPORATION COUNSEL

RICHARD E. LACEY
ASSISTANT CORPORATION COUNSEL

THOMAS W. CONLIN
ASSISTANT CORPORATION COUNSEL

JEFFREY R. STEEG
ASSISTANT CORPORATION COUNSEL

NOELLE T. BATES
LEGAL ADMINISTRATOR

GENNESIS J. OJEDA
LEGAL ADMINISTRATIVE ASSISTANT



City of Bristol

BRISTOL, CONNECTICUT 06010

Office of the Corporation Counsel

CITY HALL
111 NORTH MAIN STREET
BRISTOL, CONNECTICUT 06010
Tel. (860) 584-6150
Fax (860) 584-6152

OPINION NO. 22-490

Date: February 9, 2022

To: Robert Longo, Superintendent Bristol Water and Sewer

From: Jeffrey R. Steeg, Assistant Corporation Counsel

Re: Special Connection Agreements for sewer - nonpayment remedies

ISSUES:

First Issue: The Water Department does not permit a resident to connect to the city water system unless the assessment of the water main has been paid in advance. Can the Sewer Department change the ordinance to do the same?

Second Issue: If the resident does not pay in accordance with the Special Connection Agreement, how can the Sewer Department enforce collection?

BACKGROUND: Over the years, the City of Bristol has entered into "Special Connection Agreements" with many residents. These agreements allowed the residents to connect into the city sewer system allowing the residents to make semi-annual payments over a certain time period. The Sewer Department was authorized to enter into these agreements under Section 22-26(a) of the Bristol City Ordinances. Shortly thereafter, the city would record a lien on the land records as permitted under Connecticut General Statutes Section 7-258. This lien would "secure" payment of the Special Connection Agreement because this lien takes precedence over all other liens and encumbrances except for taxes and may be foreclosed in the same manner as a lien for property taxes. These liens, like property tax liens, are valid for fifteen (15) years.

ANALYSIS: If the property is sold within 15 years of the recorded lien, the resident or his legal representative, would contact the Sewer Department for a payoff and the matter is resolved and a release of lien is issued to be recorded on the land records.

If a resident does not make any payments and the property has not been sold within 15 years of the recorded lien, the Sewer Department would send out a collection letter. If the letter did not result in payment, the matter was referred to the Corporation Counsel's Office for collection.

However, if the lien is older than 15 years and no collection efforts have been pursued (ultimately leading to a foreclosure action), then the lien is void under law and would not be addressed by the resident's owner or the subsequent purchaser of the property. This could result in the property being sold and the lien, now void, is not addressed at the closing. In that case, the Sewer Department could

commence a civil action based on the signed Special Connection Agreement. If the balance is less than \$5,000, in Small Claims or in Superior Court.

CONCLUSION: Going forward, if it wishes, the Sewer Department can seek a change in the ordinance to require residents pay in advance similarly to the Water Department's requirement. Consideration should be given to the cost to the resident connecting to the city sewer system. However, that is a policy decision to be addressed by the Bristol Board of Sewer Commissioners and not addressed in this opinion.

The Special Connection Agreement can be enforced as aforementioned.



Bristol Sewer Division

To: BOSC

From: Sean Hennessey

cc: Robert Longo, Dawn Labella, Renee LaMarre

Date: January 28, 2022

Re: FOG Permit Fee

The Sewer Division is looking to add a permit fee of \$125 for Fats, Oils, and Grease (FOG) discharged by classified food preparation establishments into the City's collection system. The City's ordinance provides for the collection of such a fee. The dollar amount is aligned with what other local municipalities charge. The permit is valid for five years and is non-transferable.