



TOWN OF BERLIN
Water Control Commission
240 Kensington Road • Berlin, CT 06037
Office (860) 828-7065 • Fax (860) 828-7180

October 4, 2016

Ms. Jeanine Gouin
Milone & MacBroom, Inc.
99 Realty Drive
Cheshire, CT 06410

RE: ESA- Designation by Berlin Water Control Commission

Dear Ms. Gouin:

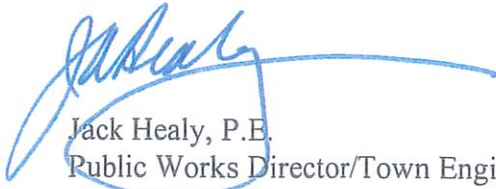
Attached is a completed application ' Exclusive Service Area Declaration Form' for the Central Connecticut WUCC.

Although we have filled out the form, we contend that we really shouldn't need to, since the Town Charter has designated the remaining portion of the Town of Berlin as our exclusive area. We feel that this was likely a historical oversight and should have been properly delineated in our original water supply plan.

The Town Charter (see attached section) has provided us the basis to potentially provide water service to those areas of the Town NOT served by the Kensington and Worthington Fire Districts.

It is our position that the Exclusive Service Area should be designated to the Berlin Water Control Commission as soon as possible. If you and/or the WUCC Chairman would like to discuss the matter further, please let me know. Thank you.

Sincerely,



Jack Healy, P.E.
Public Works Director/Town Engineer

cc: Ray Jarema, Berlin Water Control
WUCC Chairman
Denise M. McNair, Town Manager

EXCLUSIVE SERVICE AREA DECLARATION FORM
CENTRAL CONNECTICUT WUCC

INSTRUCTIONS:

Please answer all questions in Sections 1 and 2 and Sections A through H. Attach additional sheets if necessary.

For additional information regarding the exclusive service area declaration process, please refer to the Central WUCC Work Plan, contact any of the Central WUCC Officers, or contact Ms. Jeanine Gouin of Milone & MacBroom, Inc. at 203-271-1773 or jgouin@mminc.com.

Kindly return this form completed and signed, and with any pertinent attachments, to Ms. Jeanine Gouin of Milone & MacBroom, Inc., 99 Realty Drive, Cheshire, Connecticut, 06410 via mail, fax (203-272-9733), or email (listed above).

SECTION 1. DECLARANT INFORMATION

Water Utility or Municipality Name: Berlin Water Control Commission

Mailing or Street Address: 240 Kensington Road

Town, State, Zip Code: Berlin, Ct. 06037

Primary Contact Person & Title: Ray JAREMA, manager

Secondary Contact Person & Title: Jack Healy, Director of Public Works

Contact Telephone: 860-828-7065

Contact Fax: 860-828-7180

Contact Email: RJAREMA@TOWN.BERLIN.CT.US

SECTION 2. DESCRIPTION OF AREA CLAIMED BY DECLARANT AS EXCLUSIVE SERVICE AREA

All area within the municipal boundaries of Stafford, Tolland, Willington, Coventry, Mansfield, Bolton, Andover, and Columbia, with the exception of those parcels of land currently served by public water systems, are open to declarants as proposed exclusive service area boundaries. Additionally, a portion of Berlin and Farmington is currently open to declarants.

1. Please provide a written description in the box below of your proposed exclusive service area boundary. If you are claiming only a portion of land within any of the above municipalities, please provide a general description of the limits of your proposed exclusive service area. For example, "all of town A" or "the portion of town B as generally bounded by street C, street D, street E, and the municipal boundary with town F". Attach additional pages if necessary.

The Town of Berlin, NOT served by either Kensington Fire District & Warrington Fire District boundaries of their service area.

2. If you are only claiming a portion of a municipality, please attach a clear delineation of your proposed exclusive service area boundary on a map for each portion of a municipality you are claiming.

SECTION A. SUPPORTING INFORMATION RELATED TO EXISTING WATER SERVICE AREA

Please answer the following questions. Attach additional sheets, if necessary.

1. Do you currently own and operate a public water system within each municipality in your proposed exclusive service area? If no, indicate which municipalities in which you do not currently own and operate a system.

Yes

2. If you answered yes in Question 1, are you planning on expanding your existing service area in the future? If yes, describe your general expansion plans for the 5-year, 20-year, and 50-year planning periods.

No immediate plans, not cost effective,
Very limited development.

3. If you answered yes in Question 2, are you planning on servicing your entire proposed exclusive service area via an extension of your existing system, or will some or all of the areas need to be served through satellite systems? Please describe your intentions.

When we plan to serve we would have a combination of the following: 1) Purchase water; 2) Satellite management Awd; 3) expansion of our distribution system.

SECTION B. SUPPORTING INFORMATION RELATED TO EXISTING LAND USE PLANS, ZONING REGULATIONS, AND GROWTH TRENDS

Please answer the following questions. Attach additional sheets, if necessary.

1. Describe your familiarity with the local, regional, and state land use plans, local zoning regulations, and recent local growth trends within each municipality in your proposed exclusive service areas.

Very familiar

2. Identify the person or group at your utility or municipality responsible for reviewing and/or enforcing such plans and regulations, and what other groups serve to advise your utility or municipality on changes in land use and new developments at the local level.

Planning & Zoning ; Plan of Comprehensive & Development

3. Do the current zoning, land use plans, and growth trends in the municipality(ies) in your proposed exclusive service area currently suggest that new public water systems, or an extension of public water systems, will be needed?

Yes

4. Do the current zoning and land use plans in the municipalities in your proposed exclusive service area identify geographic locations where public water and/or public sewer service avoidance policies are being sought, and are therefore unlikely to require public water service in the immediate future?

Yes, certain areas are designated as sewer avoidance areas at this time.

5. Are you familiar with the current water supply planning regulations (Regulations of Connecticut State Agencies Section 25-32d) and how they relate to existing land use within each municipality that is served? Will these regulations affect your proposed exclusive service area and if so, how?

Yes, don't believe so.

SECTION C. PHYSICAL LIMITATIONS TO WATER SERVICE

Please answer the following questions. Attach additional sheets, if necessary.

1. If you will serve any or all of your proposed exclusive service area via an extension of your existing service area, will you need to develop new sources of supply to do so? In other words, do you have sufficient excess available water supply to reasonably serve the proposed exclusive service area?

Yes, we believe we will have the opportunity to purchase water which will continue to ensure a satisfactory margin of safety.

2. If you will serve any or all of your proposed exclusive service area via satellite systems, please identify any known areas in your proposed exclusive service area where bedrock yields are poor and/or groundwater contamination has affected groundwater quality.

Not aware of any specific contamination. Area has primarily been used as farm land. ~~There~~ No evidence of any private well issues in this area.

SECTION D. POLITICAL BOUNDARIES

Please answer the following questions. Attach additional sheets, if necessary.

1. Does your proposed exclusive service area cross political boundaries, such as municipal or borough boundaries?

No, within Town political bounds

2. If you will serve any or all of your proposed exclusive service area via an extension of your existing service area, will water come from sources across municipal boundaries?

Potentially

SECTION E. WATER COMPANY RIGHTS AS ESTABLISHED BY STATUTE, SPECIAL ACT, OR ADMINISTRATIVE DECISIONS

Please answer the following questions. Attach additional sheets, if necessary.

1. Do you have any right to provide water service within your proposed exclusive service area by virtue of State Statute? If yes, please cite the statute below. Note that if you are a municipality, please be reminded that you are authorized by Connecticut General Statute 7-234 of 1967 to provide water service to your municipality. You may cite that section below.

No

2. Do you have any right to provide water service within your proposed exclusive service area by virtue of a Special Act of the Connecticut General Assembly? If yes, please provide a copy of the Special Act.

No

3. Do you have any right to provide water service within your proposed exclusive service area by virtue of an Administrative Decision made by a State Agency? For example, the result of a DPH consent order or a PURA Docket? If yes, please provide a copy of the Administrative Decision.

No

4. Do you have any right to provide water service within your proposed exclusive service area by virtue of a municipal law or ordinance, such as per a section in the Town Charter that establishes a Water Pollution Control Authority? If yes, please provide a copy.

Town Charter (Appended)

SECTION F. SYSTEM HYDRAULICS, INCLUDING POTENTIAL ELEVATIONS OR PRESSURE ZONES

Please answer the following questions. Attach additional sheets, if necessary.

1. If you will serve any or all of your proposed exclusive service area via an extension of your existing service area, will you need to install additional storage tanks or pumping stations to do so? If yes, please provide a general description of needs.

It is possible, no Engineering has been done at this time.

2. Describe your utility's or municipality's experience with system hydraulics, including managing elevation changes and pressure zones.

Operate at high pressure gradient, looking at Capital improvement projects that will improve our Source capability & distribution upgrade.

Would like to foster in tentativeness with surrounding municipalities.

SECTION G. ABILITY OF A WATER SYSTEM TO PROVIDE A PURE AND ADEQUATE SUPPLY OF WATER NOW AND INTO THE FUTURE

Please answer the following questions. Attach additional sheets, if necessary.

1. Please describe your current source water protection program for protecting current and future sources of supply.

- own property around wellfield - included in level A mapping.

2. If you will serve any or all of your proposed exclusive service area via satellite systems, do you have experience owning and operating such systems? Please describe.

No - Not Applicable

3. Please describe your technical capacity to operate a public water system. Will you own and operate new systems, or do you expect to own new systems and retain a contract operator to perform the day to day tasks?

Have certified operators.

4. Please describe your managerial capacity to operate a public water system. What hierarchy is in place to make decisions? How quickly can/will decisions be able to be made during an emergency? Describe your experience with long term planning of infrastructure assets.

Water Central Commission operates independently as enterprise. The Town supplies structure for operation. Finance evaluation, some activities are also approved by Town Council

5. Please describe your financial capacity to operate a public water system. Is capital funding for emergency repairs available? Is there a capital improvement budget available for long term asset replacement? What types of financial resources can be utilized to maintain a system? Is there financing available to retain consultants and contractors to design and implement repairs?

Yes
Yes
Available funds for emergencies exists
Yes

6. If you currently provide public water service, please describe the number and types of complaints received by your utility within your proposed exclusive service areas for the past three years.

Several water outages of minor breaks.
Several water quality complaints typically as a result of hydrant flushing annually.

7. If you will serve any or all of your proposed exclusive service area via an extension of your existing service area, please describe any water quality or reporting violations incurred over the past two years.

Monitoring violation - could not sample wells taken out by service, gives a monitoring violation.

8. If you will serve any or all of your proposed exclusive service area via an extension of your existing service area, and you utilize surface water sources for supply, please describe any potential concerns related to disinfection byproducts that may need to be evaluated with any main extension.

Not issue - we purchase from New Britain W.D.
DBP's are typically low and well within current standards.

9. If you currently provide public water service in or near your proposed exclusive service area, please describe the type of rate structure utilized within your proposed exclusive service area, and provide the estimated annual cost of water service for a family of four using 109,500 gallons¹ per year.

Not sure that this is a valid question
Our current rate is \$3.12/100ft³
∴ ≈ \$456.74 Annual cost for 109,500 gallons/yr.

¹ Calculated at 75 gallons per person per day x 4 people x 365 days in a year.

SECTION H. OTHER CONSIDERATIONS

Please answer the following questions. Attach additional sheets, if necessary.

1. Are you aware of any other municipalities or water utilities who may declare for the same proposed exclusive service area, thereby creating a conflict? If yes, please describe.

No Not At this time.

2. If you answered yes to question 1, have you corresponded with said municipality or utility concerning this potential conflict? In an effort to avoid conflicts, public water systems and municipalities are encouraged to coordinate their efforts in declaring exclusive service areas.

Not Applicable

CERTIFICATION

In accordance with the Regulations of Connecticut State Agencies Section 25-33h-1(k)(2), I understand that water utilities are responsible for providing adequate service as requested by consumers and under terms otherwise provided by statute, regulation and ordinance within their exclusive service area boundaries within a reasonable time frame. This may include but not be limited to development of supply sources, main extensions, or satellite management.

Furthermore, I, undersigned below, am presently aware of no reason why the utility represented on this form and any associated attachments would not be capable of providing pure and adequate supply of water to service the proposed exclusive service area in accordance with all applicable regulatory requirements, within a reasonable timeframe of requests by customers, should the proposed exclusive service area boundaries be accepted by the Eastern Water Utility Coordinating Committee and the Connecticut Department of Public Health pursuant to Public Act 85-535, as amended.

Signature of
Duly Authorized Representative:  Date: 10/3/2016

Print or Type Name and Title: RAY JAROMA

Water Control Commission

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Purpose/Authority

Town Charter –

Section 8-7-1. Water Control Commission. Establishment. There shall be a Water Control Commission charged with the responsibility of providing adequate water supplies, and water pollution control, including but not limited to sewerage systems for the town, with the powers authorized by the Connecticut General Statutes, as from time to time amended, except as limited or amended in the following Section.

Section 8-7-2. Water Control Commission. Membership. Said Commission shall consist of five (5) electors, not more than three (3) of whom shall be of the same political party, all to serve for terms of five (5) years each, or until a successor is appointed and qualified. No member shall serve as a paid employee of the town. In the month of January each year, the Council shall appoint an elector to fill each expired term. The Director of Health shall be an ex-officio member of said commission without the right to vote. A majority of the Commission shall constitute a quorum.

Section 8-7-3. Water Control Commission. Alternate Members. There shall be three (3) alternate members of the Water Control Commission, who shall be electors of the town, all said alternate members to be appointed by the Council for a term of three (3) years each. Not more than two (2) alternate members shall be from the same political party, and the minority party shall be represented.

Section 8-7-4. Water Control Commission. Meetings. Absence of Regular Members. If a regular member of the Water Control Commission is absent or disqualified, the Chairman or Acting Chairman of the Commission shall designate an alternate member to act as nearly an equal a number of times as possible. When seated, each alternate shall have all the power and duties as set forth in this chapter.

Section 8-7-5. Water Control Commission. Officers

. Said Commission shall annually elect a Chairman, Vice Chairman and Secretary from among its members. Such members shall serve without compensation.

Section 8-7-6. Water Control Commission. Duties. Said Commission shall have charge of and be responsible for the layout, construction and installation, operation and use, maintenance, improvement, extension or discontinuance of, and shall have full authority and jurisdiction over, all water systems and of sewerage system, appurtenances and facilities, including drains and pipes discharging directly or indirectly into said systems, serving the town and the inhabitants thereof, wherever the same may at any time be located, and which are or may become public. The authority of any existing fire district shall not be impaired by the terms of this chapter. Said Commissions shall be authorized to enter into contracts with any municipality, public authority for the purpose of insuring for the town an adequate water supply and adequate sewerage

systems. Said Commission may, from time to time, submit to the Manager recommendations for the appointment and compensation of engineers, and other officers, agents and employees for the approval of the Manager and Council, to contract for such further services as may be required to carry out the powers and duties imposed by law subject to any proper appropriation. Said Commission shall have the power in the name of the town and subject to any appropriate provisions of the Connecticut General Statutes to acquire real property or any interest therein by purchase, lease, gift, devise or condemnation, as to the latter, where free interest in the property is required, as approved by the Council, necessary for or incidental to the carrying out of the powers enumerated in this section of the ordinance; to set rates for the use of water; to set rates for the use of sewerage systems and to assess benefits and damages in the layout of any public improvement included within the scope of the powers herein granted, in such manner as hereinafter set forth.

Section 8-7-7. Water Control Commission. Benefits and Damages. Before any public improvement for which said Commission may assess benefits shall be laid out, constructed or altered, the cost of same, including damages to be paid, and all benefits to be paid by the persons including the town and/or the taxing district served by the said Commission, benefited thereby, shall be ascertained after public hearing in time and manner as now by law provided in the Connecticut General Statutes. In applying the cost of any public improvement to or upon the persons or property specifically benefited thereby, such Commission may in its rules and regulations determine and adopt a flat assessment rate for the construction of all sewers and house connections and shall have the power to change and alter such rates from time to time and shall in addition have the power to waive a portion of the assessment on any corner lot. Upon recommendation of the Manager, after consultation with the Water Control Commission, all benefits accruing to the town shall be approved by the Council and payment therefore authorized from the General Funds of the town. Upon completion of construction of any public improvement, said Commission shall give notice thereof by certified mail to all persons benefited thereby and all benefit assessed shall therefore be immediately due and payable. Said Commission may defer payments of any part or all of any benefit until such time as any parcel of land so assessed is, in the opinion of said Commission, benefited. Said Commission shall have the power to enter into agreement with property owners assessed to extend the payment of such assessment over a period not to exceed fifteen (15) years at an annual interest rate established by said Commission.

Section 8-7-8. Water Control Commission. Liens. The value of benefits shall constitute the lien amount due to the Water Control Commission. Any such lien shall be an inchoate lien and accrue to the land assessed by the Water Control Commission vote ordering the layout, construction or alteration of such public work, provided within thirty (30) days from such passage a caveat briefly describing the public work for which such benefits were assessed and the property on which such assessment is a lien, together with the names of the owners thereof and the amount of benefits assessed against it, shall have been delivered, for record, to the Town Clerk a certificate describing the premises, the amount assessed, and the public work or improvements for which it was assessed. Said lien shall take precedence over all other liens and encumbrances except taxes due the town and may be enforced in the same manner as is provided in the enforcement of tax liens.

Section 8-7-9. Water Control Commission. Appeals. Any person claiming to be aggrieved by any assessment of said Commission, hereunder, may take an appeal to a judge of the Superior Court in the time and manner now by law provided; but any such appeal shall not delay the laying out, construction or altering of such public works provided that the town shall be liable to pay or may recover, as the case may be, any additional sums found on the final decision of such appeal to be due to or from the owners of property taken, damaged, or benefited, and on any such appeal the benefits assessed shall be a lien upon the land on account of which they were assessed, which such lien shall be attached from the time of the vote ordering the layout, construction or alteration, provided the same shall not remain a lien thereon for a longer period than three (3) months after the determination of such appeal unless the Secretary of said Commission shall, within that time, deliver for record to the Town Clerk a substitute certificate of lien, in the same form as hereinabove set forth.

Section 8-7-10. Water Control Commission. Taxing Districts. (a) For the purpose of assessment of taxable property for water and sewerage system taxes, which shall be levied and collected in accordance with law, all taxable property in the town not within the limits of the established fire districts, shall be so segregated into two (2) taxing districts, one (1) of which shall include all property served by either water or sewerage system lines, or by both, under the jurisdiction of said Commission as set forth herein, and the other of which shall include all properties not so served. Said Commission shall define the limits of the taxing district that shall be so served and said Commission shall, on the first (1st) day of September of each year cause to be prepared and placed on file with the Town Clerk, a map of the taxing district so served as defined or redefined during the previous twelve (12) months. (b) In the event of the elimination or dissolution of any or all of the fire districts, taxable property within the limits of said district shall be segregated in the two (2) taxing districts as provided in subsection (a) hereof.

Section 8-7-11. Water Control Commission. Rules and Regulations. Said Commission shall adopt, and thereafter from time to time may amend, rules and regulations, or it may affirm any rules and regulations in force at the time of passage of this Charter and it shall set rates for the use of water and for the use of sewerage systems and include rates in said rules and regulations. Users of facilities of said Commission shall be deemed to have assented to said rules and regulations. Said rules and regulations, or any revision thereof or amendments thereto shall, prior to adoption or affirmation, be submitted to a public hearing, notice of which shall be given publication in a newspaper having a circulation with said town not less than ten (10) days prior to the date of said hearing. Said rules and regulations shall set forth and shall govern the conduct and operations and the powers and duties of said Commission, and after adoption in the manner above described shall be of binding validity, and said Commission may in such rules and regulations provide for enforcement by suitable penalties and bring in the name of the town appropriate civil actions to recover any such penalty. The Superior Court shall have jurisdiction to enforce any breach of such rules and regulations and may punish any offender by a fine not exceeding one hundred (\$100.00) dollars or by imprisonment not exceeding thirty (30) days, or both.

Section 8-7-12. Water Control Commission. Financing. Said Commission shall submit its budget pursuant to Chapter 7 of this Charter.

