

TOWN OF PLYMOUTH
REVISED SEWER BANK POLICY
ALLOCATION & PERMIT POLICY

Effective August 24, 2004

At their meeting on August 24, 2004, the Board of Selectmen voted to adopt the following policy governing the allocation and permitting of the Sewer Bank authorized pursuant to the Modified Final Judgement.

PART 1: ALLOCATION OF SEWER BANK

The availability of a modest Sewer Bank is of great value to the Town of Plymouth, its residents and businesses. As a result, it is to everyone's benefit to allocate the Sewer Bank to residential, commercial/industrial and public users in a fair and equitable manner. The Sewer Bank Balance will be allocated by the following percentages. The Sewer Bank balance will be adjusted every 120 days depending on the sewer allocations available.

- See Appendix A for Formula

No person or entity shall be granted a permit or permits, which exceed 10% of the set-aside for each category (excluding the public facility category). However, the Board of Selectmen will have the sole discretion to waive the limitation on maximum flow for any one person or entity based upon the following criteria; (1) That flow remains available in the bank after satisfying all those on the waiting list. (2) A finding by the Department of Public Works that the request provides an overriding benefit to the community. (3) There is sewer allocation available in identified Town sectors.

Part 2: Sewer Connection Privilege Permit Fee:

- The Administrative Fee to apply for a sewer connection permit will be \$100.00
- The Sewer Connection Privilege Permit Fee will be \$ 16.00 per gallon as computed in Part 6 of this agreement.
- **The fee for new sewer connections no greater than 50 feet in length from an existing sewer line in the abutting street to the property line will be \$1200.**
- Payment of the above fees in no way exempts new users to pay sewer user charges and other sewer fees as determine by the Board of Selectmen.

Part 3: Current Flow Permitted but Fees and Connections not in place

At present, there are 117,955 gallons of flow in the Sewer Bank that Sewer Connection Privilege Permit Fees have not been collected. In order to address this issue the following policy pertains to this class.

- Effective 90 days after official notification by the Plymouth Department of Public Works, applicants will be given 90 days to pay their connection fee on the prior rate

schedule. The applicant will have 1 year from the date the connection fee is paid to begin construction.

- If the connection fee is not paid within 90 days of official notification by the Plymouth Department of Public Works, the sewer allocation will be lost, and the applicant would need to re- apply under the new rate structure and standards.
- If the applicant does not begin construction within one year of the date the connection fee is paid for, the applicant sewer allocation will be rescinded and must re-apply under new rate structure and standards. **If the applicant is held up do to obtaining permits or appeals that are no fault of their own, they can be granted up to 3 years additional time to break ground.**
- If within 6-months of the date a connection fee is paid, the applicant will have the ability to withdraw its permit to enter the sewer system and will receive a 25 per cent reimbursement of fees paid.
- All other applicable sections of this agreement pertain to this class.

Part 4: Current Waiting List Effective September 1, 2004

- Applicants that are currently on the Sewer Bank Waiting List will be notified by the Department of Public Works that their sewer allocation has been approved, and that they have 90 days to pay their sewer connection fees. Their sewer connection fee will be at rates identified in Part 2 of this document.

- Applicants who fail to pay their sewer connection fee within 90 days of official notification by DPW will be taken off the waiting list and will need to re-apply as a new applicant.
- Applicants who pay connection fees within 90 days of notification will have one year from the date in which the fee was paid to commence construction or the permit will be rescinded. **If the applicant is held up do to obtaining permits or appeals that are no fault of their own, they can be granted up to 3 years additional time to break ground.**
- If within 6-months of the date a connection fee is paid, the applicant will have the ability to withdraw its permit to enter the sewer system and will receive a 25 per cent reimbursement of fees paid.
- All other applicable sections of this agreement pertain to this class.

PART 5: Eligibility for New Sewer Connection Permit

To be eligible for a sewer connection permit from the Sewer Bank, a person or entity will be required to submit an application provided by the Department of Public Works. At a minimum, the application shall include the name of the person or entity, the location of the proposed sewer connection, the requested amount of withdrawal from the sewer bank, the basis of that projection, and an estimated date when construction will be completed.

A non-refundable fee of \$100 must accompany the application form to compensate the town for staff work associated with reviewing the application.

Upon receipt of the application, the Department of Public Works will do the following:

1. Review the application for accuracy.
2. Verify the flow projections using Title V standards to determine if the applicant is currently using sewer flow in excess of any previously issued sewer connection permit.
3. Determine the applicant's status on payment of prior water fees, sewer fees, rent, real and personal property taxes, and all other fees and taxes due the Town of Plymouth.
4. Verify that the applicant's sewer discharge is in compliance with the town's industrial pre-treatment program.
5. In the case of an applicant that is exempt from local property taxes, refer that applicant to the Board of Selectmen for discussion on payment in lieu of tax options.

PART 6: Issuance of Sewer Connection Permits

It is the policy of the Department of Public Works to issue sewer connection permits, with the exception of public facilities, on a "first come, first served" basis. This criteria is conditional on sewer capacity available in that sector of the community, and subject to the applicant's compliance with the following conditions at the time of permit issuance:

1. That the applicant pays a sewer connection fee to connect to the sewer system as outlined in Part 2 of this agreement. The fee is established to recoup the cost to the

town to construct capital facilities including administrative, permit conditions, engineering and legal expenses associated with providing sewer capacity, sewer line extensions, and pumping facilities. The fee is based on the number of gallons of sewer flow requested in the sewer bank application.

2. Verification that the applicant is current on all water fees, sewer fees, rent, real and personal property taxes, and all other fees and taxes due to the Town of Plymouth.
3. The execution by the applicant of a Sewer Connection Permit, wherein the applicant agrees to the following special conditions;

(a.) That the applicant will forfeit the permit and permit fees if the applicant fails to obtain a building permit and commence construction of the proposed project within one year from the date the permit is issued by the Town. If within 6 months of the date a connection fee is paid, the applicant will have the ability to withdraw its permit upon written notification of the applicant to enter the sewer system and will receive a 25 per cent reimbursement of fees paid.

(b.) That the applicant authorizes the installation of a new water meter at the property location if deemed necessary by the Department of Public Works, and allows access to the property to permit reading of the meter on a quarterly basis by the town.

(c.) That the applicant agrees to the following process and actions in the event the flows exceed the amount stated on the permit issued by the town:

- If the average of a two year water meter reading reveals flows in excess of what had been permitted for the sewer connection flow the

DPW Director will issue a written notification of that fact to the property owner within 30 days together with a demand that corrective action be taken to comply with the permit, or request an additional sewer connection fee if capacity is available.

- If the next annual reading again reveals non-compliance, the Town will take action to either disconnect the sewer connection at the property or impose another serious sanction that will assure That non-compliance with the permit ceases.

(d) Applicants who pay connection fees within 90 days of notification will have one year from the date in which the fee was paid to commence construction or the permit will be rescinded. If the applicant is held up do to obtaining permits or appeals that are no fault of their own, they can be granted up to 3 years additional time to break ground.

4. Sewer Connection Permits are a privilege and can only be allocated by the town of Plymouth. No applicant that has been assigned a sewer connection permit may sell said permit to any other property with the exception of transferring to a new property owner that the permit has been assigned to and meets the terms and conditions of the Sewer Bank Policy.

Part 7: Waiver on Start of Construction Date:

Up to 60 days prior to the one-year condition of commencing construction from the date the sewer connection permit is issued, the applicant may apply for an extension of up to 6 months. The process to obtain a waiver is as follows:

- **Up to** 60 days of the termination date to begin construction, the applicant may write a letter to the Department of Public Works requesting up to a 6-month extension of the sewer permit. The request will be forwarded to the Director Public Works for a decision.

Part 8: Payment Schedules and Assessment Schedule:

From time to time an applicant will request to pay Sewer Connection Permit Fee over time. The Board of Selectmen may approve a payment schedule for any applicant that **meets the terms and conditions** of the Town Finance Director, interest is paid at 2% over Town's borrowing rates, and there are appropriate liens to insure payment as prescribed.

Part 9: Mandatory Sewer Connection Bylaw:

Place Holder for future requirements

Part 10: Special Connection Fee

Individuals who have constructed a new Title V system under the new Title V regulations that went into effect in March of 1995 would be allowed to tie-into the sewer system at a

reduced sewer connection fee of \$5 per gallon for existing flow for a two year period as of August 24, 2004. The applicant would have to demonstrate that do to the previous sewer moratorium they were unable to tie into the sewer system at the time they constructed the septic system. All other conditions and applicable fees outlined in this policy would apply to the Special Connection Fee.

Part 11: Special Considerations and Appeals

From time to time there will be unanticipated circumstances where the Board of Selectmen will want to modify the conditions in this agreement for a condition not anticipated in this agreement, or is in the best interest of the sewer system and community at large. If an applicant has such a case it would have the right to an appeal through the following conditions.

1. A letter would be written from the applicant to the Director of Public Works and Town Manager requesting relief as outlined.
2. The Director of Public Works and Town Manager would have **30 days** to make a recommendation to the Board of Selectmen.
3. The Board of Selectmen would have **30 days** to render a decision.

The intent of appeal section is not created to relieve the intent of this policy, but to consider appeals that are in the best interest of the sewer system and community in special circumstances and hardships.

Part 12: Revising Sewer Bank Agreement:

It is recognized that it will be necessary to modify the Revised Sewer Bank Agreement from time to time as changes warrant. The Board of Selectmen reserves this right.

APPROVED BY THE BOARD OF SELECTMEN: Date: August 24, 2004 This agreement in no way relieves an applicant of all other conditions of being part of the Plymouth Sewer System, or Town, State and Federal Regulations.