

ORDINANCE #242

AN ORDINANCE CREATING THE BOLTON LAKES REGIONAL WATER POLLUTION CONTROL AUTHORITY

I. DEFINITIONS

For the purposes of this ordinance, the following terms shall have the meanings set forth in this section:

"BLRWPCA" means the "Bolton Lakes Regional Water Pollution Control Authority," which is established by this Ordinance.

"Bolton" means the Town of Bolton, Connecticut.

"Bylaws" means written procedures governing the administration of the BLRWPCA's property and the conduct of its affairs. Bylaws may be adopted and revised only upon a two-thirds vote of the entire Board of Directors of the BLRWPCA.

"CGS" means the Connecticut General Statutes.

"DEP" means the Connecticut Department of Environmental Protection.

"Effective Date" means the later of (i) the date upon which this Ordinance becomes effective in Bolton; and (ii) the date upon which this Ordinance becomes effective in Vernon.

"Jurisdictional Area" means the area over and within which the BLRWPCA shall have regulatory jurisdiction.

"Initial Phase" means all of the sewer construction activities that are planned to occur in the Lakes District and the Southwestern District in accordance with the report entitled "DRAFT REPORT" Bolton Lakes Wastewater Management Study Prepared for the Towns of Vernon & Bolton, Connecticut January 20, 1997," by Fuss & O'Neill, Inc., as that report may be amended prior to the beginning of such construction.

"Lakes District" means the geographical area shown as the "Lakes District Sewer Service Area" on a map entitled "Bolton Lakes Area Designations November 1, 2002 Bolton/Vernon Connecticut Proj. No.: 94117.A10 Date: November 2002 Fig. 2," prepared by Fuss & O'Neill, Inc., Consulting Engineers, 146 Hartford Road, Manchester, Connecticut 06040.

"Regional Sewerage System" means a sewerage system to be constructed, maintained and operated by the BLRWPCA for the use of certain homes and businesses within the Jurisdictional Area.

"Regional Watershed" means the watershed of lower Bolton Lake. The Regional Watershed includes the individual watersheds of middle and upper Bolton Lakes and their individual watersheds.

"Regulations" means written policies and standards, other than bylaws, that are adopted by the BLRWPCA pursuant to applicable state laws. Regulations may be adopted by a majority vote of a quorum of the BLRWPCA.

"Sewage" means wastewater generated by homes and businesses in the Jurisdictional Area.

"Sewerage system" means any device, equipment, appurtenance, facility and method for collecting, transporting, receiving, disposing of or discharging sewage.

"Southwestern District" means the geographical area shown as the "Southwestern District Sewer Service Area" on a map entitled "Bolton Lakes Area Designations November 1, 2002 Bolton/Vernon Connecticut Proj. No.: 94117.A10 Date: November 2002 Fig 2," prepared by Fuss & O'Neill, Inc., Consulting Engineers, 146 Hartford Road, Manchester, Connecticut 06040.

"Towns" means the Town of Bolton and the Town of Vernon.

"Vernon" means the Town of Vernon, Connecticut.

"Watershed" means the geographical area from which water flows into a specified body of water.

II. STATEMENT OF PURPOSE

A. Protection of Water Quality. Much of the soil within the Regional Watershed is not well suited for on-site sewage disposal. Historically, however, portions of the Regional Watershed have been intensively developed, especially for residential purposes. DEP has determined that homes and/or businesses in certain areas within the Regional Watershed are likely to experience septic-system failures, and that such failures will not be capable of on-site corrections meeting current Public Health Code and other regulatory requirements.

Consequently, in order to protect the groundwater and the long-term environmental health

ORDINANCE #242

AN ORDINANCE CREATING THE BOLTON LAKES REGIONAL WATER POLLUTION CONTROL AUTHORITY

and safety of property owners and residents in the Regional Watershed, as well as to protect the quality of the Bolton Lakes, it has become necessary to establish a Regional Sewerage System. This Regional Sewerage System will be used in lieu of individual, on-site septic systems in a portion of the Regional Watershed to be known and designated as the Lakes District. Since the Lakes District, as established by this Ordinance, is to include property in both Bolton and Vernon, the principal purpose of this Ordinance is to establish a Regional Water Pollution Control Authority pursuant to CGS Sections 22a-500 to 22a-519, as amended, to construct, maintain, and operate the Regional Sewerage System.

Since the Towns anticipate that the Regional Sewerage System would be connected to the Town of Manchester's wastewater treatment facilities and that any sewerage system needed to transport sewage from the Lakes District would have to pass through an area of the Town of Bolton located generally to the southwest of the Regional Watershed, the Towns shall also establish a Southwestern District to provide for sewerage service, to the extent the BLRWPCA deems necessary or appropriate, to those areas through or near which the sewerage system from the Lakes District would pass.

B. Sewer Avoidance Policy.

It is specifically the purpose of this Ordinance to further the policy of sewer avoidance, to the extent practical, within the Regional Watershed. The sewer avoidance policy seeks to preserve the quality of the Bolton Lakes, and of groundwater and surface water within the Watershed, by generally limiting the residential use of the Regional Sewerage System to properties that have been developed for residential use as of the Effective Date. The need for a Regional Sewerage System is recognized to be the result of existing residential development, and the System is not intended, and shall not be allowed, to foster additional development. The sewer avoidance policy recognizes and affirms that future residential development should be limited and controlled by the natural ability of local soils to accommodate subsurface sewage disposal systems in accordance with current health and environmental laws and regulations.

C. Nonresidential Connections. Although, under the sewer avoidance policy, the Regional Sewerage System may not be used as a tool for residential development, it may, in certain appropriate locations, be used for residences existing as of the Effective Date and for the development of commercial or industrial uses in order to minimize the cost burden of the Regional Sewerage System on the Towns.

III. ESTABLISHMENT OF BOLTON LAKES REGIONAL WATER POLLUTION CONTROL AUTHORITY

A regional water pollution control authority is hereby established pursuant to CGS § 22a-500 to serve those portions of Bolton and Vernon constituting the Jurisdictional Area. The authority shall be known as Bolton Lakes Regional Water Pollution Control Authority ("BLRWPCA"), and shall have its principal office at 222 Bolton Center Road, Bolton, Connecticut 06043.

IV. JURISDICTION

The jurisdiction of the BLRWPCA shall be limited to those areas shown and designated as the "Lakes District Sewer Service Area" and the "Southwestern District Sewer Service Area" on a map entitled, "Bolton Lakes Area Designations November 1, 2002 Bolton/Vernon Connecticut Proj. No.: 94117.A10 Date: November 2002 Fig. 2," prepared by Fuss & O'Neill, Inc., Consulting Engineers, 146 Hartford Road, Manchester, Connecticut 06040, which map is or will be filed in the offices of the Town Clerks of the Towns of Bolton and Vernon. Properties may be added to the District only if both Towns adopt an amendment to this Ordinance providing for such addition.

V. BOARD OF DIRECTORS

A. Number of Directors. The BLRWPCA shall have a Board of Directors consisting of eight (8) Directors. Five (5) Directors shall be appointed by the Town of Bolton, and three (3) Directors shall be appointed by the Town of Vernon.

B. Alternate Directors. The BLRWPCA shall have three (3) Alternate Directors, two (2) of whom shall be appointed by the Town of Bolton and one (1) of whom shall be appointed by the Town of Vernon. In the absence, for any reason, of any Director at any meeting of the Board, an Alternate Director from the same Town may be appointed to act in the place of the absent Director and shall have, at such time, all the powers and duties of the absent Director. An Alternate Director may also be appointed to act in lieu of a Director when a Director's position in the same Town is vacant.

ORDINANCE #242
AN ORDINANCE CREATING THE BOLTON LAKES REGIONAL WATER
POLLUTION CONTROL AUTHORITY

C. Initial Directors. The first Directors of the BLRWPCA shall be as follows:

Directors

Robert Morra
15 Tinker Pond Road
Bolton, CT 06043

Noel Gessay
23 Golf Lane
Bolton, CT 06043

Michael Moms
30 Llynwood Drive
Bolton, CT 06043

Mark Turkington
26 Llynwood Drive
Bolton, CT 06043

Richard Hayes, Jr.
139 Vernon Road
Bolton, CT 06043

Diane Wheelock
132 Tallwood Drive
Vernon, CT 06066

Daniel C. Wright
44 Lakeview Drive
Vernon, CT 06066

Carmine Pellegrino
15 Lakeview Drive
Vernon, CT 06066

Alternate Directors

Joyce Stille
92 Loomis Road
Bolton, CT 06043

Joshua Hawks-Ladds
100 Shoddy Mill Road
Bolton, CT 06043

Laurence Shaffer
16 Vernon Ave.
Vernon, CT 06066

D. Terms of office. The initial terms of office of each of the first Directors and Alternate Directors of the BLRWPCA shall begin on the Effective Date. The initial term of office of Robert Morra and Diane Wheelock shall expire on December 31, 2003. The initial terms of office of Noel Gessay, Michael Morris and Daniel C. Wright shall expire on December 31, 2004. The initial terms of office of Mark Turkington, Richard Hayes and Carmine Pellegrino shall expire on December 31, 2005. As each initial term of office expires, a new term of office of three (3) years shall commence. Directors and Alternate Directors may be reappointed after the expiration of any prior term of office.

E. Appointment of Directors and Alternate Directors. Directors and Alternate Directors from Bolton shall be appointed by the Board of Selectmen of the Town of Bolton. Directors and Alternate Directors from the Town of Vernon shall be appointed by the Mayor of the Town of Vernon, subject to approval by the Vernon Town Council.

F. Vacancies. Vacancies in any Director's or Alternate Director's positions shall be filled by appointment by the relevant Town in the Manner set forth in this paragraph.

VI. POWERS

The BLRWPCA shall have all the powers set forth in CGS § 22a-501, as amended.

VII. BYLAWS, RULES AND REGULATIONS

The BLRWPCA shall make and revise regulations, rules and bylaws governing the administration of its property and the conduct of its affairs. A copy of all regulations, rules, bylaws, and amendments hereto, duly certified, shall be filed in the offices of the clerks of the Towns and with the Secretary of State. The bylaws may be revised only by the adoption of a resolution by a two-thirds vote of the entire Board of Directors of the BLRWPCA, and such resolution must contain the complete draft of such revision.

VIII. CAPITAL IMPROVEMENTS

A. Proportional Assignment of Costs. The cost of capital improvements shall be proportionally assigned to the Towns in accordance with the proportion of the benefit that each Town receives from such capital improvements. For purposes of the Initial Phase of construction of the Regional Sewerage System, the proportion of the cost to be borne by each Town shall be determined by the proportion of the total dwelling units (individual households) in each Town that will be connected to the Regional Sewerage System upon the completion of the Initial Phase.

ORDINANCE #242
**AN ORDINANCE CREATING THE BOLTON LAKES REGIONAL WATER
POLLUTION CONTROL AUTHORITY**

B. Method of Determination. The BLRWPCA shall have the power to determine the proportion of any benefit that will be realized by each Town from any capital improvements that are made after completion of the Initial Phase. However, no such determination may be made except upon the approval of a majority of the Directors appointed by each Town. If the BLRWPCA cannot make such a determination, it shall hire or appoint a qualified engineering professional or firm to determine the proper proportions, and such determination will be binding upon the BLRWPCA.

IX. PLAN OF OPERATION

The BLRWPCA shall be operated in accordance with a Plan of Operation, to be prepared, approved and, if appropriate, revised in accordance with CGS § 22a-500(c) and 22a-501(a)(1), as amended. The Plan of Operation may be revised as necessary subject to approval of a majority of the Directors.

X. ANNUAL REPORT TO TOWNS

The BLRWPCA shall make an annual report to the Towns describing the coverage and condition of the sewer system managed by the BLRWPCA and the financial status of the BLRWPCA. The annual report shall describe any capital improvements that have been made, and that are projected to be required within the five-year period following the date of the report.

XI. SEVERABILITY

If any section, paragraph, subdivision, clause, or provision of these Regulations is adjudged invalid, such adjudication shall apply to the section, paragraph, subdivision, clause, or provision so adjudged, and the remainder of these Regulations shall be deemed valid and effective.

XII. EFFECTIVE DATE

This Ordinance shall take effect fifteen days after publication.

Introduced:	March 4, 2003
Advertised:	March 11, 2003
Public Hearing:	March 18, 2003
Council Action:	March 18, 2003
Advertised:	March 21, 2003
Effective Date:	April 5, 2003