

AN ORDINANCE
CREATING A WATER POLLUTION CONTROL AUTHORITY FOR
THE TOWN OF LEDYARD

Be it ordained by the Ledyard Town Council that there is an Ordinance Creating a Water Pollution Control Authority (WPCA) for the Town of Ledyard.

Section 1. Authority

Pursuant to Connecticut General Statutes Section 7-246(a) the Town Council hereby designates the Water Pollution Control Authority for the Town of Ledyard.

The WPCA shall have the authority to plan and direct the development, construction and operation of such community water and sewage supply, disposal and distribution facilities, and to recommend financing, as may be required to properly serve the water and sewer needs of the town.

When requested, and at least annually, no later than the end of the calendar year the WPCA shall make reports to the Town Council including Financial Reports and regarding the development, financing, construction and operation of such community water and sewage systems.

The WPCA shall also review and approve all plans and specifications for any community water supply (more than one service per well) within its exclusive service area or community sewage disposal systems proposed for construction within the Town of Ledyard.

Any such community water system shall be reviewed by the Ledyard Town Engineer, Building Official, Fire Marshal and Town Planner and shall include fire protection capabilities as specified by the WPCA. Existing systems requiring repair will only have to meet the standards in effect at the time such system was constructed and not need to be upgraded to the current standards.

Section 2. Membership

The WPCA shall consist of five (5) regular and three (3) alternate members who are electors of the town, each of whom shall serve for a term of three (3) years. Members shall commence to serve their terms immediately upon appointment and shall serve until their successor has qualified or they have been reappointed or removed by the Town Council.

Appointment of terms shall be established such that not more than half the appointed members terms shall expire in a calendar year; in accordance with Section 7-246a.

As the terms of the members expire, the Town Council will appoint a successor for each, each of whom shall serve a term of three (3) years. Any vacancy in the WPCA shall be filled for the unexpired portion of the term by the Town Council.

Members shall serve without compensation but may be reimbursed for expenses incurred in the furtherance of business of the WPCA.

Annually, the WPCA shall elect from its members a Chairman, Vice Chairman and Secretary and shall establish Rules of Procedure.

Appointment and removal of any member of the Water Pollution Control Authority shall be as provided for in Chapter IV, Section 9, of the Town Charter.

Any member or alternate member may be removed from office by the Town Council for good cause. Good cause shall include, but is not limited to, unexcused absence from three (3) consecutive regular meetings and any intervening duly called special meeting.

Any member of the Water Pollution Control Authority who is absent from three (3) consecutive regular meetings and any intervening duly called special meetings shall be considered to have resigned from the Commission. The vacancy shall be filled as herein before provided. Additionally, the Water Pollution Control Authority may vote to waive the requirements of this section in each case where illness or other extenuating circumstances make it impossible for a member to meet the attendance requirements of this action.

It shall be the responsibility of the Chairman of the Water Pollution Control Authority to notify the Town Council when a member has not properly performed his duties.

Section 3. Appropriation of Town Funds for Capital Improvements

After approval by the Town Council, the WPCA shall have the authority to expend such appropriation of town funds for the investigation and preliminary study work, including contracting for services and materials.

Section 4. Billing, Accounting and Financial Records

The WPCA customer service/billing contractor is hereby designated as the collector of water and sewage connection and user fee charges pursuant to the Connecticut General Statutes

The WPCA shall maintain proper accounting and financial records. The WPCA shall provide, by the fourth Monday in March a budget of estimated revenues, expenditures and capital improvements for the ensuing fiscal year for inclusion as an appendix in the Town annual budget. The Town Council shall approve the water system budget. This shall be provided to the residents at the Annual Town Meeting on the budget.

The WPCA shall prepare and periodically update a Water Pollution Control Plan, including capital improvements, for the Town of Ledyard in the manner provided by Section 7-246(b) of the Connecticut General Statutes. Such periodic updating shall be accomplished not less frequently than every five years after the completion of the initial plan, and in addition to the filing requirements of said statute, the WPCA shall file a copy of said plan and any periodic update with the Town Clerk. The WPCA shall be guided by the Town Plan of Development.

Revenues and expenditures, of the WPCA may be supplemented through the General Fund if approved by the Town Council and the Town Meeting in accordance with the Town's normal budgeting process and the provisions of law as govern the same. . The WPCA shall reimburse the General Fund budget for all supplemental appropriations received from the General Fund during the subsequent fiscal year.

The WPCA, before making application for any state or federal funds, must obtain approval of the application from the Town Council.

All revenues from benefit assessments, connection fees, and user fee charges, and the proceeds of the sale of notes and bonds, shall be held and accounted separately from the other funds of the town. A separate account shall be kept by the Town of Ledyard of the funds derived from such water works system and of their disposition which account shall be audited annually by a competent auditor and a report of such audit shall be open to public inspection. The treasurer of the Town of Ledyard shall be the custodian of such funds and shall give bond to the satisfaction of the Ledyard Town Council for the faithful discharge of his duties. Such funds shall be kept separate from other funds of such municipality and shall be used for such water works systems and for no other purpose.

All benefit assessments charged for connection with or use of the sewerage system, whether pledged for payment of bonds or notes or otherwise, shall be kept separate from other funds of the municipalities and shall be used for the sewerage system, including the payment of debt incurred for the sewerage system and interest thereon, and for no other purpose.

It is intended that the WPCA shall be financially self-sufficient.

Section 5. Establishing Benefit Assessments and Setting Rates

The WPCA shall review and recommend rates for use and shall be responsible for holding a public hearing at which all the users of the water system and the owners of the property served or to be served and others interested shall have an opportunity to be heard concerning such proposed rate or charge. Notice of such hearing shall be given, at least ten days before the date set therefore, in a newspaper having a circulation in such Town of Ledyard. Such notice shall set forth a schedule of rates or charges, and a copy of the schedule of rates or charges established shall be kept on file in the office of the WPCA administrative staff and in the office of the town clerk of the Town of Ledyard, and shall be open to inspection by the public.

Upon completion of the process to establish user rates, as set forth in CGS Chapter 102, Section 7-239, the Town Council shall set just and equitable rates or charges of the water system that shall be sufficient for the payment of expense of operation, repair, replacement and maintenance and foreseeable capital expenses of such system. Benefit assessments; and connection fees shall be established by the WPCA and approved by the Town Council.

Sewer usage fees are established by the WPCA in accordance with the Connecticut General Statutes Chapter 103 Section 7-256.

Section 6. Federal, State and Regional Assistance

The WPCA shall solicit and obtain assistance from the appropriate Federal, State, and Regional agencies regarding the construction, funding and operation of a community water and/or sewer project or issues.

Section 7. Advisement Regarding Establishment of Ordinances, State Legislation and Other Procedural Matters

The WPCA shall advise the Town Council concerning requirements for or revision to Town Ordinances or other actions which may be required to enable the WPCA to more adequately serve the Town.

Section 8. Operation/Employees

The WPCA shall have all the rights powers, duties and obligations conferred and imposed by Chapters 102 and 103 of the Connecticut General Statutes , as amended, and by Special Act 284, of January 1959, Connecticut Legislature, entitled: "*An Act Authorizing the Town of Ledyard to Acquire and Operate a Water System.*" The WPCA shall have the authority to request to employ personnel, as may be required to carry out the purposes to this ordinance. WPCA employees shall abide by the Personnel Rules established by the Mayor and approved by the Town Council and those regulations established by the appropriate Collective Bargaining Unit. WPCA employees shall receive supervision from the Mayor on administrative matters and from the WPCA on matters of policy.

Section 9. Conflict with Other Laws or Regulations; Severability

If any section, or part of a section, of this Ordinance shall be held by a court of competent jurisdiction to be invalid, such holding shall not be deemed to invalidate the remaining provisions hereof.

Section 10. Effective Date

In accordance with the Town Charter this ordinance shall become effective on the twenty-first (21st) day after such publication following its final passage.

Amended, Adopted and Renumbered by the Ledyard Town Council on: September 25, 2019

Linda C. Davis, Chairman

Approved / Disapproved on: _____

Fred B. Allyn, III, Mayor

Published on:

Effective Date:

Patricia A. Riley, Town Clerk

Revisions: Ordinance #9 “*Ordinance Creating a Water and Sewer Authority for the Town of Ledyard*” Adopted at Town Meeting September 21, 1964; Ordinance #9 “*Ordinance Amending An Ordinance Creating a Water and Sewer Authority for the Town of Ledyard*” Adopted August 23, 1972; Ordinance #9 “*Ordinance Amending An Ordinance Creating a Water and Sewer Authority for the Town of Ledyard*” Amended and Adopted August 23, 1972; Ordinance #9 “*Ordinance Amending An Ordinance Creating a Water and Sewer Authority for the Town of Ledyard*” Amended and Adopted April 11, 1979; Ordinance #74 “*Ordinance Amending An Ordinance Creating a Water and Sewer Authority for the Town of Ledyard*” Amended and Adopted April 14, 1999; Ordinance #105 “*Ordinance Amending An Ordinance Creating a Water and Sewer Authority for the Town of Ledyard*” Adopted June 25, 2014; Adopted May 26, 2010; Amended and Adopted March 28, 2012; Ordinance #134 “*Ordinance Amending An Ordinance Creating a Water and Sewer Authority for the Town of Ledyard*” Adopted: June 24, 2015; Effective: July 31, 2015.

History:
The Twenty-fourth Town Council (2017- 2019) Ordinance Update Initiative: Renumbered Ordinance #134 *Ordinance Amending An Ordinance Creating a Water and Sewer Authority for the Town of Ledyard* “ to Ordinance #400-001.

2019: Section 2 added language regarding member attendance relative to being considered resigned; Section 9 updated language to be consistent with town ordinances. Added Section 1 “Effective Date” to be consistent with Town Ordinance format.