

Brunswick Sewer District

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FACILITIES EXTENSION POLICY.

February 2001

I. Introduction.

In response to demands of rapidly increasing residential and commercial development in the Town of Brunswick within the boundaries of the Brunswick Sewer District ("the District"), the Board of Trustees of the District ("the Board") has arrived at the following statement of policy, pursuant to the Charter of the Brunswick Sewer District, P. & S. L. Chapter 104 as amended ("the Charter"), for the guidance of the Trustees and persons seeking to extend the facilities of the District.

This policy statement has two goals: the first is to achieve an internally consistent plan for wastewater treatment facilities throughout the District's territorial boundaries; the second is to further the Charter's goal of having only those persons whose property is actually served by a particular sewer extension pay for that extension.

The Board is given rule-making authority under Section 24(1) of the Charter, which requires "stating in detail the sewer extension policies for new developments." Such rules and policies are to be drafted so as to carry out both the spirit and the letter of the Charter.

II. Statement of Policy.

- A. Enablement. This policy takes its authority from the Charter of the Brunswick Sewer District, which addresses and controls the issue of facilities extension.
- B. Application. This policy applies to all proposals to extend the facilities of the Brunswick Sewer District.
- C. The Charter. The Board recognizes that the Charter intends as follows:
 - 1. that facilities be extended by those benefiting from the extension,
 - 2. at no cost to any other users,
 - 3. with each extension proposal to be considered individually

on a case-by-case basis,

4. allowing the District to participate in the cost of the extension if the Board concludes that it is in the best interests of its users to do so;
 5. that the determination as to whether circumstances warrant District participation in the cost of any extension of facilities lies in the sole discretion of the Board;
 6. that the District shall assess users of each extension in which the District participates as those users connect to the extension:
 - a. for their prorated share of the amount of District participation;
 - b. for the purpose of recovering the total sum incurred by the District in connection with the extension, including debt service if any;
 - c. solely for the benefit of the District and its users, and not for the benefit of any other person;
 7. that the District may, for any proposed extension of facilities, enter into a contract with the party proposing to extend facilities if in the opinion of the Board it is in the best interests of its users to do so;
 8. and that the District shall enter into such a contract in every case in which the District participates in the cost of facilities extension.
- D. Conclusion. Having considered in detail the issue of facilities extension, the Board of Trustees of the Brunswick Sewer District has reached the following conclusions:
1. it is the responsibility of the District in the area of facilities extensions to ensure that current users of District facilities are adequately protected from additional costs resulting from facilities extensions benefiting others; and
 2. the current framework provided by the Charter and the User Rules & Regulations is sufficient to properly define and administer a program controlling extensions of District facilities; and
 3. a written policy based on and supplementing this framework is in order to more specifically state the District's position on facilities extension; and

4. the District shall have prepared for its use a comprehensive wastewater facilities plan ("the facilities plan") of the entire District, indicating the form that extensions of District facilities will take; and
 5. the facilities plan may be amended or revised from time to time as circumstances dictate and in the discretion of the Board acting pursuant to the Charter; and
 6. the facilities plan shall be prepared so as to be in accordance with general and specific Town planning; and
 7. the facilities plan and this policy shall be communicated to interested local and state agencies for their information and use in reviewing development proposals.
- E. The Policy. It is the policy of the Brunswick Sewer District as follows.
1. All extensions of facilities of the Brunswick Sewer District shall conform in all respects to the District's comprehensive wastewater facilities plan as it exists at the time District approvals of a proposed extension are granted.
 2. In the event no such facilities plan exists for an area proposed for development, any extension of District facilities shall be made as determined by the Board in its sole discretion, consistent with existing facilities and reasonably foreseeable development of the area in which the extension is proposed to be constructed, and not merely the foreseeable use by the specific development being proposed.
 3. Any extension of facilities will ordinarily involve no participation by the District in the cost of facilities extension; and
 4. any and all cost of facilities extension will be borne by those immediately benefiting from the extension, including but not limited to all expenses incurred by the District in administering the extension proposal.
 5. The District shall consider each proposal to extend facilities on a case-by-case basis.

6. The District may participate in the cost of extension if and to the extent such participation is indicated, as may be determined in the sole discretion of the Board.
7. The Board shall consider each proposal to extend facilities and the District's participation in the cost thereof on the basis of specific review parameters set forth in this policy, as it may be amended from time to time.
8. The District shall, in cases where participating in cost of facilities extension, later assess future users:
 - a. for a fairly rated portion of District cost;
 - b. until the District's cost of participation, including any debt service, is recovered.
9. The District may, in the Board's discretion, based on consideration of the best interests of the District, enter into a specific contract with any party proposing to extend facilities, specifying their respective rights and obligations with respect to all aspects of the proposed extension.
10. The District may require, as a condition to authorization of, or District participation in, any proposed extension, construction of facilities larger than, different from, and/or in addition to that proposed by the developer, if such facilities are required by the facilities plan or, in the event no such facilities plan exists, if the Board concludes in its sole discretion that such facilities are in the best interest of the District.
11. Any party seeking District participation in the cost of a facilities extension shall specify the schedule on which connection of users to the proposed extension will occur, on which schedule the District may then base its calculation of anticipated revenue return.

- F. Review Parameters. Proposals to extend District facilities which may entail District participation in the cost of facilities extension shall be reviewed by the Board, or by District staff should the Board so delegate, in relation to the following.
1. The amount of District participation is recognized as recoverable,
 2. within a period not exceeding ten (10) years,
 3. from revenue realistically likely to be generated from users of the extension,
 4. and considering only that portion of that revenue in excess of that required for routine District operation of facilities.
 5. Any other circumstance deemed pertinent by the Board, including but not limited to the District's then-outstanding debt, anticipated additional debt, and other aspects of the proposed extension.
 6. In no case shall District participation in the cost of facilities extension exceed an amount considered by the Board of Trustees, in its sole discretion, to be consistent with dictates of fiscal responsibility. This participating limit shall not be considered a fixed standard, but shall rather be permitted to fluctuate as a function of resources available to the District at the time, and the demands being made or expected to be made on those resources.

III. Use of the Policy.

The District is not obligated to participate in the cost of any facilities extension solely on the basis of its participation in other extension(s), including earlier phases of the same project. Factual determinations made by the Board with regard to any extension, and their conclusions thereupon, may not be relied upon by any party or for any extension other than that party or extension concerning which such determinations and conclusions are made.

IV. Appeal.

Any party proposing to extend District facilities and considering himself or herself aggrieved by a determination of the District under this policy may appeal that determination to the Board of Trustees at a regularly scheduled meeting. Written notice of such appeal shall be given to the District by the party aggrieved within forty-five (45) days following notice of the District determination from which the appeal is taken, and not less than fifteen (15) days prior to the meeting at which the appeal presentation is to take place. Documents and other tangible evidence in support of the appeal shall accompany the notice of appeal. Following presentation of the appeal by the aggrieved party, the Board shall, not later than fifteen (15) days following the succeeding regular meeting, report its findings on the appeal to the aggrieved party. These findings shall, for purposes of the District and this policy, be considered final.

V. Effective Date and Adoption.

- A. **Effective Date.** This policy shall become effective on date of its adoption by the Board of Trustees.

- B. **Adoption.** In regular meeting on 02 January 2001 and 12 February 2001, it was voted by the Board of Trustees to adopt the Brunswick Sewer District Facilities Extension Policy.