Winsted's Water and Sewer Commission Improperly Formed

continued from page 18— rates for water use by ordinance. It is clear that the general assembly, in the past and today, envisioned that the body setting the water rates would be an elected body, accountable to the people. This is true whether the water works is specially chartered, like the Winsted Water Works, or a municipal waterworks system under state law. Connecticut General Statutes, Section 7-239 states that it shall be the *legislative body* that establishes the rates or charges for the use of the waterworks system.

Many citizens, and this office, argued against combining the water and sewer boards on various grounds, including that the water board – which sets rates and, in effect, is a taxing body—should remain an elected body, accountable to the people. Under the existing law, the current Water and Sewer Commission has no legal right to do anything in regard to the Winsted Water Division. It was an improper transfer of authority from the Board of Selectmen to an appointed commission that lacked the required legislative review and statutory approval. Therefore, all acts of the Water and Sewer Commission to date are in question.

The Board of Selectmen is the only entity with the authority granted by the General Assembly to set the water rates by ordinance and operate the Winsted Water Works. The Board of Selectmen must re-establish its control of the Winsted Water Works and water users must be compensated for the improper actions, including the levying of user fees, in violation of state law.