Residents fight sewer bill

By JUNE PETERSON
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WINSTED – Some 80 Highland Lake residents again challenged their sewer assessments before the Water Pollution Control Authority at a hearing Friday.

The idea of a lawsuit appeared to be on the minds of many.

Lake resident Russell Baerenklau told those at the meeting that some sewer users in Cheshire successfully challenged their sewer assessments.

According to state statutes, the assessment cannot be in excess of the special benefit, or increase in property value, to the property. If residents can prove their property value did not increase accordingly, they may appeal.

Baerenklau said he understands the only portion of the assessment that may be challenged is the trunk line. The trunk line amounts to $6,596 of total $13,130 assessment.

"It is possible (to sue), but it's not a sure thing," he said.

If the court sides with the lake residents, then the town may be forced to pick up the difference, Baerenklau said.

Community lawyer Charlene LaVoie also researched a 1985 legal case, Anderson vs. Litchfield, where the courts decided the assessment must be calculated by the difference between the market value of the realty before and after the improvement, even though such a measurement may mean that the cost of the sewer system cannot be fully recouped by the town.

Depending on the nature of the lawsuit, some people could see higher assessments, Town Attorney Kevin F. Nelligan said. The court could order the cost of the $6.2 million sewer project be spread among lake residents. If the court finds some people benefited more than others, they could be saddled with a higher bill.

Under the current method, the sewer commission divided the assessments equally among 384 homes and lots. It appeared to be the simplest and fairest way, WPCA Chairman Stephen Vaill said. "Whether it's wrong or not, I guess that's for the courts to decide," he said.

At the last hearing on Aug. 31 proposals for alternative assessment methods were requested but none provided, LaVoie said Friday. Residents cannot contest their assessments without knowing the alternatives, she said.

Because the entire town voted to expand the sewer lines around the lake, many believe it should be the town who helps pay for it. There was even some discussion of Vaill going before selectmen to ask for money.

"I always felt the cost of this sewer should be spread throughout the township," resident Ed Smith said.

The preliminary assessments for most homes is $13,130. Those homes with a larger pump will be assessed $13,880. Vaill has said those assessments will change somewhat before the final numbers are adopted.