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August 8, 2017

Ms. Ellen Planer  
Town Clerk  
Falmouth Town Hall  
271 Falmouth Road  
Falmouth, ME 04105

Dear Ellen:

I am pleased to introduce, in accordance with Article II, Section 213 of the Town Charter, language relative to a proposed amendment to Article II Section 18-2 Sewer System of the Code of Ordinances. The purpose of this amendment is to delete references to "connection charges" and propose an alternate "equity buy in fee" and a new fee schedule, as well eliminate the exemption from the proposed new buy-in fee.

The amendment language is attached to this letter.

I hereby ask that you place this item on the next available Council agenda and that you properly post notices and advertise for a public hearing as required by the Charter and state statute.

Sincerely yours,

*Caleb Hemphill*  
Council Chair

271 Falmouth Road • Falmouth, ME 04105  
Telephone (207) 781-5253 • Fax (207) 781-3640  
[www.falmouthme.org](http://www.falmouthme.org)

# Proposed Code of Ordinance Amendment

## Article II Section 18-2 Sewer System

We respectfully request Town Council consideration of amending the Town Ordinance related to sewer connection fees and the associated sewer connection fee schedule. We propose deleting references to “connection charges” and propose an alternate “equity buy in fee” and a new fee schedule based on the relative use of the sewer systems by new connections and the prevailing undepreciated equity of past investment in the sewer system.

We also propose amending the current exemption language to eliminate exemption from the proposed new buy-in fee.

Suggested ordinance changes are as follows:

Sec. 18-131. ~~Connection charges~~ **Equity buy-in fees**; permit fees; accounting.

(a) A schedule of permit fees and ~~connection charges~~ **equity buy-in fees** established for the connection of any building or property to a sanitary, combined or interceptor sewer within the town whether constructed by the town or the Portland Water District or conveyed to the town is on file in the town clerk's office.

(b) Permit fees and ~~connection charges~~ **equity buy-in fees** shall be due and payable upon application for a sewer connection permit. The town council may by order readjust the amounts of the ~~connection charges~~ **permit fees and equity buy-in fees**. ~~according to the then-prevailing costs of construction and the anticipated number of such connections.~~ **Equity buy-in fees shall annually be adjusted by Council Order based on the undepreciated audit value of the sewer enterprise for the previous fiscal year and the capacity assessment of the proposed new connection.** ~~Such connection charges shall not be required for connections from any property assessed for a portion of the cost of sewer construction under section 18-233.~~

(c) The funds collected by the town as sewer ~~connection charges~~ **equity buy-in fees** shall be placed in a ~~separate~~ **the sewer capital improvement** fund for future sewer construction, sewer debt retirement, contributions to sewer capital costs and any other sewer-related purposes which do not conflict with the Clean Water Act, 33 U.S.C. § 1251 et seq., or its successor provisions and applicable federal regulations.

(Ord. of 8-26-85, § 5.1)

Sec. 18-233. ~~Exemption from connection charges.~~ **Repealed**

~~Any property owner, builder or developer who constructs, or contractually participates in the construction of a sewer extension pursuant to section 18-231 which sewer extension is then conveyed to the town shall not be charged a sewer connection fee under section 18-131.~~

~~(Ord. of 8-26-85, § 8.4)~~