

# Town of Kittery, Maine

## SEWER DEPARTMENT

200 Rogers Road, Kittery, ME 03904

Telephone: 207-439-4646 / Fax: 207-439-6806

June 23, 2015

Re: Sewer Betterment Assessments relating to Kittery Sewer Expansion Project:  
Route 236, Dana Avenue, Manson Road,  
Stevenson Road, and Martin Road

Many property owners along the current sewer expansion construction project have inquired about the sewer betterment fees and what they might anticipate being required to pay when the current sewer project is completed. The short answer is that the determination of the sewer assessment fees as it applies to each property cannot be determined until this sewer construction project is completely finished. The following information, however, may be helpful to explain how this process works.

When this sewer expansion project along the portions of the above-referenced Town roads is completed, the Kittery Town Council acting according to our Town Ordinance will determine the individual sewer betterment fees that will apply to each of the properties along these newly constructed municipal sewer lines. I am aware that some property owners have indicated that their existing sewer disposal system is in good working order so they should not be required to pay a sewer betterment fee toward the construction of these new sewer lines. Nonetheless, the Town's Ordinance requires that the sewer betterment assessment is to apply to all property owners along the sewer line whether or not the property owner decides to tie into the Town's sewer system.

As noted, our Town Ordinance relating to sewer construction and assessments fees requires the Town Council to determine the parcels of land [with or without structures thereon] that are required to pay the betterment assessments. Generally speaking, this includes all parcels that abut the roadways where a municipal sewer line is constructed. Our Ordinance requires the Town Council to determine a "just and equitable" formula for defraying the portion of the

expenses of the sewer construction that is to be assessed to these properties. The total amount of the combined individual assessments for all such parcels subject to the betterment assessment cannot exceed one-half of the total cost of the entire sewer project.

In other words, if the total construction cost of this whole sewer line extension project amounts to \$100, the total amount that can be financed through the combined assessments on each property cannot exceed one-half (50%) of this amount which, using this example, would be \$50. The remaining \$50 making up the total project cost of \$100 is to be paid out of the Sewer Department funds allocated for this purpose. Both these sources of funds (the Sewer Department's share and the sewer assessment fees) make up the total cost of completing the project.

The issue that concerns most property owners along the new sewer line is how much their individual parcel will be assessed through this sewer betterment assessment fee. Unfortunately, we cannot determine this until the project is completed and we know what the total overall cost turns out to be.<sup>1</sup> Presently, it is anticipated that this entire sewer construction project will be completed in late December of this year or early spring of 2016. We also know that there will be approximately 160 separate parcels that will be assessed a sewer betterment fee.

The Town has undertaken various sewer line extensions and construction projects in the past years and it has followed the same formula for determining the betterment assessment on each parcel involved in those projects.

In the past, the Town Council utilized a certain formula to determine the assessment on each parcel. This formula utilized a percentage calculation that included (1) the total lot size, (2) the total frontage of each lot on the public way, and (3) a standard equal unit amount for each parcel. Applying this formula to each property involved allows the sewer assessment fee for each separate parcel to be determined. When taken collectively, these individual assessment fees have produced the total aggregate that made up the 50% portion of the overall cost of sewer line

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<sup>1</sup>Kittery voters in June, 2013 approved a referendum for this sewer expansion that provided for a total cost for the project of up to \$7,586,525.

construction in past years.

We expect the process for determining sewer betterment assessments for the current construction project will work the same as past years although it is up to the Council to make the final determination. Once the sewer is complete in late December or early spring of 2016, the actual total amount of cost for this project will be determined. The Council will then determine the assessments on the approximately 160 parcels that will collectively make up the 50% of the total project cost.

Once the betterment fee is determined for each lot, the Town Council will file a plan with the Town Clerk showing the location of the sewer line with a profile description and the amount of the betterment fee assessed upon each lot. The Town Clerk will then notify each of the property owners of their individual assessments and advise each property owner of the time and place of the Council's public hearing giving each an opportunity to speak to the assessments. At this public hearing, the Town Council "shall have power to revise, increase or diminish any of the assessments." Any person who is dissatisfied with the assessment following the Council's public hearing may request to have their assessment finally determined by arbitration.

The Town's Ordinance dealing with the payment of assessments authorizes the Town Council to reach written agreements providing for the payment of individual assessments over a period of up to ten years for anyone wishing to pay on an installment basis. The interest rate for the payment over the term of the agreement payment period is to be determined by the Council.

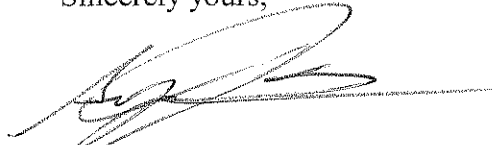
#### Summary

As noted, the amount of the individual sewer assessment cannot be determined until the sewer line construction is completed. The total assessment amount is to be spread over the approximately 160 parcels along the sewer line. The formula used by the Council to determine assessments is most likely to be based on the formula used in past sewer projects and will likely be based on the total area of the lot, the frontage on the public way, and a fixed uniform unit amount for each particular lot. As soon as all this information including the total cost of the project is known (probably in late December or early spring of 2016), each assessed property

owner will be provided this information and an opportunity to be heard before the Council. The payment of these assessments can be made by agreement with the Town over a period of up to 10 years.

Finally, I want to thank everyone with their patience and understanding while we are completing this project. When completed, the construction of these additional sewer lines will be a real step forward in the Town's legal responsibility and efforts to help diminish the amount of pollutants that eventually migrate and drain from this overall area into the protected waters of the Spruce Creek Watershed. The project will also substantially enhance and expand the Town's overall sewerage collection and treatment system capabilities.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'George Kathios', written over a horizontal line.

George Kathios  
Superintendent