

ORDINANCE #1779

ENACTED 6/1/15
25 A YES 0 NOES

RESOLUTION OF THE BOARD OF ALDERS OF THE CITY OF NEW HAVEN, CONNECTICUT ADOPTING THE CONCURRENT ORDINANCE ADDING THE TOWN OF STRATFORD AS A CONSTITUENT MUNICIPALITY OF THE GREATER NEW HAVEN WATER POLLUTION CONTROL AUTHORITY .

..body

WHEREAS, the Greater New Haven Water Pollution Control Authority (“GNHWPCA”) is a regional water pollution control authority previously created in accordance with CGS 22a-500, et seq., with each of New Haven, East Haven, Hamden, and Woodbridge as a Constituent Municipality; and

WHEREAS, the purpose of the GNHWPCA is in furtherance of the environmental protection laws of the State and to gain efficiencies and economies of scale with respect to the planning, design, construction, management, operation and maintenance of the Wastewater System of New Haven, East Haven, Hamden, and Woodbridge and any other Constituent Municipality which may adopt a concurrent ordinance and become a member of the GNHWPCA in the future (the “Concurrent Ordinance”); and

WHEREAS, recognizing that regionalization will provide new opportunities to best meet the long term needs of the region, and following the performance and review of a feasibility analysis of risks and benefits, GNHWPCA is in the process of acquiring the wastewater treatment system of the Town of Stratford Water Pollution Control Authority to own, operate, maintain and manage to achieve mutual benefits; and

WHEREAS, the GNHWPCA, the existing Constituent Municipalities of the GNHWPCA and Stratford each desire that Stratford become a member and Constituent Municipality of the GNHWPCA; and

WHEREAS, on April 9, 2015, the Stratford Town Council approved the transfer of Stratford’s wastewater treatment system to the GNHWPCA; and

WHEREAS, the Constituent Municipalities of the GNHWPCA are each required to adopt the Concurrent Ordinance to add the Town of Stratford as a Constituent Municipality (proposed Concurrent Ordinance attached) in accordance with the Conn. Gen. Stat. §22a-500; and

WHEREAS, the Board of Alders (the “Board of Alders”) of the City of New Haven, Connecticut (the “City”) is the applicable elected representative of the City; and

WHEREAS, the GNHWPCA has requested that the Board of Alders adopt the Concurrent Ordinance Adding the Town of Stratford as a Constituent Municipality of The Greater New Haven Water Pollution Control Authority; and

WHEREAS, the Board of Alders, or a Committee of the Board of Alders, following notice duly given, held a public hearing regarding the adoption of the Concurrent Ordinance, and the Board of Alders now desires to approve and adopt the Concurrent Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERS OF THE CITY OF NEW HAVEN AS FOLLOWS:

Section 1. The above recitals are hereby adopted by the Board of Alders as the findings of the City and are incorporated herein.

Section 2. The Board of Alders hereby ratifies (i) the publication of the notice of public hearing in a newspaper qualified to carry legal notices and having general circulation within the City and (ii) the public hearing held by a designated Committee of the Board of Alders.

Section 3. The Board of Alders hereby approves and adopts the Concurrent Ordinance Adding the Town of Stratford as a Constituent Municipality of the Greater New Haven Water Pollution Control Authority and hereby amends the Code of Ordinances of the City of New Haven, Connecticut, by adding the sections, to be numbered 25½-81 - 25½-90, inclusive, which sections are as set forth in the Concurrent Ordinance provided herewith and incorporated herein by reference.

Section 4. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the Concurrent Ordinance approved hereby.

Section 5. This ordinance is effective immediately on its passage.

**CONCURRENT ORDINANCE ADDING THE TOWN OF STRATFORD
AS A CONSTITUENT MUNICIPALITY OF
THE GREATER NEW HAVEN WATER POLLUTION CONTROL AUTHORITY**

Sec. 25½-81. Definitions.

For purposes of this Concurrent Ordinance, each of the following terms shall have the meaning set forth below:

“Asset Purchase Agreement” shall mean an agreement by and among Stratford, the Stratford Water Pollution Control Authority and the GNHWPCA which shall set forth the terms and conditions of the transfer of the Stratford Wastewater System Assets to the GNHWPCA.

“Bonds” shall have the meaning set forth in CGS 22a-500.

“Bylaws” shall mean the rules and regulations governing the administration of the property of GNHWPCA and the conduct of its affairs.

“CGS” shall mean the General Statutes of the State of Connecticut, as amended.

“Concurrent Ordinance” shall mean this Concurrent Ordinance adding the Town of Stratford as a Constituent Municipality of the GNHWPCA.

“Constituent Municipality” shall have the meaning set forth in CGS 22a-500.

“East Haven” shall mean the Town of East Haven, Connecticut.

“Effective Date” shall mean the later to occur of (1) the date upon which this Concurrent Ordinance becomes effective in (i) New Haven, (ii) East Haven, (iii) Hamden, (iv) Woodbridge, and (v) Stratford, and (2) the closing of the transfer and sale of the Stratford Wastewater System Assets to the GNHWPCA.

“GNHWPCA” shall mean the Greater New Haven Water Pollution Control Authority established pursuant to the ordinance previously adopted by each of New Haven, East Haven, Hamden and Woodbridge, as revised by this Concurrent Ordinance.

“Hamden” shall mean the Town of Hamden, Connecticut.

“New Haven” shall mean the City of New Haven, Connecticut.

“Plan of Operation” shall mean the preliminary plan of operation prepared and submitted by the Constituent Municipalities in accordance with CGS 22a-500 to 22a-519, inclusive, as may be amended from time to time, which shall include the procedure by which Bonds of the GNHWPCA shall be approved and be in furtherance of the environmental protection laws of the State.

“Sewer Ordinance” shall have the meaning set forth in Section 25½-88 of this Concurrent Ordinance.

“State” shall mean the State of Connecticut.

“Stratford” shall mean the Town of Stratford, Connecticut.

“Stratford Wastewater System Assets” shall mean the entire municipal wastewater system of Stratford and the Stratford Water Pollution Control Authority and all assets related to such wastewater system, including, but not limited to, any device, equipment, appurtenance, plant facility and method of collecting, transporting, receiving, reducing, treating, reclaiming, separating, disposing of or discharging sewage or the residue from the treatment of sewage, including any component of the foregoing, but specifically excluding all of Stratford’s stormwater assets.

“Woodbridge” shall mean the Town of Woodbridge, Connecticut.

Sec. 25½-82. Statement of Purpose of GNHWPCA.

The GNHWPCA is a regional water pollution control authority previously created in accordance with CGS 22a-500 with each of New Haven, East Haven, Hamden, and Woodbridge as a Constituent Municipality. The purpose of the GNHWPCA is the furtherance of the environmental protection laws of the State and to gain efficiencies and economies of scale with respect to the planning, design, construction, management, operation and maintenance of the Wastewater System of New Haven, East Haven, Hamden, Stratford and Woodbridge and any other Constituent Municipality which may adopt a concurrent ordinance and become a member of the GNHWPCA in the future. The GNHWPCA, the existing Constituent Municipalities of the GNHWPCA and Stratford each desire that Stratford become a member and Constituent Municipality of the GNHWPCA.

Sec. 25½-83. Incorporation of the GNHWPCA.

The name of the regional water pollution control authority created pursuant to CGS 22a-500 to 22a-519, inclusive, shall continue to be the Greater New Haven Water Pollution Control Authority. The principal office of the GNHWPCA is 260 East Street, New Haven, Connecticut.

Sec. 25½-84. Plan of Operation.

The GNHWPCA shall be operated in accordance with a Plan of Operation and in accordance with CGS 22a-500(c) and 22a-501(a). The Plan of Operation may be revised from time to time upon the approval of a majority of the Directors, subject to and in accordance with CGS 22a-501.

Sec. 25½-85. Board of Directors

A. Number of Directors.

The GNHWPCA shall increase the size of its Board of Directors, created under CGS 22a-500(b), to consist of eleven (11) directors. Four (4) directors shall be appointed by New Haven, two (2) directors shall be appointed by each of Hamden, East Haven and Stratford, and one (1) director shall be appointed by Woodbridge.

B. Directors.

The terms of office and appointing Constituent Municipality of each member of the revised eleven-member board of directors of the GNHWPCA are set forth on Exhibit A attached hereto, and shall be effective as of the Effective Date. Each director shall be entitled to one (1) vote on any matter that shall come before the Board of Directors for their approval.

C. Authority and Compensation.

The business of the GNHWPCA shall be managed by or under the direction of the Board of Directors which may exercise all such powers of the GNHWPCA and do all such lawful acts and things as are allowed by the Connecticut General Statutes, as amended, and the Bylaws.

The compensation, if any, and method for determining same for each director on the Board of Directors shall be as set forth in the Bylaws.

D. Term of Office.

The current term of each director of the GNHWPCA shall commence on the Effective Date and expire on the dates set forth on Exhibit A attached hereto. Directors shall be divided into two (2) groups of four (4) directors and one (1) group of three (3) directors, each as more fully set forth in the Bylaws. The current term of the first, second and third groups shall expire on December 31, 2017, December 31, 2015 and December 31, 2016, respectively, as more fully set forth in the Bylaws. Upon the expiration of each initial term of office for each of the current directors of the GNHWPCA, a new term of office of three years shall commence as more fully set forth in the Bylaws.

E. Appointment of Directors and Removal.

The directors to be appointed by New Haven shall be appointed by the Mayor of New Haven, subject to the approval of the Board of Aldermen of New Haven. The directors to be appointed by East

Haven shall be appointed by the Mayor of East Haven, subject to the approval of the Town Council of East Haven. The directors to be appointed by Hamden shall be appointed by the Mayor of Hamden, subject to the approval of the Legislative Council of Hamden. The directors to be appointed by Stratford shall be appointed by the Mayor of Stratford, subject to the approval of the Town Council of Stratford. The directors to be appointed by Woodbridge shall be appointed by the Board of Selectmen of Woodbridge.

Any director may be removed from office as more fully set forth in the Bylaws. The appointment of subsequent directors shall be as more fully set forth in the Bylaws.

Sec. 25½-86. Powers.

The GNHWPCA shall have all the powers set forth in CGS 22a-500 to 22a-519, inclusive.

Sec. 25½-87. Bylaws.

Any and all amendments to the Bylaws of the GNHWPCA to include Stratford as a Constituent Municipality are hereby approved and adopted in all respects pursuant to the provisions of CGS 22a-501(a)(1) and Section 8.1 of the Bylaws.

A copy of the Bylaws of the GNHWPCA and all amendments thereto, duly certified, shall be filed in the office of each Constituent Municipality and the State of Connecticut Secretary of the State in accordance with CGS 22a-501(a)(1), as amended. The Bylaws may be revised in accordance with the express terms contained therein and CGS 22a-501(a)(1), as amended.

Sec. 25½-88. Sewer Ordinance.

The GNHWPCA previously adopted the sewer ordinance (the "Sewer Ordinance"). With respect to Stratford, the Sewer Ordinance shall become effective in Stratford as of the Effective Date and shall, as provided therein, supersede, amend, restate and replace the existing sewer ordinance of Stratford or portions thereof. The Sewer Ordinance may be amended, modified, restated or replaced by the Board of Directors of the GNHWPCA from time to time after adoption without the need for separate approval from the Constituent Municipalities.

Sec. 25½-89. Transfer of Assets.

The transfer, sale and purchase of the Stratford Wastewater System Assets among the GNHWPCA, Stratford and the Stratford Water Pollution Control Authority is hereby approved. Prior to the execution of the Asset Purchase Agreement and the transfer of the Stratford Wastewater System Assets to the GNHWPCA, the proposed transfer and sale of the Stratford Wastewater System Assets shall, pursuant to the provisions of CGS 8-24, as amended, be referred to the Planning Commission of Stratford for a report, and a public hearing shall be held by Stratford so that the users of the water pollution control system and residents of Stratford may be heard concerning the proposed transfer of real property and the proposed provisions of the Asset Purchase Agreement in accordance with CGS 22a-509(d) and CGS 7-163e.

Sec. 25½-90. Severability.

The invalidity of any one or more of the words, phrases, sentences, clauses, sections or subsections contained in this Concurrent Ordinance shall not affect the enforceability of the remaining

portions of this Concurrent Ordinance or any part hereof, and, if any one or more of the words, phrases, sentences, clauses, sections or subsections contained in this Concurrent Ordinance shall be declared invalid by a court of competent jurisdiction, this Concurrent Ordinance shall be construed to most closely effectuate the intentions of the Constituent Municipalities and the remainder of the Concurrent Ordinance shall be valid and effective.

Exhibit A to Concurrent Ordinance

Directors

	<u>Appointed By</u>	<u>Term of Office Ending:</u>
<u>Group 1</u> *		
	New Haven	December 31, 2017
	East Haven	December 31, 2017
	Hamden	December 31, 2017
<u>Group 2</u> *		
	New Haven	December 31, 2015
	East Haven	December 31, 2015
	Woodbridge	December 31, 2015
	Stratford	December 31, 2015
<u>Group 3</u> *		
	New Haven	December 31, 2016
	New Haven	December 31, 2016
	Hamden	December 31, 2016
	Stratford	December 31, 2016