

RESOLUTION NO. 2015098

RE: ESTABLISHING PART COUNTY SEWER DISTRICT NO. 7
IN THE TOWN OF HYDE PARK

Legislators MICCIO, SAGLIANO, PERKINS, FARLEY, and IGNAFFO offer the following and move its adoption:

WHEREAS, the New York State Legislature, by Chapter 592 of the Laws of 1991 (§1142, Public Authorities Law), created the Dutchess County Water & Wastewater Authority (WWA), and

WHEREAS, the WWA is entering into an Agreement, with the Town of Hyde Park, owner of the Pinebrook Sewer System, regarding the WWA's acquisition of that system which is located in the Town of Hyde Park; and

WHEREAS, the WWA's ability to close on this acquisition and provide sewer service to the customers of the Pinebrook Sewer System is contingent on the creation of a Part County Sewer District encompassing all properties in the said sewer system which will include a total of one hundred and thirty-nine (139) tax parcels, consisting of one hundred and thirty-two (132) attached residential properties, one Homeowners Association recreation building, one Homeowners Association open space parcel, one sewage treatment plant parcel, one sewer main parcel, one water treatment plant parcel and two well parcels, and

WHEREAS, the WWA has presented to this Legislature a notice of project pursuant to Section 1124 of the Public Authorities Law which outlines the WWA's plan to establish a Part County Sewer District #7 for the Pinebrook Sewer System, located in the Town of Hyde Park, and

WHEREAS, this Legislature has before it a Map, Plan and Report entitled "Map, Plan and Report, Part County Sewer District No. 7" which was submitted to it by the WWA with the Notice of Project pursuant to Section 1124, and

WHEREAS, WWA proposes to enter into a service agreement with Dutchess County (County), on behalf of the proposed Part County Sewer District No. 7 (District) whereby the District will provide sewer service to customers within the District at rates established by WWA, and

WHEREAS, said Map, Plan and Report identifies the parcels to be included in the sewer district, describes the infrastructure to be used to provide sewer service, and provides the estimated annual cost for sewer service for the typical property in the proposed sewer district, and

WHEREAS, the first year cost to the typical one family home is estimated to be six hundred and thirty-four (\$634), and

WHEREAS, this Legislature must create Part County Sewer District No. 7 covering the area of the Pinebrook Sewer System described in "Attachment A," and

WHEREAS, this Legislature conducted a public hearing on this proposal on April 13, 2015, and heard all persons interested, and

WHEREAS, the establishment of said Part County Sewer District No. 7 will ensure an efficient sewer system for all properties within the service area, now, therefore, be it

RESOLVED that this Legislature hereby waives the notice provisions of Section 1124 of the Public Authorities Law and by this Resolution consents to this project, and be it further

RESOLVED, that it is hereby determined that all the property and property owners within the proposed Part County Sewer District No. 7 are benefited thereby and all the property and property owners benefited are included within the proposed Part County Sewer District No. 7 and it is in the public interest to create the Part County Sewer District No. 7, and be it further

RESOLVED, that a Part County Sewer District, to be known as Part County Sewer District No. 7 in the Town of Hyde Park, more particularly described in "Attachment A" attached hereto, is hereby established, and be it further

RESOLVED, that this resolution is subject to permissive referendum.

CA-067-15

CRC/BB/G-1217-N

3/10/15

Fiscal Impact: See attached statement

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 13th day of April 2015, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 13th day of April 2015.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS (To be completed by requesting department)

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____
and Source

Source of County Funds (check one): Existing Appropriations, Contingency,
 Transfer of Existing Appropriations, Additional Appropriations, Other (explain).

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____
Over Five Years: _____

Additional Comments/Explanation:

Prepared by: Bridget Barclay, DCWWA

Prepared On: 03/09/15

APPENDIX "A"

**DUTCHESS COUNTY
PART COUNTY SEWER DISTRICT #7
*Pinebrook Sewer System***

DESCRIPTION OF ZONE

(map and parcel listing)

The Dutchess County Part County District Sewer District #7 shall include all those tax parcels presently indicated on the attached boundary map. These parcels are further described by the following list of tax parcel grid numbers:

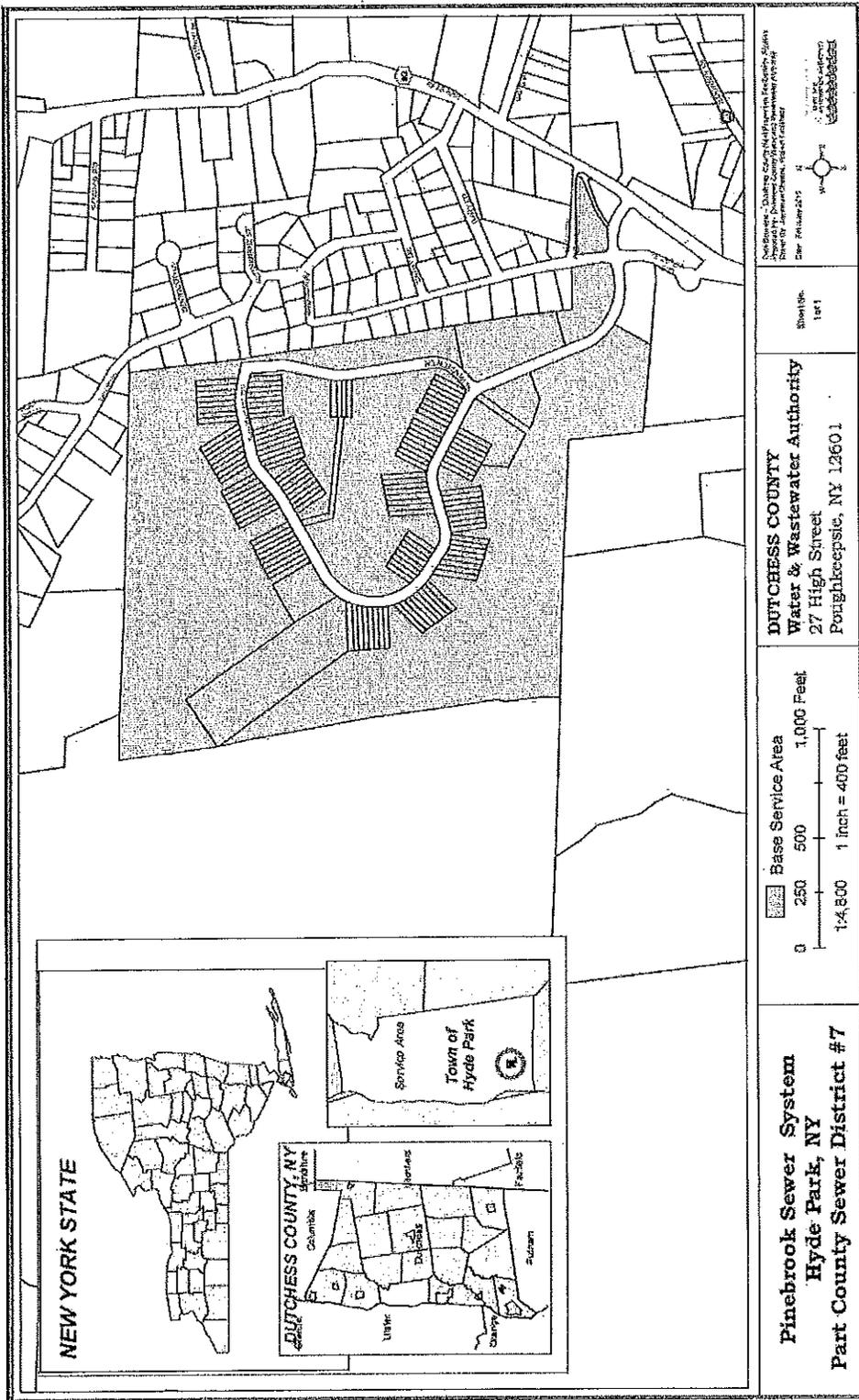
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DUTCHESS COUNTY

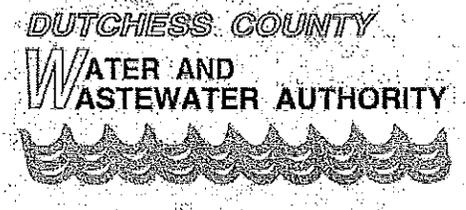
Proposed Part County Sewer District #7

(Pinebrook Sewer System)
Hyde Park, NY

MAP, PLAN AND REPORT

February 2015

Dutchess County Water and Wastewater Authority
Poughkeepsie, NY



February 2015

**PROPOSED PART COUNTY SEWER DISTRICT #7
(PINEBROOK SEWER SYSTEM)**

MAP, PLAN AND REPORT

INTRODUCTION

This Map, Plan and Report contains the information required for the formation of the proposed Part County Sewer District #7, which includes an area of approximately eighty (80) acres located in the southern half of the Town of Hyde Park on Pinebrook Drive. The Pinebrook Service Area (Sewer District Maps: Appendix A) consists of one hundred thirty nine (139) properties including one hundred thirty-two (132) attached residential properties, one (1) Homeowners Association (HOA) recreation building, one (1) HOA open space parcel, one (1) sewage treatment plant, one (1) sewage main parcel, one (1) water treatment plant and two (2) ground water production well parcels.

Upon successful formation of proposed Part County Sewer District #7 (the "District") by the Dutchess County Legislature, ownership and operation of the Pinebrook Sewer System will transfer to the Dutchess County Water and Wastewater Authority ("DCWWA", "Authority") in accordance with the terms and conditions set forth in an agreement between the Authority and the Town of Hyde Park (Town). Information provided herein includes the proposed District boundaries and a list of the tax parcels that will comprise the future District, as well as a description of the current and proposed infrastructure by which sewage will be conveyed, treated and discharged.

In addition, budgetary estimates for the first year operation and maintenance costs, and capital costs, as well as a cost allocation formula, have been included with this report.

The Dutchess County Water and Wastewater Authority will enter into a contract (the "Service Agreement") with Dutchess County on behalf of the District for the purpose of administering the retail sale of sewer services to all properties within the proposed District, with such service to be provided through the sewer system facilities as described below. The Authority will administer the District pursuant to guidelines established by the Service Agreement and collect sewer revenues. Sewer service rates will be set annually by the Authority.

HISTORY

The Pinebrook Estates Sewer System was originally constructed in the mid-1980s by a private developer. When that developer abandoned the project (after constructing 24 units), the Home Owners Association, by necessity, took over operation of the system. A new developer purchased the project in 2001, took over the operation of the sewer system,

and ultimately built out the remainder of the planned development. At the request of the developer, the Town acquired the Pinebrook Sewer System in 2010, and established the Pinebrook Estates Sewer District.

In 2011 the Town of Hyde Park was awarded a Local Government Efficiency Grant from the New York State Department of State. The purpose of the grant was to support an independent evaluation of the Pinebrook Sewer System, with a focus on opportunities to streamline and improve the service delivery. The grant provided for an engineering evaluation of the system and consideration of the option to transfer the assets and management of the system to the DCWWA. Pursuant to the grant, the Town completed a Reorganization Study and Proposed Dissolution Plan for the Pinebrook Sewer District (February, 2015) and, on February 19, 2015 conducted a public hearing on the Study and Plan. On February 23, 2015 the Town Board passed a resolution of intent to transfer ownership and management of the Town's water and sewer systems, including Pinebrook Sewer, to the DCWWA.

PART COUNTY SEWER DISTRICT #7

The proposed Part County Sewer District #7 delineated on the attached map and list of tax parcels (Appendix "A"), presently includes a total of one hundred thirty nine (139) properties consisting of one hundred thirty-two (132) attached residential properties, one (1) HOA recreation building, one (1) HOA open space parcel, one (1) sewage treatment plant, one (1) sewage main parcel, one (1) water treatment plant and two (2) ground water production well parcels.

PHYSICAL FACILITIES

Collection System

The Pinebrook collection system consists of 8-inch pipe installed within the public right of way, easements or system owned property. There are currently thirteen manholes located in the system. The collection network was built in two parts.

Sewage Treatment System

The Pinebrook Estates Wastewater Treatment Facility receives raw sewage from a single influent lift station feeding a steel equalization tank. The balance of the facility is two identical treatment trains. Wastewater then flows to the primary clarifier and then to the rotating biological contactor (RBC) that discharges to the secondary clarifier. The secondary clarifier effluent is then passed through a sand filter which then flows to the chlorine contact and post aeration chambers before discharge into the Maritje Kill draining to the Hudson River. The wastewater treatment system is in poor condition requiring attention to urgent concerns with treatment capacity replaced within the next three to five years.

TREATMENT CAPACITY AND FACILITY EVALUATION

An engineering study completed during 2014 includes an evaluation of the existing infrastructure and the identification of short term and long term capital improvements.

The consulting engineer identified serious and significant structural, operational and safety deficiencies. In specific, several steel tanks appear to be exfoliating and heavily deteriorated. The observed damage is so extensive as to prevent sequential replacement of individual system components while keeping the treatment system operational. Mechanical components, such as blowers, airlifts, RBCs, pumps, controls, electrical panels, filters and generator have all surpassed their service life, are no longer functioning as intended, and require frequent and costly repairs to maintain minimally acceptable treatment levels.

Systemic failure throughout the facility has at times impacted downstream treatment modules and resulting in SPDES permit exceedances for ammonia (NH₃), biological oxygen demand (BOD) and Total Suspended Solids (TSS). The original wood frame structure enclosing the treatment system is inappropriate considering the moist and corrosive environment. Although the structure was not determined to be subject to imminent collapse, it was identified as a serious safety concern that requires regular evaluation due to the structure's age and aggressive environment. Numerous worker safety concerns identified include trip hazards combined with lack of railings near open tanks, poor lighting, lack of alternative building egress, open atmosphere tanks without fences, electrical hazards, failed catwalks over treatment tanks, falling ceiling tiles and unguarded moving mechanical equipment.

In conclusion, the consulting engineer has determined the Pinebrook Wastewater Treatment Plant is not salvageable and should be replaced immediately. The report identified two alternatives for plant replacement; a connection to the Town of Poughkeepsie wastewater collection system, or construction of a new wastewater treatment plant. A capital project of this order of magnitude requires a minimum of three years from start to finish including such efforts as conceptual planning, financing, request for proposal, design, permit approval, bidding, construction and construction inspection and facility start up.

FUTURE DEMAND

The Pinebrook development is built out and all residences are occupied. There are no current or anticipated plans to expand the sewer system customer base.

FUTURE CAPITAL ISSUES

An engineering evaluation of the Pinebrook Sewer System was completed as part of the Reorganization Study, and is included as Appendix A to the Study. The engineering evaluation included recommendations for system improvements, organized by priority level.

Collection System

The Pinebrook collection system consists of 8-inch pipe installed within the public right of way, easements or system owned property. There are currently thirteen manholes located in the system. The collection network was built in two parts. Overall, the collection system of the District is in fair to good condition, and there are a few items that will need to be

addressed to ensure continued success. While no inspection of collection piping was completed, residents and wastewater operators have indicated that the section of piping between the WWTP and the recreational building may have deficiencies, which may include a belly or depression, reverse slope or a very flat/no slope section. There have been debris and clogs in this pipe section in the past, which are believed to have contributed to sewage back-ups into the Recreation Center building.

There were no Urgent Improvements recommended for the Collection System.

Recommended Short Term Improvements, to be addressed within 5 years, included;

- Repair and seal manholes
- Install manhole insert shells on all manholes
- Video inspection of suspect pipe section

Estimated Cost: \$10,600

In the event insufficient funds are available to address the identified Short Term collection system repairs, the cost of these items should be included in the borrowing for the WWTP replacement project, as discussed below.

Recommended Long Term Improvements (to be addressed in years 6-20) included:

- Sealing of additional manholes
- Repair of manhole frames
- Replace suspect section of pipe if deficiency confirmed by video inspection

Estimated Cost: \$37,400

Treatment Plant

The consulting engineer has determined the Pinebrook Wastewater Treatment Plant is not salvageable and should be replaced immediately. The report identified two alternatives for plant replacement; a connection to the Town of Poughkeepsie wastewater collection system, or construction of a new wastewater treatment plant. A capital project of this order of magnitude requires a minimum of three years from start to finish including such efforts as conceptual planning, financing, request for proposal, design, permit approval, bidding, construction and construction inspection and facility start up.

Additionally the Engineering Evaluation Report noted that, due to the age of the plant or deferred maintenance, there were a number of improvements, primarily related to safety, that were recommended to be undertaken immediately, even given the planned replacement of the facility. As of this writing, several of the noted items have been addressed. Urgent Items still to be resolved include:

- Install Eye Wash Station
- Repair/Remove Walkways
- Replace Electrical Panel
- Repair Building Ceiling
- Install Ventilation Equipment

DCWWA estimates the expense of the unresolved open issues to be approximately \$50,000, and proposes to complete this work through current funds and system fund balance.

The single Short Term Item (to be undertaken within 5 years) identified is the replacement of the wastewater treatment facility, at an estimated capital cost of \$3.4 million.

PROJECTED CAPITAL COSTS AND ALLOCATIONS

The Pinebrook Sewer System currently has no outstanding bonded indebtedness. The single Short Term Item (to be undertaken within 5 years) identified is the replacement of the wastewater treatment facility, at an estimated capital cost of \$3.4 million. It has been deemed unaffordable to fund this item through current system revenues.

DCWWA intends to issue a bond anticipation note (BAN) for an estimated \$400,000 to fund the evaluation of options and initial engineering design to either a connection to the Town/City Poughkeepsie Sewer System or build a new sewage treatment plant. Assuming an interest only payment, with the principal to be rolled into a subsequent long-term borrowing, the first year capital cost would be approximately five thousand seven hundred and ten dollars (\$5,710.00.)

The actual amount of the long term borrowing won't be known until a treatment approach has been selected. However, using the engineering evaluation's estimate of \$3.4 million to construct a replacement treatment plant, and assuming a thirty (30) year borrowing at 4.5% interest, annual debt service would be approximately \$218,000.

Annual debt expenses will be allocated equitably among all parcels within the District through the assignment of benefit units to each parcel. The methodology for the assignment of benefit units is attached (see Appendix C.) Application of the Benefit Assessment Methodology to the current district parcels results in a total of 1,340 benefit units within the proposed Zone of Assessment. All benefit units would be charged at the same rate. The annual benefit assessment would appear on the respective property owner's yearly property tax bill.

Apportionment of the anticipated first year capital cost of \$5,710.00 (interest payment only on the BAN) across the calculated number of benefit units results in a per benefit unit cost of four dollars and thirty cents (\$4.30), or forty-three dollars (\$43.00) for a typical single family residence. It is anticipated this expense would appear on the 2016 property tax bill.

In subsequent years, apportionment of the estimated capital cost of \$218,000 (principal and interest payment on the long term bond) across the calculated number of benefit units would result in a per benefit unit cost of about \$1,630 charged to each parcel in the Sewer District through the yearly property tax bill. DCWWA will seek grant and low-interest loan funding to help reduce the cost impact of the project on the customers. Through the efforts

of the DCWWA, the Pinebrook Sewer WWTP Improvement Project has been included on the NYS Clean Water Sewer Revolving Fund Annual Project Priority List, and is eligible for subsidized interest financing, depending on total program funds available.

OPERATION AND MAINTENANCE (O&M) COSTS

The O&M Budget Projection is the total cost to the DCWWA to operate the Pinebrook Sewer System; pump sewage, chemicals, electricity, alarms, laboratory fees, labor, insurance, typical repairs and other ongoing costs. The DCWWA has developed an O&M budget projection to illustrate estimated First Year costs of the Pinebrook Sewer System under Authority ownership, based on the Authority's prior operating expenses and history for comparable size sewer systems, and possible anticipated repairs to the system. A copy of the O&M budget projection, using 2015 as a base year for demonstration purposes of those First Year costs, has been included as Appendix "B". The first year operational cost (2015 dollars) is estimated at about \$80,000.00.

DCWWA proposes that sewer rates be charges as a flat rate quarterly charge of \$147.75, or \$591 annually.

Should the system ownership be transferred mid-year, the budget would be pro-rated for the portion of the year DCWWA would own the system. All future O&M system budgets, rates, fees and other charges are reviewed annually and subject to change by the DCWWA Board of Directors.

CONNECTION CHARGES

The Pinebrook Development has reached full build out and no additional sewer connections are anticipated.

For any future connections to the Pinebrook Sewer, an "Application for Sewer Service" and a related fee will be required at the time DCWWA sewer service is requested. Generally, the costs for the plan review and/or inspections, and tap on the main are covered by the Sewer Service Application (tapping fee) fee which is paid by the property owner to the DCWWA at the time of their request for service. As of the date of this report, the application fee for a typical residential sewer service connection in the District is \$500 per service and is a one-time charge. The cost to install, repair and/or maintain the sewer service line from the property line to the owner's house or other structure shall be the sole responsibility of the respective property owner.

Annual Cost per a Typical Property - First Year: \$591.00 + \$43.00 = \$634

The total annual cost for a typical property in a District is generally a combination of the long-term capital charges (debt service) and water usage charges. In the proposed District a typical property will be a single family dwelling unit. Given the assumptions and estimates described above, the projected "First Year" total cost for a typical single family dwelling, on less than three (3) whole acres, in Part County Sewer District #7 will include a sewer usage charge of five hundred ninety-one dollars (\$591.00) plus a capital assessment of forty-three dollars (\$43.00) charged through the property tax bill, for a total of six

hundred and thirty four dollars (\$634.) A system budget based on these rates will build appropriate fund balances to maintain the public sewer system in good working order.

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APPENDICES

Appendix A – Description of Part County Sewer District #7 (Map & Parcel List)

Appendix B – Proposed Operation & Maintenance Budget

Appendix C - Proposed Benefit Assessment Methodology

APPENDIX "A"

**DUTCHESS COUNTY
PART COUNTY SEWER DISTRICT #7
*Pinebrook Sewer System***

DESCRIPTION OF ZONE

(map and parcel listing)

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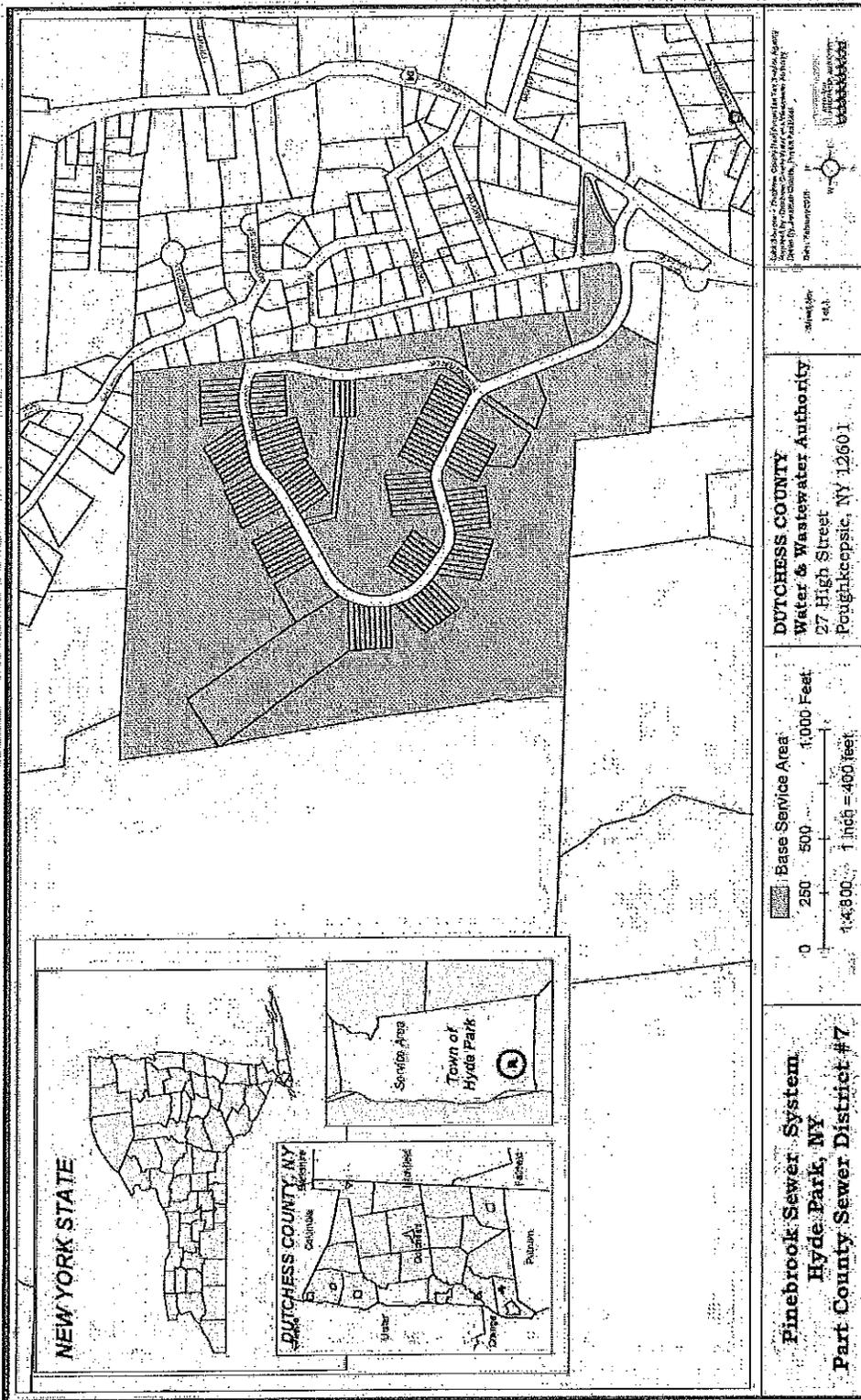
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APPENDIX "B"

Proposed

Operation & Maintenance Costs

Illustrative of projected first year O & M expenses, revenues and rates

for customers of

Pinebrook Sewer System (Part County Sewer District #7)

**DCWWA 2015 PROPOSED OPERATION & MAINTENANCE BUDGET
PINEBROOK SEWER SYSTEM**

Beginning Fund Balance	60,172
<hr/>	
Annual Expenses	79,665
Power/Chemicals	7,919
Operations	20,691
ERM	19,500
Sludge Hauling	9,000
Lab/Sampling/Permit	2,603
Administration	14,701
Legal/Engineering	3,250
Insurance	1,000
Operations Contingency	1,000
Annual Revenues	79,665
Sewer Sales/Penalties	79,665
Property Taxes	
Other	
Transfer from Fund Balance	-
Ending Fund Balance	60,172

APPENDIX "C"

Pinebrook Sewer System (Part County Sewer District #7)

Proposed Benefit Assessment Methodology

**COUNTY WATER DISTRICT
ZONES OF ASSESSMENT C, D, H, M, O, P, Q, R and U (Not J or K)**

PART COUNTY SEWER DISTRICT #1, 2, 3, 6 & 7

BENEFIT ASSESSMENT METHODOLOGY

DEVELOPED LAND (Use the higher of either LAND USE/WATER USE or ACREAGE)

LAND USE/WATER USE

RESIDENTIAL

FIRST DWELLING UNIT 10

EACH ADDITIONAL DWELLING UNIT 8

COMMERCIAL/INSTITUTIONAL:

FIRST 500 GPD WATER USAGE 20

EACH ADDITIONAL 100 GPD 4

ACREAGE

FIRST 2 ACRES 10

EACH ADDITIONAL WHOLE ACRE 2

UNDEVELOPED LAND

FIRST 2 ACRES 8

EACH ADDITIONAL WHOLE ACRE 2

STATE PARK LANDS

FIRST 500 GPD WATER USAGE 20

EACH ADDITIONAL 100 GPD 4