

## **Septic Tank Committee Report April 23, 1998**

**Members Present:** Roger Mills, Ruth McIlrath, Gary Brockett and Matt Brett.

The meeting was called to order at 7:30 P.M. by Roger Mills.

1. We spent most of the meeting reviewing the 3-page memo from Mr. Timothy Masturzo, Bellwood Club President. His comments are attached for your review as well as a 5-paragraph reply from Mr. Roger Mills. During our discussion there was a substantial difference of opinion regarding the ten points made by Mr. Masturzo. In the end, we each stated our individual summaries of the issue and they are summarized in the 2-pages attached to these notes.
2. The Committee Voted 2-to-1 to recommend to Council that we "Absolve the Bellwood residents from chlorination costs."

The meeting ended at 8:30 P.M.

*Brackett*

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APR 22 1999  
South Russell Village

To: Mayor Young

South Russell Village Council

As per your request, we respectfully submit the following thoughts we have pertaining to the Bellwood residents being forced to pay for the Chlorinators. We feel that the following is fair and accurate. We are well aware of the importance and difficulty regarding this matter. We ask that the Village Council consider the following points we have brought forth and vote favorably pertaining to the pending resolution.

Respectfully,

Tim Masturzo

Bellwood Club President

# **Why Bellwood residents should not be forced to pay for the Chlorinators.**

## **1. Bellwood residents opposed the Chlorinators at the inception of the idea.**

(This was not something we wanted, nor did we feel it was the right answer)

## **2. The Chlorinators serve only 37 of the 110 residents.**

(The Chlorinators service only some of the common tiles, meaning only 37 homes are directly affected, yet would everyone be charged.)

## **3. Some Bellwood residents are already on sewers. (4-5)**

(Residents along Bell Rd. have been connected to sewers, meaning it is not possible for those homes to contaminate - yet should they pay for Chlorinators?)

## **4. The Chlorinators may not be necessary.**

(Since all septic tanks in Bellwood have been cleaned, there may have been no need for Chlorinators. No sample tests were conducted after all tanks were cleaned.

## **5. Who is the bad guy?**

(Since septic tanks join into common collection lines, it is virtually impossible to determine what residents contributed to contamination, and what resident's systems are actually 'clean'. Since there are three common lines affected by chlorinators, it is actually possible that only three septic systems are putting out contamination.)

**6. Bellwood residents never had a part in the decision.**

(Residents were never given any options as to what they would have done when faced with the situation. Residents were given no opportunity in the decision making process to select or devise an alternative solution, re-testing sites in question, etc.)

**7. Department of Health recommended South Russell pay for Chlorinators.**

(In Board of Health meeting Aug. 12th, 1996, the Board of Health recommends that South Russell pay for installation and maintenance costs pertaining to the Chlorinators).

**8. Bellwood has been pro-active in the problem solving pertaining to the septic/sewer issue.**

(Bellwood residents as a group have been active in trying to develop the proper solutions for everyone involved.)

**9. Bellwood does not have the authority to police itself pertaining to the septic conditions.**

(As a homeowners association, we do promote residents to maintain all aspects of their home and property, however we have no authority to force anyone to upgrade their systems. Also, since existing septic systems tie into common collector tiles, it is almost impossible to detect which systems is causing contamination.)

**10. Substantial financial burden already.**

(As the popping up of 'For Sale' signs indicate, Bellwood residents are currently faced with a \$15,900 assessment plus a tie in cost of another several thousand dollars.)

In my view, all the reasons for Bellwood to pay are legitimate. Further, those reasons for the Village to pay which relate to legalities, have no bearing on the right and wrong of this decision. Nor does the fact that Bellwood opposed the chlorinators and had no say in the decision to install them. The fact is, the Village had no say in the matter either.

The fact that only 37 of 110 residents are hooked up is just a matter of luck that we weren't ordered to install equipment in all the outlets. And, concerning the fact that it would be unfair to charge those residents who are already on sewers.....well, I don't know how they would be charged anyway. Only those who would be charged for the sewer would be charged for the chlorinators.

The question of whether the chlorinators are needed is a mute point. (I think the timing of the cleaning and the timing of the order would not have permitted the Village to make any other decision than to install the chlorinators.

If, in the final analysis, it is determined that Bellwood can not be made to pay, then we swallow the cost. The fact that there may be some additional legal expenses along the way will just have to be expected.

All we are doing at this point is deciding whether a particular ordinance absolving Bellwood from having to pay for the chlorinators should be voted down. While our action may signal what our future stance may be, this action by itself does not necessarily mean Bellwood residents will get charged for the chlorinators. If Bellwood feels a more definitive decision should be made now, an ordinance could be introduced in the affirmative and voted up or down.

## **Bellwood Chlorinator Issue**

### **Questions:**

1. Why should the Village pay for the chlorinators instead of Bellwood?
2. Why should Bellwood pay for the chlorinators and not the Village?

### **1. Why should the Village pay and not Bellwood?**

- Because Bellwood has always been opposed to the chlorinators and never had a part in the decision to install chlorinators.
- Because chlorinators may not even be needed. No tests were taken after the tanks were cleaned.
- Because, the chlorinators are like many things the Village pays for such as building, repair and maintenance of roads and storm sewers.
- Because the Village has been mandated by the OEPA to install the chlorinators and the County Health Dept. recommended that the Village pay for the installation and maintenance of the chlorinators.
- Because, since it is widely agreed that **all** residents of Bellwood have not contributed to the pollution and since it is similarly impossible to tell which of the residents of Bellwood **are** responsible for the pollution, there is no fair means of determining who should be responsible for paying.
- Because the Village never enforced its septic tank cleaning ordinance leaving Bellwood residents with no way to force its residents to maintain or upgrade individual systems.
- Because the chlorinators only serve 37 out of the 110 Bellwood residents.
- Because it would not be fair to charge those residents who are already on sewers.
- Because the homeowners did not know about this expense when they made their choice between sewers and septic systems.
- Because it appears there is no legal way to charge Bellwood for the chlorinators at this point in the process without risking a protracted legal fight which the Village may lose.
- Because Bellwood residents have been proactive in the problem-solving process.
- Because Bellwood residents are already facing a huge financial burden, it should not have more added on.