

# Homeowners caught in the middle of sewer issue

Gazette 7-20-12

BY MARIAN MCMAHON

Gazette Newspapers

LAKE COUNTY - A Madison Township resident sought help from the Lake County Board of Commissioners in getting her new home connected to a sewer line at the July 10 commissioners meeting.

Sarah Powell of Madison Township said she and her husband had purchased a property on Dayton Road in Madison Township. She said the house is completed, the village council approved the sewer hook-up and it was her understanding the commissioners would address the issue at the day's meeting.

"This is very similar to what you (Commissioner Dan Troy) just touched on," said Al Saari, county sanitary engineer. "We have a parcel in the township that the village

wishes to serve."

He explained this was the same situation they had when the village wanted to serve the new Madison Middle School being built, which is also in an area designated to be served by the county water and sewer system.

The county does not have sewers on Dayton Road. The village has a sewer across the street on the village side of the road.

"We're in danger of losing our mortgage rate, because we're not able to tie in," Powell said. Saari said situation calls for approval from the EPA, since the village has had problems with the capacity of its wastewater treatment plant. Approval is also needed by NOACA because the property is outside the village's established service area and would require a boundary change.

"When we bought our property

were told we were able to tie in; we were told it's an improved lot ... by Madison Village," Powell said.

Troy said they understood Powell's frustration, but the county was operating under federal law which required designation of which entities would provide sewer service where. Adjustments required agreements between entities for exceptions.

"We always hope that these processes take place before we get citizens like you caught in the middle of this," Troy said.

The commissioners said they would have needed a sewer permit, which would have needed to be issued by the county when they received a building permit.

Powell said her builder obtained the permit. Saari said the county received

See SEWER on page 3A

a request from Madison Village ADMINISTRATOR Alyson Moritz in April that the parcel be allowed to tie in to the Madison sewer line.

"We started the paperwork, because I wanted to make sure all the documents were executed before I even brought it to your attention," Saari said, "but they had the wrong parcel on it at first, so it had to go back through the whole channels again. They, the village, needed a letter from the EPA saying their plant was capable of servicing another parcel and that their collection system was big enough, (since) as you know, the village has had problems with their treatment plant and their collection system."

For those reasons, he wanted to have all the proper documentation in order before presenting it to the commissioners.

Commissioner Ray Sines said the commissioners were willing to do what was necessary for paperwork to be expedited since time was of the essence in this matter.

"We'll see what we can do," he said.

Previously, at the July 2 Madison Village Council meeting, there was also extensive discussion prior to council approving a memorandum of understanding with the village, the Lake County Commissioners and the Powells to allow a new sanitary sewer connection for their new home on Dayton Road.

Councilman Mark Vest asked which NOACA 208 plan (official designation of which areas are serviced by which utility) covered this request.

Engineer Dave McCullops said the most recent agreement stated properties serviced by the village which were outside the village boundaries would continue to be served by the village.

"We agreed that there were some parcels that would come up on an as needed basis that would request being tied into our sanitary sewer," he said.

The Powells' property is within the county boundary which required special approval from the village and the county, but since it was

just a single family home it did not need EPA approval. Councilman John Hamerbeck said this was the same situation as the new middle school, which is also in the county utilities boundary.

"I'm sorry, as a homeowner, that you're putting up with what our school district had to put up with," Hamerbeck said. "Yes, Councilman Vest is correct when he alluded to the proposed document. Had we gotten what we asked for to begin with, you wouldn't be going through this. We were trying to take a swath of land that logically yours would have been included in, but the powers greater than us said no, so here we are, having to go through all this again for one residential property."

Councilman Ken Takacs said he thought the village was wanting to extend its services further was a "slippery slope." He felt village residents should be their first concern and continuously adding more parcels would be a "burden on the system."

Currently the village did not have a policy about which parcels it might serve and he thought annexation was the proper way to go in the future before providing village services.

"We went through a whole process of changing those 208 boundaries and now we're trying to again do that in six months?" Takacs said.

He believes there will be more Madison Township property owners requesting village services and he felt now was the time to establish the policy of telling people they needed to be annexed into the village to receive services.

"Before we bought this property, we talked to Alyson (Moritz) several times ... she assured us that there was absolutely no problem tying into the sewer and water system," James Powell said, adding if he had known what was involved he would not have bought the property.

Fortunately, later on July 10, the commissioners did approve a resolution allowing the Powells to connect to the village water and sewer

lines.