

**STATE OF WISCONSIN
MILWAUKEE AND OZAUKEE COUNTIES
VILLAGE OF BAYSIDE**

RESOLUTION NO: 11-09

A resolution to establish a private property infiltration and inflow program

WHEREAS, the Village of Bayside is served by the Milwaukee Metropolitan Sewerage District (the “MMSD”); and

WHEREAS, the MMSD 2010 Capital Budget established a project (M03044, I/I Reduction on Private Property, Phase II) to serve as a funding mechanism to the participating municipalities for infiltration and inflow reduction efforts on private property; and

WHEREAS, the MMSD project provides \$8,000,000 the first year and is anticipated to provide subsequent annual budgets projected at a total of \$151,000,000 from 2011-2021, for efforts to address private property infiltration and inflow into the sewerage system operated by the MMSD, with no funds being expended by the Village; and

WHEREAS, the Village of Bayside is eligible to receive a portion of said MMSD funds, which includes funding for private property infiltration and inflow reduction efforts, and stormwater best management practices, including carryover from 2010 funding; and

WHEREAS, over the course of the MMSD program through 2021, the Village anticipates being eligible for annual funding through the MMSD reimbursement programs; and

WHEREAS, the Village hereby intends to establish a policy regarding its participation in this MMSD reimbursement program.

THEREFORE, BE IT RESOLVED, by the Village of Bayside and the Village Board of Trustees, that the following policy shall direct the MMSD program to reduce infiltration and inflow on private property within the Village of Bayside:

Application/Approval Process.

- a. *Filing*. Property owners may apply by filing an approved application form with the Village. Applications must be filed in the calendar year in which the work will be performed, or in November or December of the immediately preceding calendar year.
- b. *Eligible Work*. Project funding is available only for eligible work, as defined and regulated within the MMSD program, and as determined by the MMSD. The eligible work must be described in the application.
- c. *Cost Estimates*. All work will be done through the MMSD subcontractors, or procured through the bidding process to achieve competitive pricing.
- d. *Director of Community & Utility Services Review*. Applications will be considered on a first-come, first-served basis, unless an area has been designated by the Village as

requiring repair, in which case the funds will be used on predetermined homes. The Village Director of Community & Utility Services shall approve applications for eligible work that complies with the MMSD program rules, regulations and policies, subject to the additional limitations stated herein.

1. Televising. Before any lateral is replaced, the lateral must be televised and the televised results must be submitted to the Village Director of Community & Utility Services for review. The Village Director of Community & Utility Services or designee will determine whether the work will be eligible for reimbursement after viewing the televising results.
2. Eligible Work/Payment. Only projects that meet MMSD eligibility criteria will be considered. All approved work will be paid in full, 100% through MMSD funding.
3. Subject to MMSD Funding. Projects are eligible for coverage only when the Village has funding available through the MMSD program. When the MMSD program funds are exhausted or eliminated or otherwise unavailable, projects/funding pursuant to this program will be suspended pending new allocation from the MMSD.
4. After-the-Fact Applications. After-the-fact applications will not be eligible for funding reimbursement as part of this program.
5. Property Owner Responsible; and No Village Assumption of Risk. Although the Director of Community & Utility Services or designee will review and coordinate projects pursuant to the terms of this policy, ultimately all work conducted by private property owners, the means and methods of performing such work, the compliance with the MMSD program, the risk of funding being denied or unavailable, and all other risks, are the responsibility of the private property owner. The ownership and maintenance requirements of the sanitary sewer lateral will continue to be the responsibility of the private property owner. Any approval of an application/project by the Village shall not be interpreted as acceptance of any such risks or responsibilities.
6. Application Forms. The Village Director of Community & Utility Services is authorized and directed to prepare application forms for private property owners to use, to further implement this policy. The application forms shall require the property owner's agreement to hold the Village harmless and indemnify the Village for all costs and risks arising from this work that is to be conducted on the private property.
7. Subject to Change. The Village of Bayside reserves the right to reconsider, amend, suspend, or terminate, its participation in this MMSD program, and this policy, from time to time as the Village deems appropriate.
8. Village Code Compliance Required and not Waived. Nothing herein shall be construed as limiting, modifying, revising, or affecting in any way the responsibilities of Village private property owners as described in the Village of Bayside Village Code, or the penalties for noncompliance.

SEVERABILITY.

The several sections of this resolution and the attachment hereto are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the resolution. The remainder of the resolution shall remain in full force and effect. Any other resolutions whose terms are in conflict with the provisions of this resolution are hereby repealed as to those terms that conflict.

EFFECTIVE DATE.

This resolution shall take effect immediately upon passage and posting or publication as provided by law.

PASSED AND ADOPTED by the Village Board of the Village of Bayside this ninth day of June, 2011.

VILLAGE OF BAYSIDE

Samuel D. Dickman, Village President

Attest:

Lynn A. Galyardt, Director of Finance and
Administration Village Clerk/Treasurer