

**Attachment for Agenda Abstract:
WSAC Recommendations on Reimbursing Certain Residential Swimming Pool
Owners for Backflow Device Installation**

**Water and Sewer Advisory Committee Meeting Minute Summary of October 2023
and Supporting Information Regarding Residential Customer Reimbursement
for Installation of a Reduced Pressure Zone Assembly**

A. Reimbursement recommendation for installed backflow devices.

Vice Chair Salvi recused herself from discussion as an impacted citizen. Member Rawlins assumed leadership of the discussion.

Director Strandwitz reported that the Board of Commissioners had requested a recommendation from the Water and Sewer Advisory Committee about which individuals could be eligible to receive reimbursement for their compliance with the code after receipt of the initial notification letter.

Strandwitz presented a categorized chart of homeowners who had received letters from the town in early 2023 notifying them of the requirement to install reduced pressure zone valves (RPZ) for their in-ground swimming pools and who had complied to some extent. The chart detailed the status of each residence's permit applications, installation, and inspection. There are seven homeowners who installed the assemblies.

She detailed the chart's groupings:

- Those who had applied for a permit, but the permit was never issued or was issued but never completed due to the pause (non-shaded).
- Those who had completed RPZ installation to town specifications and received a final permit inspection (green).
- Those who had completed installation, but perhaps not to town specifications and did not receive a final completion, including one where the County signed off without town approval (gold).
- Those who applied for a permit and installed an RPZ after receiving the letter on May 22, 2023, notifying them of the potential pause of the code requirement (and as noted in the permit system). This customer's plumbing company also did not receive an issued permit before the work was completed.

The committee reviewed the discussion points provided by staff based on staff's discussion with the town attorney which was generally to be very succinct about who is eligible and what costs would be covered. There was discussion of the type of reimbursement to be offered, whether by check or as a credit toward the homeowner's water bill. A check was the desired method as adding a bill credit could take several years and if the resident moved, a check would be issued anyway for the balance.

There was discussion of the appropriateness of reimbursing homeowners who complied with the current code after receiving the letters informing them of non-compliance as opposed to those who complied with the code from initial installation as staff had been practicing after they requested the county include the town on sign off for swimming pool permits or other permits

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that may necessitate a backflow device. While recused, Salvi interjected several times aloud and quietly to Rawlins during the conversations.

Rawlins spoke in favor of reimbursement, suggesting that if the homeowners had not received a letter they probably would not have taken on the expense. Member Rasheed expressed concern about setting a precedent. Member Weston noted that the code requirement existed all along, but that the letter simply made people aware that they were not in compliance. Member Robinson felt some type of reimbursement was warranted.

Rawlins called for an informal vote about whether reimbursement was appropriate for those who received the letter and complied with the request before the Board paused enforcement on May 8, 2023, directed a simpler compliance method, and staff notified them. Rawlins and Robinson were in favor of reimbursement. Rasheed and Weston opposed reimbursement. Rawlins summarized that because of the 2-2 vote, the committee did not have a clear recommendation for the Board of Commissioners. Despite disagreement on whether reimbursement ought to be provided, the committee proceeded with discussion assuming the hypothetical case that the Board of Commissioners will move forward with reimbursement.

There was discussion of whether reimbursement should be offered to those who had a RPZ installed after receiving the letter, but whose installation did not pass the inspection. The committee decided that homeowners should be eligible if they made a good faith effort to comply with the code prior to the Board of Commissioners decision on May 8, 2023, except for the one customer who applied for a permit on June 1, 2023, after letters were sent and the permit system noted to pause the action, and whose plumbing company installed the RPZ without an issued permit. They felt that was an issue between the plumbing company and the owner.

Therefore, the Water and Sewer Advisory Committee was evenly split in support and opposition of reimbursement. However, if the Board of Commissioners were to proceed with reimbursement, the advisory committee would recommend that reimbursement should be applicable only to:

- Those with existing in-ground swimming pools not directly connected by house plumbing for auto-filling, who received the compliance letters of February and March 2023.
- Those of the above who applied for and received a trade/building permit through the county.
- Only for the installation and initial testing cost (not necessarily for maintenance testing, removal, restoration, or other ancillary costs).
- Those that fully apply for the (check-issued) reimbursement within 60 days of notification of eligibility and requirements, and who produce a detailed documentation of cost.

Strandwitz will prepare an agenda abstract/memo on behalf of the WSAC for the Board of Commissioners.

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**Staff Prepared Information for Discussion with WSAC in October 2023
RPZ Installation Permit Status**

Letters were sent in early 2023 (20 on 2/22/2023 and 18 on 3/23/2023) to several in-ground swimming pool owners requiring the installation of a reduced principle backflow assembly (RPZ) in accordance with established town code section 14-56. On May 8, 2023, the Board of Commissioners voted to not enforce the requirement and to evaluate the code for lesser expensive options. On May 22, 2023, a letter was sent to the original recipients notifying that the requirement was paused until further notice. Below is the permit status to date.

Location	Applied	Status	Listed Value	Notes
Queen St	4/22/23	Never approved/issued	\$4250	
Lemontree Ln	4/25/23	Never approved/issued	\$1500	
Morelanda Dr 1	4/19/2023	Approved 4/24/2023 Issued 5/5/2023 Awaiting Final Insp.	\$2500	Has not installed to town specifications
Claytor Dr	3/30/2023	Approved 4/6/2023 Issued 4/14/2023 Awaiting final insp.	\$2500	Has not installed to town specifications
St. Marys Rd	6/1/2023	Never approved/issued	\$2500	Plumbing company installed this without permit approval – applied after notification of 5/22/2023 to hold off
Miller Rd	3/29/2023	Approved 3/29/2023 Issued 4/3/2023 Final Sign Off 4/18/2023	\$2000	Complete to town specifications
Orange HS Rd	3/29/2023	Approved 3/29/2023 Issued 3/30/2023 Final Sign Off 4/6/2023	\$4000	Complete to town specifications
Gwen Rd 1	4/4/2023	Approved 4/6/2023 Issued 4/12/2023	\$3375	
Silver Fox Ln	4/10/2023	Approved 4/12/2023 Issued 4/12/2023 Final Sign Off 4/24/2023	\$3300	Complete to town specifications
Dairy Farm Rd	2/28/2023	Approved 3/6/2023 Issued 3/8/2023	\$1785	
Morelanda Dr 2	3/29/2023	Approved 3/29/2023 Issued 4/14/2023 Final Sign Off ???	\$2500	Town not included for final sign off!
Gwen Rd 2	3/23/2023	Approved 3/28/2023 Never issued	\$3574.38	

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Reimbursement for Compliance Prepared Discussion Points

The Board of Commissioners also requested discussion and recommendation about reimbursement of funds for those that complied with current code if the code is to be modified for a less expensive option. The code will be modified to include an air gap option for those that do not have a direct piped connection to the pool for an auto-fill option. The air gap is an approved backflow prevention method which is based on education to not create a cross-connection by submergence of a hose into the pool (or any other body of water) by keeping a certain “air gap” separation between a hose end and body of water.

Staff recommendations after speaking with the town attorney are as follows to start the discussion are to apply very strict parameters. Reimbursement recommendations should be applicable only to:

- those receiving the compliance letters of February and March 2023
- those who applied for and received a trade/building permit through the county
- RPZs installed in accordance with town code and who received a certificate of compliance
- only for the installation cost (not necessarily for the testing, removal, restoration, or other ancillary costs)
- those that apply for the reimbursement (or option of bill credit?) by an established timeframe which is recommended to be set for only a few months and who produce documentation of cost

The advisory committee can discuss and recommend the above or modifications to the above. Staff will prepare a memorandum or abstract to the Board of Commissioners with the recommendations to present at a future meeting.