



SPECIAL TOWN MEETING
December 17, 2013

A Special Town Meeting was held on a snowy Tuesday, December 17, 2013 in the Deep River Town Hall Conference Room. Selectmen present were Dick Smith, Angus McDonald and David Oliveria. The meeting was attended by approximately 20 residents. Attorney Bruce Chudwick of Shipman & Goodwin LLP was also in attendance.

First Selectman Richard Smith called the meeting to order at 7:17 p.m. A motion to appoint Angus McDonald as moderator was made by David Oliveria and seconded by Mark Reyher. Motion carried. The moderator appointed Amy Winchell as clerk of the meeting, who then read the call. A motion to accept the call as read was made by Wayne Grabner and seconded by David Oliveria. Motion passed unanimously.

A motion to approve item #1 was made by Mark Reyher and seconded by Wayne Grabner.

ITEM 1. To discuss and vote on a Resolution:

To approve a one time benefit assessment fee of \$5,000 for the properties included in the Kirtland and River Streets sewer line expansion project, as recommended by the WPCA, and as required by the resolution approving the project adopted at the May 2, 2013 Special Town Meeting.

A copy of the full text of the Resolution is attached to these minutes.

DISCUSSION: John Kennedy submitted a letter, which is attached to these minutes, and read the letter aloud. He is pleased by how progressive the Town has been in installing sewers and appreciates the hard work done by the Commissions. However, he feels the one time benefit assessment of \$5,000 is too high and inequitable when compared to past phases of this project. Ted Mackenzie of the WPCA pointed out that all taxpayers pay something toward the sewers, most without receiving any direct benefit from it. Dick Smith explained that the initial phase of the sewer project was very little cost to the Town as we received 92% reimbursement so no benefit assessment was needed. The cost for subsequent phases was offset by revenue generated by the sewage treatment plant taking in sewage from other towns. The largest phase saw the need to charge a \$2,000 benefit assessment. The most recently finished roads were part of that phase so they were assessed the same amount. This current phase is much more expensive due to increased installation costs, fewer units to be assessed, and less reimbursement from outside sources. John Kennedy argued that the benefit assessment should not be affected by the cost of

the project. Ted Mackenzie pointed out that Dick Smith argued with the WPCA to keep the benefit assessment down at \$2,000 but the Commission felt strongly that \$5,000 was most fair to all the taxpayers in the Town. Several affected property owners present voiced their opinions that \$5,000 was very fair for the benefit they are receiving and that they are very pleased with the job the Commission is doing.

There being no further discussion, the motion was APPROVED with two opposed.

A motion to adjourn was made by Linda Hostetler and seconded by David Oliveria. Motion carried. The meeting was adjourned at 7:50 p.m.

ATTEST: Amy M. Winchell, Town Clerk

TOWN OF DEEP RIVER
WATER POLLUTION CONTROL AUTHORITY

RESOLUTION TO APPROVE BENEFIT FEES FOR THE PROPERTIES
INCLUDED IN THE KIRTLAND AND RIVER STREETS SANITARY SEWER
SYSTEM PROJECT

WHEREAS, at a Special Town Meeting held on May 2, 2013, those persons eligible to vote approved a “Resolution to Appropriate \$4,000,000 for the extension of the sanitary sewer system to the eastern terminus of Kirtland and River Streets, as well as to all connecting streets; to finance the appropriation by accepting a grant from USDA of approximately \$1,200,000 and a loan not to exceed \$2,800,000, or by issuing Town bonds, notes or temporary notes in an amount not to exceed \$2,800,000” (the “Bond Resolution”); and

WHEREAS, the Bond Resolution required that if the Deep River Water Pollution Control Authority (the “WPCA”) determines that each property, or each unit of assessment, that is benefited by the Kirtland and River Streets sewer expansion project shall be assessed a one time benefit fee, the benefit fee shall only take effect if approved at a special town meeting; and

WHEREAS, on December 2, 2013, the WPCA held a public hearing pursuant to Connecticut General Statutes 7-250 and has recommended that a one time benefit fee of \$5,000 be assessed against each property, or each unit of assessment, that is benefited by the project; and

WHEREAS, at a Special Meeting of the Board of Selectmen held on December 12, 2013 the benefit fee recommended by the WPCA was approved and forwarded to a Special Town Meeting; and

WHEREAS, at a Special Town Meeting held on December 17, 2013, the voters approved the benefit fees assessments for the project, as recommended by the WPCA.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Chapter 103 of the Connecticut General Statutes, a one time benefit fee of \$5,000 for each property benefited by the Kirtland and River Streets sewer line expansion project, allocable to properties on Kirtland and River Streets and to all connecting streets including River Lane, Old River Streets #1/#2, Fairview Avenue, Reed Street, Phelps Lane and Town Dock Road, as described in the schedule attached hereto and made part of this resolution, is hereby established and laid upon said properties benefited thereby, and the benefit fee shall constitute a lien upon the property and be continued, recorded, enforced and released in the same manner as property taxes.

FURTHER RESOLVED, that such benefit fees may be paid in installment payments over a period of thirty (30) years, together with interest at an interest rate of 2.75% per annum, which interest rate reflects the borrowing costs to the Town on its bonds to be issued to the United States Department of Agriculture (USDA), Rural Utilities Service, to finance the project costs.

FURTHER RESOLVED, that the outstanding balance of any benefit fee, together with any unpaid interest, fees and charges, shall be due and payable in full upon the transfer of ownership of the property for consideration.

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See attachment for John Kennedy's letter