



Special Town Meeting

April 8, 2019

A Special Town Meeting was held on Monday, April 8, 2019 in the Richard H. Smith Town Hall Conference Room. The meeting was attended by the Board of Selectmen including First Selectman Angus McDonald and Selectmen Duane Gates and Jim Olson. Also in attendance were George Eckenroth and Lori Guerette of the Board of Finance, Kate Cryder- Tax Collector, and residents Lisa and Steve Bibbiani.

First Selectman Angus McDonald called the meeting to order at 7:01 PM. Jim Olson made a motion to appoint Duane Gates as moderator which was seconded by Lori Guerette. The motion was approved unanimously. Duane Gates appointed Town Clerk Amy Winchell to act as clerk of the meeting who then read the call.

A motion to accept the call as read was made by George Eckenroth and seconded by Lori Guerette.

DISCUSSION: Angus wanted to clarify the call by making the transfer contingent upon denial of our second waiver request. George added that, regardless of the waiver, we would need to appropriate the funds by June 30, 2019 to avoid being fined. The call was amended to read as follows:

1. Approve the transfer of \$68,000 from General Fund unappropriated fund balance to the Deep River Elementary School line 010-80-181-53300 as designated by the Board of Selectmen and Board of Finance and the State of CT Dept. of Education. **Transfer would be contingent upon denial of our second waiver request or by June 30, 2019, whichever occurs first.**

A motion to accept the call as amended was made by George Eckenroth and seconded by Lori Guerette. **The motion was approved unanimously.**

Motion to approve Item #1 was made by Lori Guerette and seconded by George Eckenroth.

DISCUSSION: Angus noted that the State Minimum Budget Requirement for schools indicates we must put \$68,000 back into the Deep River Elementary School Budget for this Fiscal Year 2018-2019. We had requested a waiver, which was denied on the basis that a waiver had never been approved before. Since then the Town of Portland did have a waiver approved, albeit with different circumstances. Based on this new development, we have made a second request for waiver. We don't know when this request will be reviewed and we risk being fined if we don't put that amount back by June 30, 2019. This approval will allow the transfer of the amount should we either reach that date or have our second request for waiver denied, whichever happens first.

There being no further discussion, a voice vote was held. **The motion was approved unanimously.**

Motion to approve item #2 was made by Lori Guerette and seconded by George Eckenroth.

2. Approve Tax Overpayment Ordinance.

- 1) Pursuant to the provision of Connecticut General Statute Section 7-148(b)(2) and Section 7-148(c)(2)(B) the Town of Deep River does hereby authorize the retention of the overpayment of real property or personal property taxes of small amounts on the basis that the refund process is costly and burdensome in relation to the amount.**
- 2) The Town of Deep River, by and through its Tax Collector, shall retain any overpayment of real property or personal property taxes made to the Town provided that said overpayment is less than Five (\$5.00) Dollars. Any such payment shall be placed in the General Fund.**
- 3) In the event of a written request by the taxpayer for a refund of the retained amount received prior to the end of the fiscal year for which the payment was made, the overpayment shall be refunded.**

DISCUSSION: Lisa Bibbiani said that CT General Statutes sections 12-127, 12-128 and 12-129 would allow certain individuals exemption from the deadline of this ordinance. In her opinion this would make this ordinance illegal and she also felt it was unnecessary. Tax Collector Kate Cryder stated that this was the same ordinance being used by other towns in the state. Angus suggested we turn the ordinance down for now to further research this objection.

There being no further discussion, a voice vote was held. **The motion was NOT approved unanimously.**

Motion was made by Jim Olson and seconded by Duane Gates to adjourn. The motion was approved and the meeting was adjourned at 7:15 PM.

ATTEST: Amy M. Winchell, Town Clerk