

**CALL TO A SPECIAL TOWN MEETING  
TOWN OF DURHAM**

A SPECIAL TOWN MEETING of the Electors and Citizens qualified to vote at Town Meetings of the Town of Durham will be held in the 3rd Floor Meeting Room, Town Hall, on Monday, January 13, 2014 at 8:00 p.m. for the following purpose:

- 1.) To transfer \$35,200 from Undesignated Fund Balance to #6700-484 Construction Grant Projects for engineering services related to the Coe Road over Parmelee Brook Project as recommended by the Board of Finance at their November 19, 2013 meeting.
- 2.) To transfer \$42,404 from #9220 Reserve for Building Fund to #4085-345 Emergency Services Facility Grant Program for pre-development planning for the historic preservation of 37 & 51 Main Street as recommended by the Board of Finance at their December 19, 2013 meeting.
- 3.) To transfer \$4,685 from #9200 Building Maintenance Reserve to #6700-497 Library for the interior painting of certain areas of the library as recommended by the Board of Finance at their December 19, 2013 meeting.
- 4.) To transfer \$4,850 from #9280 Reserve for Cemetery Stone Repairs Fund to #6005-599 Cemetery Company Transfers from Reserve for costs associated with the restoration of historically significant grave markers as recommended by the Board of Finance at their December 19, 2013 meeting.
- 5.) To approve Ordinance Relative to a Personal Property Exemption for Motor Vehicles Modified to Accommodate a Person with Disabilities.

Laura L. Francis  
First Selectman

John T. Szewczyk  
Selectman

Steven A. Levy  
Selectman

**RETURN OF THE CALL**

Return is hereby made, that the Undersigned, on the 23<sup>rd</sup> day of December caused to be posted on the Public Signpost in the Town of Durham, a written warning by the Selectmen, and on the 3<sup>rd</sup> day of January, caused to be published in the Middletown Press, a newspaper having a circulation in the Town of Durham, a like warning of the SPECIAL TOWN MEETING to be held the 13<sup>th</sup> day of January 2014.

Laura L. Francis, First Selectman

Motion made, seconded and passed to elect Norm Hicks as Moderator.

**SPECIAL TOWN MEETING**

Date: January 13, 2014  
Time: 8:00 pm  
Place: Town Hall, 3<sup>rd</sup> Floor Meeting Room  
Moderator: Norm Hicks  
Clerk: Kim Garvis, Town Clerk  
Call: The call to the meeting was accepted as read by the clerk.

**Synopsis of Action**

**Item 1: To transfer \$35,200 from Undesignated Fund Balance to #6700-484 Construction Grant Projects for engineering services related to the Coe Road over Parmelee Brook Project as recommended by the Board of Finance at their November 19, 2013 meeting.**

Motion: Motion by Laura Francis, seconded by Steve Levy.

Discussion: Laura explained the town is required to inspect bridges periodically. The bridge on Coe Road over Parmelee Brook proved to be in need of repair. Governor Molloy allocated more funds this year for bridge repair. This project meets the requirements of this funding with almost 50% of the approximate cost of \$460,000 reimbursable to the town.

Action: On a voice vote, with none in opposition, the moderator declared the motion passed.

**Item 2: To transfer \$42,404 from #9220 Reserve for Building Fund to #4085-345 Emergency Services Facility Grant Program for pre-development planning for the historic preservation of 37 & 51 Main Street as recommended by the Board of Finance at their December 19, 2013 meeting.**

Motion: Motion by Laura Francis seconded by Jim McLaughin

Discussion: Laura explained the town has owned two homes in the Historic District, on either side of the Fire House, for about 20 years. Preserving the heritage of historic Main Street is very important to the character of the town.

The determination has been made to use these two buildings for emergency services. Currently the town is renting an office from the Durham Fair Association for the Resident State Trooper's use. Emergency Management currently operates where needed and has a temporary set up on the 3<sup>rd</sup> floor of Town Hall. The Fire Marshall works out of the Building Department.

Laura added the Public Safety Facility Renovations Committee has been meeting for several years regarding this plan. There are four stages to this project: 1) schematic designs, 2) final designs, 3) building and construction documents and 4) construction.

Concerns and/or questions by the public:

- Community involvement in the approval of the renovation project for the Emergency Services Facilities via a referendum vote
- Involvement of the Historic District Commission
- Continued deterioration of the buildings
- Lack of a 20 year capital plan relative to these two buildings
- Following Procurement Policy guidelines
- Volunteer Ambulance building does meet code

Laura responded that this project will be going out to bid per the Procurement Policy. Both the current administration and the previous administration has had a 20 year capital plan that includes these two buildings. The town did not ask the Historic District Commission for permission to demolish the buildings this time because the commission had denied such permission previously.

Steve Levy stated he has served on various committees relative to this project since the 1990's. It's time to take care of these properties to maintain the quality of historic Main Street and to serve our Emergency Services personnel.

Tom Woodson, Historic District Commission Chairman, commented that the Public Safety Facility Renovations Committee did communicate with the Historic District Commission relative to this project.

To a question asked regarding the cost to renovate both of these properties, David Heer answered that the north building would cost 0.6 million and the south building 0.4 million.

Action: On a voice vote, with several in opposition, the moderator declared the motion passed.

**Item 3: To transfer \$4,685 from #9200 Building Maintenance Reserve to #6700-497 Library for the interior painting of certain areas of the library as recommended by the Board of Finance at their December 19, 2013 meeting.**

Motion: Motion by Bob Booz seconded by Rick Parmelee.

Discussion: Bob Booz, member of the Library Board of Trustees, stated the library is a town asset and needs to be maintained. Laura explained funds were budgeted in the current fiscal year for interior painting of the library. This project consists of two parts: 1) lowest bid received by Ron Thody Home Improvements to paint the basement area and to install a small section of chair rail. 2) Lizotte Painting was the low bid to paint the work room and the office. Total cost for the entire project is \$4,685.

Action: On a voice vote, with none in opposition, the moderator declared the motion passed.

**Item 4: To transfer \$4,850 from #9280 Reserve for Cemetery Stone Repairs Fund to #6005-599 Cemetery Company Transfers from Reserve for costs associated with the restoration of historically significant grave markers as recommended by the Board of Finance at their December 19, 2013 meeting.**

Motion: Motion by Simone Howe seconded by Maggie Peterson.

Discussion: Simone Howe stated the Old Cemetery is an asset to the town and the old stones are valuable due to their historic significance. The Durham Cemetery Company contracts with a man very skilled in the restoration of old grave markers.

Action: On a voice vote, with none in opposition, the moderator declared the motion passed.

**Item 5: To approve Ordinance Relative to a Personal Property Exemption for Motor Vehicles Modified to Accommodate a Person with Disabilities.**

Motion: Motion by Laura Francis seconded by Steve Levy.

Motion: Motion by Laura Francis, seconded by Jim McLaughlin to amend the ordinance to change the date for Section C.3. to January 31, 2014 and to include the statement, "This ordinance will supercede any previous ordinance relative to personal property exemptions for motor vehicles for persons with disabilities."

Action: Motion to amend the main motion passed unanimously.

Discussion: Laura explained the vote on this ordinance had been expected to take place prior to the end of 2013. In the interim, it was discovered that a similar ordinance was passed in the late 1990's that had not been codified.

John Phillip, Assessor, briefly reviewed the requirements to obtain this exemption and clarified that as long as a family member meets the requirements, the exemption would be applied.

Question asked if this exemption would apply to illegal aliens and John replied this is not addressed in the statute. To a question regarding chain of custody of the vehicle, John answered that the exemption is tied to the person with the disability, not the vehicle.

Question asked about proof of modification and annual review to which John replied that the vehicle would be inspected to ensure modifications were made. There would be annual review process just as there is with other exemption programs in the town.

John Szewczyk asked if the Board of Assessment Appeals would be involved in reviewing these cases. John Phillip responded it would be highly unusual to involve the Board of Assessment Appeals in this matter.

Question asked if the ordinance could be amended to include annual review of the vehicle and John Phillip replied this can be handled administratively without amending the ordinance.

Action: On a voice vote, with one in opposition, the moderator declared the amended motion passed.

AN ORDINANCE RELATIVE TO A PERSONAL PROPERTY EXEMPTION FOR  
MOTOR VEHICLES MODIFIED TO ACCOMMODATE A PERSON WITH  
DISABILITIES

- A. Pursuant to Section 12-81c of the Connecticut General Statutes, an exemption from personal property taxation is hereby created for motor vehicles that are modified to accommodate an owner with disabilities, or spouse, child or ward with disabilities, which vehicle is equipped for purposes of adapting its use to the disability of such person.
- B. A “motor vehicle modified to accommodate a person with disabilities” shall be defined as any production vehicle which has been altered or reconfigured or has undergone mechanical or structural changes which permit an individual with a disability to safely drive or ride as a passenger.
- C. Filing an Exemption Form.
  1. Any person who desires to claim the exemption provided in this Ordinance shall file with the Assessor of the Town of Durham, not later than November 1 following the assessment date with respect to which such exemption is claimed or, for vehicles purchased on or after October 2 and on or before July 31 of the assessments year for which such exemption is requested, not later than (30) days after such purchase. This Article shall be applicable with respect to the assessment year which commenced October 1, 2013.
  2. Any person who desires to claim the exemption provided in this Ordinance shall submit to the Assessor of the Town of Durham a written application claiming such exemption on a form prepared by the Assessor and a letter from the applicant’s physician which attests to the applicant’s need for a motor vehicle modified to the applicant’s medical needs. Failure to file such an application in said manner and form shall constitute a waiver of the right to such exemption.

3. For the assessment year which commenced October 1, 2013 and that assessment year only, the deadline to claim the exemption shall be January 31, 2014.

D. This Ordinance is effective is January 13, 2014.

E. This Ordinance will supersede any previous ordinance that came before it relative to personal property exemptions for motor vehicles for persons with disabilities.

Motion & Action: Motion made, seconded and passed, with one in opposition, to waive the reading of the minutes.

Adjourn: Motion made, seconded and passed to adjourn at 9:00 p.m.

Attest: Kim Garvis  
Town Clerk