

**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, July 28, 2014 at 8:00 p.m. for the following purpose:

1. To transfer \$3,775 from #9210 Building Repair-Unanticipated Reserve to #6700-473 Building Maintenance for the repair of the surface of the tennis courts at Allyn Brook as recommended by the Board of Finance at the meeting on June 25, 2014.
2. To approve Ordinance regarding the submission of income and expense information applicable to rental income real property; authority to waive income and expense statement penalty.
3. To amend Senior Tax Relief and Senior Tax Deferral Program Ordinances.

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 17th day of July caused to be posted on the Public Signpost in the Town of Durham, a written warning by the Selectmen, and on the 18th day of July, 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 28th day of July 2014.

Laura L. Francis, First Selectman

SPECIAL TOWN MEETING

Date: July 28, 2014
Time: 8:00 pm
Place: Town Hall, 3rd Floor Meeting Room
Moderator: Norm Hicks
Clerk: Kim Garvis, Town Clerk
Call: The call to the meeting was accepted as read by the clerk.

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

Synopsis of Action

Item 1: To transfer \$3,775 from #9210 Building Repair-Unanticipated Reserve to #6700-473 Building Maintenance for the repair of the surface of the tennis courts at Allyn Brook as recommended by the Board of Finance at the meeting on June 25, 2014.

Motion: Motion by Laura Francis, seconded by Chuck Stengel.

Discussion: Laura reported that repairs to the tennis courts at Allyn Brook had been scheduled for 2018, but damage from the recent winter storms was significant enough to pose a safety hazard to the public. As a result the courts were closed. Three quotes were obtained and the low bidder, Dalton Track & Tennis, was chosen to make the repairs.

Donia Viola asked if the repairs would be made for the \$3,775 as stated in the newspaper and would there be a guarantee as to the work done. Laura answered that various repairs would be made for the approved transfer amount and there is limited warrantee for this type of work.

To a question asked as to whether a user fee is assessed for use of the court, Laura Francis and Sherry Hill answered no.

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

Item 2: To approve Ordinance regarding the submission of income and expense information applicable to rental income real property; authority to waive income and expense statement penalty.

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

Discussion: Laura Francis asked the Town Assessor, John Philip, to explain this ordinance. John stated that property owners with rental income are required to submit a report that includes income and expense information by June 1st. Without the authority to waive the penalty, the town is required to assess a 10% penalty if these reports are received after June 1st. This ordinance is written so that the penalty can be waived under certain circumstances. Question asked, under which circumstances would a penalty be waived. John answered, illness, a bookkeeper getting into an accident, a misunderstanding, etc.

Questions asked that if this is such a small problem, why should we pass an ordinance to waive the penalty; and is there a formal review process? John answered the goal is to obtain information and, no, there is no formal review process.

Action: As a voice vote was inconclusive, the moderator asked for a show of hands. With 4 in favor and 3 opposed, the moderator declared the motion passed.

AN ORDINANCE REGARDING THE SUBMISSION OF INCOME AND EXPENSE INFORMATION APPLICABLE TO RENTAL INCOME REAL PROPERTY; AUTHORITY TO WAIVE INCOME AND EXPENSE STATEMENT PENALTY

In accordance with Section 12-63c(a) of the Connecticut General Statutes, the Owner of property used primarily for the purpose of producing rental income shall annually submit to the Assessor not later than the first day of June the best information disclosing the actual rental and rental-related income and operating expenses applicable to such property and submission of such information may be required whether or not the city is conducting a revaluation of all real property pursuant section 12-62.

Any owner of such real property required to submit such information to the Town of Durham Assessor, in accordance with Section 12-63c(a) of the Connecticut General Statutes, for any assessment year, who fails to submit the information or submits incomplete or false information shall be subject to a penalty equal to ten (10) percent increase in the assessed value of such property for that assessment year.

In accordance with Section 12-63c(d) of the Connecticut General Statutes, the Assessor or the Board of Assessment Appeals for good cause shown, may waive the ten (10) percent assessment penalty upon receipt of a completed income and expense statement prior to the end of the assessment year following the original due date of the statement.

This ordinance shall take effect upon adoption.

Item 3: To amend Senior Tax Relief and Senior Tax Deferral Program Ordinances

Motion: Motion by Laura Francis, seconded by Steve Levy

Discussion: John Philip explained the State of Connecticut Office of Policy and Management changed the requirements for these programs from "adjusted gross income" to "gross income" and the Town of Durham should stay consistent with the state requirements. This change would impact, very few if any, of the taxpayers currently participating in these programs. John explained that prior to

this meeting he reviewed several applications already on file and none of them would be affected by this change.

The town can raise the income limits in the future if senior citizens' ability to take advantage of the tax relief programs is affected by income reporting changes.

Donia Viola commented she would not want to see any senior citizens lose tax relief benefits due to this change. Laura responded that the income levels were chosen with generous salary limits at the inception of these programs. This change is not designed to knock seniors out of the tax relief programs. John added that very few towns offer a tax freeze program.

Action: As a voice vote was inconclusive, the moderator asked for a show of hands. With 5 in favor and 3 opposed, the moderator declared the motion passed.

Durham Senior Tax Relief Program Ordinance

Amendment to Section 15-27(B):

B. The senior tax relief benefit shall be available to taxpayers and their spouses whose total¹ gross income for purposes of the federal income tax, plus any other income not included in such² gross income (the total of which shall be called "qualifying income"), does not exceed the limits as set forth in Subsection C below. "Qualifying income" shall be defined as all monies received unless specifically exempted, and includes wages, bonuses, commissions, fees, self-employment net income, gross social security income, payment for jury duty, dividends, interest and annuities, IRA income to the extent that is taxable, interest or proceeds from gifts, lottery winnings, net income from sale or rent of real or personal property, pensions, including veterans and railroad retirement, severance pay, unemployment compensation, workers' compensation, alimony and all other sources of income as defined by the Office of Policy and Management. Specifically excluded are social security payments to dependents, gifts, bequests or inheritances (although interest or other income produced by gift, bequest or inheritance must be included), grants for disaster relief, life insurance proceeds and all other exempt sources of income as defined by the Office of Policy and Management. Evidence of such income shall be required, and a signed affidavit shall be submitted to the Durham Assessor when application for benefits under this plan is filed.

¹ The word adjusted removed at STM 7/28/2014

² The word adjusted removed at STM 7/28/2014

Amended at Special Town meeting, July 28, 2014.
In effect upon publication.

[The First Selectman's office clarified the morning following the Special Town Meeting of July 28, 2014 that this one word change pertains only to the Senior Tax Relief Program (freeze program). The word "adjusted" does not appear in the Senior Tax Deferral Program ordinance.]

Motion & Action: Motion by Steve Levy, seconded by Carl Stoup to waive the reading of the minutes. Motion passed with one in opposition.

Adjourn: Motion made, seconded and passed to adjourn at 8:36 p.m.

Attest: *Kim Garvis*
Town Clerk
