

RTM Meeting
November 13, 2012

The call

1. To take such action as the meeting may determine, upon the recommendation of the Town Assessor and upon the recommendation of the Board of Finance, to amend Chapter 54, Article II, Division 2 of the Code of Ordinances of the Town of Westport, Tax Relief for Senior Citizens or Permanently and Totally Disabled Persons. (Second reading, full text available in the Town Clerks Office)

2. To take such action as the meeting may determine, upon the request of at least 20 electors, to take up consideration of the adoption of an Ethics Code such as that prepared by the League of Women voters of Westport.

Pending Board of Finance approval on November 7, 2012:

3. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Superintendent of Schools to approve an appropriation of \$142,412 to the 2011-2012 Budget, BOE Rentals & Reimbursements Expenditure Account, as follows:

\$110,140.41 is deemed appropriated in accordance with Section 10-222a of the Connecticut General Statutes; and

\$32,271.59 is appropriated to fund the cost of union personnel reimbursements

Minutes

Moderator Hadley Rose:

This meeting of Westport's Representative Town Meeting is now called to order. We welcome those of you, many fewer of you, who are in the audience tonight visiting us as well as those watching us streaming live on www.westportct.gov, watching on cable channel 79 or ATT channel 99. My name is Hadley Rose and I am the RTM Moderator. On my right is our RTM secretary, Jackie Fuchs. Tonight's invocation will be by John Horkel, please, from Earthplace.

Invocation, John Horkel, Earthplace, 14

I am honored to be here with you tonight. Thank you, Eileen, for asking me here. Thank all of you for the support you have given to Earthplace during my tenure there or the Nature Center as some of you know it or the Mid Fairfield County Youth Museum as some of you know it. I guess, for the past 27 years, when I stood here my words have been something like 'Hi, I'm John Horkel, Executive Director of Earthplace, the Nature Discovery Center' or 'Hi, I'm John Horkel, Westport resident, 14 Woodside Lane.' Tonight it will be a little different. This will be the last time I will be here. So, I've come prepared with a few words from the writings of John to share with you. Just to be clear, it's not the prophet, the apostle or some other learned individual far more important than me. It's John

Horkel, my words. I'm really here because I want all of you to know how much I have admired the work that you and others who serve and have served have done for this community during my 27 years here, even when you have had to deal with things that involve dynamic tension as we all have seen at times. I want to thank you for making Westport a community in which my children received a great education and the other resources to grow up and become young adults. I want to thank you for making Westport a community that was so caring for me and my children when my wife and their mother, Jane, died. I want to thank you for making Westport a community that is so forward thinking in terms of smart growth, new energy- related technology, open space preservation, community supported agriculture and so many, many other important developments; a community that is safe with wonderful first responders, police, fire, EMS people, and making Westport a community that is so supportive of those elements, Parks and Rec., visual and theater arts, Historical Society, library and so many other organizations that make Westport so very special to me and a place that I will long remember after I leave here. So, thank you for all you did for me and are doing for so many, many others that call Westport home.

There were 26 members present. Mr. Keenan, Mr. Rossi, Mr. Suggs, Ms Feller, Ms. Talmadge, Mr. Urist, Dr. Ashman, Mr. Arthurs, Ms. Batteau, Mr. McCarthy notified the Moderator that they would be absent. Mr. Mandell and Dr. Heller notified the Moderator that they would be late.

Announcements,

Mr. Rose:

There were no corrections to the minutes of October 2. Some members may have gotten their packets late. If you have any corrections, please notify Hadley Rose, Jackie Fuchs or Town Clerk, Patty Strauss.

Birthday greetings: Mr. Bomes and we have one second generation birthday greeting. Chris Urist and his wife had a baby boy yesterday. So, if you are actually sitting watching us streaming live, congratulations Chris. You will be up late so you can catch us later. Trust me.

The next RTM meeting will be Dec. 4, 2012 at 8 p.m. It is also the organizational meeting for anybody who is interested in running for Moderator or Deputy Moderator. Start rounding up some support.

There are no other RTM meetings scheduled.

RTM Announcements

Bill Meyer, district 3:

There are two long success stories in this building: 63 years for the RTM and 57 years for the Westport Community Theater. Our play starts at the end of November, "Women in Black." Anybody who wants one free ticket, see me after. I'll give away four single tickets.

Mr. Lowenstein, district 5:

A continuing announcement that I have been making for more than 10 years now, I want to announce another book sale. This one will be the first weekend in December. The library will be having its annual Holiday Book Sale on both Saturday and Sunday. It's a lot of fun and a lot of good books. So, come if you can.

Lou Mall, district 2:

One of the things lost in the storm was that we've had another accident on the Post Road where a young girl was hit a week ago and very seriously hurt. This is the second accident we've had this fall involving our children and drivers. I'm not up here to blame or do anything but heighten awareness of the traffic and safety issues and ask everyone, pedestrians, bicycle riders, runners, drivers, please, please be safe out there. I would like to ask our Protection Committee, police and fire if we couldn't get together to seek out the Chief of Police and the Fire Chief to see what we might do to enhance public awareness and safety. The young girl who was injured, her name is Cara MacDonald. Keep her and her family in your thoughts and prayers.

Mr. Rose:

We are going to switch items number one and two on the agenda.

Item #2 of the call -To take up consideration of the adoption of an Ethics Code such as that prepared by the League of Women voters of Westport. First reading.

Pat Porio, Co-chairman of the Ethics Committee of the League of Women Voters, 16 Salem Lane:

I would just like to underscore what John Horkel said. Thank you so much for the hard work you put in. I served on the RTM for four years during the late 80's. I know what hard work is. I wish the rest of the town understood the hard work you put in. Is there anyone here who has not seen our draft proposal? Everybody was able to download it or they got copies. Tonight, as I understand it, what we need to do is to allow this proposal to go forward into committee of the RTM from whence we hope it will come back to the general body for approval. Again, being a draft proposal, it is not carved in stone. We put this together from the best that we could find from mostly Fairfield County, based it very much on the code of ethics that Wilton has and we think it is very good. I think there are people in the RTM who took exception to things that weren't in it but that's up to you guys. It's a draft. We gave it to you that way. We did a lot of the research. You can do more and change it however you want. The important thing is the first time this was discussed was back in 1983. This is a history of that from, many of you will remember Pat Coplen, who did this history of all the times we have tried to get an ethics code and commission here in Westport. So we are back at it. One hundred twenty-five plus towns in the State of Connecticut of 163 municipalities do have

codes of ethics. Many of them were put into place in the 1990's after the ethics problems we had in the state. To me, it's a no-brainer. It should be something that we should have. There are a lot of questions as to why. One of the members of our committee said, 'You don't buy fire insurance after your house burns down. You have fire insurance before it burns down so you have it when it's called for.' One of the towns that we called to ask them how often they were called to investigate something and they replied, 'Once in the last seven years and that wasn't even a complaint. It was a question brought by a member of one of the boards in the town as to whether or not something he was going to do would be an ethical thing for him to do within the code.' That is one of the good things about it, it gives members of the community, the boards and even the employees of the town a place to come to ask the question and get an answer. In fact, the State Board of Ethics says the same thing. Most of what they do is education of the public and the employees of the state. So, that's what I'm here for. I guess I can answer questions if anybody would like to pose any at this point.

Mr. Rose:

Typically, on a first reading, you make a presentation. The public is allowed to comment if they wish to. Typically, we don't have that. The same thing with the RTM. We have to go to committees. Then it comes back. There is no action taken tonight. If your presentation is done, thank you.

Members of the Westport electorate – no comments

Members of the RTM – no comments

The secretary read item #1 of the call - amend Chapter 54, Article II, Division 2 of the Code of Ordinances of the Town of Westport, Tax Relief for Senior Citizens or Permanently and Totally Disabled Persons. (Second reading, full text below) By show of hands, a vote on the resolution as amended. Underhill and Izzo opposed and Mandell abstains. The motion passes 23-2-1.

Presentation

Paul Friia, Tax Assessor:

I am here again tonight with my Deputy Joyce Gentilozzi to speak to you and to answer questions regarding the proposed changes to the Senior Tax Relief Program. Since the first reading, we have met with both the Ordinance and the Finance Committees. Again, I would like to give you a quick overview of the two senior tax programs which are primarily administered by the Assessor's Office and the Human Services Department. The Tax Abatement Program which serves over 420 senior taxpayers and the Deferral Program which aids over 210 seniors. Depending on the income, residents on the Abatement Program are eligible for a tax credit between \$1,000 and \$3,500 per year. Residents who qualify for the Deferral Program have the option of deferring part or all of their taxes. Some months ago, through observations during the application process, the Assessor's

Office believed that a review of the ordinance was needed, specifically, the qualifying income requirements. We surveyed several towns in Fairfield County and, while they all have different ways of implementing their programs, one area throughout was most consistent and that was the way the town handled losses when calculating qualifying income. Most importantly was the way they treat losses on the tax return. Most treat them as zero. This means that any losses, whether business operating losses, losses on investment real estate, will have no effect on the applicant's qualifying income. The lower the income, the more the benefit. In addition to this, changes were made for clarifications which would allow seniors to convalesce in a health care center for up to a year and still be eligible for tax relief. We introduced language stating that a resident could rent out all or part of their home as long as they live in the home, as well. A resident cannot owe any delinquent taxes while they are on the program. Properties may be in trust as long as the resident of the home is the primary beneficiary of the trust. Language is added that all applicants must sign IRS forms that allows the Assessors Office to verify income with the IRS. Clarifications were made with regards to the time limits when applications can be made to the Assessors Office. Deferral applicants must have confirmation from their lenders that the lender is aware of and agrees to the terms of the Deferral Program which puts a lien on the resident's home. It was also the recommendation of the Board of Finance that no tax abatement be given to a taxpayer with a residence value of over \$2 million. They can, however, still apply for the Deferral Program. I believe that the changes will continue to help Westport's most needy seniors while being fair to other Westport taxpayers who ultimately support the program. I know that the Ordinance and Finance Committees are here. Let them give their reports and I'll be happy to answer any questions.

Committee Reports

Ordinance Committee, Allen Bomes:

The Ordinance Committee met on October 12th with Paul Friia and Joyce Gentilozzi from the Assessor's Office and Assistant Town Attorney Gail Kelly. I should also mention that Dewey Loselle was there because one of the items that we added came from him.

Overview: The Westport Tax Relief Abatement and Deferral Programs offer tax relief to seniors who have qualifying income below certain thresholds. Seniors 65 and over (or those permanently disabled) with incomes below \$55,000 qualify for tax abatements ranging from \$1,000 to \$3,500 depending on their income level. Additionally, they can defer taxes (with interest) until their property is sold if their income is under \$75,000. Finally, those with income up to \$100,000 can defer property tax increases after their applications are accepted. The annual cost of the Abatement Program to the town is slightly under \$1.1 million. The amendment will modify the definition of qualifying income, as we heard, by eliminating losses against income. This change will save the town approximately \$75,000, annually. Finally, there are a few other proposed adjustments to the program that intended to clarify eligibility requirements.

Discussion/Action: The Committee reviewed the proposed changes to the Ordinance as proposed by the Assessor. They were accepted as presented except for the following suggested modifications:

- Sec. 54-63. – Definitions. In the section defining “Qualifying income”, remove “of assets used in a trade or business” in line 5. That is, it now reads “...current year deductions for depreciation, and any net operating loss...”
- Sec. 54-63. – Definitions. In the section “Qualifying income shall exclude income from the following sources” add item (9) “Military disability benefits.” They will now be excluded from income.
- Sec. 54-64 (2). The paragraph existing as section (2) becomes subsection (a) of section 2, and the following is added as new subsection (b) of section 2: “(b) The taxpayer’s federal and state income tax returns and Social Security benefit statement (Form SSA-1099) shall show the address of the subject property as the taxpayer’s residence address”.
- Sec. 54-64 (6). The Committee understood that the intent of this section is to disqualify non-resident landlords, but felt that the section as written could have unintended consequences. The Committee recommends that this section be removed or modified to meet the intent.
- Sec. 54-67. Add at the end of (1) (a), “and Connecticut tax return and Social Security benefit statement (Form SSA-1099).” That’s under the application procedures.

Following the discussion, the Committee voted unanimously, 5-0, that the proposed amendments to the ordinance along with the above modifications were deemed ready for RTM consideration and action.

Finance Committee, Allen Bomes:

The RTM Finance Committee met on last Thursday, Nov. 8th, with the same cast of characters from the Assessor’s Office and also Gary Conrad, Finance Director and RTM members in attendance were Eileen Flug (chair of the Ordinance Committee), Don Bergmann and Catherine Calise. Committee members, beforehand, reviewed the materials from the Assessor’s Office including the proposed amendments as well as the additional changes as recommended by the Ordinance Committee. The Finance Committee decided to focus the meeting in the following areas:

- \$2 million cap: The Board of Finance when discussing the amendments at their October meeting suggested that the abatement program not be available to anyone whose home is worth more than \$2 million. While the Board of Finance’s suggestions are not binding, this one was added as an amendment by the Assessor’s Office. The majority of the RTM Finance Committee felt that \$2 million was just an arbitrary number picked by the Board of Finance and it possibly was a “backdoor” attempt to impose an asset test on the program. The impact of imposing this cap is small as, currently, only six homeowners fall into this category at a total annual cost to the town of approximately \$14,000. With the proposal to exclude net operating losses, probably three of the six would no longer qualify so it’s

not a major change. The majority of the Committee felt that it was unfair to seniors who lived in their homes for many years, saw it appreciate greatly in value and have no assets to pay their high taxes (be house rich and cash poor). The dissenters felt that it was equally unfair to make taxpayers in lower valued homes to subsidize the taxes of those in expensive homes. The committee voted 3 to 2 to remove the cap [Section 54-64 (8)] with Wieser, Lowenstein and Schine voting yes and Bomes and McCarthy dissenting.

- Asset Test: The Committee discussed the appropriateness of adding an asset test (as several other towns do) to the program. The Committee could not decide on how to proceed with major questions in these areas:
 - Type of asset test (net worth, liquid assets, or you could go on forever...)?
 - Amount of assets to become ineligible for abatements/deferrals?
 - How would asset declarations be verified by the Assessor's Office?

Paul Friia agreed to do more research into what other towns are doing and report back to the Committee early next year.

- Increase the abatement: The annual abatements ranging from \$1,000 to \$3,500 have not changed since 2005 even though the mill rate has increased by 26 percent during that period. The committee considered increasing the abatements by this amount which would cost annually an additional \$225,000 (net of the savings from the net operating losses change). The committee felt that it would not be appropriate to increase costs by this amount outside of the normal budget process. However, the committee felt that the \$75,000 savings from the net operating losses change should be put back into the program to make it revenue neutral, but could not decide whether to just increase the benefit to those in the lowest income bracket or spread it around all income levels. Paul was going to propose tonight different options to consider at the meeting. Hopefully, we'll hear that soon.
- Cumulative deferral or deferral of annual increases only: The program currently allows those with incomes between \$75,000 and \$100,000 to defer the cumulative annual tax increases from the year when their eligibility started (base year). However, under the proposed amendment changes, only the current year tax increase could be deferred annually. While no qualified homeowners currently fall into this category, it is a proposed change that may warrant further debate by the RTM. The committee wanted to point that out to everybody.

Following the discussion, the Committee voted unanimously (five to zero) to recommend that the RTM approve the proposed amendments to the ordinance as modified by the Ordinance Committee and further modified by the Finance Committee.

Point of clarification, Eileen Flug, district 9:

I just wanted to point out with the Ordinance Committee report, some of the changes that the Ordinance Committee recommended were made with the

revised draft of the ordinance that we have. Some were not. I just wanted to go through them quickly. The first proposed change which was removing the words, "of assets used in a trade or business." That was not removed from the ordinance so if the RTM felt it was important to remove that, somebody would need to make a motion to amend the ordinance. The second proposed amendment that the Ordinance Committee proposed was excluding military disability benefits from the list of qualifying income. That also was not made and that also is something that an RTM member would need to propose as an amendment in order for that change and we would need to discuss that tonight. The third proposal that the taxpayer would have to submit federal and state tax returns and Social Security benefits statements. We proposed changing that in two different places in the ordinance and Mr. Friia's office made a change in one of those places which I consider sufficient. The proposed change regarding whether a homeowner could rent out the property or not, we left it to Mr. Friia's office to consider that and make a proposed change. The change that they made was that a homeowner under this program could rent out the property as long as the homeowner was also still residing at the property. That's to avoid the problem of an absent homeowner who is just renting out the property.

Members of the Westport electorate

Mike Gilbertie, 360 Main Street:

Most of you know me from last month when I spoke. I have two questions for Mr. Friia.

Mr. Rose:

You are not allowed to pose questions as a member of the public. If an RTM member wants to follow up on them, they may but, as a member of the public, you can't expect an answer. It's not a dialog.

Mr. Gilbertie: He already stated the facts. I'm just asking for clarification.

Mr. Rose:

An RTM member has to do it, unfortunately. I'm sure somebody will if they feel the same.

Mr. Gilbertie:

What we are debating is \$75,000. To me, it's almost not worth a debate, not worth the time. I was on the Ordinance Committee when it was enacted. It had two objectives. One was to help the elderly stay in their homes. The other was to help the town in a financial way. I'm going to give some quick rounded figures. I'm probably going to round them down. We have 9,000 households in the town. One-third of them have children in the school system. So that leaves 6,000 who don't. From what I understand from the committee meeting that I attended, I was informed that there were 145 households benefited from the abatement program. Let's say that's 150. What I heard earlier, maybe I'm not right on that but let's say 150. The average abatement starts with a maximum of \$3,500 down to \$1,000.

Let's say the average abatement is \$3,000 per household. That is \$450,000 that it costs the town for that program. Let's look at it from a different point of view. Say these 150 houses were all sold because people couldn't stay in them. Most likely they were sold to people who have children. They would get the most amount for their home from that type of buyer who is getting in here for the school system. That would mean we would get an average of two children per household. That's another 300 students in the school system. At \$20,000 per child, that's \$6 million we're taking about. Subtract the \$450,000 abatement that was saved, it would still cost the town potentially \$5,550,000. If you take those two figures into consideration, this program is not costing us \$450,000, it is saving us \$5,550,000. Looking at it from that point of view, I would say, to save a potential \$75,000 by throwing all these roadblocks in the way of all the people who are benefiting from it, to me, it's not a good idea. If you take their \$3,500 benefit away, they'll say they are selling their house. They sell it somebody who has three kids which will cost the town \$60,000. There goes your \$75,000 savings just with one house.

Mr. Rose: Mr. Gilbertie, if you would please begin to wrap up.

Mr. Gilbertie

I knew you were going to say that because we have so many people in the audience who want to speak. You have so many items on the agenda. I really resent this. .

Mr. Rose: You're entitled to do so. If you would please wrap up.

Ms. Flug read the resolution and it was seconded by Mr. Rubin.

RESOLVED: That upon the recommendation of the Town Assessor and the Board of Finance, Chapter 54, Article II, Division 2 of the Code of Ordinances of the Town of Westport, Tax Relief for Senior Citizens or Permanently and Totally Disabled Persons is hereby amended. (Second reading, full text is as follows.)

Sec. 54-62. - Statutory authority.

This division is adopted pursuant to the authority granted to the Town under C.G.S. § 12-129n.

(Code 1981, § 134-2)

Sec. 54-63. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Assessment~~ Tax year means the fiscal year beginning July 1 and ending June 30 for which property taxes are ~~assessed~~ paid and which are based upon the grand list valuation of the preceding October 1.

Qualifying income means the adjusted gross income, as defined in the Internal Revenue Code of 1986, as may be amended, plus tax-exempt interest income, plus any other income as may be reportable for federal income tax purposes, as well as nontaxable income, including the nontaxable component of social security benefits and excluding capital losses and any current year business operating losses, losses from rental activities, current year deductions for depreciation of assets used in a trade or business, and any net operating loss (NOL) carryover reportable for federal income tax purposes. ~~railroad retirement benefits, income from other tax-exempt retirement and annuity sources, and the nontaxable portion of any Social Security benefits,~~ less Qualifying income may be reduced by an amount equal to the medical and dental expense deduction allowed or allowable under Section 213(a) of the Internal Revenue Code of 1986, as may be amended.

Although the following list is not intended to be all-inclusive, examples of items to be included in determining qualifying income are as follows:

- (1) Wages, bonuses, commissions, gratuities and fees, self-employment net income;
- (2) Gross social security, federal supplemental security income, payment for jury duty (excluding travel allowance);
- (3) Dividends, interest, and annuities;
- (4) Taxable portion of IRA distributions;
- (5) Black Lung payments;
- (6) Experience Works payments (formerly Green Thumb payments);
- (7) Interest or proceeds resulting from gifts received;
- (8) Lottery winnings;
- (9) Net income from the sale or rent of real or personal property (excluding depreciation);
- (10) Taxable pensions, including veterans' and railroad retirement pensions;
- (11) Severance pay; unemployment compensation;
- (12) Worker's compensation;
- (13) Alimony; and
- (14) Capital gains.

Qualifying income shall exclude income from the following sources:

- (1) Social Security payments specifically for a dependent person or minor child;
- (2) Casualty loss reimbursements by insurance companies;
- (3) Gifts, bequests or inheritances, except for any interest or other income produced by the gift, bequest or inheritance;
- (4) Grants for disaster relief;
- (5) Income derived through volunteer service under the Domestic Volunteer Service Act of 1973, as amended, including stipends earned under the Foster Grandparents' Program, Retired Senior Volunteer Program, Senior Companion Program, and Community Training under Department of Mental Retardation;
- (6) Life insurance proceeds;
- (7) Food stamps; fuel assistance; child support payments and temporary family

assistance program payments.

(8) For a married taxpayer whose spouse is a resident of a health care or nursing home facility and who is receiving payments related to such spouse under Title XIX Medicaid, qualifying income shall not include the spouse's Social Security income, provided that the following has been submitted to the Assessor on the facility's letterhead and signed by the administrator or other facility official:

(i) Proof that the spouse is in a health care or nursing home facility;

(ii) The period during the benefit year that the spouse was in the facility; and

(iii) The period during the benefit year that the spouse was on Title XIX Medicaid.

Residence means the property which is the principal residence of the taxpayer and all improvements thereon.

(Code 1981, § 134-3)

Sec. 54-64. - Criteria for qualification.

To qualify for the tax relief provided in this division, on the date of application, a taxpayer:

(1) Shall be:

a. Sixty-five years of age or older or whose spouse, who is domiciled with him or her, shall be 65 years of age or older;

b. Sixty years of age or older and the surviving spouse of a taxpayer previously qualified under this section at the time of his or her death; or

c. Under age 65 years of age and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under Social Security, or shall not have been engaged in employment covered by Social Security and accordingly shall not have qualified for benefits thereunder, but shall have become qualified for permanent total disability benefits under any Federal, State or local government retirement or disability plan, including the Railroad Retirement Act and any government-related teacher's retirement plan, in which requirements with respect to qualifications for such permanent total disability benefits are comparable to such requirements under Social Security; and

(2) Shall own real property (or be liable for the payment of taxes thereon under C.G.S. § 12-48) and shall occupy such property as his or her residence for not less than 183 days in the calendar year immediately preceding the date of application, provided however, if the taxpayer has been confined to a nursing home or healthcare facility for more than 183 days in the immediately preceding calendar year, said taxpayer will not be disqualified for relief hereunder unless the taxpayer's confinement has or is expected to exceed 365 days. The following must be submitted to the Assessor on the facility's letterhead and signed by the administrator or other facility official:

(i) Proof that the taxpayer is in a health care or nursing home facility;

(ii) The period during the immediately preceding the date of application that the taxpayer was in the facility; and

(iii) The period of time during which the taxpayer is expected to remain in the facility.

(3) Shall have been, or whose spouse shall have been, liable for residential real property taxes to the Town for a period of one year immediately preceding the receipt of tax benefits under this division; and

(4) Shall have individually, if unmarried, or jointly, if married, qualifying income in an amount not to exceed the limits described in Section 54-68 9. Such qualifying income limits shall be applied annually to the calendar year immediately preceding the date of application.

(Code 1981, § 134-4)

5) Shall have first applied for all state funded tax relief benefits applicable to the property for which the taxpayer is eligible or shall certify at the time of filing an application for tax relief hereunder on a form provided by the Assessor that he or she is ineligible for such tax relief.

6) Shall not rent all or a portion of his/her residence to a tenant for any period of time during which tax benefits are received hereunder **unless the taxpayer is also occupying the residence.**

7) No tax abatement shall be given to any taxpayer who has delinquent taxes (i.e. real property, personal property or motor vehicle taxes), capital assessments, fees, fines or user charges owed to the Town. For the purposes of this subsection, taxes previously abated or deferred shall not be considered delinquent. This section is not intended to disqualify taxpayers seeking a tax deferral only

8) No tax abatement shall be given to any taxpayer whose residence has a fair market value (based on the Assessor's fair market valuation) in excess of \$2,000,000.

Sec. 54-65 – Applicant as Trust

Notwithstanding the provisions of Sec 54-64, if title to the property is owned by a trust the taxpayer may still be eligible for tax relief hereunder if the taxpayer is the primary beneficiary of the trust and the taxpayer otherwise qualifies for tax relief hereunder. A copy of the trust agreement shall accompany the application and shall be reviewed by the Town Attorney prior to any tax relief being granted.

Sec. 54-65-6. - Benefit limitations.

The benefits under this division shall be limited to the residence of the taxpayer.

(Code 1981, § 134-5)

Sec. 54-66.7 - Application—Procedure; contents.

Applications for benefits under this division:

(1) Shall be made annually on forms provided by the Assessor of the Town and shall be accompanied by (a) a copy of the applicant's entire federal and state tax return; and (b) documentation of all other income for the calendar year immediately preceding the date of application; and (c) a properly executed IRS Form 4506 and IRS Form 4506T allowing the Town to verify the federal tax

information and; (d) Form SSA – 1099 which shall indicate the taxpayer’s residence address and (e) such other verification of income as may be required by the Assessor.

~~(2) Shall indicate, in addition to the qualifying information set forth in this division, whether or not the applicant has previously applied or is currently applying for this or any other Sstate or local property tax relief.~~

3) Shall be submitted in person by the taxpayer unless the taxpayer is temporarily residing in a nursing home or healthcare facility. Proof that such taxpayer is in a facility must be submitted to the Assessor on the facility’s letterhead and signed by the administrator or other facility official.

(Code 1981, § 134-6)

Sec. 54-67.8 - Application—Deadlines.

(a) *Tax abatement.* In order to claim tax abatement benefits pursuant to Section 54-689(1), an application shall be filed annually with the Assessor not later than the May 15 immediately proceeding the applicable assessment tax year, commencing July 1 of that same calendar year.

For those taxpayers who have sought and received, by May 15 an extension of time to file a federal tax return, the application must nevertheless be filed by May 15 and a copy of the entire federal tax return must be received by the Assessor’s office by June 15 or the application will be denied.

(b) *Tax deferral.* In order to claim tax deferral benefits pursuant to Section 54-689(2), applications shall be filed annually with the Assessor not later than the December 31 that falls within the applicable assessment tax year.

(Code 1981, § 134-7)

Sec. 54-68.9 - Tax relief programs.

An applicant may apply annually for one or more of the following tax relief programs:

(1) *Tax abatement.* For applicants who elect to apply for the tax abatement benefits under this division, the benefit shall be allowed on a graduated basis, as follows:

<i>Qualifying Income</i>	<i>Benefit Rate</i>
Less than \$25,000.00	\$3,500.00 shall be abated
\$25,000.00, but less than \$35,000.00	\$3,000.00 shall be abated
\$35,000.00, but less than \$45,000.00	\$2,000.00 shall be abated
\$45,000.00, but less than \$55,000.00	\$1,000.00 shall be abated

(2) *Tax deferral.* Applicants who elect to apply for tax deferral benefits under this division may defer taxes as follows:

Qualifying Income	Benefit Rate
Less than \$75,000.00	100 percent <u>Tax</u> deferral. The applicant may defer up to 100 percent of the tax assessed, less any <u>S</u> state and local tax relief, for the applicable <u>tax</u> assessment year
\$75,000.00 but less than \$100,000.00	<p>Deferral freeze: Tax increase deferral. The applicant may defer up to 100 percent of any increase in real property taxes from the immediately preceding tax year. For purposes of this deferral, the applicant's residence in the immediately preceding year must be the same as the applicant's residence in the applicable tax year.</p> <p>(1) The applicant may defer an amount not to exceed the increase between the tax, less any State tax relief, for the applicable assessment year and the tax, less any State tax relief, for the base year, provided that applicant's residence in the base year is the same as the applicant's residence in the applicable assessment year.</p> <p>(2) General rule. The base year shall be the later of the assessment year beginning July 1, 2005, or the assessment year immediately preceding the initial year of application for the residence for which application is made.</p> <p>(3) The term "initial year of application," as used in this section, shall be defined as the earliest assessment year for which the applicant filed a timely application for any of the tax relief programs of this section, provided that the applicant met all eligibility requirements of this article (including income, residency and age or disability) for the initial year of application.</p> <p>(4) Exception. Applicants with an initial year of application for the assessment year beginning July 1, 2007, may elect to utilize as a base year either the assessment year beginning July 1, 2005, or the assessment year beginning July 1, 2006.</p>

(Code 1981, § 134-8)

Sec. 54-69 70. - Hardship exception.

In cases of extreme hardship, the Board of Selectmen may, upon written application, ~~;~~ (i) waive the qualifying income requirement for either of the two tax deferral relief programs, or (ii) waive the qualifying requirement set forth in Section 54-64(8) for the tax abatement program. The term "extreme hardship" includes, but is not limited to, unreimbursed medical or dental expenses and unreimbursed property casualty.

(Code 1981, § 134-9)

Sec. 54-701. - Responsibility of tax deferral benefit recipient.

Any qualified recipient of a tax deferral benefit shall be subject to the following:

(1) The recipient shall enter into a written agreement with the Town providing for reimbursement. The principal amount of such tax deferral benefit plus interest shall be recorded on the land records of the Town and shall constitute a lien on the property, payable upon the earlier of death or conveyance.

(2) All deferral benefits plus interest shall be reimbursed to the Town upon the earlier of the death of the recipient or the conveyance of the real property subject to such deferral benefits, unless the property is conveyed to the recipient's spouse who meets the eligibility requirements of Section 54-64 75. In the case of a conveyance to a surviving spouse who does not meet the eligibility requirements of Section 54-64 75, all deferral benefits plus interest shall be reimbursed to the Town within five years of such conveyance unless, within such five-year period, the surviving spouse meets the eligibility requirements of Section 54-64 75. Interest shall continue to be at the rate set forth in Subsection (3) of this section and shall continue to accrue from the date of death until the date of payment. The grantee or, in the event of death, the personal representative of the person for whom tax deferral was approved, shall be required, within a period not exceeding ~~ten~~ forty-five days immediately following the date of death or conveyance, to notify the Assessor thereof.

(3) All benefits shall be subject to an interest charge at the annual percentage rate of 50 basis points less than the average Bond Buyer Eleven Index for January of each year rounded to the nearest whole percent. Such interest charge shall be included in the written agreement to be entered into by the Town and the recipient. Such interest shall be simple interest, not compounded and, except as provided in Subsection (2) of this section, shall accrue from the date of deferral until the earlier of the date of conveyance or death.

(4) Total deferments, including accrued interest, for all years shall not exceed the assessed value of the real property.

(5) The recipient shall provide written confirmation from the current mortgagee, if any, of the property stating that the mortgagee has knowledge of and is in agreement with the conditions set forth in this Section 54-71.

(Code 1981, § 134-10)

Sec. 54-742. - Proration of tax benefits.

The property tax benefits provided for in this division may, in any case where title to real property is recorded in the name of the taxpayer or his or her spouse and any other person or persons, be prorated to reflect the fractional share of such taxpayer or spouse or, if such property is a multiple-family dwelling, such benefits may be prorated to reflect the fractional portion of such current property occupied by the taxpayer or his or her spouse.

(Code 1981, § 134-11)

Sec. 54-723. - Coordination of benefits.

The tax relief provided for by this division shall be in addition to, and not dependent upon, any other local or State tax relief benefits for which an applicant

may be qualified. In no case, however, shall the sum of tax relief benefits exceed the applicant's annual property tax assessment on his or her residence.
(Code 1981, § 134-11.1)

Sec. 54-734. - Implementation of provisions; confidentiality.

The Tax Collector and the Assessor of the Town shall prescribe, with regard to their respective duties under this division, such forms and procedures as may be necessary to implement the provisions of this division. The Assessor, in addition, shall satisfy himself or herself as to the qualifying income of an applicant for benefits under this division by requesting and reviewing such evidence of qualifying income as he or she may deem pertinent. All applications, federal income tax returns filed therewith and any additional evidence of qualifying income which the Assessor may require shall be kept confidential and not open to public inspection.

(Code 1981, § 134-11.2)

Sec. 54-745. - Appeals.

Persons aggrieved by any act or determination of the Assessor or Tax Collector under this division may appeal to the Board of Assessment Appeals.

(Code 1981, § 134-11.3)

Sec. 54-756. - Reduction of abatement due to conveyance or death.

If any person with respect to whom a claim for tax abatement, in accordance with this division, has been approved for any ~~assessment~~ tax year shall die or shall transfer, assign, grant or otherwise convey in such ~~assessment~~ tax year the interest in real property to which such claim for tax abatement is related, other than to such person's spouse who meets the eligibility requirements of Section 54-64, the amount of such tax abatement shall be pro rated. The pro rata portion of the amount otherwise applicable to such ~~assessment~~ tax year shall be determined by a fraction, the numerator of which shall be the number of full months in the ~~assessment~~ tax year prior to the date of death or conveyance and the denominator of which shall be 12. If such death or conveyance occurs in the month of July within the ~~assessment~~ tax year, the allowable abatement shall be zero. The grantee or, in the event of death, the personal representative of the person for whom tax abatement was approved shall be required, within a period not exceeding ~~ten~~ forty-five days immediately following the date of death or conveyance, to notify the Assessor thereof, whereupon the Assessor shall notify the Tax Collector of such death or conveyance, and, upon receipt of such notice, the Tax Collector shall, if such notice is received after the tax due date, deliver a bill to the grantee or personal representative, stating the additional amount of tax due.

(Code 1981, § 134-11.4)

Secs. 54-767—54-93. - Reserved.

Members of the RTM

Catherine Calise, district 2:

What I would like to do is I'd like to make a motion to amend the resolution to eliminate the \$2 million cap on the value of a home as a criteria for the resolution. Here is my reason why. The tax abatement was created to encourage seniors to allow them to continue to live in their homes. There are really two sides to the tax abatement, the human side and the financial side. On the human side, it's really what we would like to see for our seniors to allow them to live in their homes as they have lived in the town for many years. On the financial side is the fact that, if the seniors can't stay in their homes, chances are the homes will be sold. Families will come and it will cost more to educate the children and it will be a loss for the Town. So, the idea of using a property value is actually really arbitrary and capricious because it flies in the face of the homeowner. Somebody who could qualify for income would be disqualified because their property value is at that cap. It's really almost unfair, in a way, because you could have a homeowner who has a higher assessed value in a smaller dwelling versus a lower assessed value in a larger dwelling. Somebody, again, who would qualify for income, their life situation hasn't changed, their income hasn't changed and they would lose the ability to have the abatement. Really, it negates the whole idea of the purpose of having the tax abatement for the seniors. So, what I would like to do is make a motion to amend it so we remove that aspect of the resolution.

Motion to amend the resolution to eliminate the \$2 million cap on the value of home as criteria for the resolution. Section 2.8., (eliminate that entire paragraph.) Seconded by Ms. Flug

Members of the Westport electorate

Mr. Gilbertie:

I'd just like to say if this part of the ordinance was amended to include this \$2 million cap, it would be unfair to the taxpayer, unfair to the homeowner because, if their value was \$1,900,000 and, through revaluation, it became \$2,100,000, first of all, their taxes would go up because their house had increased in value and they would lose the \$3,500 abatement so it is double taxation. I think that's unfair.

Shelly Kassen, Selectwoman:

I would just like to support Catherine's amendment. I agree with it. Having worked on tax relief since 2005, the purpose of it is to help seniors regardless of their home value. The whole point of it is to help seniors living in homes that are assessed at a very high rate when they are cash poor. I think putting this cap, which I do think is arbitrary, really defeats the purpose. I would add that the human side, there are six people that it would affect, two of them are around 95 and have been in their homes. I don't think it's a great message.

Members of the RTM

Don Bergmann, district 1:

I want to reiterate that this is the right thing to do. I provided a memo that listed a whole series of reasons. The cost to the town is very minimal. Unless there is going to be some opposition, I think we should move on and make this change.

Mr. Bomes:

I realize, either way, this is not going to cost the town a lot of money. I'm against this. A person who is in this situation can qualify to get a deferral which I think is fine. My issue with this is the average home in Westport has a market value of almost \$1.2 million. The median value of a home in Westport is a little over \$900,000. It just seems to me that we are asking someone in a lower value home, it could be \$600,000, to take money out of their pocket to subsidize someone in a house that is twice the median value of homes in Westport. It just doesn't seem fair to have these people be subsidized. Again, deferral is fine. It is the abatement that rubs me the wrong way.

Jack Klinge, district 7:

I really had no plans to say a word about this. The more I think about it, if I had a \$2 million home and was cash poor from a revenue standpoint, there are things called home equity loans. An abatement of \$3,000 would make the value of your home \$1,997,000 and you pay some interest on it. There is a solution to someone who pays taxes and that is called a home equity loan. A \$2 million home pays a lot of resource for a loan to pay that tax. If deferral is still in place, I don't see why you get an abatement. I would go back to a deferral but there is a way to get that funding.

Gil Nathan, district 9:

I just have a question. You are allowed to put the home in trust but a trust has to be with the beneficiary of yourself?

Mr. Rose: Mr. Nathan, is this relevant to the \$2 million that we are discussing?

Mr. Nathan:

You can put it in a trust for yourself. I'm just wondering how that comes in an asset test. If it's in a trust and you are the beneficiary, the whole point is that you are going pass away and give that trust to someone else so you are using a trust to hide an asset. Correct? I'm asking because I'm not saying this is the scenario, someone can have a \$5 million home. This is a very small value, \$3,500, in comparison to that is a small value. We are putting an asset in a trust that they are the beneficiary of and its going to be passed along to someone else, we are basically just skipping taxes being paid to ourselves. Long story short, I think a deferral makes a lot more sense because that money should be paid to the town. If we want to talk about diminimus amounts of money, let's talk about a \$2 million asset versus a \$3,500 liability. So, even if it's 20 years, you are talking \$70,000. it's \$1.93 million of value that is being able to pass along. So, in the situation of a deferral, it should be allowed but by no means should we lift a cap. Two million dollars is a lot of money. As Allen pointed out, that's twice the median value of

homes in town. Anyone fortunate enough to have that should be looking at other alternatives and not doing it to the detriment to people who have much lower values of homes that are paying full taxes even if they have kids or don't have kids in this town. Whether they have kids in school or not, people benefit from that at different points in time. There are plenty of people here who have kids who go to private school so let's not take that into account.

Matthew Mandell, district 1:

District one, specifically, is involved in this because that's where the property values have risen quickly in the last 10 years along the water. If you have a senior citizen who is living there who has been there for 20 or 30 years, their property values, specifically, have gone up dramatically and they may not have the cash to pay for it. They shouldn't have to deal with it differently from any other senior. They should get the abatement. They should get the deferral. That's the way it should be.

Eileen Flug, district 9:

I support the amendment that would remove the \$2 million cap. I understand the position that these homes would still be qualified to get the deferral but there are certain homes, if you have, Paul, could you please explain this, there are certain homes, if you have a mortgage or some kind of commitment on the house, the Town tax lien would have to be primary so my understanding is if you have a reverse mortgage, you may not qualify for the tax deferral in which case the abatement is all you have.

Mr. Friia,

Yes. That is why we added the language that the lender has to agree with the terms of the deferral. In more recent cases, we are seeing that the lender doesn't want to be in second position. They want to be in first position. To the point where, in one case, a woman had a mortgage with a lender, the mortgage got sold, the new lender came in, paid off the taxes and said, 'You owe us tens of thousands of dollars.' So, if you are thinking about going on deferral, it may interfere with borrowing money for a home equity or a first mortgage.

Dave Floyd, district 4:

I am against the removal of the amendment. I believe it's an asset test that's reasonable. I believe a \$2 million home is a sizeable asset and, as Mr. Bomes pointed out, it's substantially higher than the average cost of a home. Mr. Klinge pointed out that you can get a home equity line to pay it off. The general reason for these things is to enable people to stay there and stay in the town. If you have a \$2 million home, it's not a fun life sometimes but I believe you'd absolutely have the ability to sell your home and stay in town.

Lois Schine, district 8:

The \$2 million number is just an arbitrary number. What about \$1,999,000? We only have six houses, currently, in the \$2 million category that might want to

apply for help. With the new asset test that's being introduced, that number is likely going to drop to maybe three. I'm in favor of eliminating the \$2 million cap. Let's just give everybody who qualifies the opportunity to apply for the tax abatement. As Shelly says, if the people in those houses are 95 years old, do you want to put them through the exercise of applying for a home equity loan which maybe they can't get?

Paul Lebowitz, district 6:

A couple of things about this, we should be looking at the future. It's true that there are two, three, five people who qualify for this now but, there is going to come a day when real estate prices are going to go up again, hopefully. Two million, five million, one million really doesn't matter. I'm in favor of eliminating the cap especially since most people who are in this bracket and could qualify for this abatement, they didn't buy a \$2 million house. They bought a house that went up to \$2 million. Maybe they bought a \$100,000 house that went up to \$3 million. The point is, they are not going to get a mortgage, home equity line of credit. They are not going to qualify for a reverse mortgage and they are going to be stuck paying the tax even though they didn't do anything to see the equity in their homes. So, I support the amendment to eliminate the cap.

Jeff Wieser, district 4:

I voted in committee to remove the cap which, to clarify, it's not in the current regulation. It was added before this. It's not there to begin with. It's added in these discussions. I voted to keep it out of the ordinance as it currently exists but some of the more interesting conversation in the committee meeting was that this particular ordinance hasn't really come before us for a number of years and it really got us talking about an asset test and really what the profile looked like of the many people who are using this. I think it was a really good discussion. As the report indicates, we've asked for further follow up. I think it's a good idea to keep it as is, to add this one low hanging fruit that Paul and Joyce have come up with to at least start to address that issue. We do have a bit of a dialog going and we will continue on the Finance Committee to seek better ways to keep this even more effective. But, for now, I think complicating this by adding tests for a very small amount of revenue generation doesn't make much sense.

Mr. Bergmann:

Just a couple of follow up points and I sort of hope I can convince Jack and maybe David to support this amendment. We all know there are people who have homes that have property values, just the land, that exceed \$2 million. Their houses could be tiny. They could be big but the fact is the real estate, just the land can exceed \$2 million. Therefore, the house is almost irrelevant. I just think for this kind of thing, three or four people, it's a minor, minor point. The main thing to focus on is not houses. The house is a special thing. The house should be generally excepted from the asset test. What Jeff talked about and the committee talked about and at one point the Board of Finance talked about was an asset test that excludes the house. That is something that I do think is

legitimate. I've raised it for many years past. I think we have to work through that and refine it because I too don't want people who have a lot of money to avoid paying taxes. But I'm not troubled and I do think in the case of a person who happens to have a house over \$2 million, that is not the direction to go.

Ms. Schine:

We are in the spring going to reconsider this on the Finance Committee. There was one thought that I'd like to throw out. Measuring the assets is going to be difficult and Paul is going to do a little investigation because you have to know what you define as an asset. Is a stamp collection an asset? You could go on and on and on and think of all the possibilities. Maybe what we want to do is to come up with a cap for how much money the Town is willing to put in this program. It's currently \$1.1 million. Do we want a cap on the amount of money we want to abate and defer? Just a thought.

A roll call vote on Amendment to eliminate section 54-64, item 8, from the proposed resolution. Those in favor: Calise, Mall, Timmins, Izzo, Kane, Cunitz, Underhill, Wieser, Loselle, Lowenstein, Lebowitz, Rubin, Rea, Schine, Flug, Heller, Bergmann, Cady, Mandell, Olsen, Rose. Those opposed: Meyer, Floyd, Bomes, Klinge, Nathan. The motion passes 21-5.

Back to the main resolution:

Mr. Mandell:

I had asked a number of questions by email and it appeared that they were not answered during the committee meetings. So, Mr. Friia, I wonder if we could go over some of these questions and I have some other ones. Why are we calculating time in a medical facility if the property is still owned by the Westport senior?

Mr. Friia:

That goes back to the residency requirement. The state statutes say that the property must be owned and occupied by the resident. With regards to the 365 days in a medical facility, the thought has always been that we want to see if there is a possibility or intention for the senior to go back to the house. So if somebody has gotten hurt and is in a facility for six or eight months, and somebody were to come in to apply for their abatement, that's when the question gets asked. That's when we ask the facility to send a letter telling whether the person is intending to come back to the house, is well enough to come back to the house. That comes back to the occupancy requirement of the state statutes.

Mr. Mandell:

What about if the taxpayer is the one in the hospital but the spouse is living in the house? How do we calculate the spouse living in the house?

Mr. Friia:

The spouse is married to the taxpayer. They are still entitled to the abatement.

Mr. Mandell:

Staying with this calculation, we have people in Westport who spend some time in Florida during the winter. What if they're in Florida for "X" amount of time, come back and fall ill and they go into the hospital and don't get the 183 days. There is this limbo. How can that be worked out?

Mr. Friia:

The feeling is if somebody were away, spends five months in Florida and fell and hurt themselves during the fourth month and were in a facility, we would start the clock when they went into the facility. We wouldn't say, 'You've been away for four months, you only have eight months left. We would look at the situation and say it wasn't of their choosing to go into the facility so that's when we would start the clock.

Mr. Mandell:

Why do the seniors have to submit the same paperwork year after year? Let me preface this. Seniors are a precious commodity. It's difficult for them to do all the paperwork. Why do we put them through the drudgery of this when there could be an easier way of saying 'I've done this five straight years. Nothing's changed. Here you go.'

Mr. Friia:

There are a couple of reasons we do it annually. Their incomes could change so it could change the benefit, either increase or decrease. We have an average age of 80 years old. They know us. They get into a routine. They understand that this is an annual process. I think it would be a disruption to them if we said we are going to go to a two year process. I know we would get phone calls all the time from seniors worried that they missed the date, worried that they were supposed to come in this year and not next year. It makes some sense to keep it the way it is.

Mr. Mandell:

It also says in this that they have to come in in person. Why not just send a certified letter with the information? What if they are ill and can't get there? Again, why are we making it difficult to achieve them getting the abatement when the whole goal is to help seniors?

Mr. Friia:

The reason why we ask them to come in, we've had some instances where seniors don't live in the house anymore. Again, it goes back to occupancy and to try to verify as best we can that the senior is living there. So, it is a question of occupancy. We fill out the forms with them. If they are sick in a facility or are home bound, Human Services will go out to them and fill out the application with them.

Mr. Mandell:

If they happen to be in Florida during that period of time, is there a way around it where they can send a certified letter or something?

Mr. Friia:

No. Not the way it is written. The thought is we know that there are snow birds that go to Florida. The program ends May 15. It is typically enough time for them to get back and file an application.

Mr. Mandell:

There's one more dealing with trust. In the document, it says the trust they need to be the primary beneficiary. But for tax purposes in trying to shelter your home which is a tremendous asset, to give it to your children, you can't be the primary beneficiary. The children would be the primary beneficiaries. Can we modify this to say it is their primary residence with some documentation that would say they can live there or have a life tenancy to live there when it is trusted. At the moment, they still wouldn't have the cash to pay but they have trusted it out to preserve a \$2 million house.

Joyce Gentilozzi, Deputy Assessor:

We spoke about that trust at the last meeting and we were going to take that on an individual basis. If someone is coming in with a home in trust, we would let the attorney look at it and possibly at some point the probate judge, to decide how the trust is written. Some people have trusts written that they cannot keep a life use there based on the fact that they need to have a house and no assets for five years if they think that long term down the road they may be entering a nursing home. Unfortunately, the benefit of not have the asset outweighs the benefit of the \$3,500 abatement to them. So, it really is an individual situation for them.

Gail Kelly, Assistant Town Attorney:

The issue of trust goes to the issue of title. Under the statute, the taxpayer has to own and occupy. You also see in the ordinance that a conveyance of property will trigger a taxable event so, whatever is deferred will have to be paid. When a property owner transfers their house to a trust, we will look at that on a case by case basis. It goes to the issue of title because the trust owns it. The statutes recognize life estates for purposes of this benefit but we need to look to see whether or not they qualify under the statutes and that they otherwise qualify under the ordinance. So, we recognize the conveyance isn't going to trigger it but we are going to look at it.

Mr. Mandell:

This is language and we follow the rules of language. It says "primary beneficiary." How can this be modified so that someone who has trusted it but is still living there can still get the benefit and not just trust that you or the other Town Attorneys say okay. Tomorrow, it could be 'We don't want to do that'. It's

not in the language. What can we do to modify it so that a trust to protect the house and they are still living there, they still get the abatement if they are cash poor?

Ms. Kelly:

I don't want to give an opinion on how anyone has done their estate planning. Typically, in what's called the grantor trust, the owner is the grantor, the owner is the beneficiary. They are the person who pays taxes. They are the person who is responsible for paying taxes. And that's why that's in there. We do have to look at these trusts carefully. We can tinker with this and take out the primary beneficiary. It's unlikely, I say cautiously that it's unlikely that the trust will qualify if the taxpayer is not the primary beneficiary. We can look at that language.

Mr. Mandell:

In the future, we should look at this. I don't want to hold up the entire process over this one small piece but it's an issue.

Ms. Kelly: Then we should leave it as the primary beneficiary.

Mr. Mandell:

I'll be voting no just because of that. I'm wary of it. Maybe we can look at this at a later date and that would be my issue to make sure that it's done this properly. I believe as the taxes change, the gift tax is going to be changing and people will be looking at more ways to guard their houses against inheritance taxes.

Ms. Kelly:

The cross reference to the statute here, it's not federal tax law...

Mr. Rose:

Mr. Mandell, do you have much more after this because you are well over your 10 minutes. You can come back later. Can you wrap this section up?

Dewey Loselle, district 5:

Following up on what Eileen has said earlier in the meeting, there was an item that was left out of the proposed ordinance, left out of the changes that we had discussed that was approved at the Ordinance Committee meeting. That regards qualifying income, items that are excluded from qualifying income. The thing that would be added is item #9, military disability benefits. The actual title of this ordinance is Tax Relief for Senior Citizens or Permanently and Totally Disabled Persons. What we are talking about here is wounded warriors who have disability benefits. Other towns include this as an exclusion for qualifying income and so I'm going to make an amendment that this be added. Paul, was there any reason it didn't make it in after our changes? Do you have an issue with this?

Mr. Friia:

No. I don't have an issue with it. I think it is a good change. It only affects three applicants but it would help reduce their income and possibly raise their benefit.

Mr. Loselle:

Also, in the future, unfortunately, there may be more veterans coming home who this eventually will apply to.

I would like to make **the amendment, section 54-63 which is called "definitions" to add item #9, military disability benefits. Seconded by Mr. Rubin.**

Members of the Westport electorate – no comments

Mr. Rose:

I'm going to turn to the RTM. I'm going to make a suggestion. Can we get unanimous consent on this? [No. Mr. Bergmann would like to address it.]

Members of the RTM

Mr. Bergmann:

The military disability payment, is this the only disability payment that we treat this way?

Ms. Gentilozzi:

Yes. The military disability, those people are disabled that are under 65 and applicable by the state under Social Security disability but also disabled meaning there are payments from the Veterans Administration. Does that answer your question?

Mr. Bergmann:

I'm not sure. I'm trying to focus on whether we are highlighting one form of disability payment as opposed to other forms of disability payments. Disability is disability. That person is in a very difficult circumstance. If you are going to exclude disability payments from the military from income, you should probably exclude payments from other sources as well because that means you start making judgments as to whether the military is more important than a policeman who gets disabled or a garbage-person who gets disabled and so forth and so on.

Ms. Gentilozzi:

The disability payments from the military are not taxable so they are not recognized on their tax return. So, when the veterans come in with a disability that they are receiving, they don't have to note it on their tax return and they don't have to claim that income.

Mr. Bergmann:

What I think I hear you saying is the Federal Government distinguishes military disability as well. On that basis I don't have any further questions.

A vote to add item #9, military disability benefits, to section 54-63 passes unanimously.

Back to the main motion.

Dick Lowenstein, district 5:

Paul, at the Finance Committee meeting, we talked about the abatement itself and you indicated you would give us some options to consider. Are you prepared to do something like that because this is our last chance.

Mr. Friia:

I do have some estimates. The only problem I have is if we make changes to the abatement amounts, we have to go back to the Board of Finance and start the process over again. So, what I would say is I have adjustments in a couple of different scenarios to the categories but maybe it's something that we address next year. I'd hate to have to start, if we start the process over, we are not going to get the bulk of this through.

Mr. Lowenstein:

Why is the Board of Finance involved in an ordinance change?

Ms. Kelly:

The statute says on the tax relief programs that they go to the Board of Finance, the initial establishment of them and amendments to them. So we have gone to the Board of Finance already with the amendment to this ordinance. They recommended this with the \$2 million. If you are now going to change this to increase the abatement, I feel you'd have to go back to the Board of Finance again and that's substantive enough I think that you'd start this process as a first reading again. Ultimately, it's not my call, the Moderator, but that would be my recommendation.

Mr. Rose: That's substantive enough.

Mr. Friia:

If we did it next year, we'd know what the effect of the income requirement changes were and how much we had saved in the program and we would have a better sense of how much to apply to the abatement amounts.

Ms. Flug:

I just wanted to clarify about the trust. My understanding with the trust that it is the State law that unless you are the primary beneficiary of the trust, you are not the property owner and not entitled to the tax abatement or deferral because you are not the property owner. Only the property owner is entitled to get the benefits

of the program. Under the State Enabling Statute, we could not allow a non-primary beneficiary to be eligible for the program. It's not anything that the town could change. It's state law. Did I understand that correctly?

Ms. Kelly:

It's actually an issue that some other towns have been dealing with, whether or not a trust is still eligible for this. The State has stated that as long it does qualify under this corresponding statute as a life estate, if you have life estate, the assessor treats you as the owner. I think that's what you are getting at. The beneficiary has to qualify the same way they would under 12-48 where they have a life estate. They are the primary beneficiary. They have a life estate in this property that is subject to the tax relief. So, yes. It is really guided by the statute on the life estate.

Ms Flug:

My point is it doesn't really require a change to the language of our ordinance. Their analysis of the trust will come under the language of the state statute which we can't change.

Ms. Kelly:

The state statute that I'm referring to doesn't specifically say "primary beneficiary." It doesn't use those terms. It does say

Where another is entitled to the use of the same as an estate for life or for years, such estate shall be set in the list of the party in the immediate possession or use thereof.

That is the person who is the primary beneficiary of that life estate.

Mr. Loselle:

I'll try and make this quick. Just going back to the issue of the abatement change itself. I had asked Paul Friia to look into, basically, the history, how long has it been since we changed the abatement, how taxes have increased since the abatement was changed, and what would the abatement amounts have to change to to be current, to maintain the same value that it originally had when it was created and what would be the fiscal impact on the town. Bottom line is there has been a 26 percent increase in our taxes since the abatement was last changed seven years ago. What's happened is that the value of the abatement has been depreciated over time. It's not really doing the same impact as it was. Last night, we had a big discussion about senior housing. The best thing we could do for senior housing is to keep seniors in their houses. I think when we get to the next budget year, I realize now is not a good time to discuss it, we should really take the issue up again and discuss it because, getting back to Mickey's point, there is a real upside value for the town in keeping people in their homes and not being displaced with families with two children and the increased tax burden for the school system. I want to keep this in mind and bring it back next year.

By show of hands, a vote on the resolution as amended. Underhill and Izzo opposed and Mandell abstains. The motion passes 23-2-1.

Jonathan Cunitz, district 4:

I would like to place on the agenda a general resolution to support the senior residential community. Before I introduce the resolution, I would like to ask our Selectwoman, Shelly Kassen, to come forward and explain how this resolution would help the process of the development of the senior residential community.

Shelly Kassen, Selectwoman:

Bear with me if you will, RTM. I'd like to go through the very, very recent history of this project. Last night we went through from 1998 forward 15 years. Now, I'd like to go through, maybe, the last month or so. It's been a real roller coaster. What our goal is and has always been is to, one, serve the need for mixed income rental housing for seniors, create the best facility possible and do so in a timely manner. Let's look at what's gone on since the committee came forward with its recommendation. We wanted to involve the Board of Finance. We wanted to bring them in earlier on in executive session to meet with the bidders at the end, especially to meet with the recommended bidder. Given what was happening all around, the Board of Finance did not want to meet in executive session. We respected that. So, we went to Board of Finance with the recommendation and the First Selectmen presented the recommendation of the Baron's South Committee. We left that meeting, I'll be honest, quite demoralized. I would say it was a total rejection of the six people present. Maybe we weren't as prepared as we were last evening. We didn't have time to put together a power point because the recommendation was pretty fresh. Maybe the members were enticed by the dollar signs of the Continuing Care Retirement Community that presented last night and maybe they were comparing the financial return of the recommended proposal to the appraisal when the appraisal was really about selling the property and was really about selling the whole property. But, in any event, maybe it was those things that happened. Maybe their lens is a little different than the RTM's and they were looking clearly and mostly at financial return. Whatever the reasons, we were told to hit the reset button. We understood the Board of Finance was looking for a better return. That's okay. I was on the Board of Finance for eight years. I chaired it for a while. I understood it. We had already scheduled a meeting with the RTM for Oct. 29. We had talked, Hadley and I, Gordon and others, about having the three bidders there to better understand what the project was about. We scheduled it with enough lead time to get all the parties there. That was the gap between Oct. 3 and Oct. 29. Of course, Oct. 29 was pre-empted by a bigger storm that was Sandy. Over that period, I had the opportunity to speak to the committee and mull over our options. We met several times with the chair of the Board of Finance and Janis Collins who serves there and I have to say that they were trying to bridge the gap. They were really trying to work with us. We respected that and appreciate that. We didn't want to see it die. You saw it last night that the whole Baron's South Committee is very much passionate and cares about it deeply. The following

Friday after the storm, there was a big article in the Westport News in which, unfortunately, the project's initiative was characterized as a highly subsidized housing project and quoted the Board of Finance as saying the 60 percent affordability threshold was basically dead on arrival. So we were able to think during the storm and came to the conclusion that we should rebid this. We should find a way to meet the Board of Finance and rebid it. By rebid it, I want to be very clear on this if it wasn't clear enough last night, but I think it was, that we would change the metric. We were not going to change the model. We would go down in the affordability but we weren't moving from a mixed income senior rental housing. We wanted an independent living facility with unbundled services. We were not moving from the model. It was last week, this is a roller coaster and a lot of events seem to happen on this every day, I was at a meeting with Plan Implementation Committee, Larry Bradley, the Director of P&Z, was there, and I explained where our committee was. In the [Baron's South] committee, I asked how everyone feels about rebidding. I was met with resistance. We had one member of this body present that day and he was very resistant, I think it was fair to say. Certain members of the committee were certainly resistant. But in the end, when we talked about let's keep the community together, let's get the Board of Finance, let's go back, they want us to rebid it. Everyone came together and said let's rebid it. The next morning there was a Plan Implementation Committee. I announced it to Larry Bradley who took it back to the P&Z to get it on the docket. I understand, I wasn't part of the conversation, I understand that there was reluctance to even look at the text amendment again and the desire was to start over again and look at the best uses for the property. The property has been sitting there for 15 years. We've been talking about this for many years. It has a great Senior Center on it. I think it's a little late in the game with a concept approval in the 8-24 and the text amendment to start rethinking whether this should be just open space or a shopping mall. So, we had the meeting rescheduled last night. As the First Selectman said, he started out and said this. it's true, we came to you and said we're still going to have this meeting. Hadley, you and I spoke, the Moderator and I spoke about whether to have the meeting because, after all, we are going to rebid it. We said, you know what, we scheduled it and rescheduled it. There's a lot of misunderstanding about the project. I think the people would like to meet the various developers. Why don't we go ahead with it because it's always a good thing to learn. We came in and we said, what was our expectation of the meeting? The First Selectman announced that we were planning to go out to rebid. We were willing to change the metric, not the model. We were going to clear up some of the ugly accusations and we wanted affirmation that the model was the right route to go. That's how we started the meeting. We were really surprised by last night and I have to say overwhelmed by the support that we received. It was very moving and very important and after the roller coaster that we've been on, we felt we were seeing the best of Westport. No matter what happens, we felt heartened by the reception of this body last night and the various impressive luminaries from this community who came and spoke. I thought it was very moving. So now, we have two routes. We can rebid or renegotiate. Rebid or renegotiate, which route

do we take? One side says rebid will take some time. It's likely to take 90 days. Who is going to bid on this anyway? We heard two competitors come up and say to us, 'You chose a great firm. You couldn't have done better.' Two of them said that and both members of the Westport taxpaying community. Of course, we could go out and rebid it, take the time. I don't have a very good sense that it will change anything on the Board of Finance, I really don't. I don't know that we are going to get direction. We've asked to go on the agenda tomorrow night because if we are going to go out and rebid it, even if we are going to renegotiate, whichever route we take, I'd sure like some direction about what financial return is acceptable before we go out there. If none is, it's an important thing to know. I think renegotiate is a good construct. I think a good way to do it would be to have the Board of Finance at the table. I think Ira can speak as to how that could happen. Probably or possibly, two members of this board could sit with the Baron's South Committee negotiating directly with the developer. I think the developer was well received. I think, maybe I'm not reading it properly; I think the model was well received. So, a sense of the meeting would tell us which direction to go in. Moreover, when I think about the difference between renegotiate or rebid, I had some time to ponder that today, here's what occurred to me. When you ask a group of people to rebid, it's a very kind of static process. You are saying to people in the field, go back. Think about it. Sit on your own. Sit at your computer. Come up with some other options. We're not going to give you a whole lot of guidance about it. When you say to someone we want to renegotiate, we want to sit down with you. We want to talk about unit size. We want to talk about how this will really work. What happens if you do this number of units that are market rate and you take down a few affordable? You are in a dialog. It's a give and take. To me, I started out by saying, 'What would serve this project best? That's what we're really here to do.' I sort of come down on what would serve it best would be to have those many sessions in which there was give and take. You heard the developer over and over say that's what he does in communities. That's why his projects are successful. I think it makes sense. So, I'd still like to bring the Board of Finance with us. I'm not a glutton for punishment. No one on this committee who has worked so hard needs to be punished. We don't want to go if it's pointless but I respect the Board of Finance. I did serve eight years on it. We'd like them to be part of it. We'd like them to have a seat at the table. I think that makes most sense but we'd like to serve this need, get mixed income rental housing, get the best facility possible and do it in a timely manner.

Dr. Cunitz:

Shelly, thank you very much for your presentation tonight. I think everyone will agree how articulate you are on the issues and the choices that we have in front of us. I am going to introduce a resolution now for the purpose of getting a sense of how RTM members feel, having listened to all the discussions last night, have a chance to express any more comments tonight. This will allow the committee and Shelly to make a decision as to how to go forward.

Point of information, Carla Rea, district 8: Do we have the legal right to do this?

Mr. Rose: Yes. We do.

Dr. Cunitz:

Resolved: The RTM supports the recommendations of the Baron's South Committee for the development of the Baron's South Senior Residential Community. Further, the RTM encourages negotiations with the recommended developer to obtain more favorable terms for the town.

Seconded by Ms. Schine

Mr. Rose:

We will turn to the public. When we get to the RTM, we need 24 members to vote in favor of going to a sense of the meeting resolution which will then be debated. So we are going to need 24 members who approve putting this on the agenda. This is what we are discussing now. I believe we have 26 [members in attendance]. It's two-thirds of the members, not the members present and voting.

Members of the Westport electorate

Tom Lasersohn, 304 North Avenue:

I would urge you not to pre-empt the process and vote on this resolution. Westport's resources are limited. Choosing to spend money one place would mean we would be most likely forced not to spend it somewhere else. Since 2007, Westport property tax per capita is up about 23 percent. CPI is up about 10 percent. Westport personnel costs, per capita, are up about 34 percent. All this, while Westport per capita personal income is down about six percent to 94 percent of its 2007 level as of 2011, which is the latest number available from the U. S. Census Bureau. According to the Governor's Office of Policy and Management Data Book as of June 30, 2010 which is the latest available, Westport has the highest property tax per capita in Connecticut, second only to Weston. Westport has the highest debt per capita in the state. This is before consideration of the recently discovered \$140 million of unfunded liability for OPEB and pensions which would about double our debt per capita if factored into the calculation. We have a need in Westport for housing that allows seniors who can afford it to transition from detached single family home ownership and maintenance to more appropriate living arrangements that allow them to remain a part of the community. We also need a method to provide assistance to those seniors who are and have been an integral part of the community and cannot afford full market based housing alternatives so they can remain in Westport. The Rose proposal provides 100 senior housing units, 59 affordable with no certainty who will occupy those affordable units. The Hillspoint proposal provides 220 units with up to 70 affordable units with complete control as to who gets the affordable units. In addition, after subtracting the cost of the scholarship component of the Hillspoint proposal, it provides up to a \$50 million greater present value benefit to Westport. Fifty million dollars. Much has been said about

not buying this property for speculation or profit. So, let's talk opportunity cost. Fifty million dollars at present value could help us afford more teachers to keep class sizes reasonable, allow us to maintain our standards of public safety, the need for which is so apparent after Sandy, it could help us to maintain our roads and infrastructure and the quality of town services. You are not being asked to choose between senior housing on one hand and schools, public safety, infrastructure or town services on the other. You are being asked to choose between senior housing alone on one hand and senior housing and schools on the other; between senior housing alone on one hand and senior housing and public safety on the other; between senior housing alone and senior housing and infrastructure and town services on the other; between senior housing alone and senior housing and, hopefully, more moderate tax increases on the other. If we do this properly, we may be able to do it all. I'm not saying we should rush into the Hillspoint proposal but the huge disparity in the numbers suggest that we should open the RFP process to make sure we have considered properly all the alternatives. If we don't, we will hurt not only the residents and taxpayers, in general, but those residents we are here most trying to help as we push taxes so high that we drive many seniors, other than those few who will benefit from the current proposal, out of town.

Mr. Rose:

I'll just remind you, what we are debating now is whether we should put this on the agenda to discuss it and vote on it. I'll just bring that to your attention.

Steve Daniels, Co-chair of the Baron's South Committee:

One of the things that has characterized this entire project is there has been an enormous amount of misinformation that is out here. First of all, Westport is part of one of the most profitable regions in the U.S. It's among the highest in terms of housing costs in the country. But when you look New Jersey, Westchester, Long Island and Connecticut, Connecticut has the lowest taxes. I can tell you it is one of the greatest attractions to the people who move here in addition to our school systems. My taxes and my home, which is smaller than my son's, are \$15,000 less than his. He is in New Jersey. So I defy people to define that Westport has high taxes in that sense. I can tell you, New Canaan is higher. So, that's not true. In terms of what the costs are, right now, the cost that we have for Baron's South is maintenance. There is no revenue, not one single dime. There has not been for 15 years. There have been a lot of conversations about land use. You live here. Have you seen any conclusions about land use? This is one of the first. It's serving a population that needs the housing. The Hillspoint people point out and they said it last night, that almost all the seniors can afford \$400,000 buy in to their property. The fact of the matter is, I did an analysis of the assessed value in this town and 50 percent of the people in this town live in houses that are not worth \$1 million. That's also assuming the fact that they have a mortgage, home equity, and they may have never ever done any work on their homes which depreciates the value. So we can't take those seniors and make them pay \$400,000 to go into a Hillspoint facility. Let's talk about Hillspoint and the \$1.2

million that they were going to give us as a subsidy for our seniors. They proposed that for the first 30, not the 70. Last night they tried to change it. I don't want to go political but doesn't that sound like Romney? When you start talking about the 40 additional units they call affordable, there is a \$400,000 buy in to get there. When you examine their performance, the fees in addition to the \$400,000 to \$800,000 are \$6,000/month. That is not affordable in any way and will not serve our seniors. When you ask them about what is the repayment when you leave a CCRC, they had three opportunities to tell us and the first time we heard about it was last night. The Board of Finance was swayed by what Affirmative Hillspoint has said. Yes it sounds like a tremendous amount of money. It is \$1.2 million for the entire premises of Baron's South. Our proposal is for six acres. Do the math. See what disparity between \$250,000 for six and \$1.2 for all of them. That disparity shrinks. That's the first part. The second part is, in order to live in Hillspoint, you'd better have a net value of \$1.5 million to \$2 million. Because if you can't, you can't afford the costs. You identify which of you, which of your neighbors and which seniors in this town can afford it so that can't be the basis on which the Board of Finance makes its decision. Let's go to the core. The core is that we do have a need. There are 50 percent who live in houses \$1 million or less. As they age, they'll need that money to live. They don't want to leave their homes until their 70's. It's also the time when they are deteriorating in terms of health. They need that money to sustain their life. They need that money to live well. Our proposal makes that possible. We are talking about services when they need them, not paying \$5,000 in advance on a monthly basis for services they don't need yet. That's what Affirmative Hillspoint proposes. They have spent a lifetime talking to every board member here in various ways, trying to establish that it is the best proposal. They are for profit and that is all. Let's talk about our proposal.

Mr. Rose:

I'm going to slow you down for now. We are really discussing whether or not we are even putting on the agenda. I'll give you a minute.

Mr. Daniels:

What I'd say to you is, look carefully at our proposal. It's clean. The developer is astonishing in terms of his credibility nation-wide. He builds communities. He does what we do. This is a community. I've been here 30 years. It's a community I'm proud of. If you allow us to go forward, you will be proud of the health center we put here for seniors.

Mr. Gilbertie:

I think this is inappropriate to put this on the agenda at this time. The RTM members haven't gotten any information in a packet that they can look over. The public hasn't been notified that this was going to be on the agenda. I think it's sort of like trying to sneak it in and get it passed before everybody can know what's going on. If you want to put it on next month's RTM agenda, that would be fine. Then the papers can get a hold of it and people can educate themselves, the

public and RTM members. So, I think it is the wrong time for this to be on the agenda.

Ginny McGovern, 131 Easton Road, President, PTA Council:

I agree. This is not on your agenda this evening. Just to put it in perspective, we are a community. I spent a lot of time in this building during our recent hurricane enjoying the amenities. There are checks and balances in town government. I think that you have to realize that there's a reason that they are there. The people assume they are working. One of the checks and balances is that it should be on the agenda. Parents of school age children are still catching up with school and with work and getting through things that piled up because of the storm. Last night, I was not able to attend this meeting because I was at the Board of Education meeting where they were trying to figure out what to do with the school calendar, five days that we need to find because of the lost time. That discussion is continuing. We had a four hour meeting, as well, and it's a process. In that process and as a community, we need to do everything together. I'm a taxpayer. In a way, to make this town affordable for all people coming in, new families, young working couples and people retiring, we are all invested in what's happening here. To the point that's come up in the discussion of the proposal that it is not to be looked at as the town bought this investment to make the highest financial return, that's true. But that was maybe true when we bought it but times do change. If you remember, just last year, we were hit with the OPEB liability issue which is going to take years and years to overcome. Things do need to be looked at in practice and in theory. I think that's one of them. Every dollar that we spend now counts and every income source of revenue must be carefully evaluated by the funding bodies. I'm not one of the funding bodies. A project of this scale, I'm not saying that the public is not for or against it, I'm just saying people don't have it on their radar right now and they need it on their radar. This project will impact the schools. Let's face it. We just brought it up in the tax abatement discussion, which I didn't even know I would be here to hear, all that but it's true. If you have 50 residents selling their homes or 100 all at once, let's do the math. If those families come all at once to our school system, we're looking at anywhere from 50 or 100, let's say the average family has two children, I have four children so let's not go 400 kids, but it can be a lot of children. But they don't come in on the normal cycle of real estate. They come in all at once. Last year at the RTM Education Subcommittee, we talked about already last year expanding Staples High School because it's at capacity.

Mr. Rose:

Ms. McGovern, I'm going to cut you short for a minute. We are talking about whether to even put this on the agenda. We're not talking about all the ramifications. So if you could try and fine tuning it a bit.

Ms. McGovern:

So we were talking about that last year. This issue compounds that. Adding additional families will drive up class sizes, need for teachers, aids, space

support, etc. These are some of the issues why I think this needs to be opened again and let more people chime in. We're all a community. We come here and we'd like to stay here. I'd like to stay here, too. I don't want people to be finding out that this went through and they didn't know about it because they weren't paying attention. Yes, everyone should read the news every day. It's part of your responsibility as a citizen but there's been a lot going on.

Marty Hahuth, 31 Island Way, Co-chair Baron's South Committee:

I want to reiterate a couple of things that Shelly said in the beginning. One is that this has been a roller coaster ride for us. I think now you're beginning to see what we mean by that. We spent last night here and a great evening for me of respect and admiration for Westport's history for the number of really prominent people who stood up and spoke in eloquent ways about this project. They made me feel great about this town. It probably made you feel great too. I have to say, for anyone watching on television or here tonight, that feels they haven't had enough information, or people in this town haven't been able to participate or discuss this, there is a very extensive website as part of the town's website. Shelly has just told me that last night's deliberation will be part of that website. I recommend anyone who gets questions about this, refer them to this website. So, it's been a roller coaster. We soared up to the highest height last night, we've just taken a steep dive. I think there is a note of reality here for us. That is, given the attendance tonight and the people who are here and I don't know you all as well as Shelly might who is here all the time, there may well not be enough votes to put this on the agenda. That might be a good thing. Whatever this body decides is fine. What I would ask you is to allow us to hear what you think, to give us some direction. What would you like us to do? Would you like us to rebid? We are certainly willing to renegotiate. We are open as we have always been. We don't want to give up. Someone talked about town resources a minute ago. We have resources. We have a piece of property that is underutilized and under-maintained. We have a wonderful, wonderful history in this town of serving seniors and children. We have a committee that has dedicated itself to this for this well over a year. It's an opportunity to do something really good for this town as we have for kids forever and always will. But, it's time now to do something for the people who made this town and who have supported the all the programs, all the wonderful things that have made Westport what it is. I didn't realize I was this emotional about this. I just can't tell you how much we respect your opinion, how much we want to hear it. We'd like to at least get some direction tonight. The mechanism of taking a sense of the meeting vote may not be here but, even if they are not, please give us direction.

Mr. Joseloff:

I feel for Hadley. This is a procedural matter that you are debating and voting on. I think you ought to postpone the sense of the meeting resolution until December, your next meeting simply because people have not been notified in advance. As much as I would like to see this momentum continue, I think there are 26 members here so there are 10 members who are not, I have too much respect

for the RTM. I have spent too many evenings in this auditorium. People do need notice for this. I hope the momentum will continue but I think you ought to consider this at your next meeting to give it ample opportunity. The last thing I think we need or you need is to say this was rushed through without anybody knowing about it, etc. We've had too much of it already. I appreciate the views, my good friend Tom Lasersohn, my good friend Shelly and all the members of the committee, I'd love to hear the debate back and forth and I think it is vital for the citizens of Westport to hear it but I think it ought to be done with adequate notice. I think you ought to postpone it.

Members of the RTM

Dr. Cunitz:

Gordon, I appreciate your comments and I'm quite disappointed, unfortunately, that we don't have more RTM members here. I think your suggestion to put it off to the December meeting makes a lot of sense. Hadley, what would be involved if I withdrew the resolution to put it on the agenda for December meeting.

Mr. Rose:

I'll put it on the agenda for December. I can do that so you can withdraw it.

Dr. Cunitz:

I would like to withdraw the resolution and have it scheduled for the December meeting.

Mr. Rose: Ms. Schine also withdraws. That's it. See you guys in three weeks.

The meeting adjourned at 10:05 p.m.

Respectfully submitted,
Patricia H. Strauss
Town Clerk



by Jacquelyn Fuchs
Secretary

ATTENDANCE: November 13, 2012

DIST.	NAME	PRESENT	ABSENT	NOTIFIED MODERATOR	LATE/ LEFT EARLY
1	Don Bergmann	X			
	Diane Cady	X			
	Matthew Mandell	X			8:12 PM
	Cornelia Olsen	X			
2	Catherine Calise	X			
	Jay Keenan		X	X	
	Louis Mall	X			
	Sean Timmins	X			
3	Jimmy Izzo	X			
	Melissa Kane	X			
	Bill Meyer	X			
	Hadley Rose	X			
4	Jonathan Cunitz, DBA	X			
	David Floyd	X			
	George Underhill	X			
	Jeffrey Wieser	X			
5	Dewey Loselle	X			
	Richard Lowenstein	X			
	Paul Rossi		X	X	
	John Suggs		X	X	
6	Hope Feller		X	X	
	Paul Lebowitz	X			
	Catherine Talmadge		X	X	
	Christopher Urist		X	X	
7	Arthur Ashman, D.D.S.		X	X	
	Allen Bomes	X			
	Jack Klinge	X			
	Stephen Rubin	X			
8	Lee Arthurs		X	X	
	Wendy Batteau		X	X	
	Carla L. Rea	X			
	Lois Schine	X			
9	Eileen Flug	X			
	Velma Heller, Ed. D.	X		X	8:49 PM
	John McCarthy		X	X	
	Gilbert Nathan	X			
Total		26	10		

Roll Call Vote: Eliminate Sec. 54-65, item 8, \$2 million cap

DIST.	NAME	ABSENT	YEA	NAY	ABSTAIN
1	Don Bergmann		X		
	Diane Cady		X		
	Matthew Mandell		X		
	Cornelia Olsen		X		
2	Catherine Calise		X		
	Jay Keenan	X			
	Louis Mall		X		
	Sean Timmins		X		
3	Jimmy Izzo		X		
	Melissa Kane		X		
	Bill Meyer			X	
	Hadley Rose		X		
4	Jonathan Cunitz, DBA		X		
	David Floyd			X	
	George Underhill		X		
	Jeffrey Wieser		X		
5	Dewey Loselle		X		
	Richard Lowenstein		X		
	Paul Rossi	X			
	John Suggs	X			
6	Hope Feller	X			
	Paul Lebowitz		X		
	Catherine Talmadge	X			
	Christopher Urist	X			
7	Arthur Ashman, D.D.S.	X			
	Allen Bomes			X	
	Jack Klinge			X	
	Stephen Rubin		X		
8	Lee Arthurs	X			
	Wendy Batteau	X			
	Carla L. Rea		X		
	Lois Schine		X		
9	Eileen Flug		X		
	Velma Heller, Ed. D.		X		
	John McCarthy	X			
	Gilbert Nathan			X	
Total			21	5	