

TOWN COUNCIL
Town of Trumbull
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TOWN HALL
Trumbull

TELEPHONE
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LEGISLATION & ADMINISTRATION COMMITTEE
JANUARY 29, 2015
MINUTES

The Chair called the Legislation & Administration Committee to order at 7:49 p.m. All present joined in a moment of silence and the Pledge of Allegiance. The Chair asked all present to remember the Trumbull resident who lost his life shoveling snow during this week's snow storm.

The Clerk called the roll and recorded it as follows:

Present: Chairman Suzanne Testani, Chairman, Enrico Constantini, Vice Chairman, Joseph Pifko, Edna Colucci, Scott Wich, Mary Beth Thornton, Alternate.

Absent: Ken Martin, Sr., Alternate and Daniel Marconi.

Also

Present: Town Council Chairman Carl A. Massaro, Jr., Chief of Staff Lynn Arnow, (Arrived at 8:12 p.m.), Town Council Members Tony Scinto, Cynthia Penkoff, Antonio Petitti and Vicki Tesoro, Director of Labor Relations James Haselkamp, Workman's Comp Counsel and Town Attorney Kokenos (arrived at 8:09 p.m.).

Moved by Mr. Pifko, seconded by Ms. Colucci to take Item #5 out of order.

VOTE: Motion CARRIED unanimously.

1. RESOLUTION TC25-158: Moved by Ms. Thornton, seconded by Mr. Constantini.
BE IT RESOLVED, That the Town attorney is hereby authorized to settle a worker's compensation claim known as Trudi Black v. the Town of Trumbull.

Moved by Ms. Colucci, seconded by Mr. Pifko to enter into Executive Session for the purpose of discussing pending litigation.

VOTE: Motion CARRIED unanimously.

The L&A Committee entered into Executive Session for the purpose of discussing pending litigation with L&A Committee members Chairman Suzanne Testani, Chairman, Enrico Constantini, Vice Chairman, Joseph Pifko, Edna Colucci, Scott Wich, Mary Beth Thornton, Alternate, Town Council members Antonio Petitti, Chairman Massaro, Vicki Massaro and Director of Finance Maria Pires, Director of Labor Relations James Haselkamp and Workman's Comp Counsel present at 7:52 p.m.

Moved by Mr. Pifko, seconded by Ms. Colucci to end Executive Session.

VOTE: Motion CARRIED unanimously. Executive Session ended at 8:03 p.m.

VOTE: Motion CARRIED unanimously.

2. RESOLUTION TC25-150: Moved by Mr. Constantini, seconded by Mr. Pifko. BE IT RESOLVED and ORDAINED, That the membership of the Trumbull Nature Commission is hereby reduced from nine (9) members to five (5).
(Public Hearing)

Mr. Massaro explained this was originally a nine member body. The commission has not had nine members for as long as anyone can remember, currently there are only three active members. Reducing the membership to five will make it possible for them to establish a quorum. The commission requested the reduction, the Chair confirmed this. Mr. Massaro explained for the committee that the Nature Commission was created by the Town Council in 2005, somehow the Center had been named the Trumbull Nature & Arts Center and everyone began calling the commission by that name, but technically it is not. The 501c3 is the Patrons for the Trumbull Nature & Arts Center. This resolution has nothing to do with the 501c3. When they first came to First Selectman Baldwin and the Town Council the commission said they would be self-sustaining. They planned programs on a number of topics relating to nature. The people in the 501c3 wanted to help raise money to keep the center be self sustaining. The Town does have a budget for them and public works and other Town services serve them. Whether or not the commission is still necessary is a topic that comes often but can be discussed at another time. (Attorney Kokenos arrived at 8:09 p.m.)

The Public Hearing was opened at 8:09 p.m.

There was no one present to speak.

The Public Hearing was closed at 8:10 p.m.

VOTE: Motion CARRIED unanimously.

3. RESOLUTION TC25-153: Moved by Mr. Wich, seconded by Mr. Pifko. BE IT RESOLVED and ORDAINED, That Chapter 18 Taxation of the Trumbull Municipal Code is hereby amended to include Article VI, Senior Volunteer Tax Abatement. *(Full Ordinance Attached) (Public Hearing)*

Ms. Arnow distributed a revised ordinance, (See Attached). There are a number of senior volunteers in Town who do not qualify for the income based tax credits. The First Selectman would like to provide our seniors with the opportunity to be able to volunteer and earn a tax credit while giving back to the community that is not income restricted. The Chair spoke in favor of this resolution and encore careers. Ms. Arnow confirmed for the Chair there is a need for this credit. There is a list of 20-25 agencies that support and give back to our community. The enabling statute allows for the program and allows for the Tax Assessor to oversee the program. Trumbull has approximately 2200 seniors between the ages of 65-85 years of age. The city of Danbury has this tax credit available to their seniors and has 35 people who take advantage of this program. Danbury is a city with a population of 82,000. This resolution if adopted would be posted in the newspaper, the program will be included in the Town Clerk's newsletter, a media event through the Senior Center would take place and there are additional opportunities to get the word out through the Social Service Department. The enabling statute is CGS 12-129n. Attorney Kokenos explained the revised draft has changed the number of volunteer hours to 200 hours. The ordinance also needed to clarify the maximum allowable credit as indicated in the language in blue. The household's maximum credit is \$1,200. If there is one person in a household the one person could earn \$1,200, but if there are 2 people in the household they would be able to earn \$600 each. The age limitation was taken from the statute. Ms. Tesoro stated both Danbury and Bristol programs have income limitations. Bristol on the onset of their program limited the number of people to 90 on a first come first serve basis. Ms. Tesoro stated she is concerned that there is no income limitation and that Trumbull will be giving credit to those who do not need it. Atty. Kokenos stated the ordinance includes language that the ordinance can be terminated and it is always possible to repeal an ordinance. The committee discussed that there are many seniors who live in Town who do not own their homes or who may live in assisted living or a nursing home, the credit would not be available to those seniors. Mr. Wich noted that the enabling statute requires a recommendation of the BOF. Atty. Kokenos stated that the L&A Committee is the body of this Town that has always recommended ordinances and the Town Council is the governing body and meets the requirement per statute.

The Public Hearing was opened at 8:35 p.m.

There were two (2) people present to speak. (Public Comment Attached)

The Public Hearing was closed at 8:51 p.m.

Ms. Arnow stated the agencies and groups do not need to be taxpayers they do need to be registered as a charitable or 501c3 and be an approved entity with the Town for this program. The current tax credits for the Town are budgeted at \$1.2 million. Seniors could use both programs available to them in. Atty. Kokenos explained the Tax Assessor knows the statutes inside and out for how one would qualify per statute and will oversee the program. The senior volunteer would be responsible for choosing which entity he/she would volunteer for. The Tax Assessor would have the list of entities that qualify for the program. The spirit of the ordinance is that any senior can volunteer for any entity as they see fit.

The committee discussed the possibility of this being a tax issue for the volunteer and if 1099's would need to be issued. Attorney Kokenos explained if there were to be any tax ramifications that would be incumbent upon the individual. Ms. Arnow stated it is their understanding if the town is not reimbursed for the tax credit then the residents are not issued a 1099, they are in the midst of confirming that. Ms. Tesoro voiced her concern on this matter. Ms. Tesoro stated Danbury runs their program through United Way and may be a distinction on possible tax ramifications. Ms. Tesoro requested the projected administrative cost to this program. Ms. Arnow explained the structure of the program as follows: the volunteer would collect the application, it is their responsibility to arrange their volunteer services, unlike the United Way who takes care of that all for the city of Danbury. The volunteer would be responsible for filing the application and the affidavit of services that would be submitted to the Trumbull Tax Assessor. The Tax Assessor does not expect this to be a great deal of administrative time. Mr. Constantini cautioned having the Town issue an opinion on tax issues and the possible liability. Tax ramifications are incumbent upon anyone taking part of the program.

Moved by Ms. Thornton, seconded by Mr. Wich to Hold in Committee.

Ms. Arnow added the ordinance would be retroactive for hours served from January 1, 2015.

Mr. Wich stated there are many questions with regard to this ordinance should be put before a resident committee and brought to the BOF. Ms. Arnow clarified if they were to wait until the next grand list the volunteer would miss out on a year of this benefit.

VOTE: Motion FAILED 2-4 (AGAINST: Pifko, Collucci, Testani and Constantini)

VOTE: Motion CARRIED 4-2 (AGAINST: Wich and Thornton)

4. RESOLUTION TC25-153: Moved by Ms. Colucci, seconded by Mr. Constantini.
BE IT RESOLVED, That the Senior/Community Center & Library Building Committee is hereby formed to plan and oversee the Senior/Community Center & Library project and its related activities and;

BE IT FURTHER RESOLVED, That the membership shall consist of two (2) Town Council representatives and four (4) residents of the Town of Trumbull.

Ms. Arnow stated in the POCD passed in 2014, three of the primary issues raised by the residents are as follows:

1. A recognized need for a community center.
2. Upgrading the senior center.
3. Upgrading the library.

First Selectman Herbst would like to address the residents' concerns on this matter. This resolution would establish a committee that would look at what kind of amenities and services would be needed. Rather than building three centers, it was felt that they would compliment each other if put together. It is anticipated the committee could submit a recommendation within three months. There are many special interest groups in Town that currently meet at the Helen Plumb building, there is insufficient meeting space at the

Town Hall and the Senior Citizen space is not adequately planned for their needs. The Senior Center kitchen is not adequate and is necessary since it is also the town's level 1 shelter. The intent is to have a combined use of the building for the Community, Seniors and Library. Mr. Wich suggested that the Teen Center be included. Ms. Arnow stated it would be wise to have the committee analyze that. The Chair explained that the purpose of the committee is to explore the need and the use of this proposed building. Ms. Arnow stated there are a number of models that they would like the building committee to look at.

VOTE: Motion CARRIED unanimously.

5. RESOLUTION TC25-154: Moved by Mr. Pifko, seconded by Mr. Constantini. BE IT RESOLVED, That Joseph Pifko of 158 Plymouth Avenue and Daniel Marconi of 40 Brookhedge Road, be and the same are hereby appointed Town Council representatives of the Senior/Community Center & Library Building Committee, and Rachel Yawhak of 25 Skytop Drive, Anthony Timpanelli of 5 Wildfire Lane, Richard Seaman of 77 Garwood Road, Jeanine Stouder of 470 Daniels Farm Road, be and the same are hereby appointed members of the Senior/Community Center & Library Building Committee.

Ms. Janine Stouder of 470 Daniels Farm Road was present and stated the Library is the best thing in Town and would like the library to be a cultural center in Town where there would be many concerts and events. Technology is ever changing and would like to see that at as well at the library, it would be nice to integrate self checkouts amongst other technological advances. They will always have books but would like to be able to offer even more. Ms. Stouder looks forward to serving on the building committee.

Mr. Timpanelli and Mr. Seaman were at the meeting but were not able to stay for this resolution.

VOTE: Motion CARRIED unanimously.

There being no further business to discuss and upon motion made by Ms. Colucci, seconded by Mr. Pifko the L&A Committee adjourned at 9:31 p.m. by unanimous consent.

Respectfully Submitted,

Margaret D. Mastroni, Town Council Clerk

RESOLUTION TC25-153
PUBLIC COMMENT

1. Mr. Tony D'Aquila of 29 Valleyview Road was present and indicated the public has not been adequately noticed in the form of the ordinance distributed at this meeting and believes there is a FOI issue and requested this public hearing be properly noticed at another time. His concerns with the ordinance are as follows: That senior volunteers need to be encouraged with monetary incentives, seniors who never volunteered in the past will only volunteer if they are paid for their hours, the entities will fail to meet their goals. The stated purpose of this ordinance is flawed. He and his wife have volunteered for many organizations through the years and have never expected anything for their service. This ordinance discriminates seniors with disabilities. There are 7,000 seniors in Town not 2,200. This ordinance may have an impact on the seniors with the IRS. They have not received the cost impact data of this resolution to date. The public hearing should be held in front of the full council where the meeting is filmed. Paying people to volunteer will have a corruptive influence on the community's values and suggests the committee not approve the resolution.

2. Ms. Cindy Katske of 129 Meadowview Drive was present and asked that the revised ordinance be posted on the website. The program should have income limitation so it targets seniors in need and asked what the rationale was for not including the limitation. Any new senior tax relief should be enacted with full knowledge of relevant facts. There is important information still missing, such as how our other programs are doing, who is using them, what the cost is to the town and how many people are expected to use this and at what cost. Would like to see the list of entities that would benefit from this. She is concerned that the entities would not meet the property ownership requirements. She did have problems with how the original draft was drafted but much of that has been fixed with the revised draft distributed at this meeting. The ordinance reads as long as the resident is 65 years or older or their spouse living with them is eligible. In section B (iii) the word "must" should be inserted. In section C it is not clear who shall submit, the entity or the taxpayer and suggested this may need to be spelled out in this section.

Sec. _____ - Senior volunteer tax relief.

(a) *Purpose.* In order to promote the goals of scientific, educational, literary, historical, governmental, charitable and non-profit entities located in the Town of Trumbull by drawing on the skills, knowledge and experience of its senior citizens, the town hereby establishes a program of tax relief for qualifying seniors who choose to give their time, talent and energy by volunteering to provide services to such entities.

(b) *Qualifications and benefits.* Beginning with the grand list year of 2015, qualifying senior citizens who volunteer to provide one hundred (100) hours of services to scientific, educational, literary, historical, governmental, charitable and non-profit entities located in the Town of Trumbull, which entities own property exempt from taxation pursuant to the provisions of section 12-81 of the Connecticut General Statutes, shall be eligible for a tax credit upon his or her real estate taxes in accordance with the provisions hereof. In order to qualify for the benefits of this senior volunteer tax relief program, residents (i) at the close of the preceding calendar year must be sixty-five years of age and over, or whose spouse, living with them, are sixty-five years of age or over, or sixty years of age or over and the surviving spouse of a taxpayer qualified in such municipality under this section at the time of his or her death, or with respect to real property on which such resident or their spouse are liable for taxes under section 12-48 of the Connecticut General Statutes, (ii) must volunteer the requisite hours of service as set forth in this subsection (b), (iii) own real property in the Town of Trumbull or be liable for the payment of taxes thereon pursuant to Section 12-48 of the Connecticut General Statutes and (iv) must occupy the real property in the Town of Trumbull as a principal residence. Each qualifying taxpayer, but no more than two qualifying taxpayers per household, who participate in this program and shall have reached the minimum requirement of one hundred (100) hours of service as set forth herein shall be entitled to a tax credit of a fixed amount of six hundred dollars (\$600.00), provided that said taxpayer satisfies the conditions of subsection (c). Qualifying taxpayers must reach the specific number of hours as set forth herein per calendar year to be eligible for the respective tax credits. No partial tax credit will be given if the qualifying taxpayer does not reach the minimum requirement of one hundred (100) hours of service.

(c) *Program implementation.* The Tax Assessor, or its designee, shall be responsible for administration of the Senior Volunteer Tax Relief Program. The Assessor shall prepare a list of approved scientific, educational, literary, historical, governmental, charitable, and non-profit entities located in the Town of Trumbull for which qualifying taxpayers may choose to volunteer. The Tax Assessor will provide standards for program eligibility, verification documents, and applications for the tax credit. Services provided by qualified senior volunteers shall be validated solely by the entities for which they work. A record of hours of service performed by each shall be submitted to the Assessor, no later than December 31st of each calendar year.

(d) *Disqualification.* Any such property tax relief granted to any such resident shall not disqualify such resident with respect to any benefits for which such resident shall be eligible under the provisions of C.G.S. 12-129b to 12-129d, inclusive, and 12-170aa, and any such property tax relief provided under this section shall be in addition to any such benefits for which such resident shall be eligible under said sections. Notwithstanding the foregoing, a resident is ineligible to apply for this program (i) if at the time of such application, the resident is delinquent in any taxes owed to the Town of Trumbull and (ii) for any

grand list year that such resident is also receiving benefits pursuant to the Town's Senior Tax Deferral Relief Program. For the purposes of this program, the hours spent by a resident as an elected or appointed town or government officials, volunteer firefighters or emergency service personnel shall not be included in the determination of total number of requisite hours volunteered by the resident.

(e) *Termination.* This program may be terminated by the Town at any time with or without cause in the event it is deemed by the Town to be in its best interest to do so.

Sec. _____ . - Senior volunteer tax relief.

(a) *Purpose.* In order to promote the goals of scientific, educational, literary, historical, governmental, charitable and non-profit entities located in the Town of Trumbull by drawing on the skills, knowledge and experience of its senior citizens, the town hereby establishes a program of tax relief for qualifying seniors who choose to give their time, talent and energy by volunteering to provide services to such entities.

(b) *Qualifications and benefits.* Beginning with the grand list year of 2015, qualifying senior citizens who volunteer to provide one hundred (100) hours or (200) hours, as the case may be, of services to scientific, educational, literary, historical, governmental, charitable and non-profit entities located in the Town of Trumbull, which entities own property exempt from taxation pursuant to the provisions of section 12-81 of the Connecticut General Statutes, shall be eligible for a tax credit upon his or her real estate taxes in accordance with the provisions hereof. In order to qualify for the benefits of this senior volunteer tax relief program, residents (i) at the close of the preceding calendar year must be sixty-five years of age and over, or whose spouse, living with them, are sixty-five years of age or over, or sixty years of age or over and the surviving spouse of a taxpayer qualified in such municipality under this section at the time of his or her death, (ii) must volunteer the requisite hours of service as set forth in this subsection (b), (iii) own real property in the Town of Trumbull or be liable for the payment of taxes thereon pursuant to Section 12-48 of the Connecticut General Statutes and (iv) must occupy the real property in the Town of Trumbull as a principal residence. Each qualifying taxpayer, but no more than two qualifying taxpayers per household, who (i) participate in this program and (ii) have reached the minimum requirement of one hundred (100) hours of service as set forth herein, shall be entitled to a tax credit of a fixed amount of six hundred dollars (\$600.00) per taxpayer, provided that said taxpayers satisfy the conditions of subsection (c). Each qualifying taxpayer, but no more than one qualifying taxpayer per household, who (i) participates in this program; and (ii) has reached the minimum requirement of two hundred (200) hours of service as set forth herein, shall be entitled to a tax credit of a fixed amount of twelve hundred dollars (\$1,200.00) per taxpayer, provided that said taxpayer satisfies the conditions of subsection (c). No household shall receive a tax credit pursuant to this Section in excess of twelve hundred (\$1,200.00) per year. Qualifying taxpayers must reach the specific number of hours as set forth herein per calendar year to be eligible for the respective tax credits. No partial tax credit will be given if the qualifying taxpayer does not reach the minimum requirement of ~~one hundred (100)~~ hours of service.

(c) *Program implementation.* The Tax Assessor, or its designee, shall be responsible for administration of the Senior Volunteer Tax Relief Program. The Assessor shall prepare a list of approved scientific, educational, literary, historical, governmental, charitable, and non-profit entities located in the Town of Trumbull for which qualifying taxpayers may choose to volunteer. The Tax Assessor will provide standards for program eligibility, verification documents, and applications for the tax credit. Services provided by qualified senior volunteers shall be validated solely by the entities for which they work. A record of hours of service performed by each shall be submitted to the Assessor, no later than December 31st of each calendar year.

(d) *Disqualification.* Any such property tax relief granted to any such resident shall not disqualify such

Distributed Revised Ordinance at the 01/29/15 L&A meeting of the Town Council

resident with respect to any benefits for which such resident shall be eligible under the provisions of C.G.S. 12-129b to 12-129d, inclusive, and 12-170aa, and any such property tax relief provided under this section shall be in addition to any such benefits for which such resident shall be eligible under said sections. Notwithstanding the foregoing, a resident is ineligible to apply for this program (i) if at the time of such application, the resident is delinquent in any taxes owed to the Town of Trumbull and (ii) for any grand list year that such resident is also receiving benefits pursuant to the Town's Senior Tax Deferral Relief Program. For the purposes of this program, the hours spent by a resident as an elected or appointed town or government official~~s~~,~~—~~volunteer firefighter~~s~~,~~s~~ or emergency service personnel~~l~~, shall not be included in the determination of total number of requisite hours volunteered by the resident, nor shall any resident employed by the Town be eligible to accrue volunteer hours by providing services to any department or entity of the Town.

(e) *Termination.* This program may be terminated by the Town at any time in the event it is deemed by the Town to be in its best interest to do so.