TOWN COUNCIL

Town of Trumbull

CONNECTICUT

www.trumbull-ct.gov

TOWN HALL
Trumbull, CT

TELEPHONE
452-5005

Council Committees are scheduled to meet in Town Hall as follows:

L&A: Monday, September 24, 2007 at 7:30 p.m.
Finance: Tuesday, September 25, 2007 at 7:30 p.m.
Education: Thursday, September 27, 2007 at 7:30 p.m.

AGENDA NO. 620

I CALL TO ORDER
II MOMENT OF SILENCE
III PLEDGE OF ALLEGIANCE
IV ROLL CALL
V APPROVAL OF MINUTES
VI BUSINESS

DATE: October 1, 2007
TIME: 8:00 P.M.
PLACE: Town Hall

NOTICE is hereby given that the Town Council of the Town of Trumbull, Connecticut will hold a regular meeting on Monday, October 1, 2007 at 8:00 p.m. at the Trumbull Town Hall, for the following purpose:

DISCUSSION ITEM: Trumbull High School Building Committee

1. RESOLUTION TC21-210: To consider and act upon a resolution which would adopt as the Town of Trumbull's policy to support the nondiscrimination agreements and warranties required under Connecticut General Statutes 4a-60(a)(1) and 4a-60a(a)(1), as amended in State of Connecticut Public Act 07-245 and sections 9(a)(1) and 10(a)(1) of Public Act 07-142. (L&A)

2. RESOLUTION TC21-211: To consider and act upon a resolution that would authorize Raymond G. Baldwin, Jr. to sign the agreement entitled "First Supplemental Between the State of Connecticut and the Town of Trumbull for the Construction, Inspection and Maintenance of the Housatonic Railway Rails to Trails Utilizing Federal Funds Under the Enhancement Component of the Surface Transportation Program" and a certification indicating the Council adopts as its policy to support the nondiscrimination agreements and warranties required under the Connecticut General Statutes. (L&A)

3. RESOLUTION TC21-212: To consider and act upon a resolution which would reject an agreement between the Trumbull Board of Education and the Trumbull Administrator's Association for a term beginning July 1, 2008 and ending June 30, 2012. (Education)

4. RESOLUTION TC21-213: To consider and act upon an ordinance which would repeal Article III. Senior Citizen and Disabled Persons Tax Relief Regulations, Sections 18-41 through 18-46 of the Trumbull Town Code and replace it with new language. (Public Hearing Needed) (L&A)

5. RESOLUTION TC21-214: To consider and act upon a resolution which would authorize First Selectman Raymond G. Baldwin, Jr. to execute a memorandum of understanding on behalf of the Town of Trumbull with the State of Connecticut, Department of Emergency Management and Homeland Security for participation in the Fiscal Year 10/1/07 – 9/30-08 Emergency Management Performance Grant program. (L&A)

6. RESOLUTION TC21-215: To consider and act upon a resolution which would abandon the existing easement for road purposes as shown on Lot 2, Parcel 96, house #9 Rocky Hill Road as depicted on record map #3189 on file in the Office of the Trumbull Town Clerk on property now or formerly owned by Heriberto Montanez and Aida Luz Montanez. (L&A)

7. RESOLUTION TC21-216: To consider and act upon a resolution which would appropriate $1,388,300 from the unreserved general fund balance to Rails to Trails Capital Outlay 72-139917-581888. (Finance)

8. RESOLUTION TC21-217: To consider and act upon a resolution which would appropriate $34,496.34 from the unreserved general fund balance to Security Building and Grounds-Sewer Fees 01030023-590017. (FY 06-07) (Finance)

9. RESOLUTION TC21-218: To consider and act upon a resolution which would appropriate $30,502.68 from the unreserved general fund balance to PW Street Lights – Utilities – Street Lights. (FY 06-07) (Finance)

10. RESOLUTION TC21-219: To consider and act upon a resolution which would appropriate $37,314.50 from the unreserved general fund balance to PW Maintenance/Fleet Transportation – Vehicle Repair 01030200-567702. (FY 06-07) (Finance)

11. RESOLUTION TC21-220: To consider and act upon a resolution which would appropriate $11,270.77 from the unreserved general fund balance to Parks – Utilities – Electricity 01080600-590012. (FY 06-07) (Finance)

12. RESOLUTION TC21-221: To consider and act upon a resolution which would transfer $80,807.41 from Contingency 01013800-501116 to various full time salary accounts. (Finance)

13. RESOLUTION TC21-222: To consider and act upon a resolution which would appropriate $52,066.84 from Sewer Retained Earnings to Sewer – Utilities – Electricity 2010000-590012. (FY 06-07) (Finance)

14. RESOLUTION TC21-223: To consider and act upon a resolution which would authorize the Town Attorney to settle a matter known as Robert Lessard v. Town of Trumbull. (L&A)

15. RESOLUTION TC21-224: To consider and act upon a resolution which would appropriate $27,000 from the unreserved general fund balance to Elections 01010800-581888. (Finance)

VII ADJOURNMENT

COPIES OF THE RESOLUTIONS ATTACHED HERETO.

Mark Altieri, Chairman

RESOLUTIONS

1. RESOLUTION TC21-210: BE IT RESOLVED, that the Town of Trumbull's policy to support the nondiscrimination agreements and warranties required under Connecticut General Statutes 4a-60(a)(1) and 4a-60a(a)(1), as amended in State of Connecticut Public Act 07-245 and sections 9(a)(1) and 10(a)(1) of Public Act 07-142 is hereby adopted.

2. RESOLUTION TC21-211: BE IT RESOLVED, that Raymond G. Baldwin, Jr. is hereby authorized to sign the agreement entitled "First Supplemental Between the State of Connecticut and the Town of Trumbull for the Construction, Inspection and Maintenance of the Housatonic Railway Rails to Trails Utilizing Federal Funds Under the Enhancement Component of the Surface Transportation Program" and a certification indicating the Council adopts as its policy to support the nondiscrimination agreements and warranties required under the Connecticut General Statutes.

3. RESOLUTION TC21-212: BE IT RESOLVED, that an agreement between the Trumbull Board of Education and the Trumbull Administrator's Association for a term beginning July 1, 2008 and ending June 30, 2012 is hereby rejected.

4. RESOLUTION TC21-213: BE IT RESOLVED AND ORDAINED, that Article III. Senior Citizen and Disabled Persons Tax Relief Regulations, Sections 18-41 through 18-46 of the Trumbull Town Code is hereby repealed and the following substituted therefor: (See attached)

5. RESOLUTION TC21-214: BE IT RESOLVED, that First Selectman Raymond G. Baldwin, Jr. is hereby authorized to execute a memorandum of understanding on behalf of the Town of Trumbull with the State of Connecticut, Department of Emergency Management and Homeland Security for participation in the Fiscal Year 10/1/07 – 9/30-08 Emergency Management Performance Grant program.

6. RESOLUTION TC21-215: BE IT RESOLVED, that the existing easement for road purposes as shown on Lot 2, Parcel 96, house #9 Rocky Hill Road as depicted on record map #3189 on file in the Office of the Trumbull Town Clerk on property now or formerly owned by Heriberto Montanez and Aida Luz Montanez is hereby abandoned.

7. RESOLUTION TC21-216: BE IT RESOLVED, that $1,388,300 is hereby appropriated from the unreserved general fund balance to Rails to Trails Capital Outlay 72-139917-581888.

8. RESOLUTION TC21-217: BE IT RESOLVED, that $34,496.34 is hereby appropriated from the unreserved general fund balance to Security Building and Grounds - Sewer Fees 01030023-590017. (FY 06-07)

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14. RESOLUTION TC21-223: BE IT RESOLVED, that the Town Attorney is hereby authorized to settle a matter known as Robert Lessard v. Town of Trumbull.

15. RESOLUTION TC21-224: BE IT RESOLVED, that $27,000 is hereby appropriated from the unreserved general fund balance to Elections 01010800-581888.

TC21-213

ARTICLE III. SENIOR CITIZEN AND DISABLED PERSONS TAX RELIEF REGULATIONS

Sec. 18-41. Generally.

The Town hereby enacts tax relief for the elderly and disabled pursuant to Section 12-129n for eligible residents of the Town for the fiscal year commencing July 1, 1978 on the terms and conditions provided herein. Unless otherwise stated, tax relief shall refer to all programs in this article.
(Res. No. TC13-79, § 1, 6-4-90;Res. No. TC20-240, 9-9-05)

Sec. 18-42. Eligibility.

Any person who owns real property in the Town or who is liable for the payment of taxes thereon under G.S. 12-48 and occupies that property as his or her own principal residence, shall be eligible for the real property tax relief set forth in Section 18-43 provided all of the following conditions are met:

1) Age

a) Such person shall be sixty-five (65) years of age or over; or the spouse of such person shall be sixty-five (65) years of age or over; or such person shall be sixty (60) years of age or over and the surviving spouse of a taxpayer who qualified in the Town under this article at the time of his or her death. Said age sixty-five (65) shall occur by the close of the preceding calendar year; or

b) Such person shall be under the age of sixty-five (65) years and shall be eligible in accordance with applicable federal regulations to receive permanent total disability benefits under Social Security, or have not been engaged in employment covered by Social Security and accordingly have not qualified for benefits there under, but 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.

2) Income

The purpose of this ordinance is to provide tax relief based upon the total income available to the applicant(s) in the home without regard to the exclusion of certain income or to certain deductions which might otherwise be allowable by the Internal Revenue Service Code of 1986, as may be amended from time to time. Such person(s) shall have individually, if

unmarried, or jointly, if married, qualifying income in an amount not to exceed limits described below for the tax year ending immediately preceding the application for tax relief benefits. Accordingly, qualifying income is defined as set forth below.

a) Income is the total income in the home shown on line 22 of the current IRS form 1040 [or line 15 of the current IRS form 1040A] plus nontaxable income received from social security plus federally tax exempt interest or other income and includes income paid to or given to the applicant or his or her eligible spouse by persons living in the home.

b) In determining the total income in the home there shall be no allowance for: 1) business losses in excess of business gains [current IRS form 1040 Schedule C or Schedule C-EZ]; 2) losses in excess of gains on current IRS form 1040 Schedule E (page 1 line 17) (rental real estate, royalties, partnerships, S-corps, trusts, etc.); and/or 3) negative income on current IRS form line 21.

c) The reference to current IRS forms shall include comparable data as contained in any revised IRS forms.

d) Where an applicant does not file an IRS form, the information used to calculate total income in the home, shall be the information which would have been included on an IRS form, had one been filed, i.e., SSA-1099; 1099-Div.; 1099-Int.; 1099-R; etc.

e) Each applicant shall sign an affidavit (Town application) and IRS Form 4506, allowing the town to verify the prior two years tax returns, certifying that the information provided with respect to such applicants' total income in the home is true and accurate to the best of the knowledge of the applicant.

f) In the event of a question with respect to income or a claimed exemption of income, or deduction from income, not specifically referred to in this section, the Assessor shall make a determination based upon the purposes of this ordinance. Any dispute on this section, or any other section, may be appealed to the Board of Assessment Appeals.

g) In any case where title to the real property is recorded in the name of the taxpayer or his spouse and/or any other person or persons, the tax relief granted herein shall be prorated to reflect the fractional share of such taxpayer or spouse; and, furthermore, if such property is occupied as a multiple family dwelling, such relief shall be prorated to reflect the fractional portion of such property occupied by the taxpayer.

h) Any person entitled to the tax relief pursuant to this article is required to file biennially for the benefit; however, if the taxpayer's income exceeds or changes under section 18-42, and as set forth under section (2), said person shall be required to reapply.

3) Residency

a) Such person shall have owned real property in the Town for at least one year prior to the start of receiving benefits, i.e. July 1.per G.S. 12-129n and has paid real estate taxes on a

residence to the Town for a period of one (1) year per Section 12-129n prior to his or her application for tax relief.

b) The real property for which the exemption is claimed must be the legal domicile of such person, and such person shall be present in residence therein for at least one hundred eighty three (183) days in each grand list year for which the exemption is claimed. Such claim for exemption shall be for one (1) residence only.

4) Before any tax relief shall be given, such person must first have applied for tax relief under any other state statute under which he or she is eligible.

5) No property tax relief under this article, together with any property tax relief received by such person under all applicable General Statutes of Connecticut, shall exceed, in the aggregate, seventy-five (75) percent of the tax which would, except for the General Statutes and this article, have been laid against the person applying for property tax relief hereunder.

6) The application for tax relief under this article shall have been made by such person after he or she has become eligible to apply therefore.

7) Reimbursement

a) Credit and Freeze: If any person entitled to tax relief sells the property on which the benefit was granted, the purchaser's tax bill for the current year will be increased by a pro rata portion of the tax benefit.. Such portion will be a fraction with the numerator representing the number of days between the closing and the next following June 30, and denominator of three hundred sixty-five (365) days. The result of this provision is to advance the purchaser's repayment liability by approximately nine (9) months as compared with the repayment prescribed for state-funded tax relief provided by G.S. 12-81(a).

b) Deferral: If any person entitled to tax relief sells the property on which the benefit was granted or upon the death of the recipient, all outstanding deferred taxes shall be payable in accordance with applicable tax laws.

8) All benefits shall be reimbursed to the Town upon the death of the recipient or conveyance of the real property subject to taxation in accordance with paragraph (7) of this section.

9) There must be no delinquent taxes as of the close of the application period (May 15) on the real property as of June 30, of the prior year. This will apply to new applicants and at the time of renewal. Current participants will not be grandfathered.

Sec. 18-43. Tax Relief.

1) Tax Credit: For applicants who elect to apply for a tax credit under this article said tax credit shall be on a graduated basis as follows:

TABLE INSET:

Income		
Over	**To**	**Benefit**
$0	$15,000	$1,350
$15,001	$22,000	$1,050
$22,001	$29,200	$815
$29,201	$36,400	$625
$36,401	$43,600	$450
$43,601	$50,800	$325
$50,801	$58,000	$200

(a) Maximum income for each bracket shall increase at the same percentage as the state credit program via an "adder" rounded to the closest $100. The adder will be calculated by subtracting the 2007 State maximum income from $58,000. This adder will then be used to compute our maximum by adding it to the annually published State maximum income for a married applicant. Minimums will be adjusted in the same manner where the upper income limit for the lowest bracket will be subtracted from $15,000 to compute the adder. The town maximum income will be $58,000 for the 08-09 FY thereafter the adder will be used.

2) Deferral:

(a) Benefit shall be a percentage of tax due, less amount received under state elderly tax relief programs and based on length of residency (as defined in Section 18-42 (3)) as determined below:

Length of Residency	Maximum allowable Deferment
1 to 5 yrs	25% Deferred
6 to 9 yrs	50% Deferred
10 yrs and greater	75% Deferred

This will not apply to current recipients as they shall be grandfathered.

(b) All benefits shall be reimbursed to the Town upon the death of the recipient or conveyance of the real property subject to taxation in accordance with paragraph (d) below.

(c) Total deferments for all years shall not exceed the assessed value of the real property.

(d) The recipient shall enter into a written agreement with the Town providing for reimbursement. The amount of such tax Deferral benefit shall be recorded on the land records of the Town and shall constitute a lien on the property payable only upon death or conveyance.

(Res. No. TC13-79, § 3, 6-4-90; Res. No. TC13-255, 9-5-91; Res. No. TC15-183, 9-7-95; Res. No. TC18-20, 3-13-2000; Res. No. TC18-121, 1-11-01; Res. No. TC19-122, 11-13-02)

3) Freeze

a) Any applicant for benefits under the freeze program meeting the eligibility requirements of Sec 18-42, except that the minimum age will be (70), may elect to apply for a freeze under which such applicant shall pay the gross tax levied on applicable property, calculated for the first year the application is granted (the "Freeze Amount") and shall be entitled to continue to pay no more than the Freeze Amount for each subsequent year in which the applicant, or his surviving spouse, continues to meet such qualifications.

b) In the event that the applicant shall make improvements to his property resulting in an increase in his assessment, an amount calculated by multiplying the increase in taxpayer's assessment attributable to the improvement by the mill rate in effect in the year such reassessment takes place shall be added to the Freeze Amount then applicable to obtain a revised Freeze Amount which will be the Freeze Amount for subsequent assessment years.

c) Relief under this tax freeze program will have a cumulative maximum benefit of $1700 per residence. Current participants will not be grandfathered for the maximum benefit.

d) Unless otherwise extended, this tax freeze shall expire after the Grand List of October 1, 2011. Any applicant who has qualified by May 15, 2012 will be allowed to remain in the program even if it is not renewed by the Town.

(Res. No. TC13-79, § 1, 6-4-90; Res. No. TC13-255, 9-5-91; Res No. TC15-183, 9-7-95; Res No. TC18-20, 3-13-00; Res No. TC 18-121, 1-11-01; Res No TC19-122, 11-13-02; Res. No. TC20-164, 11-9-04; Res No. TC20-207, 6-10-05; Res. No. TC20-240, 9-9-05)

Sec. 18-44. Application.

1) Any eligible taxpayer, or his or her authorized agent, shall file an application for tax relief under this article with the Tax Assessor of the Town, between February 1st and through May 15th on a form prescribed and furnished by the Town. In making such application the taxpayer shall present to the Tax Assessor a copy of their federal income tax return for the previous calendar year, or if not required to file a return, such other evidence of qualifying income which the Tax Assessor may reasonably require to establish compliance with the income qualifications provided in sections 18-42 of this article. The applicant, or his or her authorized agent, shall sign a sworn affidavit, in the presence of the Tax Assessor or a member of the Tax Assessor's staff affirming the accuracy of the statements in the application

2) When the Tax Assessor is satisfied that the applying taxpayer is entitled to tax relief under this article, he shall compute the amount of such tax relief or tax deferral and cause a certificate of tax credit to be issued in such form as to permit the Tax Collector to reduce the amount of tax levied against the taxpayer and make proper record thereof, and a copy thereof shall be delivered to the applicant. The tax credit shall be applied proportionately to the tax payments.

3) Any person aggrieved by the decision of the Tax Assessor may appeal to the Board of Assessment Appeals in accordance with the provisions of G.S. 12-111 and 12-112.

4) Affidavits, applications or other documents presented in support of the application for tax relief shall not be open for public inspection and shall not be disclosed except in case of an appeal or in connection with claims of fraud to the proper authorities.
(Res. No. TC13-79, § 4, 6-4-90; Res. No. TC14-216, 10-4-93; Res. No. TC 20-240, 9-9-05)

Sec. 18-45. Effective date and duration.

This article shall apply to the taxes for the fiscal year beginning July 1, 1991 and shall be reviewed thereafter annually during the month of September. Any amendments to section 18-43 shall be effective as of the date set forth in said section.
(Res. No. TC13-79, § 5, 6-4-90; Res. No. TC18-20, 3-13-2000; Res. No. TC18-121, 1-11-01; Res. No. TC 20-240, 9-9-05)

Sec. 18-46. Curtilage.

The tax credit for real property as provided herein shall apply only to the residence itself, the lot on which the residence is located and the improvements thereon. Only that portion of the lot equal to the minimum zoning requirement where the lot is situated shall receive tax credit.
(Res. No. TC13-79, § 6, 6-4-90; Res. No. TC 20-240, 9-9-05).