

RESOLUTION TC30-135

• **ARTICLE IV. - TAX INCENTIVE PROGRAM^[3]**

• **Sec. 18-51. - Definitions.**

Agreement or agreements shall refer to a written tax incentive agreement or written tax incentive agreements between the Town and those applicants granted a business tax incentive under this Ordinance.

Applicant shall mean the current owner of the property or a purchaser that has entered into an agreement to purchase or has proposed to acquire the property applying for the business tax incentive as established by this Ordinance.

Application shall mean such forms as may be created or amended thereafter pursuant to [section 18-53](#) hereof to allow a business property owner to apply for a tax incentive hereunder.

Committee shall mean the Tax Partnership Screening Committee as established by this Ordinance, consisting of the following voting members: The Chairman of the Town Council; two (2) other members of the Town Council appointed on an annual basis by the Chairman; and two (2) members of the Economic and Community Development Commission, appointed on an annual basis by the First Selectman. The Town's First Selectman, Finance Director, Tax Assessor, and Economic and Community Development Director shall be ex officio, non-voting members.

Council shall mean the Town Council of the Town of Trumbull.

Construction cost of improvement or construction costs of improvements shall mean the cost to create new or substantially rehabilitated space for private business activities, the purposes of which are more fully set out in subsection [18-54\(a\)](#) of this Ordinance.

Director shall mean the Economic and Community Development Director of the Town.

Principal shall mean any person or entity that is an owner, member, partner or officer in or of the applicant or property owner.

Program shall mean the Tax Incentive Program as established by this Ordinance.

Project or projects shall mean real estate development projects.

Property shall mean any or all of the real estate parcel, the location, the existing improvements, or the improvements to be constructed as part of the project. Improvements to be constructed includes the rehabilitation of existing structures for retail business use.

Ordinance shall refer to this Tax Incentive Program Ordinance unless otherwise specified.

Town shall mean the Town of Trumbull, Connecticut.

(Res. No. TC26-105, 2-6-17; Res. No. TC26-133, 5-1-17)

- **Sec. 18-52. - Purpose.**

In an effort to make Trumbull more competitive in the region, increase the grand list, encourage the renewal of under-performing properties, and to encourage business expansion that creates new jobs, the Town of Trumbull has adopted this Tax Incentive Program Ordinance, hereinafter referred to as the "Ordinance". Pursuant to Section 12-65b of the Connecticut General Statutes, this Ordinance establishes the requirements and procedure for the Town to grant real estate tax incentives for certain types of real estate development projects, hereinafter referred to as the project or projects, and to enter into written tax incentive agreements, hereinafter referred to as agreement or agreements, with qualifying property owners.

(Res. No. TC26-105, 2-6-17)

- **Sec. 18-53. - Administration.**

The program will be administered by the Economic and Community Development Director of the Town, hereinafter referred to as the Director. The Director shall be responsible for the following:

- (1) The creation of an application form, which may be amended from time to time as requested by the Council or the Committee;
- (2) The maintenance of files including all applications to the Town, whether ultimately approved or not approved, with attendant documentation, filed pursuant to this Ordinance;
- (3) The preparation of any analysis or supporting documentation that may be requested by the Committee, or Council in their consideration of applications;
- (4) The creation of agreements, as contemplated by this Ordinance, working in conjunction with the Town Attorney; and
- (5) All other related tasks as determined by the First Selectman to be necessary for the consideration of applications received by the Town pursuant to this Ordinance.

In the event that the Director's position is vacant, or the Director is otherwise unavailable to administer the program, the First Selectman may elect to administer the

program or may designate another Town employee to administer the program.

(Res. No. TC26-105, 2-6-17)

- **Sec. 18-54. - Minimum requirements and eligibility.**

An applicant shall submit an application to the Director. As part of the application, the applicant shall be required to:

(1) Disclose the names and addresses of all its principals;

(2) Provide a written confirmation from all Town Departments that the applicant and/or the principals are in good standing and are not in violation with any Town's Zoning Regulations, Building Code, or any other ordinance, which shall include, but not be limited to, being a taxpayer in good standing for any and all payments of real property, personal property, or motor vehicle taxes due and payable by the applicant or the principal.

(3) Provide evidence of the applicant's qualifications and current capacity to undertake and complete the proposed project; and

(4) Provide a detailed description of the proposed project that demonstrates it meets the following minimum eligibility requirements, to wit:

(a) The project will create new or substantially rehabilitated space for private business activities, which for the purposes of this Ordinance will include: Office use, retail use, space for permanent residential use in connection with a residential property consisting of four (4) or more dwelling units, manufacturing use, warehousing use, storage use, distribution use, space for information technology equipment, space for telecommunications equipment, mixed-use development as defined in section 8-13m [of the General Statutes], or use by or on behalf of a health system, as defined in section 19a-508c [of the General Statutes] or any combination of the above uses that may be allowed to co-exist pursuant the Town's Zoning Regulations. Home Occupations (as defined by the Trumbull Zoning Regulations), and all other land uses are not eligible tax incentives pursuant to this Ordinance.

(b) The project will constitute an investment in new building or buildings, or building rehabilitation, for which the construction costs shall be documented at completion to be three million dollars (\$3,000,000.00) or greater, which costs of shall not include the purchase of real property or the acquisition of real property by any other means.

(c) The project will locate new, permanent full-time jobs; this requirement shall not be applicable to housing developments.

(d) The project, notwithstanding the tax incentive, will result in an increase in property tax revenues due from the property relative to the tax year immediately preceding the approval of the tax incentive. The Council may waive this requirement by resolution if the project involves demolition of a structure that: 1) The applicant represents and 2) the Committee determines is functionally obsolete; or the project remedies conditions of significant blight or other symptoms of abandonment on the property that the Committee determines were caused by the neglect of a previous owner of the property.

(e) The project will be compatible with the Town's Plan of Conservation and Development at the time application is made and, if applicable, any housing choice plans in effect at the time application is made.

(f) The applicant is the current owner of the property or can offer definitive evidence that it has entered into an agreement to purchase the real property to be developed for the project.

(g) Unless otherwise provided in the agreement and approved by the Council, the project's construction will commence within twelve (12) months of the Council's approval, and shall be completed within twenty-four (24) months of the Council's approval, unless the time frame for completed construction of the project is stated to be more than twenty-four (24) months at the time the application is approved. In the event that the project's construction is not commenced and/or completed within the time frame specified in the Council's approval or the agreement, then any approval granted by the Council shall terminate and the full amount of the tax (including accrued interest) that would otherwise be due shall immediately become due and payable, unless otherwise authorized by an action of the Council or in the agreement, allowing the applicant an extension of time to cure such failure to commence or complete construction.

(h) The project and property owner or principal of property owner shall remain in good standing with the Town, shall not be delinquent on real estate, personal property or motor vehicle taxes, and shall not be in violation of the Town's Zoning Regulations, Building Code, or any other ordinance, statute or code, that may be applicable to the project or the property. If payment of annual real estate taxes is not made within thirty (30) days of the real estate taxes becoming due and payable, the Town may elect to revoke any tax incentive for the current year and the project and property will be subject to the normal assessment and levy practices of the Town for that year. If payment of annual real estate taxes is not made within sixty (60) days of the real estate taxes becoming due and payable the Town, by resolution adopted by the Council, may elect to terminate the Tax Incentive Agreement and the project and property will be subject to the normal assessment and levy practices of the Town on a going-forward basis. If a project or property is found to be in violation of a zoning regulation, building code or any other ordinance, statute or code, and the applicant or owner fails to remedy the violation within sixty (60) days' notice from the Town, the Town acting through the First

Selectman, may elect to terminate the agreement.

(i) Council approval under this Ordinance must be obtained prior to the initial application for a Building Permit for the project.

(j) Council approval of a tax incentive pursuant to this Ordinance shall be made at its sole and absolute discretion.

(k) Any applicant, which for purposes in this subsection shall include any owner, member, principal, partner or officer in or of the applicant or property owner, who is delinquent in any real estate, personal property or motor vehicle taxes, interest or liens that are due to the Town, shall be ineligible to enter into any such agreement or receive any benefit pursuant to this Ordinance until such delinquencies or liens are remedied.

(Res. No. TC26-105, 2-6-17; Res. No. TC26-133, 5-1-17)

- **Sec. 18-55. - Tax incentive schedule.**

(a) Subject to the approval of the Council and the execution of an agreement, for a proposed project with a construction cost of improvements of three million dollars (\$3,000,000.00) or more, the taxable assessment of the project's real property improvements will be reduced by percentages of the normal assessment for the years subsequent to the completion of the project not to exceed the percentages listed in the following table:

1. Year One (1): Seventy percent (70%);
2. Year Two (2): Sixty percent (60%);
3. Year Three (3): Fifty percent (50%);
4. Year Four (4): Forty percent (40%);
5. Year Five (5): Thirty percent (30%);
6. Year Six (6): Twenty percent (20%);
7. Year Seven (7): Ten percent (10%).

The agreement will specify the Grand List years for which the fixing of the taxable assessment will occur; but, in no event, shall the abated tax, in any abatement year, resulting from this program be less than the taxes which were paid on the property prior to the approval by the Council of the Tax Incentive Schedule.

(b) For a project with a construction cost of improvements greater than fifteen

million dollars (\$15,000,000.00), an applicant may request a Tax Incentive Schedule that is different than provided for in paragraph (a) of this section. Such Tax Incentive Schedule may reduce the assessment of the real property, and all improvements thereon or therein and to be constructed thereon or therein for a period of up to ten (10) years commencing, for all or each portion of the project, on the October 1 grand list of the Town following the Town's issuance of a temporary or permanent certificate of occupancy for all or each portion of the project. Such a request must be accompanied by a full disclosure of the finances of the proposed project, including, but not limited to, as applicable: real property acquisition costs, pre-development cost estimates, construction cost estimates, financing assumptions, rental or other income assumptions, and post-construction property operating cost estimates. Pursuant to this paragraph, the Director, the First Selectman, the Committee or the Council may retain outside expertise to evaluate and analyze the financial information provided, and may request that the applicant pay the reasonable costs of the outside expertise as a requirement of the application review process. Such a determination shall be made at the sole and absolute discretion of the Council. In no event shall the abated tax, in any abatement year, resulting from this program be less than the taxes which were paid on the property prior to the approval by the Council of the Tax Incentive Schedule.

(c) In the case of an applicant who can demonstrate a strong benefit to the town and the need for a longer abatement period, the applicant may request a Tax Incentive Schedule that is different than provided for in paragraph (a) of this section. Such Tax Incentive Schedule may reduce the assessment of the real property, and all improvements thereon or therein and to be constructed thereon or therein for a period of up to twenty (20) years commencing, for all or each portion of the project, on the October 1 grand list of the Town following the Town's issuance of a temporary or permanent certificate of occupancy for all or each portion of the project. Such a request must be accompanied by a full disclosure of the finances of the proposed project, including, but not limited to, as applicable: real property acquisition costs, pre-development cost estimates, construction cost estimates, financing assumptions, rental or other income assumptions, and post-construction property operating cost estimates. Pursuant to this paragraph, the Director, the First Selectman, the Committee or the Council may retain outside expertise to evaluate and analyze the financial information provided, and may request that the applicant pay the reasonable costs of the outside expertise as a requirement of the application review process. Such a determination shall be made at the sole and absolute discretion of the Council. In no event shall the abated tax, in any abatement year, resulting from this program be less than the taxes which were paid on the property prior to the approval by the Council of the Tax Incentive Schedule.

(Res. No. TC26-105, 2-6-17)

- **Sec. 18-56. - Application procedure.**

- (a) An applicant shall apply for a tax incentive pursuant to this Ordinance in

writing to the Economic and Community Development Director on such application forms provided by the Economic and Community Development Office. The applicant shall provide all required information in sufficient detail to allow the Council to determine costs and benefits associated with the implementation of the requested tax incentive.

(b) Upon receipt of the completed application the Economic and Community Development Director shall refer the application to the Committee, which shall convene at the request of the First Selectman. The Committee will review an application for eligibility, completeness and appropriateness, including the criteria provided in [section 18-54](#), minimum requirements and eligibility. Applicants will be notified within fourteen (14) calendar days of any deficiencies in the application submission, or the Committee's need for additional information from the applicant related to the project. Within thirty (30) days of its receipt of the application, the Committee will submit a recommendation and written analysis to the Council for its consideration.

(c) The Committee may, if it deems necessary, request a determination from the Town Land Use Planner if the proposed project is compatible with the Town's Plan of Conservation and Development.

(d) The Council, in its sole discretion, may:

(1) Approve the tax incentive with those terms requested in the application; or

(2) Approve the tax incentive with modifications or conditions to those terms requested in the application; or

(3) Deny the application;

acting within sixty (60) days from the date of the first regularly scheduled meeting at which the referral from the Committee appears on the Council's agenda. Granting of the tax incentive shall require a majority vote of the Council among those present and voting. The Council's decision shall be in its sole and absolute discretion and conform with applicable provisions of the Connecticut General Statutes, while considering both the information and request provided in the application package, and the recommendation provided by the Committee.

(e) The Council may elect to require, as a condition of its approval, that any agreement entered into pursuant to this Ordinance contain a provision that the applicant provide full documentation of the construction costs of the project upon the project's completion. In the event that an agreement requires such documentation to occur within a specified timeframe, and it does not occur, the agreement will provide for the First Selectman to take any and all necessary actions to terminate the agreement.

(Res. No. TC26-105, 2-6-17)

- **Sec. 18-57. - Agreement.**

(a) Pursuant to the Council's resolution to approve a tax incentive, the First Selectman will be authorized to enter into a Tax Incentive Agreement with the applicant.

(b) The agreement shall only apply to real estate property taxes, and shall not apply to personal property taxes, or motor vehicle taxes.

(c) Fees associated with obtaining local permits or licenses of any type shall not be abated, waived, reduced, forgiven or deferred pursuant to this Ordinance.

(d) All terms of the Tax Incentive Agreement entered into between the applicant and Town pursuant to this program shall be drafted, amended and/or otherwise prepared at the sole and absolute discretion of the Town.

(Res. No. TC26-105, 2-6-17)

- **Sec. 18-58. - Transferability.**

Tax Incentive Agreements entered into pursuant to this Ordinance shall not be subject to assignment unless:

(a) The assignee is identified and the transaction is specifically provided for in the Council's original approval of the tax incentive; or

(b) The assignment is approved by a subsequent action of the Council.

In the event it is determined that an assignment, transfer and/or sale not specifically provided for by the Council has occurred the agreement shall terminate effective on the date of the assignment, transfer and/or sale, and the full amount of the real estate taxes that would otherwise be due to the Town shall immediately become due and payable, and shall be a Municipal Tax Lien as provided for in Chapter 205 [Sections 12-171—12-195h] of the Connecticut General Statutes. In this event, nothing herein or contained in any agreement entered into pursuant to this Ordinance shall be interpreted as preventing the Town from applying the normal assessment and levy practices of the Town in regard to current or future property taxes due from the project or property, or outstanding interest and/or lien fees applicable thereto.

(Res. No. TC26-105, 2-6-17)

- **Sec. 18-59. - Town Council authority.**

Nothing in this Ordinance shall require the Council to approve any tax incentive agreement.

(Res. No. TC26-105, 2-6-17)

RESOLUTION APPROPRIATING \$31,750,000 FOR THE PLANNING, DESIGN, DEMOLITION, CONSTRUCTION, RENOVATION, EQUIPPING AND FURNISHING OF A NEW SENIOR CENTER AND AUTHORIZING THE ISSUANCE OF \$31,750,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

RESOLVED:

Section 1. The sum of \$31,750,000 is hereby appropriated by the Town of Trumbull, Connecticut (the "Town") for the planning, design, demolition, construction, renovation, equipping and furnishing of a new Senior Center, as more fully set forth in that certain conceptual plan entitled "Proposed New Senior/Community Center Grace Church Property", dated February 12, 2025, prepared by Quisenberry Arcari Malik (QA+M Architecture) and the corresponding Detailed Budget Scope of Work, dated March 12, 2025, prepared by PAC Group LLC, as amended from time to time, and related costs, including, but not limited to: expenses related to architectural and advisory services, engineering, oversight, permitting, topographic surveys, environmental and geological testing and remediation, installation of utilities, telephone and communication, heating, ventilation, air conditioning upgrades, ADA and other code compliance upgrades, mechanical, data, computers, technology, life safety and security upgrades, communication systems and other infrastructure improvements, hazardous materials assessment, testing and components abatement, roofing, doors, frames and hardware, windows, flooring, painting, fire protection, plumbing, electrical upgrades, site improvements, earth work, site work, materials, furniture, fixtures, equipment, construction, reconstruction and improvement of parking areas, sidewalks, driveways and roads, installation of storm drainage facilities and sanitary sewerage systems, landscaping, vehicular circulation, temporary parking and storage, and legal, consulting, licensing, advertising, administrative, printing, governmental fees and expenses and costs of issuance related thereto, said appropriation being inclusive of any and all State and Federal grants-in-aid thereof (the "Project").

Section 2. To meet said appropriation, \$31,750,000 bonds of the Town or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the maximum maturity permitted by the General Statutes of Connecticut, Revision of 1958, as amended from time to time (the "Connecticut General Statutes"). Said bonds may be issued in one or more series as determined by the First Selectman and the Town Treasurer, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient, with other funds available for such purpose, to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, financing, legal and other costs of issuance of such bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the First Selectman and the Town Treasurer, bear the Town seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Hartford, Connecticut. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent and paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds, including the approval of the rate or rates of interest, shall be determined by the First Selectman and the Town Treasurer, in accordance with the Connecticut General Statutes.

Section 3. Said bonds shall be sold by the First Selectman and the Town Treasurer, in a competitive offering or by negotiation, in their discretion. If sold in a competitive offering, the bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, the purchase agreement shall be approved by the First Selectman and the Town Treasurer.

Section 4. The First Selectman and the Town Treasurer are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the First Selectman and the Town Treasurer, have the seal of the Town affixed, be payable at a bank or trust company designated by the First Selectman and the Town Treasurer, be approved as to their legality by Robinson & Cole LLP, Hartford, Connecticut and be certified by a bank or trust company designated by the First Selectman and the Town Treasurer, pursuant to Section 7-373 of the Connecticut General Statutes. The notes shall be issued with maturity dates which comply with the provisions of the Connecticut General Statutes governing the issuance of such notes. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Project. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. The Town hereby expresses its official intent pursuant to Section 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and any time after the date of passage of this resolution in the maximum amount of the Project with the proceeds of bonds, notes, or other tax-exempt obligations ("Tax-Exempt Obligations") authorized to be issued by the Town. The Tax-Exempt Obligations shall be issued to reimburse such expenditures not later than eighteen (18) months after the later of the date of the expenditure or the substantial completion of the Project, or such later date the Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or her designee is authorized to pay Project expenses in accordance herewith pending the issuance of the Tax-Exempt Obligations.

Section 6. The First Selectman and the Town Treasurer are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board (the "MSRB") and to provide notices to the MSRB of certain events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution. Any agreements or representations to provide information to MSRB made prior hereto are hereby confirmed, ratified, and approved.

Section 7. The First Selectman and the Town Treasurer, or either of them, are hereby authorized, on behalf of the Town, to enter into any other agreements, instruments, documents, and certificates, including tax and investment agreements, for the consummation of the transactions contemplated by this resolution. The First Selectman and the Town Treasurer, or either of them, are hereby authorized, on behalf of the Town, to apply for and accept any and all Federal and State loans and/or grants-in-aid of the Project, to expend said funds in accordance with the terms hereof, and in connection therewith to contract in the name of the Town with engineers, contractors, and others.