

Town of East Hampton
TOWN COUNCIL REGULAR MEETING
TUESDAY, FEBRUARY 10, 2009 – 6:30 P.M.
EATON E. SMITH MEETING ROOM – TOWN HALL

AGENDA

(All items on this agenda are subject to possible action)

1. Call to Order & Pledge of Allegiance
2. Approval of Minutes
 - A. Town Council Regular Meeting, January 27, 2009
3. Student Reports
 - A. Middle School
 - B. High School
4. Special Presentation
 - A. Recognition of Retiring Police Sergeant Michael Fitzpatrick
5. Public Remarks
6. New Business
7. Old (Continued) Business
 - A. Proposed Supplemental Appropriations Ordinance Change
 - B. Street Name Clarifications
 - C. Adopt Recommendations of Functional Assessment Study
8. Report of Town Manager
 - A. Main Street Bridge Update
9. Appointments
10. Liaison Reports
 - A. Water Development Task Force
 - B. Facilities Implementation Task Force
11. Resolutions/Ordinances/Policies/Proclamations
 - A. Approval of Senior Tax Relief Ordinance
12. Financial Transactions
13. Tax Refunds
14. Bids & Contracts
 - A. Contract Award for CDBG Grant Assistance
 - B. Contract Award for Affordable Housing Incentive Grant Study
15. Communications, Correspondence & Announcements
16. Coming Up
17. Public Remarks
18. Reserved
19. Adjournment

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Town of East Hampton
 Town Council Regular Meeting
 Tuesday, January 27, 2009
 Eaton E. Smith Meeting Room – Town Hall

Minutes

Present: Chairperson Melissa Engel, Vice Chairman Thomas Cordeiro and members, William Devine, Christopher Goff, Scott Minnick, John Tuttle and Susan Weintraub. Also present were Town Manager Jeffery O'Keefe, Recording Secretary Cathy Sirois, members of Boards and Commissions, citizens and members of the press.

Call to order and Pledge of Allegiance: Chairperson Engel called the regular meeting to order at 6:30 p.m. All stood to recite the Pledge of Allegiance.

Approval of Minutes:

A motion was made by Mr. Cordeiro, seconded by Mr. Goff to approve the minutes of the following meetings with one spelling correction to the Regular Meeting minutes, voted (6-0-1) Mr. Devine abstained as he was not present at the January 13th meetings:

- Town Council Special Meeting, January 13, 2009
- Town Council Regular Meeting, January 13, 2009

Student Reports:

Brandon Goff, Middle School liaison, reported that six students from Student Council went to a leadership conference in Hamden at Quinnebaug University. The basketball teams end their season February 3rd. The Pennies for Patients program has begun. The Middle School is the third highest collecting school in the state out of 180 schools. Last year they raised \$1,800.00. Brandon has proposed a community service program at the Middle School for elderly and disabled citizens. The Principal will discuss the opportunity.

Eric Harper, High School liaison, reported that the High School is still in winter sports stage. On Inauguration day television screens were set up for students to be able to view the inauguration. Mid-terms ended on Monday, January 26th. The 8th grade students visited the high school on Monday for an orientation on high school life. A dance sponsored by the freshman class was held on Friday, January 23rd.

Special Presentations: Scott Ekman of Ekman Consulting presented the report on the Functional Assessment of Boards and Commissions. The report was posted to the East Hampton town website on Friday, January 23rd. Mr. Ekman noted that the findings in the reports are themes, not individual comments. He reviewed the processes that occurred to provide this report. He then walked through each section of the report. The Council discussed various aspects of the recommendations. Another council meeting will be held regarding this report before any portion of the recommendations are voted on. Several of the boards and commissions mentioned in the report will be invited before Council to give presentations.

Public Remarks:

Elizabeth Harris, 112 Middle Haddam Road and Chair of the Streetscape Steering Committee, commented that two years ago the Streetscape Committee was advised to stay out of the budget for the Streetscape grant. She also noted that the Committee was told to overdesign since the town was looking toward a multi year and multi phase plan. The construction management was clearly stated in the consultant's contract and scope as not included in the grant budget. The Committee scrutinized invoices and the scope last week. Ms. Harris will be meeting with the Town Manager next week.

John Jordon, 11 Clearwater Lane and Vice Chair of the Lake Commission, clarified some information from the recommendations of the functional assessment of boards and commission. Mr. Jordan would like to know what other commission has provided public education programs other than the

Lake Commission. He noted if anyone is to be eliminated from any board that they retain someone qualified to do the training that has been done by the Lake Commission. He commented that enforcement is non-existent. Also, in regard the Ethics Commission it should be independent of any commission.

Scott Sanicki, 102 Quiet Woods Road, had mentioned at earlier Council meetings about having the council packets available to the public. He has not seen any progress on that issue. He stated that the functional assessment of boards and commissions should have been available for the meeting. He would like to have a packet for the meeting. It was noted that the document was available on the website).

Tom Wells, North Main Street and member of the Lake Commission, reviewed past efforts of the Conservation Commission and the lake. He commented that combining the Lake Commission and Conservation Commission would result in the lake effort going to zero.

Laurie Wasilewski, Hog Hill Road, noted that she did not see the Functional Assessment of Boards and Commissions on the website. She would like to have copies at the meeting. She also commented that in other towns they are now forming the groups that the town is considering combining into one. She sees the formation of these groups as moving forward.

Mary Ann Dostaler, 56 William Drive, member of the Redevelopment Agency and past Chair of EDC, provided some historical references regarding EDC. She noted that in the past it was recommended by EDC to create the current entities due to time constraints and level of expertise needed for these Commissions. She also noted that she appreciates the work done by Ekman Consulting but is concerned as a taxpayer that the contract stated that the project would not exceed \$7500 and having the consultant come back to present the report would cost extra.

John Ciriello, 30 Childs Road and Chair of the Lake Commission, commented that the report has good comments regarding communication needs. The Lake Commission has liaisons to all commissions related to the lake. He noted that the lake is impaired and takes a tremendous amount of work. He is concerned that the Conservation Commission is concerned with open space and maps and not the lake and lake watershed.

Irene Curtis, 13 Wangonk Trail and member of the Lake Commission, commented that there are some good points in the report regarding communications. She is very impressed with those that want to volunteer their time. She commented on all of the things that the Lake Commission does but does not feel it coincides with the Conservation Commission.

Kyle Dostaler, 56 William Drive, commented that there are some points that should be implemented in the report. He commented on the number of boards, commissions and agencies indicating that if the task forces and committees and were pared down the town would be down to 18. He also commented that the major part of the work and expense of the Ethics Commission has been completed. Going forward there most likely won't be increases in cost unless there is a case. Mr. Dostaler also commented on the statement on page 9 regarding distrust and conspiracy theories noting that if the Ethics Commission the distrust in town will most likely grow. In regard to not getting rid of people, this will happen if boards are combined since not everyone would continue on the boards. Lastly, the Lake Commission was created for a specific purpose and the only sunset date for the Lake Commission is when the lake is cleaned up.

Kimberley Fontaine, 4 Railroad Avenue and member of the Economic Development Commission, commented that the office of legislative research reported that municipalities may adopt a code of ethics or create a board. Ms. Fontaine referred to the FOI requirements for minutes and noted Brownfields should be required to post minutes. Regarding the Design Review Board, she asked if the consultant had access to the Plan of Conservation and Development. The POCD recommended forming a Design Review Board. She commented on lake associations and groups of this kind. She noted that Redevelopment Agencies can obtain different grants and funding that other groups cannot obtain. Also, as a member of EDC, she commented on the volume of work that would be created if

the groups were combined. She agrees that changes need to be made and looks forward to a structure being created where the groups work in tandem as the groups do not work for the community as they are structured now.

Tom Wells, North Main Street, commented on the Columbia Lake Commission. He noted that the commissions should use their ordinance as a means to see what work is in their purview.

Kimberley Fontaine, 4 Railroad Avenue, thanked Mr. O'Keefe for beginning this process of review the boards and commissions and feels it is absolutely necessary.

The Council broke for a 5 minute recess at this point in the meeting.

Chairperson Engel read portions of a letter from the Chair of the Ethics Commission, James Scroggins.

New Business:

Introduction of New Director of Public Works: Mr. O'Keefe introduced Keith Hayden as the new Director of Public Works who will begin work on February 9th. Mr. O'Keefe provided a review of Mr. Hayden's background which includes being a registered civil engineer. Mr. Hayden thanked the group and noted that he is excited to begin work. He also commented that he is impressed with the quality of the town staff and the professionalism of the individuals he met during his interviews.

Old (Continued) Business:

Senior Tax Initiative: Mr. Goff reviewed the two senior tax options that were presented for approval to the Board of Finance. One program was not recommended by the Board of Finance and cannot be voted on by Town Council. This program was a line item of \$10,000 that would have been distributed proportionally amongst eligible seniors. The program that was approved by the Board of Finance is a property tax freeze program. Qualifying senior homeowners can elect to have their taxes deferred, the program is voluntary. The deferred taxes will be repaid to the Town in full with 0% interest when the property is sold or the estate is settled. Deferred taxes can be repaid at any time without a penalty. A motion was made by Mr. Tuttle, seconded by Mr. Minnick, to send the property tax freeze ordinance to a public hearing. Voted (5-2) Mr. Cordeiro and Ms. Engel against.

Proposed Supplemental Appropriations Ordinance Change: The Council reviewed the proposed changes to the "Additional Appropriations" ordinance 45-3 and the "Exemptions" ordinance 117.4 as recommended and approved by the Board of Finance. The Board of Finance brought this change to Council to revisit the wording as there were questions with the word "recommendation". A motion was made by Mr. Minnick, seconded by Mr. Devine, to table this item to the February 10, 2009 Town Council meeting. Voted (5-2) Ms. Engel and Mr. Cordeiro against.

Report of the Town Manager:

Water Tower Property: Mr. Minnick questioned what else the funds from the grant for the water tower property can be used for such as construction? Mr. O'Keefe provided a chronology of the Small Cities Grant and a Small Cities Monitoring Review. The grant funds must be used by April, 2009. Mr. Grzyb will be putting the additional work out to bid for this project so the project can be completed by April.

Appointments: On behalf of the Appointments Sub Committee, Mr. Cordeiro proposed the following appointments:

Parks & Recreation Advisory Board

1. Tim Csere – reappointment through December 2011
2. Mark Vickery – reappointment through December 2011
3. Leonard Herous – appointment through December 2011
4. Daniel Roy – appointment through December 2011

Lake Commission

1. Jack Solomon – reappointment through December 2012
2. Mark Habledank – appointment through December 2012

Planning & Zoning Commission

1. Ray Zatorski – reappointment through December 2013
2. Mark Philhower – reappointment through December 2013
3. Richard Gosselin – appointment from alternate to full member through December 2013

Conservation Commission

1. Mark Niosi – appointment through June 2009

A motion was made by Mr. Devine, seconded by Mr. Tuttle, to approve the appointments listed above. Voted (7-0).

Liaison Reports:

Clean Energy Task Force: Mr. Tuttle reported that the next meeting is February 12th. There will be a presentation at that meeting on wind turbines. The 20% by 2010 initiative has 85.5 signed up for the clean energy option. There is an event on March 21st at St Clements Castle. St Clements foundation is hosting residents from East Hampton and Portland in conjunction with the Portland Clean Energy Task Force. A number of companies have been invited to attend. Lastly from the Clean Energy Task Force, Dan Olsen will be a guest speaker on February 11th at the PACE (People's Action on Clean Energy) meeting at Flemig Farm in West Simsbury at 7:30pm.

Mr. Minnick submitted a request from Andy Bauer of the Portland Clean Energy Task Force that the Clean Energy Task Forces in East Hampton and Portland join forces. Mr. Tuttle noted that he will discuss this at the next Clean Energy Task Force meeting.

Mr. Tuttle reported that the Board of Education met on Monday, January 26th where Friar Associates had a facilities workshop to discuss the facilities progress. Also, the Board of Education approved a football program. In 2010 students will play with the students from Vinal Tech. The program will be funded by the boosters. The Board of Education will be having a budget workshop on February 2nd and 3rd at the Middle School at 5:30pm. Copies of the budget will be put into the council member's mailboxes.

Mr. Goff reported on the Economic Development Commission meeting. He noted that during the construction of the Main Street bridge a couple of businesses have closed. EDC discussed any options that the town could do in terms of compensation.

Mr. Goff has had discussions with Eileen Daily. She would like to be invited to the next Tri Board Meeting.

Regarding the Main Street Bridge, Mr. O'Keefe reported that the pile of dirt will be removed. CLA Engineers will be setting up a meeting regarding passable traffic dates.

Ms. Weintraub reported that the Housing Authority has gotten approval from CHFA to stratify their rent for vacant units. They were at \$125 per month, it will go to \$250 per month. This will not affect those currently paying \$125 per month. There are 3 on the waiting list.

Ms. Engel reported that the Water Development Task Force has met in Executive Session to discuss possible property options for the water project

Resolutions/Ordinances/Policies/Proclamations: None

Financial Transactions: None

Tax Refunds:

A motion was made by Mr. Goff, seconded by Mr. Cordeiro, to approve tax refunds in the amount of \$1,676.34. Voted (7-0).

Bids and Contracts: None

Communications and Announcements: None

Public Remarks:

Laurie Wasilewski, Hog Hill Road, commented that several months ago she discussed a stray dog issue and asked about the additional animal control officer position. She related another incident that occurred on Christmas Day at Food Bag regarding a dog running loose in the road. The staff at Food Bag was told there was no animal control officer on duty. She is concerned and asked why there is no coverage. Mr. O'Keefe noted that part of the issue may be a dispatch not following proper protocol. The police chief is looking into this issue. The town does have two part time positions filled. Ms. Engel asked Mr. O'Keefe to look into the possibility of three part time animal control officers. Ms. Wasilewski also commented on the fabulous staff at the library. In speaking with the staff they noted that when budget time comes around they always get cut. Lastly, Ms. Wasilewski commented that she would like to see the Water Development Task Force and Facilities Implementation Task Force meetings held in the evening so more public can attend.

Ted Hintz, Chair of the Board of Finance, noted that the he does not believe the Library budget has not been cut for three years.

Scott Bristol, Chair of the Redevelopment Agency and member of the Brownfields Steering Committee, commented that he strongly disagrees with Brownfields, Redevelopment and Design Review Board being rolled into EDC. Regarding minutes for Brownfields, the group does not take votes. He noted that in 1976 there was legislative ruling that they do not need minutes. He also asked if the Town has taken title to the Water Tower property and the possibility of issues related to the Transfer Act. This will be discussed with Mr. O'Keefe.

Patience Anderson, 17 Anderson Way, asked how the recommendations from Ekman Consulting will be handled. Ms. Engel noted there will be additional meetings prior to decisions being made.

Mary Ann Dostaler, 56 William Drive, would like to be informed of the total amount expended for Ekman Consulting. She asked if it is expected to exceed \$7,500. Mr. O'Keefe noted that the funds are coming from the Town Manager's budget.

Bunny Simko, Long Hill Road, asked if the five benchmark towns reviewed by the consulting firm have the same form of government as East Hampton. The Council noted that not all have Manager/Council form of government. She has a concern that some of the communication issues arise because of the change in power every two years.

Reserved: None

Adjournment:

A motion was made by Mr. Devine, seconded by Mr. Cordeiro, to adjourn the meeting at 10:20 p.m. Voted (7-0).

Respectfully submitted,



Cathy Sirois
Recording Secretary

**TOWN OF EAST HAMPTON
AGENDA REPORT**

Town Manager Approval: _____



Item to be presented by: Jeffery J. O'Keefe

DATE: February 10, 2009

SUBJECT: Proposed Changes to "Additional appropriations" ordinance 45-3, and the "Exemptions" ordinance 117.4

DEPARTMENT: Town Managers Office

RECOMMENDED ACTION

1. Review the proposed changes to the "Additional appropriations" ordinance 45-3, and the "Exemptions" ordinance 117.4 as recommended and approved by the Board of Finance by a vote of 7 – 0 at their January 20, 2009 meeting. The proposed changes are attached.
2. Based on a comment made by a councilmember concerning section 5.2 of the Town's Charter, the Town Attorney took another look at the proposed change as proffered by the board of finance and determined that ordinance 45-3 (prior to any revisions even being made) does not align properly with section 5.2 of the Town Charter (see letter to Town Manager dated February 5, 2009).
3. Based on new discoveries by the Town Attorney staff recommends the item be referred back to the Board of Finance.

BACKGROUND

There has been discussion between the Board of Finance, the Town Council and the Town Managers office to revise the "Additional appropriations" ordinance 45-3, and the Exemptions ordinance 117.4 the proposed changes are attached.

The proposed changes were being recommended by the Board of Finance to clarify the existing language as it related to the word "recommended."

Based on a comment made by a councilmember concerning section 5.2 of the Town's Charter, the Town Attorney took another look at the proposed change as proffered by the board of finance and determined that ordinance 45-3 (prior to any revisions even being made) does not align properly with section 5.2 of the Town Charter (see letter to Town Manager dated February 5, 2009). The Town Attorney has offered suggested changes to the ordinance which would address these matters (see letter to Town Manager dated February 5, 2009).

AGENDA ITEM: _____

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ALTERNATIVE ACTIONS

Council could make recommendation to proceed with the ordinance change and schedule the public hearing for same. Other direction as determined by Town Council.

FISCAL IMPACT

None

EH: Clerks Office

AGENDA ITEM: _____

**TOWN OF EAST HAMPTON
AGENDA REPORT**

Town Manager Approval:



Item to be presented by:

Jeffery J. O'Keefe

DATE: February 10, 2009

SUBJECT: Street Name Clarifications

DEPARTMENT: Town Managers Office – Public Works

RECOMMENDED ACTION

Clarify the street names for three streets in Town and adopt the spelling as indicated in the Town Assessors office.

BACKGROUND

There are 3 street names that have spelling issues and have often caused confusion for Towns folk. They are:

Colley Brook Rd vs Collie Brook Rd The Assessor has it as **Colley Brook Rd**

Days Point Rd vs Day Point Rd The Assessor has it as **Day Point Rd**

Spellmans Point Rd vs Spellman Point Rd The Assessor has it as **Spellman Point Rd**

The spellings need to be clarified and something placed on the Land Records. We have, in the past, looked each of them up and they are listed both ways in the Land Records.

Town Hall often receives calls about the confusion in the spelling of these street names. The most recent on February 2, 2009.

ALTERNATIVE ACTIONS

To be determined by Town Council.

FISCAL IMPACT

Cost of changing out street signs

**TOWN OF EAST HAMPTON
AGENDA REPORT**

Town Manager Approval: _____



Item to be presented by: Jeffery J. O'Keefe

DATE: February 10, 2009

SUBJECT: Functional Assessment of Towns Boards, Commissions and Committees

DEPARTMENT: Town Managers Office

RECOMMENDED ACTION

The following recommendations from the functional assessment study, as revised at the February 5, 2009, special council meeting are still under consideration.

Staffs recommendation is that we:

- 1) Do not disband the Ethics Commission
- 2) Combine Brownfields and Redevelopment into a new "***Brownfields Redevelopment Agency***"
- 3) Have the Town Manager work directly with a few members of the design review board, a member from EDC, a member from P & Z, ZBA, the planning administrator and other selected members (TBD) to institutionalize an internal town hall design review committee to review all developer applications prior to their submittal to P & Z for final site plan approvals. The current design review board guidelines (once fully adopted) would become the standard in which developer applications would be reviewed by this internal design review committee. Once this internal committee is fully functioning, the current Design Review Board would be sunset.
- 4) Combine the Conservation and Lake Commissions into a "***Conservation & Lake Commission***"
- 5) Sunset the Streetscape Committee in the spring when the project is fully completed
- 6) Adopt and implement all of the operational recommendations of the study.

Direct the Town Manager to work directly with those commission chairs affected by the structural change as well as with other selected town staff members to begin the process of modifications to ordinances and to develop the process to implement both the adopted organizational and operational recommendations.

BACKGROUND

An organizational assessment as to the functioning, efficiency, communication, interdependency, redundancy, procedural oversight and staffing of the numerous Towns Boards, Commissions and Committees was conducted by Ekman Consulting.

On February 5th a special council meeting was held to discuss these recommendations further.

The full intent of these recommendations is based on the desire to improve communications between commissions, between town hall staff and Town Council. This new realignment of commissions would

AGENDA ITEM: _____

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insure that a “professional” staff member, with the required experience in the topical areas, is assigned permanently to these respective commissions. It will insure that the cross functioning communication needed between town staff, town commissions and town council is in place and is productive. Furthermore, these changes will allow a consistent staff member to be appropriately assigned in their functional areas without mandating they staff three or four commissions at a time. Town Hall does not have the resources to staff, in an effective & efficient manner, all of these commissions as they exist today. Nor does it appear that the Town will be in any position to “hire” or expand the needed staff anytime soon.

Lastly, and most importantly, no existing commission volunteer would be let go or displaced from any of their current functions, unless they choose to do so themselves. The work each of them is doing is greatly appreciated, will continue, their roles will be strengthened and supported, and communications between groups, town staff and town council will be expressly improved.

ALTERNATIVE ACTIONS

Other direction as determined by Town Council.

FISCAL IMPACT

Not know at this time

EH: Clerks Office

**TOWN OF EAST HAMPTON
AGENDA REPORT**

Town Manager Approval:



Item to be presented by:

Jeffery J. O'Keefe

DATE: February 10, 2009

SUBJECT: Senior Tax Initiative

DEPARTMENT: Town Managers Office – Senior Tax Initiative Task Force

RECOMMENDED ACTION

1. Conduct public hearing on Senior Tax Relief Ordinance
2. Adopt ordinance to provide senior tax relief for eligible applicants

BACKGROUND

On November 12, 2008, the Town Council created a 7-member Senior Tax Initiative Task Force to investigate property tax relief options, financial impact on the Town, eligibility and implementation.

At its January 26, 2009 Council Meeting the council authorized staff to proceed with the drafting of the proposed ordinance and to schedule the public hearing.

In these challenging and uncertain economic times, the senior tax initiative task force would like to establish this Property Tax Relief Ordinance for qualifying seniors.

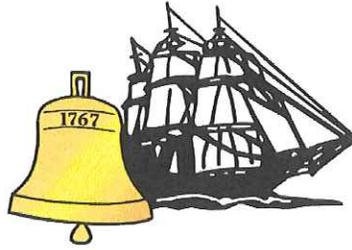
The proposed ordinance is included for your information.

ALTERNATIVE ACTIONS

To be determined by Town Council.

FISCAL IMPACT

The Property Tax Freeze program would defer approximately \$6,670.56 in property tax revenues over a 15-year period for 4 participants who would currently qualify for the program. This could grow as more folks became eligible for the program.



Chapter XXX

ORDINANCE CONCERNING PROPERTY TAX FREEZE RELIEF FOR CERTAIN ELDERLY HOMEOWNERS

§XX-1. Title.

§XX-2. Legislative Authority.

§XX-3. Findings and Purpose.

§XX-4. Applicability and Benefits.

§XX-5. Application.

§XX-6. Severability of Provisions.

§XX-7. Construction.

[HISTORY: Adopted by the Town Council of the Town of East Hampton (date) (Ord. No. xxx). Amendments noted where applicable.]

GENERAL REFERENCES

§xx-1. Title.

This Ordinance shall be known and may be cited as the “Ordinance Concerning Property Tax Freeze Relief for Certain Elderly Homeowners.”

§xx-2. Legislative Authority.

This Ordinance is enacted pursuant to the provisions of CGS§12-170v and CGS§12-170w of the State of Connecticut.

§xx-3. Findings and Purpose.

The Town Council of the Town of East Hampton finds that it is fair and equitable and in the best interests of the Town of East Hampton to provide property tax relief to certain eligible elderly homeowners as permitted by State law. Accordingly, pursuant to the authority granted to municipalities by CGS§12-170v and CGS§12-170w, the Town of East Hampton seeks to improve the quality of life for its senior residents and encourage continued residence and property ownership in the Town of East Hampton by establishing this “Ordinance Concerning Property Tax Relief for Certain Elderly Homeowners.”

§xx-4. Applicability and Benefits.

A.

- (1) Effective July 1st, 2009, and applicable to assessment years commencing on or after October 1st, 2008, an owner of real property in the Town of East Hampton or any tenant for life or for a term of years liable for property taxes to the Town of East Hampton under Connecticut General Statutes section 12-48 who meets the qualifications stated in this subsection shall be entitled to pay the tax levied on such property, calculated in accordance with the provisions of subsection (b) of this section for the first year the claim for such tax relief is filed and approved in

accordance with the provisions of this section and section 5 of this Ordinance, and such person shall be entitled to continue to pay the amount of such tax or such lesser amount as may be levied in any year, during each subsequent year that such person meets such qualifications, and the surviving spouse of such owner or tenant, qualified in accordance with the requirements pertaining to a surviving spouse in this subsection, or any owner or tenant possessing a joint interest in such property with such owner at the time of such owner's death and qualified at such time in accordance with the requirements in this subsection, shall be entitled to continue to pay the amount of such tax or such lesser amount as may be levied in any year, as it becomes due each year following the death of such owner for as long as such surviving spouse or joint owner or joint tenant is qualified in accordance with the requirements in this subsection.

- (2) After the first year a claim for such tax relief is filed and approved, application for such tax relief shall be filed biennially on a form prepared for such purpose by the assessor of the Town of East Hampton.
- (3) Any such owner or tenant who is qualified in accordance with this section and any such surviving spouse or joint owner or joint tenant surviving upon the death of such owner or tenant, shall be entitled to pay such tax in the amount as provided in this section for so long as such owner or tenant or such surviving spouse or joint owner or joint tenant continues to be so qualified.
- (4) To qualify for the tax relief provided in this section a taxpayer shall meet all the following requirements: (1) On December thirty-first of the calendar year preceding the year in which a claim is filed, be: (A) seventy years of age or over, (B) the spouse of a person, seventy years of age or over, provided such spouse is domiciled with such person, or (C) sixty-two years of age or over and the surviving spouse of a taxpayer who at the time of such taxpayer's death had qualified and was entitled to tax relief under this section, provided such surviving spouse was domiciled with such taxpayer at the time of the taxpayer's death, (2) occupy such real property as his or her home, (3) either spouse shall have resided within East Hampton for at least five years before filing the claim under this section and section 5 of this Ordinance, (4) the taxable and nontaxable income of such taxpayer, the total of which shall hereinafter be called "qualifying income", in the tax year of such homeowner ending immediately preceding the date of application for benefits under the program in this section, was not in excess of limits set forth in section 12-170aa of the 2006 supplement to the Connecticut General Statutes, as adjusted annually, evidence of which income shall be submitted to the assessor of the Town of East Hampton in such form and manner as the assessor may prescribe.
- (5) The amount of any Medicaid payments made on behalf of such homeowner or the spouse of such homeowner shall not constitute income.
- (6) The income of the spouse of such homeowner shall not be included in the qualifying income of such homeowner for purposes of determining eligibility for tax relief under this section, if such spouse is a resident of a health care or nursing home facility in this state, and such facility receives payment related to such spouse under the Title XIX Medicaid program.

B.

- (1) The tax on the real property for which the benefits under this section are claimed shall be the lower of the tax due with respect to the homeowner's residence for the assessment year commencing October first of the year immediately preceding the year in which the initial claim for tax relief is made, or the tax due for any subsequent assessment year.
- (2) If title to real property is recorded in the name of the person or the spouse making a claim and qualifying under this section and any other person or persons, the claimant hereunder shall be entitled to pay the claimant's fractional share of the tax on such property calculated in accordance with the provisions of this section, and such other person or persons shall pay the person's or persons' fractional share of the tax without regard for the provisions of this section.
- (3) For the purposes of this section, a "mobile manufactured home", as defined in section 12-63a of the general statutes, shall be deemed to be real property.

C.

- (1) If any person with respect to whom a claim for tax relief in accordance with this section and section 5 of this Ordinance has been approved for any assessment year transfers, assigns, grants or otherwise conveys subsequent to the first day of October, but prior to the first day of August in such assessment year the interest in real property to which such claim for tax relief is related, regardless of whether such transfer, assignment, grant or conveyance is voluntary or involuntary, the amount of such tax relief benefit, determined as the amount by which the tax payable without benefit of this section exceeds the tax payable under the provisions of this section, shall be a pro rata portion of the amount otherwise applicable in such assessment year to be determined by a fraction the numerator of which shall be the number of full months from the first day of October in such assessment year to the date of such conveyance and the denominator of which shall be twelve.
- (2) If such conveyance occurs in the month of October the grantor shall be disqualified for such tax relief in such assessment year.
- (3) The grantee shall be required within a period not exceeding ten days immediately following the date of such conveyance to notify the assessor thereof, or in the absence of such notice, upon determination by the assessor that such transfer, assignment, grant or conveyance has occurred, the assessor shall determine the amount of tax relief benefit to which the grantor is entitled for such assessment year with respect to the interest in real property conveyed and notify the tax collector of the reduced amount of such benefit.
- (4) Upon receipt of such notice from the assessor, the tax collector shall, if such notice is received after the tax due date in the municipality, no later than ten days thereafter mail or hand a bill to the grantee stating the additional amount of tax due as determined by the assessor.
- (5) Such tax shall be due and payable and collectible as other property taxes and subject to the same liens and processes of collection, provided such tax shall be due and payable in an initial or single installment not sooner than thirty days after the date

such bill is mailed or handed to the grantee and in equal amounts in any remaining, regular installments as the same are due and payable.

§xx-5. Application.

A.

- (1) No claim shall be accepted under section 4 of this Ordinance unless the taxpayer or authorized agent of such taxpayer files an application with the assessor of the Town of East Hampton, in such form and manner as the assessor may prescribe, during the period from February first to and including May fifteenth of any year in which benefits are first claimed, including such information as is necessary to substantiate such claim in accordance with requirements in such application. The responsibilities of the assessor regarding the processing of applications may be delegated by the assessor to the Department of Social Services of the Town of East Hampton.
- (2) An extension to August fifteenth may be granted in the case of extenuating circumstance due to illness or incapacitation as evidenced by a physician's certificate to that extent, or if it is determined there is good cause for doing so.
- (3) The taxpayer shall present to the assessor a copy of such taxpayer's federal income tax return and the federal income tax return of such taxpayer's spouse, if filed separately, for such taxpayer's taxable year ending immediately prior to the submission of the taxpayer's application, or if not required to file a federal income tax return, such other evidence of qualifying income in respect to such taxable year as may be required.
- (4) Each such application, together with the federal income tax return and any other information submitted in relation thereto, shall be examined and a determination shall be made as to whether the application is approved.
- (5) Upon determination that the applying homeowner is entitled to tax relief in accordance with the provisions of section 4 of this Ordinance and this section, the homeowner and the municipal tax collector shall be notified of the approval of such application.
- (6) The municipal tax collector shall determine the maximum amount of the tax due with respect to such homeowner's residence and thereafter the property tax with respect to such homeowner's residence shall not exceed such amount.
- (7) After a taxpayer's claim for the first year has been filed and approved such taxpayer shall file such an application biennially.
- (8) In respect to such application required after the filing and approval for the first year the assessor shall notify each such taxpayer concerning application requirements by regular mail not later than February first of the assessment year in which such taxpayer is required to reapply, enclosing a copy of the required application form.
- (9) Such taxpayer may submit such application by mail provided it is received not later than March fifteenth in the assessment year with respect to which such tax relief is claimed.

(10) Not later than April first of such year the assessor shall notify, by certified mail, any such taxpayer for whom such application was not received by said March fifteenth concerning application requirements and such taxpayer shall submit not later than May fifteenth such application personally or for reasonable cause, by a person acting in behalf of such taxpayer as approved by the assessor.

B.

(1) Any person knowingly making a false application for the purpose of claiming property tax relief under section 1 of this act and this section shall be fined not more than five hundred dollars.

(2) Any person who fails to disclose all matters relating thereto or with intent to defraud makes a false statement shall refund to the municipality all tax relief improperly taken.

C. The Town of East Hampton will establish a lien on such property in the amount of the total tax relief granted with 0% interest. Any such lien shall have a priority in the settlement of such person's estate.

D. Any such property tax relief granted to any such resident in accordance with the provisions of section 4 of this Ordinance and this section shall not disqualify such resident with respect to any benefits for which such resident shall be eligible under the provisions of sections 12-129b to 12-129d, inclusive, of the 2006 supplement to the Connecticut General Statutes, section 12-129n and section 12-170aa of the 2006 supplement to the general statutes, 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 12-129b to 12-129d, inclusive, and sections 12-129n and 12-170aa.

§xx-6. Severability of Provisions.

Should any court of competent jurisdiction declare any section or clause or provision of this Ordinance to be unconstitutional or *ultra virus*, such decision shall affect only such section, clause or provision so declared unconstitutional and shall not affect any other section, clause or provision of this Ordinance.

§xx-7. Construction.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of either gender shall include both genders.

§xx-8. Effective date.

Following its adoption by the Town Council, this Ordinance shall become effective on the twenty-first day after publication in a newspaper having circulation within the Town.

**Nancy Hasselman, CCMC
Collector of Revenue
Town of East Hampton**

February 10, 2009

To: The East Hampton Town Council

Please find copies of tax refunds for your review. The total refunds equal \$2,362.11.

Thank you for your assistance.

Nancy Hasselman, CCMC

Nancy Hasselman, CCMC
Collector of Revenue

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4 • 17 +
33 • 37 +
6 • 20 +
286 • 20 +
40 • 96 +
96 • 43 +
169 • 00 +
211 • 03 +
8 • 34 +
10 • 00 +
214 • 69 +
858 • 60 +
67 • 69 +
37 • 36 +
31 • 87 +
286 • 20 +
2,362 • 11 *

**TOWN OF EAST HAMPTON
AGENDA REPORT**

Town Manager Approval: 

Item to be presented by: Jeffery J. O'Keefe
Town Manager

DATE: February 10, 2009

SUBJECT: Contract for Professional Services to assist in preparation of the Towns grant application for the Small Cities Community Development Program (CDBG)

DEPARTMENT: Facilities

RECOMMENDED ACTION

Award contract to L. Wagner & Associates to assist the Town in preparing grant applications for the States Small Cities Community Development Program (CDBG) and authorize Town Manager to sign contract, pending Town Attorney review, with L. Wagner and Associates to commence work.

BACKGROUND

In November of 2008 Town Staff issued a Request for Qualifications (RFQ) for proposals for firms interested in assisting the Town develop this year's grant application for the States Small Cities Community Development Program (CDBG).

Purpose of this Memo: The purpose of this Bulletin is to announce the funding availability of Small Cities 2009 Program Year funds. Approximately \$13,300,000 in funding is expected from HUD to the State of Connecticut July 1, 2009.

The Competitive funding round for the 2009 allocation year will be explained in an Application Workshop to be held at Rensselaer Hartford on February 19, 2009 from 8:30-4:00PM. Applications will be accepted in two rounds. Round 1, applications will be due May 29, 2009 and Round 2, if all funds have not been awarded, will be due in October, 2009. This will be the only workshop for the 2009 Program Year.

L. Wagner & Associates has been instrumental in assisting the Town successfully obtain these grants in the past. They are well qualified. Additionally, they were the only firm who responded to the Towns RFQ.

ALTERNATIVE ACTIONS

Other direction as determined by the Town Council.

FISCAL IMPACT

Fees for these services will be paid out of, and our fully contingent upon the Town actually being awarded a grant under this program.

EH: Clerks Office

AGENDA ITEM: 14A

