

TOWN COUNCIL MEETING

APRIL 27, 1993

7:30 P.M.

A meeting of the Wallingford Town Council was held on Tuesday, April 27, 1993 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order at 7:35 P.M. by Chairperson Iris F. Papale. All Councilors answered present to the Roll called by Town Clerk Kathryn J. Wall. Mayor William W. Dickinson, Jr. arrived at 7:50 P.M., Town Attorney Janis M. Small arrived at 7:37 P.M. and Comptroller Thomas A. Myers arrived at 7:36 P.M.

The Pledge of Allegiance was given to the Flag.

Mr. Killen asked for a Moment of Silence in recognition of Joseph Coffey who influenced a great many youngster over the past five decades with his involvement in the Meriden Boys Club of which he made Wallingford youth feel just as much a part of.

Ms. Papale explained that some of the Councilors expressed a desire to attend the Future Farmers of America Program this evening, hence the one-half hour delay in the start of the meeting this evening.

She thanked everyone for their patience.

Prior to starting the Public Question and Answer Period Ms. Papale stated that the Council welcomes all/any questions and will try to answer them this evening. This is not a time for statements. She asked everyone to please utilize this time for questions.

PUBLIC QUESTION AND ANSWER PERIOD

Edward Musso, 56 Dibble Edge Road stated that the Board of Education had settled their contract at a rate of 4.2% increase in 1993; 4.3% in 1994 and 4.2% in 1995 with a 5% co-payment. That amounts to 1% over what the Mayor requested that everyone limit their increases to.

He felt that the position of Superintendent of Curriculum should not be filled once the current individual occupying that position resigns at the end of this year.

He was opposed to the Town Council giving the Board of Education any additional funds.

Edward Bradley, 2 Hampton Trail asked the Council for their opinion on term limitations for the Council as well as district representation?

Mr. Holmes was opposed to term limitations. He felt it was important to keep choice and flexibility in the process.

Mr. Zandri felt that the Council could take a poll on the issue.

Mr. Parisi was also opposed to district representation even though

he did propose that very same issue many years ago. He felt that the public is better served with a Council elected at-large. There is more pressure to respond to constituents inquiries and less pressure to start negotiating for different programs for the sake of popularity in one's set district.

ITEM #9 PUBLIC HEARING on a Proposed Ordinance Entitled, "An Ordinance to Provide Deferral of Property Taxes for Homeowners Age Sixty-Five or Over or Permanently and Totally Disabled" - 7:45 P.M.

Mr. Doherty read correspondence into the record from Corporation Counselor Adam Mantzaris (appendix I).

The relief provided by the ordinance is in addition to property tax relief provided to similarly situated elderly persons under two State statutes, Section 12-129b which is the older freeze statute and Section 12-170aa which is the more current property tax relief authority. The proposed ordinance uses the income and eligibility requirements of the two statutes as the standard for determining eligibility under the ordinance. If a homeowner has qualified under the State program, he is automatically qualified for the Town program, but he must apply by signing the agreement.

Since the ordinance will operate to reduce the revenue stream to the Town, the thinking was to limit its application to needy elderly and disabled persons for whom income and eligibility standards has previously been established. There were 534 separate homeowner accounts on the State programs for the Grand List of October 1, 1991, according to the Tax Collector, for a total net tax liability of \$765,000.00.

The suggested ordinance provides for a deferral of the taxes due, but the statute allows a community to waive the taxes due as would be the case if the ordinance provided for a credit.

The suggested ordinance makes no provision for interest on the deferred taxes until they become due and payable, although the statute permits charging interest from the very beginning of the deferral of any particular tax.

There may be a problem with the statute of limitations for tax liens in general and the tax lien under this ordinance. The former says any liens over 15 years old are lost unless a foreclosure action is commenced. There is an argument that the general lien limitation period does not apply to deferral liens under Section 12-129n, but Counselor Mantzaris has written to the Program Planner to discuss an exemption with State Legislators.

The income limits for a single individual, all sources of income considered, is \$20,100 and for a married couple, \$24,700.

Edward Musso felt that there should be a PILOT program where the eligible participants pay 60% of their taxes.

Mr. Bradley asked, where would the Town be in the order of liens on a piece of property?

Mr. Myers responded that we would be first since tax liens take preference over all other types of liens.

Mr. Doherty read a list of the other towns with similar ordinances into the record (appendix II).

Mr. Bradley felt that there were more attractive ways to do this without having to lien property but if the people feel this is the way to go then so be it.

Mr. Peter Gouveia, 39 Lincoln Drive Ext. thanked Mr. Doherty for seeing this piece of legislature through. It has been three years since this was first proposed by the Council. He favored the program and felt that the income guidelines were too low.

Frank Barta, Assessor explained that the income guidelines are determined by the State and have a different percentage of property relief assigned to them. If your income is between \$0-\$10,000 and are married then you would qualify for a 50% tax credit under the State program. If your taxes were \$2,000 then the State would give the Town \$1,000 of it. It is a sliding scale from \$0 to \$24,700. Between \$10,000 and \$13,600 it is a 40% credit for a married couple. From \$13,600 to \$16,800 it is a 30% credit; from \$16,800 to \$20,100 it is a 20% and from \$20,100 to \$24,700 it is a 10% credit. This ordinance would allow anyone who qualifies for the State program, married or single, to qualify for a tax deferral.

Mr. Gouveia stated that if the Council so chooses, in any given year, to give a zero interest rate on the taxes, that is fine.

Mr. Wasilewski stated that the Council should go ahead with this ordinance. If it doesn't work then the Council can do away with it.

Eleanor Durgan, Kingsland Avenue asked, if you get rid of the ordinance, what do you do with the people who are on the program?

Town Attorney Janis M. Small stated that the Town would have to abide by that agreement.

Mr. Zandri stated, with the transfer of the property, the payment for the taxes will come due. There will not be any delay.

Attorney Small stated that the check is cut for the taxes on the day of the closing.

Mr. Zandri favored some sort of tax relief but he was not in support of 100% tax relief. His concern has been that the people on fixed incomes would not experience a cost of living increase, naturally. He would like to see tax deferral on additional taxes on a piece of property, not 100% of the taxes being deferred.

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He would not support this ordinance in its current condition.

Mr. Solinsky stated that the deferred taxes are due and payable on the date of the qualified homeowner. If no one pays them and the property does not transfer to anyone else interest can accrue.

Mr. Lien asked if the liens are enforceable if they expire after fifteen years?

The property can be re-liened. The key is that someone will have to be assigned the task of monitoring the liens to assure that they do not expire or are renewed.

Attorney Small stated that Attorney Mantzaris has been talking to the State because there is some confusion as to whether or not the fifteen year limitation for liens put control over the statute which gives the elderly tax relief. That issue will have to be looked at. If it requires modification we will have to deal with it.

Mr. Killen felt that this issue should be cleared up before adopting this ordinance.

Dennie Lewis, 59 Constitution Street stated that the Council should be addressing the issue of equality. We have Ashlar Village residents who only pay \$.40 on every dollar of taxes vs. a couple like his parents who have to pay 100% of their taxes. Perhaps his parents should sell their house and move to Ashlar Village to save money. We should be looking after our seniors by assuring equality throughout. The entire senior population in the Town should pay the same rate of taxes. There should not be any deals for anyone. This is a town for equals, everyone should be treated the same.

Peter Gouveia, 39 Lincoln Drive Ext. was not comfortable with the language of the ordinance pertaining to interest on deferred taxes. On the agreement form, section I, refers to "deferred tax and any interest..." and asked will there ever be any interest on the money?

Attorney Small responded, not until 180 days past the time of death of the homeowner. On the 181st day interest will begin to accrue at the rate of 1 1/2% per month for 18% per annum.

Mr. Gouveia felt that it was a great program for the elderly community.

Phil Wright, Sr., 160 Cedar Street asked, where does this fall? Under Tom Myers, the Pension group? He wanted to see it specific as far as accountability.

Mr. Myers stated that it would be administered by the Assessor and the Tax Collector.

In conclusion Mr. Doherty stated that he proposed this ordinance

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with the idea of taking small steps to help the elderly with their tax burden. If it saves one house, one home for an elderly couple that would be forced to sell, then it is worth doing. It is a good start. Let's offer it and see what happens.

Mr. Doherty made a motion to Adopt and Ordinance to Provide Deferral of Property Taxes for Homeowners Aged Sixty-five or Older or Permanently and Totally Disabled and to Append the Ordinance, a Copy of the Agreement to be Signed by the Recipients, a Copy of the Lien to be Filled Out Filed on the Land Records to Secure Reimbursement to the Town, and a Copy of the Application for the State Program which has the Income Guidelines on it, seconded by Mr. Holmes.

Mr. Parisi asked if the Council would consider a tax freeze program as suggested by Mr. Zandri?

Mr. Doherty wanted to try this out first and see what happens.

Mr. Myers suggested advertising the program in the newspaper.

Mr. Doherty added a friendly amendment to Add the Following Language to Section II of the Ordinance at the end; However, for the Grand List 1992, any homeowner may make an application up to August 1, 1993. Seconded by Mr. Parisi.

VOTE: Zandri, no; all others, aye; motion duly carried.

ITEM #2 Consent Agenda

Motion was made by Mr. Doherty to Place the Following Items on the Consent Agenda to be Voted Upon by One Unanimous Vote of the Council, seconded by Mr. Holmes.

ITEM #2d Consider and Approve a Transfer of Funds in the Amount of \$800 from Maintenance of Vehicles Acct. #2020-500-5000 to Utilities and Answering Service Acct. #2020-200-2000 - Animal Control Officer.

ITEM #2f Consider and Approve Tax Refunds (#192-198) in the Amount of \$6,988.01 Tax Collector

ITEM #2g Consider and Approve a Transfer of Funds in the Amount of \$425 from Small Equipment Acct. #2035-400-4850 to Protective Vest Acct. #2035-999-9909 - Fire Marshal

VOTE: Duryea was absent; all others, aye; motion duly carried.

ITEM #3 Items Removed from the Consent Agenda

ITEM #2a Consider and Approve a Transfer of Funds in the Amount of \$2,000 from Utilities - 88 S. Main Street Acct. #001-5240-200-2010 and \$1,000 from Janitorial Contract - 88 S. Main Street Acct. #001-5240-600-6290 for a Total of \$3,000 to Utilities - Sr. Citizens Acct. #001-5150-200-2010 - Dept. of Public Works

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Motion was made by Mr. Doherty, seconded by Mr. Parisi.

VOTE: Zandri, no; all others, aye; motion duly carried.

ITEM #2b Consider and Approve a Transfer of Funds in the Amount of \$432 from O/S Secretary Acct. #8070-900-9090 and \$227 from Comm. & Directors Salary Acct. #8070-100-1100 for a Total of \$659 to Part Time Secretary Acct. #8070-100-1350 - Director of Public Works

Motion was made by Mr. Doherty, seconded by Mr. Parisi.

VOTE: All ayes; motion duly carried.

ITEM #2c Consider and Approve a Transfer of Funds in the Amount of \$1,000 from Aux. Police Acct. #001-2090-400-4760 to Training/Education Supplies Acct. #001-2090-500-5780 - Civil Preparedness

Motion was made by Mr. Doherty, seconded by Mr. Parisi.

Mr. Killen pointed out that the account listed on the transfer as Aux. Police should read Uniform and Supplies.

VOTE: All ayes; motion duly carried.

ITEM #2e Consider and Approve a Transfer of Funds in the Amount of \$3,000 from Clerk's Wages Acct. #012-9000-100-1300 to Typewriter Replacement Acct. #012-9000-999-9901 - Youth Service Bureau

Motion was made by Mr. Doherty, seconded by Mr. Parisi.

VOTE: Doherty and Zandri, no; all others, aye; motion duly carried.

Motion was made by Mr. Doherty to Move Agenda Item #11 Up to the Next Order of Business, seconded by Mr. Parisi.

VOTE: All ayes; motion duly carried.

ITEM #11 Consider and Approve a Resolution Authorizing the Mayor to Make Application to the State of Connecticut for Assistance to the Youth Service Bureau

Motion was made by Mr. Doherty, seconded by Mr. Parisi.

Currently, the State of Connecticut provides \$31,059. to the Town for the Youth Service Bureau. The bureau has been advised that they will most likely receive the same amount for Fiscal Year 1993-94. With Council approval, application can be made for the funding.

VOTE: All ayes; motion duly carried.

WAIVER OF RULE V Motion was made by Mr. Doherty to Waive Rule V of the Town Council Meeting Procedures to Take Up a Transfer of Funds for the Animal Control Officer, seconded by Mr. Parisi.

VOTE: McDermott was absent; Zandri, no; all others, aye; motion duly carried.

Consider and Approve a Transfer of Funds in the Amount of \$2,000 from Maintenance of Vehicles and \$3,000 from Maintenance of Buildings Acct. for a Total of \$5,000 to Temporary Help Account.

Motion was made by Mr. Doherty, seconded by Mr. Parisi.

Mr. Zandri asked why Shirley Giannotti, Animal Control Officer was not present at this meeting?

Ms. Papale explained that she requested that the Mayor's Office contact Ms. Giannotti to inform her that she is to be present for her item this evening. She felt that every department head who submits an item for the agenda should be present at the meeting in case of problems or questions arising.

The Mayor was asked to look into this.

Mr. Wasilewski asked if the Personnel Department hired the part time help personnel for this department?

Mayor Dickinson responded, yes.

Mayor Dickinson explained that the transfer is necessary due to the fact that Shirley has experienced loss of help due to an injury sustained on the job by a temporary employee hired to fill in for her assistant who was out due to surgery. A lot of after hours and weekend calls have been placed to the department draining the temporary help account.

VOTE: McDermott was absent; Zandri, no; all others, aye; motion duly carried.

ITEM #4 Confirm the Appointment of Irene Sunday as a Regular Board Member on the Zoning Board of Appeals to Fill a Vacancy Which Expires on 1/8/96.

Motion was made by Mr. Doherty, seconded by Mr. Parisi.

VOTE: McDermott passed; all others, aye; motion duly carried.

Kathryn J. Wall, Town Clerk performed the Swearing-In Ceremony at this time.

ITEM #5 Consider and Approve the Re-Appointment of Allen Bulmer to the Board of Tax Review for a Term of Three Years to Expire on 3/1/96 - Mayor's Office

Motion was made by Mr. Doherty, seconded by Mr. Parisi.

Mr. Doherty read an article into the record that appeared in the Record Journal regarding the fact that no record of meetings for the Board of Tax Review have been located in the Town Clerk's Office in the open files. A locked file cabinet to which a Board Member had the key was the proposed location of the files. Upon opening the cabinet, however, it was found to be empty of the files.

Mr. Doherty stated, in light of the fact that there is a problem with this Board filing their minutes in accordance with State Statute, keeping of appeals files, violating F.O.I. guidelines and the questionable voting practices with regards to those appeals, he could not, in good judgment, confirm any appointment to that Board at this point in time.

Mrs. Duryea agreed with Mr. Doherty.

Due to this issue the Council voted to Table This Item Until the Next Town Council Meeting. Motion was made by Mrs. Duryea and seconded by Mr. Killen.

VOTE: All ayes; motion duly carried.

ITEM #6 Confirm the Mayoral Appointment of Laurie Manke, E. Randolph Erskine and Jack Winkleman, Alternate to the Board of Ethics for a Term of Three Years to Expire on 3/1/96 - Mayor's Office

Motion was made by Mr. Doherty, seconded by Mr. Parisi.

VOTE: All ayes; motion duly carried.

ITEM #7 Approve and Accept the Minutes of the 4/13/93 Town Council Meeting, seconded by Mr. Parisi.

Motion was made by Mr. Doherty, seconded by Mr. Killen.

VOTE: Killen passed; all others, aye; motion duly carried.

ITEM #10 Consider and Approve the Dissolution of the Recycling Committee

Motion was made by Mr. Doherty to Dissolve the Recycling Committee and Empower the Ad-Hoc Committee to Continue the Function of Advising the Town in Recycling Matters, seconded by Mr. Parisi.

Mayor Dickinson stated that there is a need for continued oversight of recycling. The dilemma that has occurred involves the lack of interest on the part of a number of those who served on the committee. There is a group of people, however, who want to continue and serve on what has been termed the "Ad-Hoc Recycling Committee". That committee will continue to meet and involves Mario Tolla, Walt Sawallich, Jr. and a few others.

The funds for that committee have been transferred into the

Program Planning Department's budget.

Mr. Tolla listed the current programs that the Ad-Hoc Committee is involved in:

- Update on the Disposal Program
- Brush and Grass Program
- Retirees Receiving Benefits with Regards to Dumping
- Permitting Vehicles for the Town Seniors
- Recycling Update
- Don't Bag Your Grass Program
- Oil Disposal

Mr. McDermott commended the Recycling Committee on their public relations campaigns on local access television and hoped that the Ad-Hoc Committee will continue with the same format.

Mr. Tolla stated for the record that all the committee members did an excellent job. He extended an extra thanks to Maria Lunt for going over and above her normal duties on the committee.

Mr. Sawallich expressed his interest in continuing with the Ad-Hoc Committee.

Mr. Tolla listed the members of the Ad-Hoc Committee as follows:

Geno J. Zandri, Jr.	Henry McCully
Mario Tolla	Philip Hamel
Don Roe	Mayor Dickinson
Jim Honsinger	

VOTE: All ayes; motion duly carried.

ITEM #12 Executive Session Pursuant to Section 1-19(b)(9) of the CT. General Statutes Relating to Strategies and Negotiations with Respect to Collective Bargaining

Motion was made by Mr. Doherty to Enter Into Executive Session, seconded by Mr. Holmes.

VOTE: All ayes; motion duly carried.

Motion was made by Mr. Doherty to Exit the Executive Session, seconded by Mr. Solinsky

VOTE: Parisi was absent; all others, aye; motion duly carried.

Mr. Parisi left at 10:50 P.M.

ITEM #13 Discussion and Possible Action on the 88 S. Main Street Building Project as Requested by Councilor Albert E. Killen

Motion was made by Mr. Doherty, seconded by Mrs. Duryea.

Robert Avery, Chairman of the 88 S. Main Street Building Committee explained that the committee had a meeting tonight to discuss the results of the latest round of bidding for interior work. They were not comfortable with those bids and will review them with the architect tomorrow.

Mr. Zandri felt that the committee should meet and make a recommendation to the Council for a contractor and submit the list of bids to them along with a dollar figure for the Council to vote on at its next meeting.

Mr. Avery stated that the prices continue to come in around the \$80,000 mark due, in part, to the fact that that number has been discussed in the past at a Council meeting as an estimate as to what it will cost to do the job.

Some Councilors questioned the capability of the contractor currently working on the exterior of the house. He was to complete the work quite some time ago. Several days go by without any sign of him working on the structure.

Mr. Avery stated that the contractor feels no need to rush since the interior is not yet started. The paint cannot be applied prior to April 15th. The contractor cannot install the trim if the house has not been painted. The sample colors have been placed on the house and the painter will start on Monday, May 3rd. He will be there every day unless it rains until the house is finished.

Mr. Killen felt that he was prepared this evening to ask the committee to resign and to assign the project to Public Works if we can't seem to get anything moving on this job.

Ms. Papale asked, how often does the committee meet?

Mr. Avery responded, when we need to.

Mr. George Cooke stated that the job was bid incorrectly. There should have been one contractor for all the work. To have three separate utility services run into the building was foolish planning. He went on to say that the roof has two different coverings on it, shingles and slate. The price of \$75,000 to \$80,000 is correct. If anyone bids lower than that the Town is in trouble. In fact, he felt that the Town was in trouble with the current contractor, D.B.A. American Construction Company.

Mr. Avery stated that the services had to be installed that way due to the fact that the Town is renting to three different departments, Public Access; Credit Union and Public Celebrations.

Mayor Dickinson asked Mr. Avery to have his committee reconsider, seriously, the sample paint scheme on the structure.

Ms. Sandy Schwink, 245 Main Street, Yalesville, Committee Member stated for the record that Mr. Avery has invested a great deal of time on this project. The committee has worked hard as well. There are a lot of errors at 88 S. Main Street. A lot of the errors are due to Town departments. The driveway and curbing is off, the water and sewer connections were placed in the middle

of a brand new driveway that has to be dug up. It is off in the back where the handicapped access is, there is water in the cellar, there are a lot of things that have happened that has eaten up a lot of time on the project. The committee has run into a lot of roadblocks. When the committee asks questions there is no cooperation with Town departments. There is a total lack of communication.

Mr. Cooke clarified that Mr. Avery did not do anything wrong by having to install two heating systems and three utility services. Upon the advice of the Town Attorney, predicated on Council action to rent the building, it was the only thing he could do.

VOTE: Parisi was absent; McDermott, no; all others, aye; motion duly carried.

ITEM #14 Consider and Approve Naming the Recreation Center/Ice Rink Committee and Establishing a Charge for Such Committee

Motion was made by Mr. Doherty to Accept the Following Names into the Record as Members of the Committee:

Dr. Lawrence Singer (Iris)	Ron Gregory (Geno)
Peter Thomas Murphy (Dave)	Jay Quigley (Bob)
Robert Sanderson (Susan)	Joseph DiNatale (Tom)
Tom Wall (Brian)	Fred Valenti (Bert)
Robert Holmes III (Steve)	
Joseph Gaetano (Mayor)	Robert Carmody (Mayor)

Seconded by Mr. Holmes.

Mr. Chris Migliaro requested that his name be added to the Committee. The Council advised against it.

It was suggested that the committee meet with Mr. Migliaro to hear his presentation on the facility.

Motion was made by Mr. Killen to Appoint Thomas Wall as Temporary Chairman Until the Committee Meets to Appoint a Permanent Chairperson and to have the Entire Committee Meet with Chris Migliaro over the Next Two Weeks and Await a Formal Charge from the Council to be Presented at the Next Town Council Meeting, seconded by Mr. Zandri.

Dennie Lewis, 59 Constitution Street was opposed to the motion stating that Mr. Migliaro should not be influencing the committee's charge via his presentation.

It was pointed out that the Council will be establishing the charge, not the committee coming back to recommend one.

Mr. Myers stated that several issues have to be addressed by the committee; economic feasibility; constructed publicly or privately; management alternatives - town employees management vs. private management, etc.

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VOTE: Parisi was absent; Holmes, no; all others, aye; motion duly carried.

ITEM #15 Consider and Approve the Sale of Town-Owned Land Known as Lot 26A on Barnes Road - Mayor's Office

Motion was made by Mr. Holmes that Upon Approval by the Planning and Zoning Commission, Under Section 8-24 of the CT. General Statutes the Town Council Authorizes Executive of a Contract for Sale of Property for \$107,000 with Contingencies as Set Forth in the Bidders Proposal and the Completion of a Closing on the Property within a Reasonable Amount of Time, seconded by Mr. Solinsky.

VOTE: Parisi was absent; McDermott passed; all others, aye; motion duly carried.

ITEM #16 Consider and Approve a Transfer of Funds in the Amount of \$10,000 from Professional Services Acct. #001-1320-900-9010 to CRRA v. P&Z; CRRA v. ZBA Acct. #001-1320-900-9060 - Dept. of Law

Motion was made by Mr. Doherty, seconded by Mr. Solinsky.

VOTE: Parisi was absent; all others, aye; motion duly carried.

ITEM #17 Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes with Respect to Pending Litigation

1. Tax and Water-Sewer Foreclosures
2. Trespass Case
3. Towing Ordinance and Towing Regulations

Motion was made by Mr. Doherty to Enter Into Executive Session, seconded by Mr. Holmes.

VOTE: Parisi was absent; McDermott, no; all others, aye; motion duly carried.

Motion was made by Mr. Doherty to Exit the Executive Session, seconded by Mr. Solinsky.

VOTE: Holmes, McDermott and Parisi were absent; all others, aye; motion duly carried.

Motion was made by Mr. Doherty to Adjourn the Meeting, seconded by Mr. Solinsky.

VOTE: Holmes, McDermott and Parisi were absent; all others, aye; motion duly carried.

There being no further business the meeting adjourned at 12:30 A.M.

Meeting recorded and transcribed by:

Kathryn F. Milano
Kathryn F. Milano, Town Council Secretary

Approved by: *Iris F. Papale*
Iris F. Papale, Chairperson

May 11, 1993
Date

Kathryn J. Wall
Kathryn J. Wall, Town Clerk

May 11, 1993
Date



Town of Wallingford, Connecticut

Appendix I
TOWN ATTORNEY
JANIS M. SMALL
ASSISTANT TOWN ATTORNEY
GERALD E. FARRELL
CORPORATION COUNSEL
ADAM MANTZARIS
DEPARTMENT OF LAW
WALLINGFORD TOWN HALL
45 SOUTH MAIN STREET
WALLINGFORD, CT 06492
TELEPHONE (203) 294-2140
FAX (203) 294-2073

April 6, 1993

William W. Dickinson, Jr., Mayor
Town of Wallingford
45 South Main Street
Wallingford, CT 06492

Dear Mayor Dickinson:

Enclosed find a copy of an ordinance granting certain elderly persons property tax relief pursuant to Section 12-129n of the General Statutes. Enclosed also is a copy of the agreement to be signed by recipients agreeing to reimburse the Town, and a copy of the lien which would be filed on the land records to secure such reimbursement. Enclosed also is a copy of the application for the State program, the back page of which shows the present income guidelines. Following are relevant facts for your and the Council's consideration:

1. The relief provided by the ordinance is in addition to property tax relief provided to similarly situated elderly persons under two State statutes, Section 12-129b which is the older freeze statute and Section 12-170aa which is the more current property tax relief authority. The Assessor advised that State regulations were changed to eliminate freeze relief since about 1980. The proposed ordinance uses the income and eligibility requirements of the two statutes as the standard for determining eligibility under the ordinance. If a homeowner has qualified under the State program, he is automatically qualified for the Town program, but he must apply by signing the agreement.

2. The ordinance does not provide for such relief to elderly or disabled persons whose incomes do not qualify them for tax relief under the cited statutes. Since the ordinance will operate to reduce the revenue stream to the Town, the thinking was to limit its application to needy elderly and disabled persons for whom income and eligibility standards has previously been established. The Tax Collector has advised that there were 534 separate homeowner accounts on the State programs for the Grand List of October 1, 1991 for a total net tax liability of \$765,000.00.

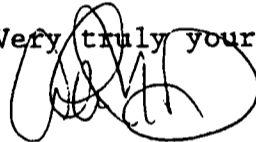
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3. The suggested ordinance provides for a deferral of the taxes due, but the statute allows a community to waive the taxes due as would be the case if the ordinance provided for a credit.

4. The suggested ordinance makes no provision for interest on the deferred taxes until they become due and payable, although the statute permits charging interest from the very beginning of the deferral of any particular tax.

5. There may be a problem with the statute of limitations for tax liens in general and the tax lien under this ordinance. The former says any liens over 15 years old are lost unless a foreclosure action is commenced. There is an argument that the general lien limitation period does not apply to deferral liens under Section 12-129n, but I have written to the Program Planner to discuss an exemption with our State legislators.

Very truly yours,



Adam Mantzaris
Corporation Counsel

AM:da

Enclosures

cc: Thomas Myers, Comptroller
Francis Barta, Assessor
Norman Rosow, Tax Collector

SENIOR CITIZEN TAX DEFERRAL PROGRAM INFORMATIONAS REQUESTED BY VICE-CHAIRMAN DAVID J. DOHERTY

<u>Municipality</u>	<u>% Tax Break</u>	<u>No. of Program Participants</u>	<u>Comments</u>
Bristol	100	6	Simple interest is charged - can still take advantage of State offered program
Guilford	75	30	5 1/4% interest compounded
Madison	*	15	*up to \$3,000 of tax bill - must first apply and qualify for the State program - interest charged is based on cost of borrowing money (standard interest rate for borrowing funds)
Mansfield	*	24	*percentage is based on income
Manchester	100	9 - 10	interest free deferral
Stamford	*	2	*based on income cannot exceed 75% combined State and local assistance - also offers abatement prgm.
Trumbull	75	40	interest free deferral - 2nd option for tax relief is to take a credit of \$690 for incomes under \$10,000 and a \$250 credit for incomes of \$20,000-\$24,700 (sliding scale)