

Ryan Knapp, Chair  
Judith DeStefano, Vice Chair  
Neil Chaudhary  
Dan Honan  
Mary Ann Jacob  
Chris Eide



3 Primrose Lane  
Newtown, CT. 06470  
Tel. (203) 270-4210  
www.newtown-ct.gov

## TOWN OF NEWTOWN

### Minutes of the Legislative Ordinance Committee Meeting

The Ordinance Committee met on Wednesday August 31st, 2016 in The Council Chambers of the Municipal Center, 3 Primrose Lane, Newtown. Committee Chairman Ryan Knapp called the meeting to order at 7:05 pm.

Present: Mr. Chaudhary, Ms. Jacob, Ms. DeStefano, Mr. Eide and Mr. Knapp. First Selectman Pat Llodra. 2 Members of the public

Absent: Mr. Honan

#### MINUTES:

Mr Eide moved to approve the minutes of 8/3/2016, Ms Jacob seconded. 5-0 in favor

#### PUBLIC COMMENT:

None.

#### Old Business

##### Review and recommendation regarding senior tax abatement program.

Mr. Knapp summarized the information received by the committee from legal and the CCM.

Ms. Llodra summarized the data prepared by the finance director and reviewed the packet she handed out. It included turnover data and provided insights the committee had been looking for.

Mr. Knapp said that the legal opinion from David Dobin said that the statute may require the committee to get a recommendation from the Board of Finance.

Ms. Llodra had spoken to attorney Dave Grogins and feels we should consult the BOF.

Ms. Jacob noted that the current language had been approved by legal and speculated about home rule vs the statute. She also wanted to understand what the LC could do by resolution and or is the authority of the LC.

Mr. Chaudhary would like to understand how broad "recommendation" is.

Ms. Jacob noted the last changes were a combination of BOF recommendations and LC ideas.

Ms. Llodra noted the LC did engage the BOF last time and would recommend asking legal what is the trigger point for LC autonomy vs requiring a BOF recommendation under the statute.

Ms. DeStefano asked about adjusting HUD numbers and using set values for our income groups, perhaps asking the BOF to study this concept.

Ms. Jacob noted that seeking to study anything this late in the process could present a time issue.

Mr. Knapp asked by what process was the \$1.5M number changed to \$1.65M? Did that originate with the BOF or BOS perhaps?

Ms. Llodra said that conversation began with the Tax Collector approaching herself and the Finance Director. Pat brought it to the BOF and LC for a recommendation.

Mr. Knapp asked if the process was similar to a tax incentive which offsets grand list values.

Ms. Llodra said yes it is a revenue offset but could be administered similar to the appropriation process. She then explained the age based concept for discussion as explained by Mr. Tait. The high % range (10, 12, 13 14 and 15%) costs \$3,180,478. 10% across the board would cost \$2,567,770 and 6.5% to all seniors would cost \$1,669,050. She confirmed that between 19 and 21% of our tax revenue comes from seniors.

Ms. Jacob noted that we have gathered a lot of data. She like Ms. DeStefano's concepts but also likes touching this every year. This data shows we are helping the neediest. She personally would only support a program allocating unassigned remainder open to others in some way and not a new age based program. She would support a hybrid program. She said that as an LC we need to remember that there are multiple ways to impact senior needs and this is a piece of a larger puzzle.

Mr. Chaudhary agrees with Ms. Jacob and would be open to a concept of using the remainder, but the logistics need to be worked out.

Ms. DeStefano feels that for the amount of benefit each individual receives, she is worried about the perceptions of the program and that it would be getting away from a needs based program. She felt the current cap is appropriate based on FED guidelines.

Mr. Edie feels we should consider addressing the current benefit levels for those using the program and dealing with increasing costs.

Ms. DeStefano said her interest was investigating the sources of the current income ranges.

Ms. Jacob feels those numbers are a great level setter for conversation, but also that the wealth of our community should hold us to higher standards. All of these HUD numbers would be challenging to live in Newtown on.

Mr. Knapp recognizes seniors are struggling at many income levels and some do not have the same benefits of other just as some do not have the same expenses as others. A net loss of 19 to the program, but a much more significant decrease in the amount allocated makes him wonder if people are withdrawing more money from their accounts to get by and cover costs. If we were starting from a clean slate he would be interesting in the income based program but as we have an established needs based program he would not support a program that would do harm to those already depending on it.

Ms. Llodra said there are many layers to how to support all seniors.

Ms. Jacob would like to ask Bob Tait to explore benefit amount and range changes and present us with scenarios.

Mr. Knapp feels like the group is starting to focus in on a recommendation that will constitute how to use the remainder of the funds. He feels all three boards committed to increasing from \$1.5M to 1.65M in recognition of senior needs and we have gone the other way. He feels we need to be working on all options and noted that adding a group is the substitutive while amending levels maybe done by resolution which can be done on a more flexible time schedule.

Mr Eide feels the program should stay needs based and acknowledged \$70K is difficulty n Newtown. He would like to spend more time on discussions and scenarios.

Ms. Jacob acknowledged and appreciates senior concerns and input and she recognizes the struggles of all on fixed incomes. She suggested we ask the BOF to put this on their next agenda.

Mr Knapp feels we should get this to the BOF ASAP to give the time to do their due diligence as this will all be new to them. He will ask the LC if he he may represent to topic. The group discussed a possible meeting an hour before the next LC meeting. Will ask Bob Tail to present scenarios including adjusting income levels which may included the current group D range being absorbed into group C.

Ms DeStefano raised the subject of the asset test and feels that the QTAV of \$1.25M is high compared to other communities and there may be a perception issue.

Mr. Chaudhary spoke to the history on the test and how income acts as a check keeping it honest.

Mr. Knapp noted that in our research, there are only two other communities who have asset tests and the majority do not require this information at all. He noted that this is unenforceable and on the honor system, however he does not want to be a deterrent for those most in need as the 19 lines of asset sources in the instructions may overwhelm some of our most needy. He noted that in today's market people are told they need \$1M just to retire and that we would in essence be punishing people for saving.

Ms. DeStefano would like to see the QTAV considered for adjustment.

In respect to the audience the committee allowed for a public comment period.

**Public Comment:**

Steve Rosenblatt, 50 Watkins Dr, feels we are far from where we started but are still circling the issue of seniors who do not qualify for the income based plan. His suggestion was that the remaining seniors be given a 10% abatement and he worked on that with Bob Tait. He spoke to scenarios on adding to the top end and a possible new group. That he estimates this would be 10% to 1,000 people and that if it costs more we should budget for it. People currently receiving a benefit average a 41% tax reduction and the others are only asking for a 10% reduction. He spoke to pressures on seniors in current times and does not want to take money from people getting it now but please consider supporting an increase. Many seniors lost 30% of their savings overnight and have no way to make it back.

Bernie Cohen, 52 Watkins Dr, feels income is being addressed inappropriately. Some home owners have mortgages paid off while some do not and have to work to cover the additional cost. That earned income may put them over the limit. Perhaps earned income may not be included in the income because they have to work.

Review and Recommendation regarding abatement for volunteer fire, ambulance and underwater rescue personnel.

Mr. Edie will review and combine his draft, the recommendations of the Finance Director and the comments received back from Legal.

Review and Recommendation regarding Pension Committee ordinance language.

Ms. Llodra has written suggestions the committee will take up when we start.  
Ms Jacob will begin a draft.

Review and recommendation Code of Ethics Rules.

Mr. Knapp noted that we are looking for further clarification from legal on a Charter concern

Review and recommendation regarding Ad-hoc committee for Policy and Planning for Roads and the roads ordinance language.

Mr Chaudhary will rephrase his questions to CCM to try to collect more data.

PUBLIC COMMENT:

None.

Ms Jacob motioned to adjourn at 9:30. Mr. DeStefano Seconded.

Respectfully Submitted,

Ryan W. Knapp  
Ordinance Committee Chairman

DRAFT HUD Based Calculations for need-based subsidy  
 Rough Estimates - eligibility of income limits for rental assistance

	AMI (Area Median Income)	Base (4 person HH)	Adjusted 1 person HH (70%)	Adjusted 2 person HH (80%)	Adjusted 3 person HH (90%)	At AMI, Adjusted for family size
AMI (Danbury Census Group)	105,400	105400	73780	84320	94860	
<b>80% Low/Moderate Income</b>		84320	59024	67456	75888	
60% (Section 8 Eligible)*		64080	44880	51300	57720	
50% Very Low Income (HUD Assistance Eligible)*		53400	37400	42750	48100	
30% Extremely Low Income*		32050	22450	25650	28850	
Hypothetical 125%		131750	92225	105400	118575	

\*http://affordablehousingonline.com/housing-search/Connecticut/Newtown/ Actual numbers, not adjusted calculations

	AMI (Newtown 2013 Estimate)	Unconfirmed source	AMI (Newtown per US Census, American Community Survey, 5 year estimates 2010-2014)	Base (4 person HH)	Adjusted 1 person HH (70%)	Adjusted 2 person HH (80%)	Adjusted 3 person HH (90%)
<b>80% Moderate/Low Income</b>	116,489		108,667	93191.2	65233.84	74552.96	83872.08
60% (section 8 eligible)				69893.4	48925.38	55914.72	62904.06
50% Very Low Income				58244.5	40771.15	46595.6	52420.05
30% Extremely Low Income				34946.7	24462.69	27957.36	31452.03
					73780	84320	94860
<b>80% Moderate/Low Income</b>				86933.6	60853.52	69546.88	78240.24
60% (section 8 eligible)				65200.2	45640.14	52160.16	58680.18
50% Very Low Income				54333.5	38033.45	43466.8	48900.15
30% Extremely Low Income				32600.1	22820.07	26080.08	29340.09

AMI is used as basis for Federal housing subsidies, including Section 8, Tax Credit Housing, etc.

	AMI (Area Median Income)	Base (4 person HH)	Adjusted 1 person HH (70%)	Adjusted 2 person HH (80%)	Adjusted 3 person HH (90%)
5% increase over AMI (Danbury Census Group)	105400	110670	77469	88536	99603
<b>80% Low/Moderate Income</b>		88536	61975.2	70828.8	79682.4
60% (Section 8 Eligible)*		64080	44880	51300	57720
50% Very Low Income (HUD Assistance Eligible)*		53400	37400	42750	48100
30% Extremely Low Income*		32050	22450	25650	28850

\*http://affordablehousingonline.com/housing-search/Connecticut/Newtown/ Actual numbers, not adjusted calculations



**§ 208-8\_Limitation on total amount of relief granted.**

For each fiscal year the total revenue loss to the Town from the program, together with all other elderly real property tax relief benefit programs pursuant to state law, exclusive of any tax deferral programs that may from time to time be enacted, shall not exceed the amount appropriated in said fiscal year's annual budget for the program (the "cap amount"). The portion of the cap amount to be allocated for tax credits to qualified applicants in the Groups A-C modified income levels (the "Groups A-C cap") and the Group D modified income level (the "Group D cap") shall be established upon resolution by the Legislative Council. For the fiscal year commencing July 1, 2014, the Groups A-C cap shall be \$1,500,000 and the Group D cap shall be \$150,000. In the event that the number of qualified applicants in one or more of the modified income levels is such that providing the maximum available tax credit to each such applicant would result in revenue loss exceeding the cap amount or tax credits not equal to the Groups A-C cap or the Group D cap, the Tax Collector shall utilize the following method to determine the actual tax credits received by qualified applicants.....

**\*\*\*Can be interpreted that the total cap can be established upon resolution by the Legislative Council (while apportioning it to the various groups). ..."shall not exceed the amount appropriated in said fiscal year's annual budget for the program (the "cap amount")" says that the amount for the elderly tax credit that is used to calculate the mill rate (in the budget) cannot be over the total cap amount (established by the LC).**

**The elderly tax credit factors into the budget when calculating the mill rate. The cap less what was left over the prior year reduces the available taxable assessment in the mill rate calculation. You may call the reduction in the taxable assessment an appropriation as it sets aside or devotes amounts for a specific purpose (it is not an expenditure appropriation).**

**When the LC is voting on a cap for the elderly tax credit they are not voting on a "future expense" they are voting on a revenue off set.**



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## TOWN OF NEWTOWN

Draft Minutes of the Legislative Ordinance Committee Meeting

The Ordinance Committee met on Monday April 7th, 2014 in Meeting Room 1 of the Municipal Center, 3 Primrose Lane, Newtown. Committee Chairman Ryan Knapp called the meeting to order at 7:05 pm.

Present: Ms Jacob, Mr. Chaudhary, Mr.Carroll, Ms. Romano and Mr. Knapp

Also in attendance: Attorney David Dobin, Finance Director Robert Tait and several members of the public

Absent: Mr. Girgasky

PUBLIC COMMENT: Before voter comment, Mr. Knapp reminded those in attendance of the limited topics the Ordinance Committee has within its purview to address and requested that comments be limited to the agenda items.

Stephen Rosenblatt, 50 Watkins Drive, read a statement that is being scanned and should be posted with this document. The statement specifically related to the asset test and Medicaid deductions from social security benefits.

Bernie Cohen, 52 Watkins Drive, gave a firsthand account of his situation where circumstances force him to withdraw from his IRA and would potentially disqualify him for the abatement. Mr. Cohen said that just after he moved to Newtown, the housing market crashed and he was unable to sell his old home. In order to pay both mortgages, he will have to withdraw so much from his retirement account, and pay penalties to do so, that it could disqualify him from receiving any abatement. With two mortgages, social security benefits do not cover his bills. Mr. Cohen then asked for a history of the document and process to date.

Janis Garten, 2 Watkins Drive, said that she is not looking for special allowances. She does feel targeted and wants people to understand that a nice house does not mean someone is rich. She also questioned why a comparable house on Walnut Tree pays half as much in taxes.

Rudy Magnan, 60 Watkins Drive, advocated for a flat tax credit to all seniors to offset some of the costs since revaluation. He asked what other towns do and if we have done any research. Mr. Knapp summarized the research that has been done and the amount of information received from CCM.

### Old Business

Mr. Knapp opened the discussion on the agenda item: The review and modification of Senior Tax Relief as referred to the Ordinance Committee by the Legislative Council during the regular meeting of January 30<sup>th</sup>, 2014.

Mr Knapp opened with a review of the process to date and went through the body of the document explaining the thoughts and intentions of the group that lead to these points, noting what is different from the existing code. Mr. Knapp explained the recommendations of the BOF and the desire of the Committee that the credits go to those who need it most.

Mr. Knapp explained income brackets A, B, C, and D, and also distributed a sliding scale document he drew up on the idea that Ms. Ramono stated two weeks ago. He explained how it would work but stated that it could not be implemented this year as it is too late in the tax year. He noted that people would have no idea of how much credit they stood to receive at the time of application which may discourage

Rec'd. for Record 4-10-2014  
Town Clerk of Newtown 4:15 pm  
Debbie Aurelia Halstead



people from applying and that it made it difficult for people to budget. He pointed out that it now distributes funds unevenly in ranges and cited a \$0 income and a \$44,000 income which both are currently in Group A.

Ms. Jacobs stated she was not in favor of this type of scale as it favors the lowest and highest income earners, and this ordinance was intended to help the lowest income earners because it could possibly be the difference of paying taxes or buying food.

Mr. Knapp explained document "Proposed Ordinance Revision E"

Ms. Jacobs made suggested amendments to the document and asked attorney Dobin why section E was in the document then she asked if it could be re-worded to make "A" two parts. Attorney Dobin said it was up to the L.C.

The group agreed to change the extension for this year from June 1 to June 15.

The group discussed setting a firm number ahead of the budget process each year. Amended 208-8

Ms. Jacobs read the ad in the Newtown Bee asking senior applicants applying for tax credit to bring in documentation of income.

Mr. Tait arrived at the meeting around eight. He stated the medium home assessment value is 330k.

Mr. Chaudhary stated he would like the medium assessed value times 200 % to be the maximum home value to be eligible for the tax credit. Group agreed.

Mr Tait believes the applicants have to produce income verification every year or every other year, but he will check on that. (per the tax collector FAQ, it is every other year). The group expressed a desire not to change from what we are actually doing, but the ordinance language should reflect practice.

Mr. Knapp noted that we are in the middle of an application period that has been noticed under the existing ordinance as of March 1, 2014. Rolling out any potentially disqualifying language now would be an administrative head ache, cause a lot of frustration and a host of other issues. He suggested they be effective for 2015's application process.

In the discussion regarding the asset level to qualify, the committee discussed requiring the L.C. to set a maximum amount of assets for group "D". \$650,000 was an arbitrary place holder based on Fairfield and we do not have data on how many people will be disqualified based on where this number is set.

Ms. Jacob suggested that since this goes into effect next year, we will have a pilot year of group D to see how utilized those funds are. Stressed that our intention is to get the funds to those who need it most.

Mr. Knapp asked that we somehow survey the applicants to get a sense of where they fall in terms of assets. That way, if the council feels they want this money to go to a portion of the applicants that most need it, they can set a number that will have that effect. He gave a theoretical example of prorating vs using an asset test based on a real life example given in voter comment.

The committee will ask Tax collector Carol Mahoney to send a letter to all applicants asking for asset data.

Mr. Knapp and Attorney Dobin will work on revising the language between now and the next meeting.

Mr. Knapp will notice a meeting for Wednesday the 9<sup>th</sup> at 7:00 PM

The goal of the committee is to present the ordinance to the L.C. at the April 9<sup>th</sup> meeting for approval.

Discussion of having a meeting before the LC meeting at 7:30. All agreed.

Mr. Knapp opened the discussion on the agenda item: An amendment enabling the municipal option of Public Act No. 13-224, providing a tax exemption for One Hundred Percent Disabled Veterans as referred to the Ordinance Committee by the Legislative Council during the regular meeting of January 8<sup>th</sup>, 2014.

Mr. Knapp reported no news from the state on this topic.

PUBLIC COMMENT: Mr. Rosenblatt asked that what decisions the committee came to. Mr. Knapp summarized the discussions and what the plan of action was.

Mr. Chaudhary motioned to adjourn at 8:50pm. Mr. Carroll seconded.

Respectfully Submitted,

Ryan W. Knapp  
Ordinance Committee Chairman

Ryan Knapp, Chair  
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## TOWN OF NEWTOWN

Draft Minutes of the Legislative Ordinance Committee Meeting

The Ordinance Committee met on Wednesday April 9th, 2014 in the Municipal Center, 3 Primrose Lane, Newtown. Committee Chairman Ryan Knapp called the meeting to order at 7:05 pm.

Present: Ms Jacob, Mr. Chaudhary, Mr. Carroll, Mr. Girgasky and Mr. Knapp

Also in attendance: Attorney David Dobin and several members of the public

Absent: Ms. Romano

PUBLIC COMMENT: None.

### Old Business

Ms. Jacob made a motion to accept the new language of Ordinance 45A, the review and modification of Senior Tax Relief as referred to the Ordinance Committee by the Legislative Council during the regular meeting of January 30<sup>th</sup>, 2014, and recommend the Council send it to public hearing. Mr. Carroll 2<sup>nd</sup>, ed.

Mr Knapp invited Attorney Dobin to join the discussion.

Attorney Dobin reviewed the changes as suggested during the April 7<sup>th</sup> meeting which have been rolled into the ordinance language. This included making the asset test start in 2015, extending the application date for 2014 and clarifying some language.

Mr. Chaudhary had questions about the use of the word "cap" in 208-8 because that number can be increased if needed. Attorney Dobin said it is acceptable.

Ms. Jacob suggested that we make this an annual process. Noted that we were told it would not be a lot of additional work.

Mr. Knapp suggested we make language to do so effective 2015 as we are in the midst of an application period.

Ms. Jacob asked about any surplus and thought it should be ear marked for senior tax abatement.

Mr. Knapp suggested changing "shall be allocated to the General Fund of The Town of Newtown" to "shall be made available to fund the following year's council approved senior tax abatement budget allocation."

No other changes.

Mr. Chaudhary made a friendly amendment to change the motion to include "with the two changes as agreed upon during the Ordinance Committee meeting of April 9th". Mr. Carroll 2<sup>nd</sup>, ed.

Mr. Knapp called for a vote on the friendly amendment. All in favor.

Mr. Knapp called for a vote on the amended motion. All in favor.

Mr. Knapp opened the discussion on the agenda item: An amendment enabling the municipal option of Public Act No. 13-224, providing a tax exemption for One Hundred Percent Disabled Veterans as referred to the Ordinance Committee by the Legislative Council during the regular meeting of January 8<sup>th</sup>, 2014.

Mr. Knapp reported no news from the state on this topic.

PUBLIC COMMENT: Anthony Filiato, 24 Washbrook Road, asked if is our intention to guarantee group D's

funding and why we would not first fully fund groups A B and C.

Robert Merola, 22 Ashford Lane, had a question about allocations.

Mr. Chaudhary motioned to adjourn at 7:30pm. Mr. Carroll seconded.

Respectfully Submitted,

Ryan W. Knapp  
Ordinance Committee Chairman

2016 Conn. Legis. Serv. P.A. 16-99 (H.B. 5277) (WEST)

CONNECTICUT 2016 LEGISLATIVE SERVICE

2016 February Regular Session of the General Assembly

Additions are indicated by **Text**; deletions by  
~~Text~~ .

Vetoed are indicated by ~~Text~~ ;  
stricken material by **Text** .

P.A. No. 16-99

H.B. No. 5277

PROPERTY TAXATION—TAX EXEMPTIONS—MUNICIPAL OFFICERS AND EMPLOYEES

AN ACT EXTENDING THE MUNICIPAL PROPERTY TAX RELIEF TO RETIRED VOLUNTEER  
FIREFIGHTERS, FIRE POLICE OFFICERS AND EMERGENCY MEDICAL TECHNICIANS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 12-81w of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2016):

<< CT ST § 12-81w >>

The legislative body of any municipality may establish, by ordinance, a program to provide property tax relief for ~~the~~ **a** nonsalaried local emergency management director, ~~and for~~ any individual who volunteers his or her services as a firefighter, fire police officer, as defined in subsection (a) of section 7-308, emergency medical technician, paramedic, civil preparedness staff, ~~an~~ active member of a volunteer canine search and rescue team, as defined in section 5-249, ~~an~~ active member of a volunteer underwater search and rescue team, or ~~an~~ ambulance driver in the municipality, **or any individual who is a retired volunteer firefighter, fire police officer or emergency medical technician and has completed at least twenty-five years of service as a volunteer firefighter, fire police officer or emergency medical technician in the municipality.** Such tax relief may provide either (1) an abatement of up to one thousand dollars in property taxes due for any fiscal year, or (2) an exemption applicable to the assessed value of real or personal property up to an amount equal to the quotient of one million dollars divided by the mill rate, in effect at the time of assessment, expressed as a whole number of dollars per one thousand dollars of assessed value. Any ordinance may authorize interlocal agreements for the purpose of providing property tax relief to such volunteers who live in one municipality but volunteer **or volunteered** their services in another municipality.

Approved June 1, 2016.



Ryan Knapp &lt;ryan.w.knapp@gmail.com&gt;

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**Ethics ordinance**

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**Dobin, David** <DDobin@cohenandwolf.com>  
To: Ryan Knapp <ryan.w.knapp@gmail.com>  
Cc: "Grogins, David L." <DGrogins@cohenandwolf.com>

Mon, Aug 29, 2016 at 8:57 PM

Ryan -

David Grogins and I looked at this, and the charter. If you are amending the code of ethics, that is one thing, and the charter gives the legislative council the authority to do so. However, the charter is clear in its instruction that the Board of Ethics has the sole authority to adopt rules and regulations for the administration of its proceedings.

It is not clear from the agenda what it is the legislative council is proposing to enact, but if the ordinance will govern the administration of its proceedings such as complaints, hearings and investigations, that is for the Board of Ethics per the charter.

David

On Aug 29, 2016, at 3:06 PM, Ryan Knapp <ryan.w.knapp@gmail.com> wrote:

Hello,

I hope all is going well. On another Ordinance Committee agenda item, we got a question on which we will be seeking an interpretation I have included below. We have been asked by the First Selectman to look at formalizing the Ethics process and memorializing it at the level of Ordinance. Is that something we can do without being in violation of the Charter? Ultimately it is the Selectman who make a decision based on the Board of Ethic's findings.

4-60 (c) in our Charter says: "The Board shall be charged with the administration of the Code of Ethics. The Board shall adopt and may amend reasonable rules and regulations for the administration of its proceedings. Prior to adopting or amending said rules and regulations, the Board shall hold a public hearing. Notice of the date, time and place of the public hearing, together with the text of the proposed amendment, shall be published in a newspaper having a substantial circulation in the Town of Newtown not less than 10 days before the date of said hearing. All such rules and regulations, as currently amended, shall be made available at the office of the Town Clerk to any elector of the Town."

Thank you very much,

-Ryan Knapp

----- Forwarded message -----

From: <bw.reloconsult@snet.net>  
Date: Mon, Aug 29, 2016 at 2:37 PM  
Subject: Ethics ordinance  
To: Ryan Knapp <ryan.w.knapp@gmail.com>

Hi I saw the agenda for the ethic ordinance and just wanted to mention that the Board and the Conduct of the Ethics Board is a Charter Issue, the code of ethics has to do with people's behavior, not what the board does. Please review as I don't think you can dictate process to another board that was created by Charter, your ordinance spells out what is ethical behavior. Good idea for the Ethics Board to have its own procedures, but I think that's up to them.

Sincerely

Bruce

Bruce Walczak  
12 Glover Ave  
Newtown, CT 06470  
[203-364-0616](tel:203-364-0616)

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Ryan W Knapp  
Sr Mechanical Project Engineer  
[www.macton.com](http://www.macton.com)  
[\(203\) 232 6394 \(c\)](tel:203-232-6394)

**§ 155-2. Legislative authority; criteria.**

Pursuant to the provisions of Section 7-149a of the Connecticut General Statutes, the Town of Mansfield shall provide for the designation of town roads ("highways") or portions thereof as scenic roads and shall maintain the scenic nature of highways or portions thereof so designated. To be considered as a scenic road, the highway or portion of the highway to be designated a scenic road shall be free of existing or potential (based on the Mansfield Plan of Development designations for commercial and industrial land uses) intensive commercial development, shall be free of intensive vehicular traffic and shall meet at least one of the following criteria:

- A. It is unpaved.
- B. It is bordered by mature trees or stone walls along a majority of its length.
- C. The traveled portion is no more than twenty (20) feet wide along a majority of its length.
- D. It offers scenic views or vistas such that persons other than residents living on the road routinely walk, drive or ride on this road to experience said views.
- E. It blends naturally into the unique or scenic surrounding terrain, such as ledge outcrops, steep hills, protected forests, wetland areas, etc.
- F. It parallels or crosses over brooks, streams, lakes or ponds that are regarded as scenic as in Subsection D above.

**§ 155-6. Alterations or improvements.**

- A. Except as provided in Subsections C, D and E hereof; any person, corporation and/or town agency may petition the Planning and Zoning Commission to alter or improve a scenic road designated under this chapter, and the Planning and Zoning Commission shall, after public hearing in accordance with § 155-5A above, forward the same with its recommendation thereon to the Town Council for action pursuant to Subsection B hereof. This review process shall constitute compliance with the referral requirements of Section 8-24 of the Connecticut General Statutes.
- B. Any highway which has been designated as a scenic road under this chapter may be altered or improved, including but not limited to widening of the right-of-way or traveled portion of the highway, paving, changing the grade, straightening, removing of stone walls or removing of mature trees, only upon approval by the Town Council by a simple majority if recommended by the Planning and Zoning Commission under Subsection A above or by a two-thirds (2/3) vote if not so recommended. The Council shall record in its minutes the reasons for such approval or denial.
- C. Emergency, routine and minor maintenance on any highway which has been designated as a scenic road under this chapter shall be continued by the town

without the necessity of Council vote, review by the Planning and Zoning Commission or public hearing. Such work shall include the removal of dead, diseased, damaged or dangerous trees and branches of trees; trimming of the tree branches that encroach on the traveled portion of the highway below the height needed to allow school buses, emergency vehicles and town road maintenance vehicles to pass; trimming or removal of brush and removal of boulders or other obstacles that encroach on the traveled portion of the road; necessary trimming for utility lines; trimming of brush to enhance and protect scenic views, stone walls and mature trees; correction of drainage problems; striping, graveling, filling, retreatment, including but not limited to overlay paving and chipsealing and repair of existing roadway surfaces; grading; snowplowing; sanding; and emergency repairs to said road in the case of a natural disaster making it impassable or unsafe for public travel.

D. Alterations or improvements.

- (1) Any highway which has been designated as a scenic road under this chapter may be altered or improved, including but not limited to widening of the right-of-way or traveled portion of the highway, paving, changing the grade, removal of the stone walls, ledge or boulders, installation of drainage facilities, straightening or removal of vegetation, including mature trees, provided that the Planning and Zoning Commission determines that said alterations or improvements are necessary to protect and promote public safety in conjunction with the approval of a new driveway, a new highway or a new subdivision or other land use development that is accessed by the subject scenic road and is under the Planning and Zoning Commission's regulatory jurisdiction. Any alteration or improvement to a scenic road shall not be approved unless a public hearing has been held on the subject project.
- (2) Any alterations or improvements authorized by this section shall be the minimum necessary to address safety issues associated with the new driveway, highway or land use development, and any approved alteration or improvement shall be designed to minimize impacts on the scenic characteristics of the subject scenic road. No alteration or improvement shall be approved by the Planning and Zoning Commission until potential alternative solutions have been considered thoroughly. Stone wall relocations and reconstructions, the planting of new trees, shrubs or flowers, the installation of underground utilities and other mitigating measures may be required by the Planning and Zoning Commission in conjunction with its authorization of alterations or improvements to scenic roads.

E. Scenic highway designations shall in no way interfere with normal agricultural operations as determined by the Connecticut Commissioner of Agriculture.

**§ 17A-7. Application for alterations. [Ord. of 7-6-1988, § V; Ord. of 12-14-1998]**

- (a) *Preservation objective.* The town shall maintain its scenic roads in good and sufficient repair and in passable condition. Routine maintenance and the regulation of future alterations and improvements of designated highways shall be carried out so to preserve to the highest degree possible the scenic characteristics of the highway which are indicated in the records of the Town Council as the basis for its designation as a scenic road.
- (b) *Definition of routine road maintenance.* Such maintenance shall include removal of dead and seriously diseased or damaged trees and branches of trees and trimming of the tree branches that encroach on the traveled portion of the highway below the height needed to allow school buses and emergency vehicles to pass. The scope of tree maintenance shall be determined by the Tree Warden in accordance with the requirements of Chapter 451 of the Connecticut General Statutes and when routine maintenance to the road or right-of-way are deemed necessary, the highest level of care should be taken to minimize root damage to trees bordering the road. Routine maintenance shall also include winter maintenance and street cleaning; trimming or removal of brush; removal of boulders or other obstacles that encroach on the traveled portion of the road or are proximate to the traveled portion and constitute a safety hazard; necessary trimming for utility lines in accordance with Section 16-234 of the Connecticut General Statutes; trimming of brush to enhance and protect scenic views, stone walls, mature trees and other characteristics of the scenic road set forth in the decision designating it a scenic road; and repair of existing bridges, guide posts, guardrails and other engineered structures with like materials or new materials, whichever are most complementary to the scenic character of the road. Routine maintenance shall also include correction of drainage problems and graveling retreatment and repair of existing roadway surfaces that does not result in widening. Any maintenance activity not listed above shall be considered an alteration or improvement and is subject to the terms of subsections (e), (f) and (g) of this section.
- (c) *Procedure for routine road maintenance.* Routine road maintenance shall not require approval of the Town Council, except that the Mayor shall be notified of contemplated routine maintenance to a scenic road at least one week before it is scheduled to commence. The Director of Public Works shall monitor routine road maintenance for compliance to this chapter. **[Ord. of 12-14-1998]**
- (d) *Natural disasters.* In the case of a natural disaster in which a road becomes impassable or a danger to public travel and access must be provided, emergency repairs may be made as needed to restore the highway or portion of highway to its preemergency condition. **[Ord. of 7-6-1988; Ord. of 12-14-1988]**
- (e) *Definition of alterations or improvements.* As used herein, the term "alteration and improvement" to a scenic road shall include widening of the right-of-way or of the traveled portion of the highway, paving of unpaved surfaces and all other changes



in the characteristics of the material used on the roadway surface, changes of grade, straightening, removal of stone walls, removal of mature trees, new construction of bridges, guide posts, guard rails and other engineered structures and all other improvements except routine maintenance as defined in Subsection (b) of this section. **[Ord. of 7-6-1988; Ord. of 12-14-1998]**

- (f) *Alteration or improvement procedure.* The alteration or improvement of a designated scenic road shall be determined by the Town Council. Any proposal for alteration or improvement, whether by public or private applicant, shall be submitted to the Town Council, along with a suitable map showing, in detail, the proposed alteration or improvement. At its next regularly scheduled meeting after submission of the proposal, the Town Council shall refer the proposal to the Planning Commission, and the Mayor, with the approval of the Council, shall, pursuant to Charter, appoint a committee to advise the Town Council on the alterations or improvements being proposed and any alternative solutions. The Advisory Committee shall consist of six electors of the town and shall include a member of the Town Council, a member of the Planning Commission, The Director of Public Works or his designee, the Town Director of Community Planning and Economic Development or, if that position is not filled or if he or she is not an elector of the town, such other member duly appointed, and two representatives of existing landowners along the scenic road. The Mayor shall, by giving reasonable written notice to all existing landowners along the scenic road, call and chair a meeting of the landowners at which the landowners present shall select their two representatives. The landowners shall have one vote per frontage lot. In the event that this process does not result in the selection of two representatives, the Mayor, with the approval of the Town Council, shall duly appoint two committee members. The Advisory Committee shall comply with all applicable legal requirements, including the requirements of Sections 1-18a, through 1-21i of the Connecticut General Statutes. The Planning Commission and the Advisory Committee shall submit findings of fact and a recommendation, in writing, to the Town Council within 35 days after the submission of the proposal to it by the Town Council. Within 35 days after receiving the Planning Commission's and the Advisory Committee's reports, the Town Council shall hold a public hearing on the application. The Town Council shall consider the Planning Commission's and the Advisory Committee's findings of fact and recommendations in making its determination, provided that the Town Council shall approve an alteration or improvement which the Planning Commission recommended disapproving only upon a two-thirds vote of the Town Council. Final action on the application shall be taken within 45 days after the public hearing held by the Town Council. **[Ord. of 7-6-1988; Ord. of 12-14-1998]**
- (g) *Standards for alteration.* No alteration or improvements to a scenic road or portion thereof (other than routine maintenance) shall be made unless the Town Council determines that such alterations are necessary to maintain the road in good and sufficient repair and in passable condition. Any decision by the Town Council to

alter or improve a scenic road shall reflect the least possible damage to the scenic character of the highway, and no alteration or improvement shall be approved until potential alternative solutions, including, but not limited to, those stated below have been thoroughly considered . If alteration or improvements to a scenic road are required, then they shall conform to the following:

- (1) Speed limits. Scenic values are correlated with lower speeds, and alterations shall not be made in such a manner as to unnecessarily encourage increased speed. The speed limit recommended by the town for unpaved scenic roads shall be 15 mph and shall be clearly posted on a standard yellow and black diamond-shaped advisory sign at each end of the road or portion of the road.
- (2) Curves. Scenic values are correlated with the existence of curves, which allow a constant unfolding of new and changing views. Curves shall not be eliminated until they are found to be a definite hazard within the concept of the specific road.
- (3) Grades. Hills and valleys are correlated with scenic values. They shall not be destroyed by cuts and fills unless absolutely essential to keep the road in good and sufficient repair and passable condition.
- (4) Widths. A narrow road is correlated with high scenic beauty. Designated highways should never be widened unless the amount of traffic, as determined by a factual study commissioned by the Town of New Milford, demands it to keep the the road in good and sufficient repair and passable condition. For some rural roads, the amount of traffic that can be handled can be greatly increased by wide bypasses and turnouts constructed at intervals where they do the least damage to scenic and other values; such bypasses and turnouts shall be implemented whenever possible.
- (5) Side slopes. Whenever possible side slopes should not be disturbed. Existing steepness of side slopes is preferable to reduction of gradient by extensive removal of soil and rock. This is especially true where the slope is fully stabilized and where it is rich with existing ground cover, shrubs and trees.
- (6) Vistas. Vistas of distant landscapes are associated with scenic beauty and shall be preserved by suitable vegetation management techniques along the scenic road right-of-way.
- (7) Utility lines. Whenever possible, utility lines shall be put underground. Where such lines are overhead, the utility corporations shall cooperate in accordance with Section 16-234 of the Connecticut General Statutes by using suitable vegetation management techniques which preserve as much as possible the tree canopy, wild flowers and shrubs.
- (8) Vegetation. Vegetation on the side of the road shall be managed in such a way to preserve wild flowers, permissible shrubs of ornamental and wildlife values and trees. Overarching isolated trees and the canopy of a closed forest can

have extremely high scenic value and should be preserved whenever possible. When alterations or improvements to the road or right-of-way are deemed necessary, the highest level of care should be taken to minimize root damage to trees bordering the road.

- (9) Stone walls. If stone walls or portions thereof must be removed, they shall be rebuilt along the untraveled portion of the road and restored to match their original appearance to the extent reasonable and practical.
  - (10) Nonscenic activities and structures on town-owned right-of-way. Nonscenic activities and structures, such as billboards, sand, gravel and salt piles, refuse disposal and other unsightly situations, shall be forbidden.
  - (11) Materials. When alterations or improvements to the surface of the road other than paving are deemed necessary, any material added to the road or right-of-way surface shall be consistent with the existing road surface material. When bridges, guide posts, guard rails or other engineered structures are found to be needed or replaced, materials that blend into or complement the scenic characteristics of the road, including but not limited to stone and timber, shall be used.
  - (12) Curbs and curb or road cuts. Hard curbs and frequent curb or road cuts are not associated with the scenic qualities of rural country roads. Whenever possible hard curbs shall be restricted to drainage areas and the number of curb or road cuts shall be minimized.
  - (13) Continuity. Where possible, scenic and preservation easements should be acquired from adjacent owners to ensure the continuance of natural relief, desirable features and scenic and historic values in the public interest. **[Ord. of 7-6-1988; Ord. of 12-14-1998]**
- (h) *Paving criteria.* No scenic road may be paved unless the Town Council passes a resolution to the effect that there is no reasonable alternative to the improvement or alteration of the road other than paving. Such resolution shall be based upon certification by the Town Engineer (Public Works Director) or a licensed civil engineer retained by the Town Council that there is no reasonable alternative to the improvement or alteration of the road other than paving and that the alteration or improvement by paving is necessary to maintain the road in good and sufficient repair and passable condition for travel. Any paving of a scenic road in accordance with this subsection or any work to be done in connection with such paving shall not commence before 60 days after the date of the resolution of the Town Council in accordance with the provisions of this subsection. Before any alteration or improvement may be made to a road pursuant to this subsection, all other requirements and procedures of § 17A-6 of this chapter must be complied with. **[Ord. of 7-6-1988; Ord. of 12-14-1998]**

- (i) *Rights of landowners abutting scenic road.* Nothing in this chapter shall be deemed to prohibit a person owning or occupying land abutting the highway or portion thereof designated as a scenic road from maintaining and repairing the land which abuts the road so designated if the maintenance occurs on land not within the right-of-way, paved or unpaved, of the scenic road or from having access to his or her property by driveway or subdivision road by encroachment within the rights-of-way, provided such encroachment is constructed so as to safeguard the highway's scenic features as recorded by the Town Council. Nothing herein shall prohibit a landowner from permanently removing a portion of a stone wall or mature trees within the town right-of-way in order to construct or improve a driveway or, in the case of a subdivision, to connect a subdivision road with a designated scenic road, provided that the material removed is limited to that area needed for driveway or subdivision road access. In the case of subdivision roads, consideration shall be given to all feasible and prudent alternative locations for the connection of a new road to a scenic road to select a location that would have the least potential detrimental impact on the scenic road and alternative routes for the new road that could connect the new road to other existing roads in order to minimize or eliminate any potential detrimental impact on one or more scenic roads.

**§ 292-6. Maintenance, alterations and improvements.**

- A. Preservation objective. The Town shall maintain its scenic roads in good and sufficient repair and in passable condition, pursuant to its regular schedule for maintenance of Town roads. Routine maintenance and alterations and reconstruction of a scenic road shall be carried out so as to preserve to the highest degree possible its scenic and rural characteristics, compatible with safe road operations.
- B. Emergency repairs. If a scenic road becomes impassable or unsafe for public travel, emergency repairs may be made to the extent needed to restore the scenic road to its pre-emergency condition.
- C. Routine maintenance, repairs and alterations. Pursuant to a plan of maintenance submitted to the Planning and Zoning Commission, the following types of maintenance and repairs of a scenic road shall be authorized by the Director of Public Services: **[Amended 3-17-2010]**
  - (1) Trimming of trees, grass cutting and removal of brush and other material which either encroaches upon the traveled portion of the road or obstructs the sight lines which are required by the provisions of the Town Road Ordinance.<sup>1</sup>
  - (2) Trimming of trees and trimming and removal of shrubs which are necessary for protection of utility wires and poles.
  - (3) Removal of dead or diseased trees, as determined by Town Tree Warden.
  - (4) Correction of road drainage problems and maintenance of existing drainage structures.
  - (5) Repaving or repair of existing road surfaces, including repair of curbing, shoulders and guardrails.
- D. Other alterations. Except for the types of work described in the preceding subsection, any alterations or improvements to a scenic road shall require the approval of the Board of Selectmen. Upon receipt of an application to make alterations or improvements, the Board of Selectmen shall forward said application to the Planning and Zoning Commission for review and comment prior to scheduling a public hearing concerning the application. Notice of the public hearing shall be given in the same manner as set forth in § 292-4. The Board of Selectmen shall grant such approval if it finds that the work is required in the interest of public safety and the work shall be performed so as to maintain or enhance the road's scenic character. **[Amended 3-17-2010]**

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1. Editor's Note: See Ch. 310, Streets and Sidewalks, Art. VI, Street Construction Standards.

## ARTICLE VI. - DESIGNATED SCENIC ROADS

### Sec. 86-161. - Authority.

This article has been adopted pursuant to the authority granted to the South Windsor Town Council pursuant to C.G.S. § 7-149a and provides for the designation of highways or portions of highways as scenic roads.

(Ord. No. 155, 3-1-99)

### Sec. 86-162. - Standards.

To be designated as a scenic road, a highway or portion of highway must be free of intensive commercial development and intensive vehicular traffic and must meet at least one of the following criteria:

- (1) It is unpaved;
- (2) It is bordered by mature trees or stone walls;
- (3) The traveled portion is no more than 20 feet in width;
- (4) It offers scenic views;
- (5) It blends naturally into the surrounding terrain; or
- (6) It parallels or crosses over brooks, streams, lakes or ponds.

(Ord. No. 155, 3-1-99)

### Sec. 86-163. - Procedure.

To be considered for designation as a scenic road, the owners of a majority of lot frontage abutting the highway or portion of the highway must file a written statement of approval to the designation of the highway or portion of the highway as a scenic road with the Town Clerk of the Town of South Windsor. A copy of said written statement of approval must also be filed with the clerk of the town council for consideration by the town council. Upon receipt of such a written statement of approval, the town council shall consider whether the highway or portion of the highway meets the standards set forth above. If such standards are met, the town council may, in its discretion, designate the highway or portion of the highway as a scenic road. The town council shall adopt whatever procedures it deems necessary in carrying out its review and determination of the status as a scenic road. If the town council chooses to designate said highway or portion of said highway as a scenic road, it shall pass a resolution to such effect. The scenic road designation may be rescinded by the town council, using the same procedures and having the same written concurrence of the owners of a majority of lot frontage abutting the highway or portion of the highway.

(Ord. No. 155, 3-1-99)

### Sec. 86-164. - Restrictions.

Future alterations and improvements on any highway or portion of highway designated as a scenic road shall be regulated by the town council. This includes the widening of the right-of-way or the traveled portion of the highway, paving, changes of grade, straightening, removal of stone walls and removal of mature trees. No such future alterations or improvements shall be initiated without prior approval of the town council. The town council shall adopt regulations outlining said restrictions and the procedure for obtaining town council approval.

(Ord. No. 155, 3-1-99)

### Sec. 86-165. - Maintenance.

Any highway or portion of any highway designated as a scenic road shall be maintained by the Town of South Windsor in good and sufficient repair and passable condition. Nothing in this article shall be deemed to prohibit a person owning or occupying land abutting a scenic road from maintaining and repairing the land which abuts the scenic road if the maintenance or repair occurs on land not within the right-of-way, paved or unpaved, of the scenic road.

(Ord. No. 155, 3-1-99)

Sec. 11-79. - Procedures for scenic road alteration and improvement.

- (a) Subject to the notice and hearing requirements set forth in this article, any road or portion of any road designated as a scenic road shall be maintained by the Town of Vernon in good and sufficient repair and in passable condition.
- (b) Any party, including the Town of Vernon, proposing to carry out an activity within a scenic road right-of-way (ROW) must apply to the commission, which shall schedule a public hearing on the proposal. Hearing notices and deadlines shall be made in compliance with the provisions of Sections 8-26d and 8-26e of the Connecticut General Statutes.
- (c) No road which has been designated as a scenic road under this article shall be altered or improved, except for good cause as determined by the commission. "Alterations or improvements" include, but are not limited to, widening of the right-of-way (ROW) or the traveled portion of the road, paving, changes of grade, straightening, removal of stone walls and mature trees. "Good cause" means maintaining the scenic road in good and sufficient repair and in passable condition. In the case of a natural disaster where the scenic road becomes impassable or poses a danger to public safety, it can be repaired to pre-emergency conditions. Examples of "good cause" include, but are not limited to, correcting drainage problems; removing dead and decaying trees and branches of trees; straightening of curves that pose a danger for vehicles traveling on them; repairing existing bridges, guardrails, guideposts and other engineering structures with similar materials that compliment the scenic character of the road; trimming tree branches and brush that overhang or encroach on the traveled portion of the road; and removing obstacles that prevent vehicles from traveling on the road. The commission shall state the reasons for its approval of such alterations and improvements in its minutes.

Emergency, routine, and minor maintenance on any road that has been designated as a scenic road under this article shall be continued by the Town of Vernon without the necessity of town council vote, review by the planning and zoning commission (PZC) or public hearing. Such work includes the removal of dead, diseased, damaged, or dangerous trees and branches of trees; trimming of tree branches that encroach on the traveled portion of the road below the height needed to allow school busses, emergency vehicles, and town road maintenance vehicles to pass; trimming or removal of brush and removal of boulders or other obstacles that encroach on the traveled portion of the road; necessary trimming for utility lines; trimming of brush to enhance and to protect scenic views, stone walls, and mature trees; correction of drainage problems; striping, graveling, filling, retreatment including, but not limited to, overlay paving and chip sealing and repair of existing roadway surfaces; grading; snowplowing; sanding and emergency repairs to the scenic road in the case of a natural disaster that makes it impassable or unsafe for public traffic.

- (d) Nothing in this article shall be deemed to prohibit a person owning or occupying land abutting a scenic road from maintaining and repairing the land which abuts the scenic road if the maintenance or repair occurs on land not within the right-of-way, or provide minor maintenance in the right-of-way, paved or unpaved, of the scenic road.

(Ord. No. 256, § 4, 12-21-04)





Ryan Knapp &lt;ryan.w.knapp@gmail.com&gt;

**Ethics ordinance**

6 messages

**bw.reloconsult@snet.net** <bw.reloconsult@snet.net>  
To: Ryan Knapp <ryan.w.knapp@gmail.com>

Mon, Aug 29, 2016 at 2:37 PM

Hi I saw the agenda for the ethic ordinance and just wanted to mention that the Board and the Conduct of the Ethics Board is a Charter Issue, the code of ethics has to do with people's behavior, not what the board does. Please review as I don't think you can dictate process to another board that was created by Charter, your ordinance spells out what is ethical behavior. Good idea for the Ethics Board to have its own procedures, but I think that's up to them.

Sincerely

Bruce

Bruce Walczak  
12 Glover Ave  
Newtown, CT 06470  
[203-364-0616](tel:203-364-0616)

**Ryan Knapp** <ryan.w.knapp@gmail.com>

Mon, Aug 29, 2016 at 2:52 PM

To: bw.reloconsult@snet.net

Bcc: Mary Ann Jacob &lt;mjacob4404@charter.net&gt;, Christopher Eide &lt;chriseide4newtown@gmail.com&gt;, Judit DeStefano &lt;juditnewtownlc@gmail.com&gt;, Neil Chaudhary &lt;nkc@4newtown.com&gt;, "pat.llodra@newtown-ct.gov" &lt;pat.llodra@newtown-ct.gov&gt;, Daniel Honan &lt;danielthonan@gmail.com&gt;

Thank you for the email communications Bruce. I will document it as part of the record and see that we get an interpretation on this concern.

-Ryan

On Mon, Aug 29, 2016 at 2:37 PM, <bw.reloconsult@snet.net> wrote:

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Ryan W Knapp  
Sr Mechanical Project Engineer  
[www.macton.com](http://www.macton.com)  
(203) 232 6394 (c)

**Ryan Knapp** <ryan.w.knapp@gmail.com>

Mon, Aug 29, 2016 at 3:06 PM

To: "Dobin, David" &lt;DDobin@cohenandwolf.com&gt;, "Grogins, David L." &lt;DGrogins@cohenandwolf.com&gt;

Hello,

I hope all is going well. On another Ordinance Committee agenda item, we got a question on which we will be seeking an interpretation I have included below. We have been asked by the First Selectman to look at formalizing the Ethics process and memorializing it at the level of Ordinance. Is that something we can do without being in violation of the Charter? Ultimately it is the Selectman who make a decision based on the Board of Ethic's findings.

4-60 (c) in our Charter says: "The Board shall be charged with the administration of the Code of Ethics. The Board shall adopt and may amend reasonable rules and regulations for the administration of its proceedings. Prior to adopting or amending said rules and regulations, the Board shall hold a public hearing. Notice of the date, time and place of the public hearing, together with the text of the proposed amendment, shall be published in a newspaper having a substantial circulation in the Town of Newtown not less than 10 days before the date of said hearing. All such rules and regulations, as currently amended, shall be made available at the office of the Town Clerk to any elector of the Town."

Thank you very much,

-Ryan Knapp

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From: <[bw.reloconsult@snet.net](mailto:bw.reloconsult@snet.net)>

Date: Mon, Aug 29, 2016 at 2:37 PM

Subject: Ethics ordinance

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To: Ryan Knapp <[ryan.w.knapp@gmail.com](mailto:ryan.w.knapp@gmail.com)>

Cc: "Grogins, David L." <[DGrogins@cohenandwolf.com](mailto:DGrogins@cohenandwolf.com)>

Mon, Aug 29, 2016 at 8:57 PM

Ryan -

David Grogins and I looked at this, and the charter. If you are amending the code of ethics, that is one thing, and the charter gives the legislative council the authority to do so. However, the charter is clear in its instruction that the Board of Ethics has the sole authority to adopt rules and regulations for the administration of its proceedings.

It is not clear from the agenda what it is the legislative council is proposing to enact, but if the ordinance will govern the administration of its proceedings such as complaints, hearings and investigations, that is for the Board of Ethics per the charter.

David

On Aug 29, 2016, at 3:06 PM, Ryan Knapp <[ryan.w.knapp@gmail.com](mailto:ryan.w.knapp@gmail.com)> wrote:

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Thank you very much,

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**Ryan W. Knapp** <[ryan.w.knapp@gmail.com](mailto:ryan.w.knapp@gmail.com)>

Mon, Aug 29, 2016 at 9:15 PM

To: "Dobin, David" <[DDobin@cohenandwolf.com](mailto:DDobin@cohenandwolf.com)>

Thank you David and your interpretation makes sense. Honestly I had not even looked closely at the charter language yet as we have been focusing on the other two items I sent your way. Thank you for confirming.

-Ryan

Sent from my iPhone

On Aug 29, 2016, at 8:57 PM, Dobin, David <[DDobin@cohenandwolf.com](mailto:DDobin@cohenandwolf.com)> wrote:

Ryan -

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David

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Thank you very much,

-Ryan Knapp

----- Forwarded message -----

From: <[bw.reloconsult@snet.net](mailto:bw.reloconsult@snet.net)>

Date: Mon, Aug 29, 2016 at 2:37 PM

Subject: Ethics ordinance

To: Ryan Knapp <[ryan.w.knapp@gmail.com](mailto:ryan.w.knapp@gmail.com)>

Hi I saw the agenda for the ethic ordinance and just wanted to mention that the Board and the Conduct of the Ethics Board is a Charter Issue, the code of ethics has to do with people's behavior, not what the board does. Please review as I don't think you can dictate process to another board that was created by Charter, your ordinance spells out what is ethical behavior. Good idea for the Ethics Board to have its own procedures, but I think that's up to them.

Sincerely

Bruce

Bruce Walczak

12 Glover Ave

Newtown, CT 06470

[203-364-0616](tel:203-364-0616)

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Ryan W Knapp

Sr Mechanical Project Engineer

[www.macton.com](http://www.macton.com)

(203) 232 6394 (c)

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**Ryan Knapp** <[ryan.w.knapp@gmail.com](mailto:ryan.w.knapp@gmail.com)>

Tue, Aug 30, 2016 at 3:41 PM

Bcc: Ryan Knapp <[ryan.w.knapp@gmail.com](mailto:ryan.w.knapp@gmail.com)>, Neil Chaudhary <[nkc@4newtown.com](mailto:nkc@4newtown.com)>, Judit DeStefano <[juditnewtownlc@gmail.com](mailto:juditnewtownlc@gmail.com)>, Mary Ann Jacob <[mjacob4404@charter.net](mailto:mjacob4404@charter.net)>, Christopher Eide <[chriseide4newtown@gmail.com](mailto:chriseide4newtown@gmail.com)>, Daniel Honan <[danielthonan@gmail.com](mailto:danielthonan@gmail.com)>

FYI - Information from Legal for discussion tomorrow

See you then,

-Ryan

----- Forwarded message -----

From: **Dobin, David** <[DDobin@cohenandwolf.com](mailto:DDobin@cohenandwolf.com)>

Date: Mon, Aug 29, 2016 at 8:57 PM

Subject: Re: Ethics ordinance

To: Ryan Knapp <[ryan.w.knapp@gmail.com](mailto:ryan.w.knapp@gmail.com)>

Cc: "Grogins, David L." <[DGrogins@cohenandwolf.com](mailto:DGrogins@cohenandwolf.com)>

Ryan -

David Grogins and I looked at this, and the charter. If you are amending the code of ethics, that is one thing, and the charter gives the legislative council the authority to do so. However, the charter is clear in its instruction that the Board of Ethics has the sole authority to adopt rules and regulations for the administration of its proceedings.

It is not clear from the agenda what it is the legislative council is proposing to enact, but if the ordinance will govern the administration of its proceedings such as complaints, hearings and investigations, that is for the Board of Ethics per the charter.

David

On Aug 29, 2016, at 3:06 PM, Ryan Knapp <[ryan.w.knapp@gmail.com](mailto:ryan.w.knapp@gmail.com)> wrote:

Hello,

I hope all is going well. On another Ordinance Committee agenda item, we got a question on which we will be seeking an interpretation I have included below. We have been asked by the First Selectman to look at formalizing the Ethics process and memorializing it at the level of Ordinance. Is that something we can do without being in violation of the Charter? Ultimately it is the Selectman who make a decision based on the Board of Ethic's findings.

4-60 (c) in our Charter says: "The Board shall be charged with the administration of the Code of Ethics. The Board shall adopt and may amend reasonable rules and regulations for the administration of its proceedings. Prior to adopting or amending said rules and regulations, the Board shall hold a public hearing. Notice of the date,

time and place of the public hearing, together with the text of the proposed amendment, shall be published in a newspaper having a substantial circulation in the Town of Newtown not less than 10 days before the date of said hearing. All such rules and regulations, as currently amended, shall be made available at the office of the Town Clerk to any elector of the Town."

Thank you very much,

-Ryan Knapp



Ryan Knapp &lt;ryan.w.knapp@gmail.com&gt;

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**Newtown Ordinance Committee Questions**

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**Dobin, David** <DDobin@cohenandwolf.com>

Tue, Aug 30, 2016 at 2:53 PM

To: Ryan Knapp &lt;ryan.w.knapp@gmail.com&gt;

Cc: "Grogins, David L." &lt;DGrogins@cohenandwolf.com&gt;, "Dobin, David" &lt;DDobin@cohenandwolf.com&gt;

Ryan –

I have attached some proposed revisions and comments to the volunteer fire, ambulance and underwater rescue personnel tax relief ordinance. Also attached is the most recent amendment to the enabling legislation, Conn. Gen. Stat. § 12-51w.

Below are my responses to your questions about the senior and disabled tax relief program:

As a preliminary matter, the enabling statute, Conn. Gen. Stat. s. 12-129n (attached) appears to require that the plan for local tax relief and amendments require a recommendation from the board of finance. See Conn. Gen. Stat. § 12-129n(b) ("After the initial approval of such property tax relief by the legislative body of such municipality, such plan may be amended from time to time by vote of its legislative body on recommendation of its board of finance or equivalent body without compliance with the requirements of this subsection applicable to such initial approval.").

Therefore, I would advise that a board of finance recommendation be obtained prior to amending the property tax relief plan set forth in Sections 208-1 through 208-8 re Tax Relief for Seniors and Totally Permanently Disabled residents (current version attached). In addition, my answers to your questions below assume that the Legislative Council is acting on recommendation of the board of finance.

**First Question**

Assuming the Legislative Council is acting on recommendation by the board of finance, there is nothing in the statute or the ordinance that prohibits the Legislative Council from passing a resolution to modify the income levels and corresponding maximum tax credits. However, adding another level of income over \$70,000 with corresponding maximum available tax credit (as opposed to modifying the income levels), and requiring funds be distributed first to the lowest income groups and then applying the remaining funds pro rata, would require an amendment of the ordinance. As for the total amount allocated to the tax relief program, that is established pursuant to the budget process pursuant to section 208-8.

**Second Question**

Your second question relates to section 208-7 of the ordinance that provides that the total tax relief to any person must not exceed 75% of the person's real property tax. This is not a requirement of the statute and may be amended by ordinance (assuming the change is on recommendation of the board of finance, see above) except that any tax credit amount over the 75% threshold triggers the requirement that a lien be placed on the property for such amount plus interest (at a rate to be determined by the municipality) pursuant to Conn. Gen. Stat. s. 12-129n(f). If such a change is made, then section 208-6 of the ordinance (in which the town waives lien rights) must also be amended to provide for imposition of a lien in the amount of any tax credit over 75%.

It should be noted that neither sections 208-6 nor 208-7 were changed when the ordinance was amended in 2014.

**Third Question**

Your third question relates to the asset test in section 208-2(K) of the ordinance. The enabling statute (Conn. Gen. Stat. s. 12-129n) authorizes a municipality to provide tax relief to senior or disabled residents who "meet the requirements which may be established by such municipality with respect to maximum income allowable during the calendar year preceding the year in which application is made for the tax relief provided in this section."

The question of whether an asset test is permitted is not clear-cut. On the one hand, initial approval of the property tax relief plan is to be based on recommendations from a committee, which shall include recommendations as to the "form and extent" of the property tax relief and the municipality is permitted to impose qualification "requirements" related to income. On the other hand, someone reading the statute narrowly may argue that the asset test is impermissible because it is not expressly allowed by the statute. However, other towns have enacted asset tests to determine qualification for tax relief under the same statute. See, for example, the Easton and Fairfield ordinances attached hereto. What is clear is that an asset test is not required by the statute.

**Fourth Question**

Your fourth question relates to state reimbursement. Conn. Gen. Stat. § 12-129n(e), the enabling legislation, provides that reimbursement under other provisions providing elderly tax relief (§§ 12-129b to 12-129d, and 12-170aa) are limited to the amounts the municipality would be entitled to receive for revenues lost because of tax relief provided under those sections. Also, there is no other statute that provides for state reimbursement of the amount of the tax credits provided under Conn. Gen. Stat. § 12-129n(e). Therefore, there is no state reimbursement for the tax credits provided under this statute. See also the 2008 Office Of Legislative Research report at p. 2, attached to this email, explaining that no state reimbursement is available for this tax relief program.

Please feel free to call me with any questions.

Thanks,

Dave

**David Dobin | Cohen and Wolf, P.C.**

1115 Broad Street | Bridgeport, CT 06604 | P: [203.337.4120](tel:203.337.4120) | F: [203.337.5520](tel:203.337.5520)

[ddobin@cohenandwolf.com](mailto:ddobin@cohenandwolf.com) | [www.cohenandwolf.com](http://www.cohenandwolf.com)

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**From:** Dobin, David  
**Sent:** Tuesday, August 02, 2016 8:19 AM  
**To:** Ryan Knapp  
**Cc:** Grogins, David L.  
**Subject:** Re: Newtown Ordinance Committee Questions

Thanks Ryan-

We will take a look at these questions.

Can you let me know when your next meeting is so we can have a timeline for doing this research?

Thanks

Dave

Sent from my iPhone

On Jul 31, 2016, at 8:31 PM, Ryan Knapp <[ryan.w.knapp@gmail.com](mailto:ryan.w.knapp@gmail.com)> wrote:

Hello,

We had some legal questions come out of our Ordinance Committee meetings related to Senior Tax Abatement and our Tax Abatement and we would like some clarification.

Senior Tax:

The LC has asked us to take another look at Senior Tax abatement and possibly tweaking the process. <http://www.ecode360.com/9875345>

Seemingly due to the restrictions we put in place on assets and property value, we have actually seen a decline in the number of Seniors participating in our program. This has left us coming up short of distributing the funds we allocated by almost \$250,000. Some hypothetical questions have been raised where, based on the state statutes, what can we do?

One suggestion would be to make those funds available for anyone who applies and distribute surplus funds without income restrictions. Hypothetically, if we were to increase the funding amount we could maintain our needs based component while also taking a look at giving something to other seniors. This has been asked of us by a group of seniors and we are looking into it. Could we theoretically add a top group from \$70,000 to infinity?

Another suggestion would be to increase the income levels. We have the authority under our current ordinance to do this by resolution, but we were wondering if we could craft the ordinance such that it distributes funds to the lowest income groups first and then in a case where pro-ration was needed, it would start with the highest groups.

Mr Eide also had another question below:

**From Newtown Code Book:**

**§ 208-7 Limitation on reduction in total tax.**

**No person's normal real estate tax shall be reduced by more than 75% by virtue of said credit provided by this article, together with all tax relief benefits obtained by said person from the State of Connecticut pursuant to state law.**

**From CGS:**

(f) Any municipality providing property tax relief under this section may establish a lien on such property in the amount of the relief granted, provided if the total amount of such property tax relief with respect to any such taxpayer, when combined with any such tax relief for which such taxpayer may be eligible in accordance with sections 12-129b to 12-129d, inclusive, or 12-170aa, exceeds in the aggregate seventy-five per cent of the property tax for which such taxpayer would be liable but for the benefits under this section and any of the sections mentioned above in this subsection, such municipality shall be required to establish a lien on such property in the amount that such tax relief exceeds seventy-five per cent of such property tax liability, plus interest applicable to the total of such unpaid taxes at a rate to be determined by such municipality. Any such lien shall have a priority in the settlement of such person's estate.

**Do we need to have a 25% minimum tax paid requirement statutorily (as is said in the ordinance) or is that not required by the CGS?**

There was a question of the legality of the assets tests and home value tests as they are not mentioned in the statute. It is my understanding that we can administer any restrictions we choose, is that correct?

Also, it was asked if we are required to have an income test. Based on your reading of the statute enabling this ordinance, is an income test required?

There was a question based on a member's reading of State reimbursement. In your interpretation how does state reimbursement work and should we be receiving it?

Municipal Volunteers Tax Abatement:

As it stands, Newtown gives an assessment exemption to qualifying municipal volunteers such as firefighters and ambulance members. This is administered as an exemption equating to a tax reduction of \$1,000, but the way the current language reads it is \$1,000 off the assessment or about a \$33 tax credit.

We have a draft of revised language I am attaching below. The intent was to make it an abatement of tax rather than an exemption of property value, budgeted and administered via the tax collector's office, rather than excluding it from the grand list which provides no tracking and is messy in a reval year. It also would give the LC the flexibility to amend numbers by resolution as we did with senior tax. Please take a look and advise any language changes.

## DRAFT ORDINANCE 13 JUNE 2016

Motion to recommend to Legislative Council to strike Chapter 208, Article VI from Town Code to be replaced with the following language:

### Chapter 208 Article VI. Tax Abatement for Volunteer Fire, Ambulance, and Underwater Rescue Personnel

**§ 208-19 Purpose**

In recognition of the benefits provided to the Town of Newtown by the dedicated service of the Town's volunteer fire, ambulance and underwater search and rescue personnel, the Newtown Legislative Council hereby establishes a tax abatement program pursuant to Connecticut General Statutes § 12-81w for volunteer fire, ambulance and underwater search and rescue personnel on the conditions outlined below.

**§ 208-20 Eligibility**

Members of at least three years' good standing of the Newtown Volunteer Fire Departments, Ambulance Corps and New town Underwater Search and Rescue (NUSAR) who reside in and pay property tax to the Town of Newtown as of October 1 preceding their application shall be eligible for such abatement. A year's service in good standing is achieved when meeting at least one of the following criteria:

- A. The member must respond to \_\_\_\_\_ calls in the calendar year preceding inclusion on any certified list; or
- B. The member must hold one of the following positions in the emergency services:

- (1) Administrative/Executive board.
- (2) Commissioner.
- (3) Line officer/operational officer.
- (4) Support member, per company or association bylaws.



**§ 208-21 Tax credit granted**

A. For the 2016-2017 fiscal year and subsequent fiscal years (unless changed by the Legislative Council in accordance with this section), the modified income levels for the prior calendar year and the corresponding maximum available tax credits for those levels shall be as follows:

Years of Service in Good Standing (preceding date of list certification)	Maximum Available Tax Abatement
3	\$250
4	\$440
5	\$675
6	\$860
7 or more	\$1,000

B. Abatement amounts for two or more members can be applied to the same property if each member is a co-owner of that property.

C. Tax abatements granted are subject to change upon resolution by the Legislative Council, which may base such changes on recommendations to the Legislative Council from the office of the First Selectman.

**§ 208-22 Maximum Tax Abatement Granted**

A. In no event may any abatement amount equate to more than the maximum amount of relief permitted under state statute, and if so, the First Selectman may cap the total relief afforded to any individual to the permitted maximum.

B. Members are limited to only one abatement, regardless of the number of volunteer organizations to which they belong.

**§ 208-23 Administration of Tax Abatement Program**

A. Annually on or before December 5 of each year, the president of each Fire Department shall certify and submit to the Board of Fire Commissioners a list of the members of his/her organizations who are eligible as defined in § 208-20. This list shall contain addresses of such members and the number of years of service in good standing. The Board of Fire Commissioners will review and certify said list, making corrections as necessary, before submitting it to the Office of the First Selectman by December 15 of each year.

B. The Ambulance Association shall review and certify the Ambulance Corps list, and said list shall contain addresses of such members and the number of years of service in good standing and submit it directly to the Office of the First Selectman by December 15 of each year.

C. Annually, on or before December 15 of each year, the President of NUSAR shall certify and submit to the Director of Newtown Emergency Management its own list of members who are eligible as defined in § 208-20. The Director will review and certify said list, making corrections as necessary, before submitting it directly to the Office of the First Selectman by December 15 of each year.

If you have any questions or concerns on these items please contact me at (203)232-6394.

Thank you very much,


-Ryan Knapp


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Ryan W Knapp  
Sr Mechanical Project Engineer  
[www.macton.com](http://www.macton.com)  
(203) 232 6394 (c)

**7 attachments**

 2016-08-30 Proposed Vol Tax Relief w DD changes.docx  
21K


 **CGS 12-81w as of 7-1-16.pdf**  
43K

 **CGS 12-129n Optional municipal property tax relief program for certain homeowners.pdf**  
60K

 **Newtown - Current Senior Tax Relief Ordinance.pdf**  
263K

 **Fairfield Senior Tax Relief Ordinance.pdf**  
205K

 **Easton Senior Tax Relief Ordinance.pdf**  
244K

 **2008 OLR re tax relief for seniors.pdf**  
64K

ARTICLE I  
**Senior Tax Credit**  
**[Adopted 2-18-1976 (Ch. 13 1/2, Art. II of the 1974 Code)]**

**§ 317-1. Authority.**

The Town of Ridgefield hereby enacts tax relief for the elderly pursuant to Public Act No. 74-294<sup>1</sup> for eligible residents of the Town of Ridgefield on the terms and conditions provided in this article.

**§ 317-2. Amount; eligibility requirements. [Amended 10-29-1981; 4-22-1982; 5-24-1984; 5-13-1998; 4-26-2000; 3-17-2010]**

Any person who owns real property in the Town of Ridgefield or is liable for the payment of taxes thereon pursuant to C.G.S. § 12-48, and occupies real property as a residence, shall be entitled to a credit of up to \$150 per year in the fiscal year commencing July 1, 1976, and ending June 30, 1977; and a tax credit of up to \$500 in the taxes due thereafter in the fiscal year commencing July 1, 1982; and a tax credit of up to \$550 in the taxes due thereafter in the fiscal year commencing July 1, 1984; and a tax credit of up to \$600 in the taxes due thereafter in the fiscal year commencing July 1, 1987; and a total tax credit of up to \$700 in the taxes due thereafter in the fiscal year commencing July 1, 1998; and a total tax credit of up to \$750 in the taxes due thereafter in the fiscal year commencing July 1, 1999; and a total tax credit of up to \$750 in the taxes due thereafter in the fiscal year commencing July 1, 2000; and a total tax credit of up to \$787 in the taxes due thereafter in the fiscal year commencing July 1, 2001; and a total tax credit of up to \$787 in the taxes due thereafter in the fiscal year commencing July 1, 2002; and a total tax credit of up to \$862 in the taxes due thereafter in the fiscal year commencing July 1, 2003; and a total tax credit of up to \$899 in the taxes due thereafter in the fiscal year commencing July 1, 2004; and a total tax credit of up to \$936.50 in the taxes due thereafter in the fiscal year commencing July 1, 2005; and a total tax credit of up to \$974 in the taxes due thereafter in the fiscal year commencing July 1, 2006; and a total tax credit of up to \$1,011 in the taxes due thereafter in the fiscal year commencing July 1, 2007; and a total tax credit of up to \$1,048 in the taxes due thereafter in the fiscal year commencing July 1, 2008, on such real property, provided that all the following conditions are met:

- A. Such person is 65 years of age or over, or his or her spouse is 65 years of age or over and resides with said person;
- B. Such person has resided at and paid real estate taxes on a residence located in Ridgefield for a period of one year prior to his or her application for tax relief;
- C. The property for which the credit is claimed must be the legal domicile of such person and occupied more than 183 days of each year;

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1. Editor's Note: See C.G.S. § 12-129n.

- D. Before the tax credit created by this article or any portion thereof shall be given, such person must first apply for tax relief under any state statute for which he or she is eligible, and provided, further, that the credit granted by the Town, together with all tax relief benefits obtained from the State of Connecticut pursuant to state law, shall not result in a reduction of the applicant's total real estate tax by more than 75% of the total amount thereof; and
- E. The application for tax relief must be made after such person becomes eligible to apply, as provided in § 317-4 of this article.

**§ 317-3. Applicability.**

The tax credit on real property as provided herein shall apply only to the residence itself, the lot on which the residence is located and improvements on said lot.

**§ 317-4. Filing of application.**

In order to be entitled to the benefits provided herein, an application must be filed with the Tax Collector of the Town of Ridgefield after such person or his or her spouse reaches 65 years of age, not earlier than January 1 or later than April 1, to obtain the benefits provided hereunder for the next fiscal year, and said person shall have reached age 65 on or before December 31 of the preceding year. Upon the filing of a proper application for said tax credit, the Tax Collector shall grant the applicable reduction in taxes or portion thereof for all fiscal years thereafter, so long as the applicant continues to remain eligible for such tax relief, and the applicant shall not be required to file annually for an exemption for each fiscal year.

**§ 317-5. Termination of credit upon death or sale of property. [Amended 5-11-1988]**

If any person entitled to the tax relief pursuant to this article dies or sells the real property on which the tax credit is granted, no additional tax credit shall be allowed for his or her interest in the property for any portion of any fiscal year remaining after the date of death or sale, or for any fiscal year commencing after said date of death or sale.

**§ 317-6. Limitation on number of tax credits; proration.**

Only one tax credit as heretofore set forth shall be allowed for each parcel of land eligible for the tax relief under this article. In any case where title to real property is recorded in the name of the taxpayer or his or her spouse who is eligible for tax relief, and any other person or persons, the tax relief under this article shall be prorated to allow a tax credit equivalent to the fractional share in the property of such taxpayer or spouse, and the persons not otherwise eligible for tax relief shall not receive any tax credit.