



TOWN OF STRATFORD

CONNECTICUT
06615

MINUTES OF MEETING

THE STRATFORD TOWN COUNCIL CONDUCTED A REGULARLY SCHEDULED MEETING ON **TUESDAY**, FEBRUARY 13, 2007 IN COUNCIL CHAMBERS OF TOWN HALL, 2725 MAIN STREET, STRATFORD, CT PURSUANT TO NOTICE DULY POSTED.

CALL TO ORDER: 8:00 p.m. by Chairman Pro Tem Michael Henrick

PRESIDING: Council Chairman James Feehan

COUNCIL MEMBERS IN ATTENDANCE: Mr. Michael Julian, Mr. Alvin O'Neal, Mr. Gavin Forrester, Mr. Angelo Stavola, Mr. Raymond Barker, Mr. John Miranda, Mr. William Stroomer, Mr. Robert Camillo, Mr. Jim Feehan, Mr. Michael Henrick

COUNCIL MEMBERS ABSENT: — none

OTHERS IN ATTENDANCE: Mayor James Miron, Town Attorney Richard Buturla, Asst. Attorney Warren Holcomb.

INVOCATION BY THIRD DISTRICT COUNCIL MEMBER GAVIN B. FORRESTER, III FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

1. APPROVAL OF MINUTES — Minutes of: Regularly scheduled meeting, public forum, and executive session of January 8 and special meeting of January 18, 2007.

RESOLVED: That the reading of the foregoing minutes be dispensed with as copies thereof have been previously provided to each Council Member and the same be and are hereby approved.

A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. BARKER TO APPROVE THE FOREGOING MINUTES. MR. STROOMER REQUESTED TO FRIENDLY AMEND THE MINUTES OF REGULARLY SCHEDULED MEETING OF JANUARY 8, 2007 AT PAGE 4, ITEM 4.1.3 re: SAVOY LINENS PERSONAL PROPERTY TAX ADJUSTMENT TO READ "\$1,068.65"... MR. STROOMER'S FRIENDLY AMENDMENT WAS ACCEPTED. THE MOTION PASSED 9 TO 0, WITH MR. FEEHAN ABSENT, AS AMENDED.

RECOGNITION AWARDS:

Mayor Miron presented recognition awards to the following:

- (1) former State Sen. George "Doc" Gunther
- (2) Bunnell High School's Girls Volley Ball team
- (3) Stratford High School Boys Varsity Team
- (4) Bunnell High School Boys Varsity Team

2. COUNCIL MEMBERS RESPONSE TO COMMENTS FROM PUBLIC FORUM

Mr. Henrick — re: Army's presentation of SAEP, Town Pensions

Mr. Camillo — re: Eli Whitney school playground, Army's presentation of SAEP, Mr. Ciecuch's Comments, Dog Park

Mr. Stroemer — re: Army's presentation of SAEP, Dog Park, Eli Whitney school playground

Mr. Miranda — re: Army's presentation of SAEP, Town Pensions

Mr. Barker — re: Army's presentation of SAEP, Dog Park, Eli Whitney school playground

Mr. Forrester — re: Army's presentation of SAEP, Town Pensions

Mr. O'Neal — re: Army's presentation of SAEP, Dog Park, Eli Whitney school playground

Mr. Julian — re: Eli Whitney school playground, Town pensions, Dog Park

Mr. Feehan — re: Army's presentation of SAEP

Mr. Miron — re: Army's presentation of SAEP, Disability Pensions, Eli Whitney school playground

3. COMMUNICATIONSWAIVER OF COUNCIL RULES OF ORDER

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. MIRANDA TO WAIVE THE COUNCIL RULES OF ORDER TO ADD A VERBAL COMMUNICATION FROM MONTI-POSILLICO. THE MOTION PASSED 10 TO 0.

COMMUNICATION FROM MONTI-POSILLICO

Monti-Posillico representatives have requested a meeting with the Town Council for a presentation. A meeting is tentatively scheduled for February 26 following Ordinance Committee and Water Pollution Control Authority Meetings. The presentation will include a "questions from Council Members" segment.

COMMUNICATIONS — continued

- 3.1 LETTER FROM PLANNING COMMISSION — (Letter previously forwarded)
re: §8-24 Review – Request for abandonment of Section of Curtis Avenue
Dated: January 25, 2007

(paraphrased) After considering letter from abutting property owner as well as property records and block map, the Planning Commission, at the meeting of January 17, 2007, voted to approve the proposed abandonment.

RESOLVED: that the opinion of the Planning Commission is accepted and the abandonment of property known as 100-105 Curtis Avenue be and is hereby approve/denied.

A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. O'NEAL TO APPROVE THE FOREGOING ABANDONMENT. THE MOTION PASSED 10 TO 0.

- 3.2 LETTER re: PLAN AND PROFILE FOR EXTENSION OF YORK STREET
From: Gary Lorentson, P&Z Administrator
Dated: January 31, 2007 (Letter previously forwarded)

At a meeting of the Planning Commission held July 25, 2006 it was voted to recommend your approval of the plan and profile contained in the subdivision as shown on map entitled "Soundview Estates" dated May 22, 2006 prepared by Codespoti & Associates and approved by the Engineering Dept. of the Town of Stratford in accordance with "An Ordinance Providing for the Manner of Acceptance of New Streets, Boulevards, Highways or Public Ways and Establishing Certain Specifications Thereof, In the Town of Stratford Conn" adopted July 14, 1947:

Extension of York Street — Beginning at the present street line at the end of York Street, running in a northerly direction for approximately 220 feet to a new dead end cul-de-sac. Street width – 60 feet, pavement width – 32 feet.

Sidewalks and curbs will be constructed on all street frontages of the subdivision.

RESOLVED: that the Plan and Profile for Extension of York Street, as above described, be and is hereby approved/denied.

A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. O'NEAL TO APPROVE THE FOREGOING PLAN AND PROFILE FOR THE EXTENSION OF YORK STREET. THE MOTION PASSED 10 TO 0.

ADDITIONAL COMMUNICATION

Mr. Feehan forwarded a communication from St. Joseph's National Catholic Church to the Mayor re: request for proclamation.

4. MAYOR'S REPORT, COMMITTEE REPORTS, TOWN ATTORNEY'S REPORTS**4.1 MAYOR'S REPORT****4.1.1 REFERRAL OF ABANDONMENT OF WASHINGTON AVENUE TO PLANNING COMMISSION PURSUANT TO § 8-24 OF THE CONNECTICUT GENERAL STATUTES**

RESOLVED: that the foregoing request for abandonment of a portion of Washington Avenue (parameters not available) be and is hereby referred to the Planning commission for a mandatory review pursuant to § 8-24 of the Conn. Gen. Stats.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. BARKER TO REFER THE ABOVE MENTIONED REQUEST TO ABANDON TO THE PLANNING COMMISSION FOR A MANDATORY REVIEW PURSUANT TO § 8-24 OF THE CONN. GEN. STATS. THE MOTION PASSED 10 TO 0.

4.1.2 RESOLUTION RE HISTORIC DOCUMENTS PRESERVATION GRANT

SPONSOR: Stratford Town Council

WHEREAS, The Town of Stratford has embarked on a multi-year program to recreate, consolidate and preserve on microfilm, historic land records of the Town of Stratford; and

WHEREAS, The State Library has recently made available grant funding to assist in the preservation of historic documents; and

WHEREAS, The Town of Stratford is desirous of making application to the State Library through the Office of the State Public Administrator for such grant funding as may be available to assist in the preservation of Stratford land records;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor, James R. Miron, is empowered to execute and deliver in the name and on behalf of this municipality a contract with the Connecticut State Library for a Historic Documents Preservation Grant.

A MOTION WAS MADE BY MR. CAMILLO SECONDED BY MR. O'NEAL TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED 10 TO 0.

MAYOR'S REPORT — continued4.1.3 RESOLUTION RE MARINE SEWAGE DISPOSAL FACILITY FUNDING

SPONSOR: Stratford Town Council

BE IT RESOLVED that it is in the best interests of the Town of Stratford to enter into contracts with the Department of Environmental Protection for funding under the Clean Vessel Act for operation and maintenance of a pumpout boat.

IN FURTHERANCE OF THIS RESOLUTION, James R. Miron, Mayor of the Town of Stratford, is duly authorized to enter into and sign said contracts on behalf of the Town of Stratford. James R. Miron, Mayor of the Town of Stratford, is further authorized to provide such additional information and execute such other documents as may be required by the state or federal government in connection with said contracts and to execute any amendments, recisions and revisions thereto.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. O'NEAL TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED 10 TO 0.

4.1.4 RESOLUTION RE BOOTHE HOMESTEAD ROOF PROJECT CHANGE ORDER

SPONSOR: Stratford Town Council

RESOLVED: that the Town Council hereby approves a change order for additional architectural services to be performed by Silver, Petrucelli and Associates, Architects and Engineers, 3190 Whitney Avenue, Hamden, CT 06518, in accordance with their fixed fee proposal, dated January 23, 2007, not to exceed \$12,500, on the Boothe Homestead Roof Project, and to be funded out of the Community Development Block Grant Year 31 Program.

A MOTION WAS MADE BY MR. CAMILLO SECONDED BY MR. BARKER TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED 10 TO 0.

4.1.5 RESOLUTION RE EMERGENCY PURCHASE OF 1979 DUPLEX-OREN PUMPER — Thomaston CT Fire Department is selling a 1979 duplex-oren pumper with 17,000 mile odometer reading in excellent conditions for approx. \$10,000. Mr. Cybart, Fire Chief, inspected and tested all features and is satisfied.

RESOLVED: that the opinion of the Fire Chief is accepted and that the Town Council endorse the purchase as described above.

Chairman Feehan recuses himself from all discussion and voting due to a conflict of interest. He vacates the Chair. Mr. Henrick, Council Chairman Pro Tem, assumes the Chair.

MAYOR'S REPORT — continuedRES. RE EMERGENCY PURCHASE OF 1979 DUPLEX-OREN PUMPER — continued

A MOTION WAS MADE BY MR. CAMILLO SECONDED BY MR. FORRESTER TO ENDORSE THE FOREGOING PURCHASE. THE MOTION PASSED 9 TO 0 WITH MR. FEEHAN ABSTAINING FROM VOTING.

Mr. Feehan reassumes the Chair.

4.1.6 ORDINANCE RE: RULES OF CONSTRUCTION FOR THE CODE OF THE TOWN OF STRATFORD (#07-03) — (Ordinance appended as pages 21-22)

RESOLVED: That the first reading of the above entitled Ordinance be and is hereby dispensed with as copies thereof have been previously furnished to each member of the Town Council, and that the same be adopted as a first reading and referred to the Ordinance Committee for a public hearing.

A MOTION WAS MADE BY MR. STROOMER SECONDED BY MR. MIRANDA TO REFER THE FOREGOING ORDINANCE TO ORDINANCE COMMITTEE FOR A PUBLIC HEARING. THE MOTION PASSED 10 TO 0.

4.1.7 ORDINANCE RE WAIVER OF SMALL PROPERTY TAX AMOUNTS DUE PURSUANT TO C.G.S. § 12-144C (#07-04) — (Ordinance appended as page 23)

sponsored by: Hon. Gavin Forrester, 3rd district Council Member

RESOLVED: That the first reading of the above entitled Ordinance be and is hereby dispensed with as copies thereof have been previously furnished to each member of the Town Council, and that the same be adopted as a first reading and referred to the Ordinance Committee for a public hearing.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. MIRANDA TO REFER THE FOREGOING ORDINANCE TO ORDINANCE COMMITTEE FOR A PUBLIC HEARING. THE MOTION PASSED 10 TO 0.

4.1.8 ORDINANCE RE SENIOR AND DISABLED TAX RELIEF (#07-05)— (Ordinance appended as pages 24-32)

sponsored by: Hon. Gavin Forrester, 3rd district Council Member
Hon. Alvin O'Neal, 2nd district Council Member
Hon. Robert Camillo, 8th district Council Member

MAYOR'S REPORT — continuedORDINANCE RE SENIOR AND DISABLED TAX RELIEF (#07-05) — continued

RESOLVED: That the first reading of the above entitled Ordinance be and is hereby dispensed with as copies thereof have been previously furnished to each member of the Town Council, and that the same be adopted as a first reading and referred to the Ordinance Committee for a public hearing.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. MIRANDA TO REFER THE FOREGOING ORDINANCE TO ORDINANCE COMMITTEE FOR A PUBLIC HEARING. THE MOTION PASSED 10 TO 0.

4.1.9 QUESTIONS TO MAYOR OR STAFF

Mr. Stavola — re: GBTA with stop on Lordship Boulevard

Mr. Barker — re: crosswalks and stop signs

Mr. Miranda — re: GBTA stop at Paradise Green

Mr. Stroomer — re: request for copy of MOU between Stratford and US Army. Comment on Hybrid vehicle performance.

Mr. Camillo — re: Eli Whitney Playground.

Mr. Henrick — re: Eli Whitney Playground, Town Hall renovations costs, Hybrid vehicles

Mr. Feehan — re: Town Hall renovations costs

Stratford Town Council meeting recessed: 10:30 p.m.

Stratford Town Council meeting reconvened: 10:45 p.m.

Mr. Feehan — re: request for all CDA Block Grant fund applications sent to Council members.

4.3 TOWN ATTORNEY'S REPORT

4.3.1 JERRY BLOOM vs. TOWN OF STRATFORD, ET AL — Attorney Buturla presented a progress report.

4.3.2 Y'ISIAH LOPES vs. SHAWN FARMER, ET AL — Attorney Buturla presented a progress report.

4.3.3 WEST LONG BEACH COTTAGES — Attorney Buturla requests taking the foregoing item into executive session for the purpose of discussion regarding strategy and negotiations with respect to pending claims or litigation toward the town or a member thereof as a party. Mr. Buturla would like that motion to include members of the Stratford Town Council, the Mayor, Attorney Holcomb and himself.

TOWN ATTORNEY'S REPORT — continuedWEST LONG BEACH COTTAGES — continued

A MOTION WAS MADE BY MR. FORRESTER, SECONDED BY MR. STAVOLA TO ENTER INTO EXECUTIVE SESSION PRIOR TO CONCLUSION OF THIS MEETING AT THE RECOMMENDATION OF THE TOWN ATTORNEY TO DISCUSS THE FOREGOING ITEM FOR THE REASON STATED ABOVE WITH EXECUTIVE SESSION TO INCLUDE THE ABOVE NAMED INDIVIDUALS. THE MOTION CARRIED 10 TO 0.

5. UNFINISHED BUSINESS5.2 TABLED ITEMS5.2.4 UNITED ILLUMINATING LEASE —Tabled during Council meeting of January 8, 2007 from Mayor's Report.

A MOTION WAS MADE BY MR. O'NEAL SECONDED BY MR. FORRESTER TO REMOVE THE FOREGOING ITEM FROM THE TABLE. THE MOTION PASSED 9 TO 0 WITH MR. BARKER ABSENT.

Purpose — install, maintain and operate mobile radio equipment and related communication systems to communicate with UI field crews, mostly electric line crews at approx 300 sq. ft. next to the existing 120 foot communications tower situated at Stratford Fire Station #4 at 200 Oronoque Lane.

RESOLVED: that the lease agreement with United Illuminating Company (Lessee) and the Town of Stratford (Lessor) at the location cited above at the sole cost and expense to UI Company for a term initially ten (10) years commencing December 1, 2006 – option to extend for one additional 5-year term be and is hereby approved (additional terms on file).

A MOTION WAS MADE BY MR. O'NEAL SECONDED BY MR. CAMILLO TO APPROVE THE FOREGOING LEASE AGREEMENT. THE MOTION PASSED 9 TO 0 WITH MR. BARKER ABSENT.

5.4 TABLED APPOINTMENTS5.4.3 VETERANS' MONUMENT PRESERVATION COMMISSION FOR ACADEMY HILL (ord. #04-04) Established May 10, 2004, at least 9 members and no more than 11 members, appointed by Town Council, 4-year terms, Chairman appointed by Town Council.5.4.3.1 REPRESENTATIVES-AT-LARGE — Appointments A., B., and C.

UNFINISHED BUSINESS — continuedTABLED APPOINTMENTS — continuedVETERANS' MONUMENT PRESERVATION COMM FOR ACADEMY HILL — continued

A MOTION WAS MADE BY MR. O'NEAL SECONDED BY MR. JULIAN TO REMOVE THE FOREGOING APPOINTMENTS FROM THE TABLE. THE MOTION PASSED 9 TO 0 WITH MR. BARKER ABSENT. After Discussion, A MOTION WAS MADE BY MR. O'NEAL SECONDED BY MR. MIRANDA TO PLACE THE FOREGOING APPOINTMENTS BACK ON THE TABLE. THE MOTION PASSED 9 TO 0 WITH MR. BARKER ABSENT.

5.4.4 AIRPORT NOISE ABATEMENT COMMITTEE — ordinance #05-30 approved for final passage December 8, 2005. Seven (7) members

5.4.4.1 STRATFORD ELECTORATE AT LARGE — appointed by Town Council

A. RESOLVED: that _____ of _____ be and is hereby appointed a member of the Airport Noise Abatement Committee.

B. RESOLVED: that _____ of _____ be and is hereby appointed a member of the Airport Noise Abatement Committee.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. JULIAN TO REMOVE THE FOREGOING APPOINTMENTS FROM THE TABLE. THE MOTION PASSED 9 TO 0 WITH MR. BARKER ABSENT. After directing the Clerk to make an inquiry re: Chairmanship, A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. O'NEAL TO PLACE THE FOREGOING APPOINTMENTS ON THE TABLE. THE MOTION PASSED 9 TO 0 WITH MR. BARKER ABSENT.

5.4.6 WATERFRONT HARBOR MANAGEMENT COMMISSION, appointed by Town Council

5.4.6.1 REGULAR MEMBER, 5-year term of office

RESOLVED: that RICHARD T. RHATIGAN of 117 WHITE STREET be and is hereby appointed a member of the Waterfront Harbor Management Commission. (term of Robert Gabris expired June 30, 2006)

A MOTION WAS MADE BY MR. HENRICK SECONDED BY MR. FORRESTER TO REMOVE THE FOREGOING APPOINTMENT FROM THE TABLE. THE MOTION PASSED 9 TO 0 WITH MR. BARKER ABSENT.

UNFINISHED BUSINESS — continued

TABLED APPOINTMENTS — continued

WATERFRONT HARBOR MANAGEMENT COM., REGULAR MEMBER — continued

A MOTION WAS MADE BY MR. HENRICK SECONDED BY MR. MIRANDA TO APPOINT RICHARD T. RHATIGAN OF 117 WHITE STREET TO THE WATERFRONT HARBOR MANAGEMENT COMMISSION. THE MOTION PASSED 9 TO 0 WITH MR. BARKER ABSENT.

6. ORDINANCES AND RESOLUTIONS

6.1 ORDINANCE ALLOWING FOR THE CREATION FOR A DOG PARK / EXERCISE AREA (#07-01) *(Ordinance appended as pages 14-16)*

RESOLVED: That the first reading of the above entitled Ordinance be and is hereby dispensed with as copies thereof have been previously furnished to each member of the Town Council, and that the same be adopted as a first reading and referred to the Ordinance Committee for a public hearing.

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. MIIRANDA TO REFER THE FOREGOING ORDINANCE TO ORDINANCE COMMITTEE FOR A PUBLIC HEARING. THE MOTION PASSED 9 TO 0 WITH MR. BARKER ABSENT.

6.2 ORDINANCE: DEDICATED FUNDS ORDINANCE (#07-02)

RESOLVED: That the first reading of the above entitled Ordinance be and is hereby dispensed with as copies thereof have been previously furnished to each member of the Town Council, and that the same be adopted as a first reading and referred to the Ordinance Committee for a public hearing. *(Ordinance appended as page 17)*

A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. MIIRANDA TO REFER THE FOREGOING ORDINANCE TO ORDINANCE COMMITTEE FOR A PUBLIC HEARING. THE MOTION PASSED 9 TO 0 WITH MR. BARKER ABSENT.

ORDINANCE AND RESOLUTIONS — continued

6.3 ORDINANCE ESTABLISHING AN ARCHITECTURAL REVIEW BOARD (#07-06)

sponsored by: Hon. Michael Julian, First District Council Member

RESOLVED: That the first reading of the above entitled Ordinance be and is hereby dispensed with as copies thereof have been previously furnished to each member of the Town Council, and that the same be adopted as a first reading and referred to the Ordinance Committee for a public hearing. *(Ordinance appended as pages 18-20)*

A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. MIRANDA TO REFER THE FOREGOING ORDINANCE TO ORDINANCE COMMITTEE FOR A PUBLIC HEARING. THE MOTION PASSED 9 TO 0 WITH MR. BARKER ABSENT.

7. NEW BUSINESS

TOWN COUNCIL MEETING PROCEEDED IN THE ORDER AS FOLLOWS:

7.1 APPOINTMENTS

7.1.1 BOARD OF ZONING APPEALS, ALTERNATE MEMBER — 3-year term, appointed by Council

RESOLVED: that JOSEPH CRUDO of 725 STRATFORD ROAD be and is hereby appointed an alternate member of the Board of Zoning Appeals. (Term of Dale Curtis expired January 1, 2007)

A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. MIRANDA TO APPOINT JOSEPH CRUDO OF 725 STRATFORD ROAD AS AN ALTERNATE MEMBER TO THE FOREGOING BOARD. THE MOTION PASSED 9 TO 0 WITH MR. BARKER ABSENT.

7.1.2 PLANNING COMMISSION, ALTERNATE MEMBER — 3-year term, appointed by Council

RESOLVED: that THOMAS MOORE of 15 BRINSMAYD AVENUE be and is hereby appointed an alternate member of the Planning Commission. (Term of Linda Pepin expired January 2007)

A MOTION WAS MADE BY MR. CAMILLO SECONDED BY MR. O’NEAL TO APPOINT THOMAS MOORE OF 15 BRINSMAYD AVENUE TO THE FOREGOING COMMISSION. THE MOTION PASSED 9 TO 0 WITH MR. BARKER ABSENT.

NEW BUSINESS — continuedAPPOINTMENTS — continued7.1.3 ZONING COMMISSION, ALTERNATE MEMBER — 3-year term, appointed by Council

RESOLVED: that RONALD J. HOJDICH of 260 POST OAK ROAD be and is hereby appointed an alternate member of the Zoning Commission. (Term of Ronald J. Hojdich expired January 1, 2007)

A MOTION WAS MADE BY MR. FORRESTER SECONDED BY MR. O'NEAL TO REAPPOINT RONALD J. HOJDICH AS AN ALTERNATE MEMBER OF THE FOREGOING BOARD. THE MOTION PASSED 9 TO 0 WITH MR. BARKER ABSENT.

7.0 COUNCIL INVESTIGATIONRESOLUTION REGARDING INVESTIGATION OF THE HIRING OF THE CHIEF ADMINISTRATIVE OFFICER

Sponsored by Michael Henrick, Councilman Tenth District

Whereas, pursuant to section 5.1.2 of the charter, the Mayor has the authority to appoint and to remove the Chief Administrative Officer of the Town, and

Whereas pursuant to this authority the Mayor has appointed a Chief Administrative Officer, and

Whereas, pursuant to section 2.2.15 of the Charter, the Council has the authority to investigate Town affairs, and

Whereas certain allegations have arisen concerning the conduct of the Chief Administrative Officer in his previous governmental positions, which allegations tend to undermine the ability of the Chief Administrative Officer to effectively conduct the duties of his office and

Whereas certain allegations have arisen as to the process employed by the Mayor to appoint the Chief Administrative Officer, specifically to conduct a complete background investigation prior to appointing said Chief Administrative Officer, and

Whereas these accumulated allegations, collectively, have the effect of unfairly tainting the perception of the Town held by the general public as well as impeding the ability of the Town to effectively and efficiently conduct the day to day operations of government, and

COUNCIL INVESTIGATION — continued

Whereas it appears to this Council that the interest of the Town would be best served by a full investigation of the allegations made concerning the conduct of the Chief Administrative Officer in his previous governmental positions and of the process used to find and appoint the Chief Administrative Officer, which investigation would develop information to be utilized by the Mayor in further carrying out the duties of his office, together with restoring the confidence of the citizens of the Town and members of the general public in the officers of the Town,

NOW THEREFORE BE IT RESOLVED, THAT THE Council of the Town of Stratford undertake an investigation of the conduct of the Chief Administrative Officer in his previous governmental positions and of the process used to find, qualify and appoint the Chief Administrative Officer, and that the Council be authorized to subpoena such records or testimony and to employ such individuals as is necessary to fully conduct such investigation.

A MOTION WAS MADE BY MR. JULIAN SECONDED BY MR. MIRANDA TO APPROVE THE FOREGOING RESOLUTION.

Stratford Town Council meeting recessed: Wednesday, February 14, 2007 at 12:35 a.m.

Stratford Town Council meeting reconvened: Wednesday, February 14, 2007 at 12:50 a.m.

A MOTION WAS MADE BY MR. HENRICK SECONDED BY MR. JULIAN TO PLACE THE FOREGOING RESOLUTION ON THE TABLE. THE MOTION FAILED WITH 5 IN FAVOR, 4 OPPOSED, AND 1 (MR. CAMILLO) ABSENT.

Stratford Town Council meeting recessed: Wednesday, February 14, 2007 at 1:40 a.m.

Stratford Town Council meeting reconvened: Wednesday, February 14, 2007 at 1:50 a.m.

A MOTION WAS MADE BY MR. HENRICK SECONDED BY MR. JULIAN TO PLACE THE FOREGOING RESOLUTION ON THE TABLE. THE MOTION FAILED WITH 5 IN FAVOR, 4 OPPOSED, AND 1 (MR. CAMILLO) ABSENT.

MR. HENRICK WITHDRAWS HIS MOTION PENDING INFORMATION TO BE FORWARDED TO COUNCIL MEMBERS FROM THE MAYOR'S OFFICE.

Stratford Town Council meeting recessed: Wednesday, February 14, 2007 at 1:52 a.m.

Stratford Town Council meeting reconvened: Wednesday, February 14, 2007 at 2:05 a.m.

ADJOURNMENT — Hearing no further discussion in connection with the above agenda items or further business, the Chairman called for a motion to adjourn. ON A MOTION MADE BY MR. STAVOLA, SECONDED BY MR. BARKER, IT WAS VOTED 9 TO 0, WITH MR. CAMILLO ABSENT, TO ADJOURN THE MEETING AT 2:06 A.M.

Ordinance – Allowing for the Creation for a Dog Park / Exercise Area (#07-01)

Sponsors – Hon. Gavin B. Forrester III – 3rd District
Hon. Michael Julian – 1st District
Hon. Alvin O’Neal – 2nd District
Hon. Robert Camillo – 8th District

A. Except as expressly allowed in subsection B hereof, it is unlawful for any person to allow or permit any dog or other pet to run at large in any park, or to permit any dog or other pet with or without a leash, except Seeing Eye or Hearing Ear dogs or dogs used by public law enforcement agencies and under control of a law enforcement officer, to enter any public beach, swimming or wading area, pond, fountain, stream, organized athletics area or designated children's play area. The Superintendent of Parks or the Animal Control Officers may ban dogs and other pets, or a specific dog or other pet, from areas of any park where he or she determines the same may be a nuisance.

B. Dogs may be allowed to run at large only in the following areas hereby designated as off-leash areas:

1. To be determined based upon recommendations from the Town Council Parks and Recreation Committee in conjunction with the Animal Control Officer.
2. Dog Exercise Area Rules & Regulations.
 - All dogs must be accompanied by an owner or handler at all times.
 - Owners must remain in the Dog Exercise Area at all times and keep their dogs in sight and under their control.
 - Owners are responsible for the behavior of their dogs and shall be held responsible for any injuries or damage caused by their dogs.
 - Any dog showing aggression toward people or other dogs must be immediately leashed and removed from the Dog Exercise Area by its owner.
 - Dogs with a known history of aggressive or dangerous behavior and/or dogs that have displayed aggressive or dangerous behavior at any municipal facility are prohibited.
 - Any dog barking continuously or uncontrollably must be removed from the Dog Exercise Area.
 - Owners shall carry a leash at all times, and dogs must be leashed when entering and leaving the Dog Exercise Area.
 - Owners are responsible for securely latching any gates as they enter or exit.
 - Owners must pick up and properly dispose of their dog's feces.
 - Any dog using the Exercise Area must be currently vaccinated against rabies; legally licensed to residents of the Town of Stratford; and current on all applicable fees or

Ordinance – Allowing for the Creation for a Dog Park / Exercise Area (#07-01) — continued

fines. Non-Resident's can obtain a permit to use a Town of Stratford facility by paying a user fee of \$25.00 annually and must provide vaccination and current license information to the Animal Control Officer from their current town or city of residence on an annual basis.

- Dogs shall not be allowed to dig. Any holes created by a dog shall be immediately filled by the dog's owner.
- Children must be accompanied at all times by a responsible adult that will be accountable for the behavior and well being of the child. Children should be discouraged from approaching or playing with strange dogs.
- Puppies using the Dog Exercise Area must be four (4) months of age or older.
- No female dog "in heat" or "in season" is allowed in the Dog Exercise Area at any time.
- No eating or smoking is allowed inside the Dog Exercise Area. No dog food treats or toys from home, except tennis balls or Frisbee's, are allowed in the Dog Exercise Area.
- Professional dog trainers may not conduct their business inside the Dog Exercise Area. There shall be no dog grooming inside the Dog Exercise Area.
- People who violate these rules are subject to removal from the Dog Exercise Area and may be prohibited from using the facility.
- No bare feet allowed in the Dog Exercise Area.
- No spiked dog collars are allowed in the Dog Exercise Area.
- Failure to comply with any of the rules and regulations will result in a \$100.00 fine.

3. Dog Exercise Areas as Described.

Dog Exercise Areas are Municipally-designated, membership-only, fence-enclosed facilities owned or operated by the Town of Stratford specifically intended for dogs to acquire owner/custodian supervised "off leash" exercise.

(a) It shall be unlawful to:

1. Enter or remain on the facility at hours other than the City-designated hours of usage.
2. Enter or remain on the facility with more than two dogs per individual.
3. Fail to immediately remove from the facility any dog showing aggression toward people or other dogs in the facility.
4. Fail to immediately remove from the facility any dog that barks continuously or uncontrollably.
5. Enter or remain on the facility with a female dog "in estrus."
6. Enter or remain on the facility with a dog not currently vaccinated against rabies.
7. Enter or remain on the facility with a dog younger than four months of age.

Ordinance – Allowing for the Creation for a Dog Park / Exercise Area (#07-01) — continued

8. Fail to immediately leash and restrain a dog in the facility when advised to do so by a City official.
9. Fail to abide by the Rules and Regulations posted at the entrance of the facility.
10. Fail to immediately depart the facility when ordered to do so by a Municipal official.
11. Enter on or remain upon the facility without a valid Town of Stratford membership tag or a valid Town of Stratford pet license properly displayed on each dog or a current Town of Stratford - authorized guest pass.

(b) Dog Exercise Areas require a valid membership to use each facility. Every owner that is a nonresident of the Town of Stratford shall acquire a membership or guest pass for each dog that wishes to enter onto and remain in a Dog Exercise Area. Such membership shall be obtained from a person designated by the Mayor of Stratford to issue such membership. Applications for such membership shall include photo identification for each dog using the facility. Membership fees shall be established by resolution by the Mayor and Town Council. Membership tags shall expire on the last day of the month one year from the month it was issued. A membership tag must be properly displayed on each said dog while it is inside a facility. Town residents must acquire a Town of Stratford pet license that needs to be displayed on the dog while it is in a facility. It shall be unlawful to transfer a membership tag or to deface the tag in any manner. A membership tag shall become invalid with the transfer of the dog to a new owner. The Mayor or his designee may revoke a membership at any time if an owner fails to abide by the rules and regulations of the facility or is in violation of any other provision of this chapter. Failure to comply with these directives shall constitute grounds for the temporary or permanent banning of an individual and/or dog from the facility.

ORDINANCE: DEDICATED FUNDS ORDINANCE (#07-02)

Sponsored by: Hon. Gavin B. Forrester, Third District Council Member

—§— **A. Acceptance**

The Town is authorized to accept monetary donations from charitable donors, which funds are directed to be utilized for a specific purpose.

B. Fund Maintenance

The funds shall be set forth on the balance sheet of the Town describing the specific purpose for which they are dedicated. Said funds shall continue to be set forth in that manner until expended for the specific purpose for which they have been donated.

AN ORDINANCE ESTABLISHING AN ARCHITECTURAL REVIEW BOARD (#07-06)

WHEREAS, The Town of Stratford wishes to establish a public body with the advisory authority to promote and encourage the highest quality standards of design and development in this community considering existing structures, surrounding properties, the Town's codes and comprehensive plan of development; and

WHEREAS, these goals can best be accomplished with the creation of an Architectural Review Board, which will consist of members who have expertise in or are professionals in the area of design and/or development; and

WHEREAS, the Town Council has determined that the provisions of the proposed ordinance are consistent with, and would implement, the above stated goals and policies.

NOW THEREFORE, The Town Council of Stratford, Connecticut, hereby establishes an Architectural Review Board and adopts the following ordinance:

ARCHITECTURAL REVIEW BOARD (ARB)**1. Creation; membership; officers.**

- A. There is hereby created an Architectural Review Board (ARB). The ARB shall consist of five members who shall be nominated by the Mayor, and appointed by approval of six (6) members of the Town Council in the month of _____. Of the five members first appointed, two appointments shall expire on January 1, 200_, two on January 1, 200_, and one on January 1, 200_. Subsequent nominations by the Mayor and appointment by the Town Council of successors to members whose terms have expired shall be for two year terms and shall commence on the first day of January of the appropriate year. Any vacancy on the ARB from whatever cause shall be filled by nomination by the Mayor and appointment of the Town Council for the unexpired portion of the term.
- B. The Mayor shall choose ARB members who are not currently members of the Planning and Zoning Commission, who are residents of the Town of Stratford and, to the extent available, have qualifications, skills or demonstrated interest in one or more of the following categories: (1) architects; (2) landscape architects; (3) planners; (4) engineers; (5) graphic artists; (6) building contractors; (7) professional background relating to design or related fields; and (8) individuals recommended by the Planning and Zoning Commission, Mayor and/or the Building Department.
- C. At its initial meeting and at its first meeting on or after January 1 of each year thereafter commencing in 2007, the ARB shall elect from its members a Chairman, Vice Chairman and Secretary. The presence of three (3) members shall constitute a quorum to transact business. The ARB shall adopt its own procedures consistent with the terms of this ordinance.

AN ORDINANCE ESTABLISHING AN ARCHITECTURAL REVIEW BOARD — continued**2. Purpose**

The purpose of the ARB is to provide guidance in preserving and improving the appearance and beauty of the community; to protect Stratford's architectural heritage; and to conserve the value of buildings, structures and property. This is accomplished by making recommendations to land use boards and town agencies of the Town on future or pending projects prior to the issuance of any building permits. The ARB is also charged with developing guidelines for community design and appearance by creating a publication containing land use design standards appropriate to Stratford.

3. Procedure

- A. The ARB shall meet at regularly scheduled meetings to consider applications filed directly with it or referred to it by the land use boards and town agencies. The ARB shall submit its advisory recommendations to land use boards and town agencies in writing at least five (5) days prior to a meeting by the land use boards and town agencies on the application. The written report shall, to the extent feasible, include specific recommendations regarding plan modifications which the ARB finds desirable based on the General Design Guidelines contained herein and the Design Guidelines developed by the ARB. Reports from the ARB shall be advisory and not compulsory to the land use boards and town agencies, which has final approval authority for all applications.
- B. Preliminary or conceptual plans may be submitted to the ARB for review and comment prior to a formal submission to the land use boards and town agencies. In such instances, the ARB shall submit a report, together with its recommendations and suggestions, to the applicant no later than thirty (30) days after receipt thereof.

4. General Design Guidelines

- A. The ARB will, over time, develop and maintain design guidelines to help applicants and owners understand design considerations in Stratford. Such guidelines will be referred to the land use boards and town agencies for review and comment.
- B. The ARB will consider the following general issues:
 - 1. The basic design for the proposed uses, buildings or development.
 - 2. The relationship between the buildings and the land.

AN ORDINANCE ESTABLISHING AN ARCHITECTURAL REVIEW BOARD — continued

3. The relationship between uses and buildings/structures.
4. The overall physical appearance of the proposed development and its compatibility with surrounding neighborhood.
5. Relationship of width to height of new structures.
6. Colors, materials, location of lighting.
7. Design of streets.
8. Blending of street and mechanical hardware into the overall design.
9. Impact on the historic significance of the site and the affected area.
10. Compatibility with the Plan of Conservation and Development of the Town.
11. Location and dimensions of public and private streets and common drives.
12. Location and dimensions of public and private pedestrian walkways, sidewalks, malls and paths.
13. Types, styles and colors of building materials, exterior facades and facing, fenestration and fire retardant characteristics.
14. Special architectural features.
15. Effect on the health, safety and general welfare of the community.
16. Conformity with other appropriate laws, codes or ordinances.

(Additional proposed information available: (1) Architectural Review application form (2) General requirements – request for Architectural Review (3) Submission checklist)

AN ORDINANCE TO AMEND §1-2 OF THE CODE OF THE TOWN OF
STRATFORD RE: RULES OF CONSTRUCTION (#07-03)

SPONSORED BY: Hon. William A. Stroomer, Council Member – district Seven

WHEREAS, the electors of the Town of Stratford voted by referendum to revise the Charter of the Town of Stratford at the General Election held on November 4, 2003; and

WHEREAS, pursuant section 5.1.1 of the former Charter, the Town Manager was the chief executive officer of the Town; and

WHEREAS, pursuant to section 1.1 of the revised Charter, the Mayor is now the chief executive officer of the Town; and

WHEREAS, said Charter became effective, pursuant to section 9.5.1 (a) thereof, on December 12, 2005, at 8:00 p.m.; and

WHEREAS, there are sections of the Code of the Town of Stratford which have not been amended to provide for the change from a Council-Manager form of government to a Mayor-Council form of government as provided for by the current Charter of the Town of Stratford;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE STRATFORD TOWN COUNCIL that section 1-2.B of the Code of the Town of Stratford be, and hereby is, amended as follows (deletions are indicated by [striking out text in brackets] and additions are indicated by UNDERLINING TEXT IN ALL CAPITAL LETTERS):

ARTICLE I, Miscellaneous Provisions [Adopted as **Ch. 1** of the 1963 Code]

§ 1-2. Definitions; rules of construction.

In the construction of this Code and of all ordinances of the Town, the following definitions and rules of construction shall be observed, unless they are inconsistent with the manifest intent of the Town Council or the context clearly requires otherwise.

* * *

B. Rules of construction.

- (1) Computation of time. The time within which an act is to be done shall be computed by excluding the first and including the last day, and, if the last day is Sunday or a legal holiday, that day shall be excluded.
- (2) Gender. Words importing the masculine gender include the feminine and neuter.

AN ORDINANCE TO AMEND §1-2 OF THE CODE OF THE TOWN OF STRATFORD RE:
RULES OF CONSTRUCTION (#07-03) — continued

- (3) Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers unless otherwise specifically provided.
- (4) Number. A word importing the singular number only may extend and be applied to several persons or things, and a word importing the plural number may apply to one person or thing.
- (5) TOWN MANAGER. IN SECTIONS 5-5. 5-6. 5-11, 5-14. 5-15. 5-80. 5-81. 6-2. 6-3, 7-4. 8-3. 8-6, 14-2. 14-4, 14-7. 22-8, 22-9. 25-36. 25-45. 25-46. 35-3. 42-13. 44-3. 44-18, 58-1. 83-10, 83-13, 83-21. 88-2, 88-4. 88-5, 116-23. 133-14. 133-15, 140-6. 143-2. 144-1, 144-2. 144-3. 153-2. 161-2. 182-13. 186-12. 186-14. 186-45. 186-52. 191-10. 191-13, 196-1. 203-26. 214-3, 214-4. 214-5. 214-7. & 214-8 OF THIS CODE. UNLESS OTHERWISE PROVIDED BY THE CHARTER OF THE TOWN OF STRATFORD. OR ANY OTHER APPLICABLE LAW. AND UNTIL SUCH SECTION HAS BEEN AMENDED BY ORDINANCE OF THE STRATFORD TOWN COUNCIL:
- (a) ANY POWER. RIGHT OR AUTHORITY FORMERLY CONFERRED BY THIS CODE UPON THE TOWN MANAGER SHALL BE DEEMED AND CONSTRUED TO BE CONFERRED UPON THE MAYOR:
- (b) ANY DUTY. OBLIGATION OR RESPONSIBILITY FORMERLY IMPOSED BY THIS CODE UPON THE TOWN MANAGER SHALL BE DEEMED AND CONSTRUED TO BE IMPOSED UPON THE MAYOR:
- (c) ANY CORRESPONDENCE OR NOTIFICATION OF ANY KIND FORMERLY REQUIRED BY THIS CODE TO BE SERVED UPON. DELIVERED TO. OR PROVIDED BY THE TOWN MANAGER SHALL BE DEEMED AND CONSTRUED TO BE CORRESPONDENCE OR NOTIFICATION REQUIRED TO BE SERVED UPON. DELIVERED TO. OR PROVIDED BY THE MAYOR.

ORDINANCE RE WAIVER OF SMALL PROPERTY TAX AMOUNTS DUE PURSUANT TO C.G.S. § 12-144C (#07-04)

WHEREAS, section 12-144c of the Connecticut General Statutes provides that any municipality may waive any property tax due in an amount less than twenty-five dollars by action of its legislative body before the date such tax is due;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE STRATFORD TOWN COUNCIL that the Code of the Town of Stratford be, and hereby is, amended as follows:

Chapter 191, Article **XH**, Waiver of Taxes § 191-28.

Waiver of property tax under twenty-five dollars.

Commencing with the fiscal year beginning July 1, 2007, and continuing each and every fiscal year thereafter, any property tax due in an amount less than twenty-five dollars (\$25.00) shall be waived in accordance with the provisions of section 12-144c of the Connecticut General Statutes.

ORDINANCE RE SENIOR AND DISABLED TAX RELIEF (#07-05)

SPONSORED BY: The Stratford Town Council

WHEREAS, section 12-129n of the Connecticut General Statutes provides that any municipality may, by vote of its legislative body on recommendation of its board of finance or equivalent body, provide real property tax relief to residents of such municipality who are sixty-five years of age or over, or permanently and totally disabled as defined in said section, or otherwise eligible under said section and have been taxpayers of such municipality for one year immediately preceding their receipt of tax benefits under said section, and meet such other requirements which may be established by such municipality; and

WHEREAS, James R. Miron, Mayor of the Town of Stratford, appointed a Senior Tax Relief Committee to study the tax relief programs that currently exist and to study other types of tax relief programs implemented in other communities; and

WHEREAS, said committee has published its findings and recommendations in a report entitled "Special Report by the Mayor's Committee on Senior Tax Relief," which report has been previously distributed to the Stratford Town Council; and

WHEREAS, the Finance & Claims Committee of the Stratford Town Council "unanimously voted to present an amended tax relief ordinance to the Town Council" incorporating all of the recommendations of the Mayor's Committee on Senior Tax Relief; and

WHEREAS, the Senior Tax Relief is needed by real property owners within the Town of Stratford who are senior citizens or are permanently and totally disabled to ensure that such citizens are able to maintain ownership of their primary residence;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE STRATFORD TOWN COUNCIL that sections 191-5.1 through 191-5.5 of the Code of the Town of Stratford be, and hereby are, amended as follows (deletions are indicated by ~~[striking out text in brackets]~~ and additions are indicated by UNDERLINING TEXT IN ALL CAPITAL LETTERS):
Chapter 191, Article in. Senior Citizen AND DISABLED Tax Relief [Adopted 2-9-

1987] § 191-5.1. Statutory authority.

The Town of Stratford hereby ~~[enacts]~~ ESTABLISHES A MUNICIPAL PROPERTY TAX RELIEF PROGRAM FOR CERTAIN HOMEOWNERS AGE SIXTY-FIVE OR OVER OR PERMANENTLY AND TOTALLY DISABLED ~~[tax relief for the elderly]~~ pursuant to Section 12-129n of the General Statutes of Connecticut for eligible residents of the Town of Stratford for the fiscal year commencing JULY 1, 2007, ~~[April 1, 1987,]~~ on the terms and conditions provided herein: ~~this act to supersede and replace any tax relief ordinance now in effect~~ EFFECTIVE WITH THE FISCAL YEAR COMMENCING JULY 1, 2007. THIS ORDINANCE SHALL SUPERSEDE

ORDINANCE RE SENIOR AND DISABLED TAX RELIEF (#07-05) — continuedAND REPLACE ANY AND ALL TAX RELIEF PROGRAMS FOR SENIOR CITIZENS AND THE DISABLED.

A. Any person who owns real property in the Town of Stratford or who is liable for the payment of taxes thereon under Section 12-48 of the Connecticut General Statutes, and occupies that property as his or her principal residence, shall be eligible for real property tax ~~[credit]~~ RELIEF as set forth in § 191-5.3, provided ~~[that]~~ all of the following conditions are met:

- (1) At the close of the calendar year next preceding the year in which the claim for tax relief is filed, such person shall **be**:
 - (a) ~~sixty-five (65) years of age or over; OR THE SPOUSE OF SUCH PERSON, LIVING WITH HIM OR HER. SHALL BE SIXTY-FIVE (65) YEARS OF AGE OR OVER;~~ or such person shall be sixty (60) years of age or over and the surviving spouse of a taxpayer who qualified in Stratford under this Article at the time of his or her death ~~for the spouse of such person, living with him or her, shall be sixty five (65) years of age or over.]; OR~~
 - (b) UNDER THE AGE OF SIXTY-FIVE (65) YEARS AND SHALL BE ELIGIBLE IN ACCORDANCE WITH APPLICABLE FEDERAL REGULATIONS TO RECEIVE PERMANENT TOTAL DISABILITY BENEFITS UNDER THE SOCIAL SECURITY ACT. OR SHALL NOT HAVE BEEN ENGAGED IN EMPLOYMENT COVERED BY THE SOCIAL SECURITY ACT AND ACCORDINGLY SHALL HAVE NOT QUALIFIED FOR BENEFITS THEREUNDER, BUT SHALL HAVE BECOME QUALIFIED FOR PERMANENT TOTAL DISABILITY BENEFITS UNDER ANY FEDERAL, STATE OR LOCAL GOVERNMENT RETIREMENT OR DISABILITY PLAN. INCLUDING THE RAILROAD RETIREMENT ACT AND ANY GOVERNMENT-RELATED TEACHER'S RETIREMENT PLAN. IN WHICH REQUIREMENTS WITH RESPECT TO QUALIFICATIONS FOR SUCH PERMANENT TOTAL DISABILITY BENEFITS ARE COMPARABLE TO SUCH REQUIREMENTS UNDER THE SOCIAL SECURITY ACT.
- (2) Such person shall have, individually, if unmarried, or jointly, if married, during the calendar year preceding the filing of his or her claim, whether or not separate federal income taxes were paid by him and/or his spouse, adjusted gross income as defined in the Internal Revenue Code of ~~[1954]~~ 1986, as amended, plus tax exempt interest as defined in Section 103 of the internal Revenue Code of ~~[1954]~~ 1986, as amended, ~~[plus dividend exclusions as set forth in Section 116 of the Internal Revenue Code of 1954, as amended]~~, plus social security benefits, railroad retirement benefits or income from other tax exempt retirement

ORDINANCE RE SENIOR AND DISABLED TAX RELIEF (#07-05) — continued

and annuity sources, plus any other income not included in the above classifications in an amount not to exceed the levels set forth in § ~~[191-5.3A]~~ 191-5.3 of this Article.

- (3) Such person has resided in a residence located in the Town of Stratford for a period of ~~three (3) years~~ ONE (1) YEAR and has paid real estate taxes on a residence to the Town of Stratford for a period of ~~three (3) years~~ ONE (1) YEAR prior to his or her receipt of tax benefits under this Article, OR SUCH PERSON IS ELIGIBLE FOR THE BENEFITS OF THIS ARTICLE AS A SURVIVING SPOUSE.
- (4) The real property for which the ~~[exemption is]~~ BENEFITS OF THIS ARTICLE ARE claimed must be the legal domicile of such person, and such person shall be in residence therein for at least one hundred eighty-three (183) days in each Grand List year for which the ~~[exemption]~~ BENEFITS are claimed. Such claim for ~~[exemption]~~ BENEFITS shall be for one (1) residence only.
- (5) Before any tax ~~[credit]~~ RELIEF shall be given PURSUANT TO THIS ARTICLE, such person must first have applied for tax relief under any other state statute under which he or she is eligible.

B. The benefits of this Article shall also apply to the owner of an interest in a cooperative unit and its allocated interests, subject to the conditions specified herein.

- (1) Owners of interests in a cooperative unit shall be subject to all of the conditions for eligibility set forth in § 191-5.2 and all of the other terms and conditions set forth in §§ 191-5.3, 191-5.4 and 191-5.5, except as the same are expressly modified by this § 191-5.2.A(7).
- (2) As a precondition to eligibility for a tax credit, the owner of an interest in a cooperative unit must first have applied for and have been found eligible for benefits under the State of Connecticut Renter's Program.
- (3) An application for tax relief under this Article must be made annually between June 1 and September 15, or in accordance with the period of applications under the State of Connecticut Renter's Program as the same may be modified from time to time.
- (4) Upon the satisfaction by the unit owner of all requirements contained in this Article and upon the receipt of the information required pursuant to § 191-5.2.A(8) from the cooperative association, the Tax Assessor shall proceed to compute the amount of any tax ~~[credit]~~ RELIEF to which the unit owner may be entitled. The Tax Assessor shall thereupon certify the same to the Finance Department and a check in the amount of ~~[said]~~ ANY tax credit

ORDINANCE RE SENIOR AND DISABLED TAX RELIEF (#07-05) — continued

DUE TO SUCH UNIT OWNER shall thereafter be issued by the Finance Department in favor of said unit owner, OR ANY TAX RELIEF TO WHICH SAID UNIT OWNER IS ENTITLED SHALL BE GRANTED.

C. Any cooperative association owning real estate located in the Town of Stratford shall as of October 1, 1993, and annually thereafter be required to file with the Tax Assessor a certificate containing the following items of information:

- (1) A list of all unit numbers of the cooperative.
- (2) The current stock or membership certificate number for each unit.
- (3) The name and address of the current unit owners of each unit.
- (4) The date on which the proprietary lease was signed by each unit.
- (5) The percentage of common interest assigned to each unit by the cooperative association, if applicable.
- (6) A description of the size, room count or type of each unit listed on the certificate.
- (7) The proportionate percentage of the total real estate tax assessed against the cooperative association which has been allocated by the association to each unit.

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

E. The application for tax [credit] RELIEF under this Article shall have been made by such person after he or she has become eligible to apply therefor.

§ 191-5.3. Tax [credit] RELIEF.

A. ANY PERSON ELIGIBLE FOR TAX RELIEF UNDER THIS ARTICLE SHALL BE ENTITLED TO CHOSE ONE (1) OF THE FOLLOWING TYPES OF TAX RELIEF TO THE EXCLUSION OF ALL OF OTHER TYPES OF TAX RELIEF AVAILABLE UNDER THIS ARTICLE:

ORDINANCE RE SENIOR AND DISABLED TAX RELIEF (#07-05) — continued

- (1) TAX CREDIT. For applicants who elect to apply for tax credit under this Article, said credit shall be on a graduated basis AS FOLLOWS: ~~{following the same annual qualifying income levels as those enacted by the state for the applicable year, except that the upper limit of Step 5 shall be twenty thousand dollars (\$20,000) or the maximum qualifying income set forth in the Connecticut General Statutes, § 12-170aa(c), as amended, for the applicable assessment year, whichever is greater.}~~

Income	Married Benefit	Single Benefit (80%)
Step 1	\$450.00	\$360.00
Step 2	400.00	320.00
Step 3	400.00	320.00
Step 4	350.00	280.00
Step 5	200.00	}

NEW TABLE

	Income		Tax Credit	
	Over	To	Married	Unmarried
Step 1	\$0	\$14,400	\$500	\$400
Step 2	\$14,400	\$19,400	\$450	\$360
Step 3	\$19,400	\$24,200	\$400	\$320
Step 4	\$24,200	\$28,800	\$350	\$280
Step 5	\$28,800	\$35,300	\$300	\$240
Step 6	\$35,300	\$41,800	\$200	\$160

This schedule shall apply to the taxes for all fiscal years beginning July 1, 2007.

The maximum allowable income shall be at least equal to the maximum allowable income as set by the State of Connecticut for elderly tax relief, however under no circumstances shall the Town income limit be reduced below the state maximum.

- (2) TAX FREEZE.

ORDINANCE RE SENIOR AND DISABLED TAX RELIEF (#07-05) — continued

- (a) ANY APPLICANT WHO QUALIFIES FOR A TAX CREDIT UNDER THIS ARTICLE MAY. INSTEAD OF RECEIVING SUCH TAX CREDIT. ELECT TO PAY THE GROSS TAX LEVIED ON APPLICABLE PROPERTY CALCULATED FOR THE FIRST YEAR THE APPLICATION IS GRANTED (THE "FREEZE AMOUNT") AND SHALL BE ENTITLED TO CONTINUE TO PAY NO MORE THAN SUCH AMOUNT FOR EACH SUBSEQUENT YEAR IN WHICH THE APPLICANT CONTINUES TO MEET SUCH QUALIFICATIONS. BUT SHALL NOT BE ENTITLED TO ANY OTHER TAX RELIEF UNDER THIS ARTICLE.
- (b) IN THE EVENT THAT THE APPLICANT SHALL MAKE IMPROVEMENTS TO HIS PROPERTY RESULTING IN AN INCREASE IN HIS ASSESSMENT. AN AMOUNT CALCULATED BY MULTIPLYING THE INCREASE IN THE TAXPAYER'S ASSESSMENT ATTRIBUTABLE TO THE IMPROVEMENT BY THE MILL RATE IN EFFECT IN THE YEAR SUCH REASSESSMENT TAKES PLACE SHALL BE ADDED TO THE FREEZE AMOUNT IN EFFECT IMMEDIATELY PRIOR TO SUCH IMPROVEMENT TO OBTAIN A NEW FREEZE AMOUNT WHICH WILL BE THE FREEZE AMOUNT FOR SUBSEQUENT ASSESSMENT YEARS UNLESS OTHERWISE ADJUSTED IN ACCORDANCE WITH THIS ARTICLE.
- (c) PRIOR TO THE DUE DATE OF THE FIRST INSTALLMENT OF TAX EACH FISCAL YEAR. THE RECIPIENT SHALL ENTER INTO A WRITTEN AGREEMENT WITH THE TOWN PROVIDING FOR THE REIMBURSEMENT OF THE DIFFERENCE BETWEEN THE FREEZE AMOUNT AND THE AMOUNT OF TAX THAT WOULD HAVE BEEN LEVIED UPON THE APPLICANT'S RESIDENCE THAT YEAR. BUT FOR SUCH FREEZE (THE "FREEZE BENEFIT"). THE AMOUNT OF SUCH FREEZE BENEFIT SHALL BE RECORDED ON THE LAND RECORDS OF THE TOWN AND SHALL CONSTITUTE A LIEN ON THE PROPERTY PAYABLE ONLY WHEN THE PROPERTY SUBJECT TO TAXATION IS NO LONGER THE RESIDENCE OF THE APPLICANT, AS DEFINED IN THIS ARTICLE, AND THE APPLICANT'S SURVING SPOUSE IS NOT A PERSON ENTITLED TO TAX BENEFITS UNDER THIS ARTICLE.
- (d) THE TOTAL OF ALL FREEZE BENEFITS RECEIVED, PLUS INTEREST IN THE AMOUNT OF FOUR AND A HALF PERCENT (4.5%), SHALL BE REIMBURSED TO THE TOWN WHEN THE PROPERTY SUBJECT TO TAXATION IS NO LONGER THE RESIDENCE OF THE APPLICANT. AS DEFINED IN THIS ARTICLE. AND THE APPLICANT'S SURVIVING SPOUSE IS NOT A PERSON ENTITLED TO TAX BENEFITS UNDER THIS ARTICLE IN ACCORDANCE WITH PARAGRAPH (0 ABOVE.

ORDINANCE RE SENIOR AND DISABLED TAX RELIEF (#07-05) — continued

- (e) THE TOTAL OF ALL DEFERRED TAXES SHALL NOT EXCEED THE ASSESSED VALUE OF THE REAL PROPERTY.
- (f) UNLESS OTHERWISE EXTENDED. THIS TAX FREEZE OPTION SHALL EXPIRE AFTER THE GRAND LIST OF OCTOBER 1, 2009.
- (3) TAX DEFERRAL.
- (a) ANY APPLICANT WHO QUALIFIES FOR A TAX CREDIT UNDER THIS ARTICLE MAY. INSTEAD OF RECEIVING SUCH TAX CREDIT. ELECT TO DEFER SEVENTY-FIVE (75) PER CENT OF SUCH APPLICANT'S TAX DUE. LESS ALL AMOUNTS RECEIVED UNDER ANY STATE ELDERLY TAX RELIEF PROGRAM. AND SHALL BE ENTITLED TO DEFER SUCH TAX DUE UNTIL THE PROPERTY SUBJECT TO TAXATION IS NO LONGER THE RESIDENCE OF THE APPLICANT. AS DEFINED IN THIS ARTICLE. AND THE APPLICANT'S SURVIVING SPOUSE IS NOT A PERSON ENTITLED TO TAX BENEFITS UNDER THIS ARTICLE. BUT SHALL NOT BE ENTITLED TO ANY OTHER TAX RELIEF UNDER THIS ARTICLE.
- (b) PRIOR TO THE DUE DATE OF THE FIRST INSTALLMENT OF TAX EACH FISCAL YEAR. THE RECIPIENT SHALL ENTER INTO A WRITTEN AGREEMENT WITH THE TOWN PROVIDING FOR THE REIMBURSEMENT OF THE AMOUNT DEFERRED TAXES THAT YEAR. THE AMOUNT OF SUCH DEFERRED TAXES SHALL BE RECORDED ON THE LAND RECORDS OF THE TOWN AND SHALL CONSTITUTE A LIEN ON THE PROPERTY PAYABLE ONLY WHEN THE PROPERTY SUBJECT TO TAXATION IS NO LONGER THE RESIDENCE OF THE APPLICANT. AS DEFINED IN THIS ARTICLE. AND THE APPLICANT'S SURVIVING SPOUSE IS NOT A PERSON ENTITLED TO TAX BENEFITS UNDER THIS ARTICLE.
- (c) THE TOTAL OF ALL TAXES DEFERRED. PLUS INTEREST IN ACCORDANCE WITH SECTION 12-145 OF THE CONNECTICUT GENERAL STATUTES. SHALL BE REIMBURSED TO THE TOWN WHEN THE PROPERTY SUBJECT TO TAXATION IS NO LONGER THE RESIDENCE OF THE APPLICANT. AS DEFINED IN THIS ARTICLE, AND THE APPLICANT'S SURVIVING SPOUSE IS NOT A PERSON ENTITLED TO TAX BENEFITS UNDER THIS ARTICLE IN ACCORDANCE WITH PARAGRAPH (B) ABOVE.
- (d) THE TOTAL OF ALL FREEZE BENEFITS SHALL NOT EXCEED THE ASSESSED VALUE OF THE REAL PROPERTY.

ORDINANCE RE SENIOR AND DISABLED TAX RELIEF (#07-05) — continued(e) UNLESS OTHERWISE EXTENDED. THIS TAX DEFERRAL SHALL EXPIRE AFTER THE GRAND LIST OF OCTOBER 1, 2009.

- B. In any case where title to the real property is recorded in the name of the taxpayer or his spouse and/or any other person or persons, the tax credit granted herein shall be prorated to reflect the fractional share of such taxpayer or spouse, and furthermore, if such property is occupied as a multiple-family dwelling, such relief shall be prorated to reflect the fractional portion of such property occupied by the taxpayer.
- C. Any person entitled to ~~the~~ tax ~~credit~~ RELIEF pursuant to this Article is required to file biennially for the benefit in the same year as he or she files for state benefits, however, if the taxpayer's income changes in the meantime such that his or her eligibility shall be affected, said person shall be required to reapply.
- D. Tax levy.
- (1) Commencing with the real property tax levied on the Grand List of October 1, ~~[1986]~~ 2006, and subject to such other limitations as are set forth in this Article, the tax ~~[benefits]~~ CREDIT for Steps 1 through ~~4~~ 5, inclusive, set forth in § 191-5.3.A(1) of this Article shall be increased annually by an amount equal to 75% of the amount by which the regular tax levied on the applicant's residence for the applicable Grand List exceeds the tax levied on the same property on the preceding Grand List. "Regular tax levied" is defined as the net assessment on the applicable Grand List multiplied by the mill rate applicable to said assessment. Notwithstanding the above, the provisions for increase of the tax credit, as specified hereinabove, shall not apply to any person in his or her first year of entitlement to a tax credit pursuant to this Article. Any such persons shall be entitled only to the base tax credit as specified in § 191-5.3.A.
 - (2) In the event that the regular tax levied on any Grand List remains the same or decreases from that levied on the preceding Grand List, there shall be no adjustment until there is an increase in the tax levied on any succeeding Grand List.
 - (3) In any case where title to the real property is recorded in the name of the eligible taxpayer or his spouse and/or any other person or persons, the tax credit granted herein shall be prorated to reflect the fractional share of such eligible taxpayer or spouse, and, furthermore, if such property is occupied as a multiple-family dwelling, such relief shall be prorated to reflect the fractional portion of such property occupied by the eligible taxpayer.

ORDINANCE RE SENIOR AND DISABLED TAX RELIEF (#07-05) — continued

E. If any person entitled to tax relief pursuant to this Article sells the property on which the tax relief is granted, no additional tax relief shall be allowed for his or her interest in the property for any fiscal years commencing after the date of the sale of the property, and further provided that the purchaser of such property shall pay the Town a prorated share of the tax credit as provided by Section 12-81a of the Connecticut General Statutes.

§ 191-5.4. Application procedure.

- A. Any eligible taxpayer or his or her authorized agent shall file an application for tax credit under this article with the Tax Assessor of the Town of Stratford during the period set by the state for application to the state elderly programs on a form prescribed and furnished by the Town of Stratford. In making such application, the taxpayer shall present to the Tax Assessor a copy of his federal income tax return for the previous calendar year or, if not required to file a tax return, such other evidence of qualifying income which the Tax Assessor may reasonably require to establish compliance with the income qualifications provided in §§ 191-5.2A(2) and 191-5.3A of this Article. The applicant or his or her agent shall sign a sworn affidavit in the presence of the Tax Assessor's office staff affirming the accuracy of the statements in the application.
- B. When the Tax Assessor determines that the applying taxpayer is entitled to tax credit under this Article, he shall compute the amount of such tax credit and cause a certificate of tax credit to be issued in such form as to permit the Tax Collector to reduce the amount of tax levied against the taxpayer and make proper record thereof, and a copy of the certificate shall be delivered to the applicant. The tax relief shall be applied proportionately to the tax payments.
- C. Applications, affidavits or other documentation presented in support of the application for tax relief shall not be open for public inspection and shall not be disclosed except in case of an appeal or in connection with claims of fraud to the proper authorities.

§ 191-5.5. Applicability.

- A. This article shall apply to the taxes for the fiscal year beginning April 1, 1987, and shall be reviewed thereafter annually during the month of September.
- B. The tax relief for real property as provided herein shall apply only to the residence itself, the lot on which the residence is located and the improvements thereon. Said lot shall not exceed minimum zoning requirements.