

TO: Mayor Mark Boughton and Members of the Common Council

RE: Minutes of the Common Council Meeting held June 3, 2003

The meeting was called to order at 7:30 P.M. by Council President Warren Levy. The Pledge of Allegiance and Prayer were offered. The members were recorded as:

PRESENT – Nolan, McAllister, Null, Coladarci, Kelly, Buzaid, Machado, Scozzafava, Levy, John Esposito, Saadi, Basso, Darius, Furtado, Gogliettino, Moore, Setaro

ABSENT – Dean Esposito, Neptune

18 – Present – 2 Absent

Mrs. Neptune had a work commitment

PUBLIC SPEAKING

No one came forward to address the Common Council

MINUTES – Minutes of the Common Council Meeting held May 6, 2003. Mr. Saadi made a motion to adopt the minutes as presented and waive the reading as all members have copies, which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Gogliettino. Motion carried unanimously.

CONSENT CALENDAR – John Esposito submitted the following items for the Consent Calendar:

2 – Adopt the Resolution to apply for and accept grant funding from the U. S. Department of Justice in the amount of up to \$120,506.00 for overtime funding for community policing and homeland security as described.

3 – Adopt the Resolution to authorize Mayor Boughton to re-execute the Conservation and Public Recreation Easement agreement with the State of Connecticut as described.

3A – Adopt the Resolution to renew the authorization for the acquisition of property at 6 Williams Street for construction of a playground as described.

4 – Adopt the Resolution to authorize the Corporation Counsel to acquire certain parcels of property and easements described in Exhibits A through F for the construction of a downtown parking garage, subject to and only upon prior approval by the Planning Commission as described.

12 – Approve the request to transfer \$50,000 from the Police Department Regular Salaries line item account to the Animal Control Contributions-Grants line item account as described.

14 – Approve the transfer of \$1,345.00 from the Elderly Services Donations Account to the Commission on Aging budget as described.

17 – Receive the communication regarding the reapportionment ordinance and defer the ordinance to public hearing.

19 – Adopt the Resolution authorizing American Tax Funding, LLC to assign all of its rights, title and interest to certain tax liens encumbering the Lake Wackawana parcel to the Juniper Ridge Tax District as described.

23 – Adopt a Resolution authorizing Mayor Boughton to execute an agreement allowing the City to conduct environmental testing on property at the corner of Patriot Drive and Pahquioque Avenue as described.

24 – Receive the reports and deny the request to purchase City owned property at Lake Kenosia.

25 – Receive reports regarding a request to grant the City a sidewalk easement along Padanaram Road and take no action.

26 – Receive reports regarding an offer to sell property at 63 Grand Street and authorize the Corporation Counsel to start informal preliminary negotiations and refer to the Planning Commission.

27 – Receive reports regarding consideration of a new parking garage at 6-8 Delay Street and take no action.

30 – Receive the report regarding the Neighborhood Assistance Act and adopt the Resolution.

31 – Receive the report regarding Government Entities Review and Evaluation and adopt the Ordinance.

32 – Receive the report regarding Crow's Nest Lane and approve its recommendations.

34 – Receive the reports regarding the City's web site and approve its recommendations

Mr. Moore made a motion to adopt the Consent Calendar as read. Seconded by Mr. Furtado. Motion carried unanimously. Mr. Setaro abstained on item 23.

1 – COMMUNICATION – Resignation of Connie Shuler from the Common Council

Letter from Connie Shuler resigned from the Common Council due to business reasons, effective May 14, 2003. Mr. McAllister made a motion to receive the communication and accept the resignation with regret. Seconded by Mr. Gogliettino. Motion carried unanimously.

2 – RESOLUTION – Homeland Security Overtime Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the U. S. Department of Justice Office of Community Oriented Policing Services ("COPS") has established a Homeland Security Overtime Program ("HSOP") offering local law enforcement agencies the opportunity to apply for additional officer overtime funding to support community policing and homeland security efforts; and

WHEREAS, a COPS grant in the total amount of up to One Hundred Twenty Thousand Five Hundred Six Dollars (\$120,506.00) is being made available with the federal share being up to ninety thousand three hundred seventy-nine dollars and 50/100 (\$90,379.50); and

WHEREAS, a local cash match of twenty-five (25%) percent in the amount of up to thirty thousand one hundred twenty-six dollars and 50/100 (\$30,126.50) will be required in order to obtain the grant funding; and

WHEREAS, it is desirable for the City of Danbury to obtain the benefits of this grant program in order to serve the Danbury community.

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Mark D. Boughton be and hereby is authorized to make application for said COPS grant and to execute such additional documents as may be required in order to effectuate the purposes of this program.

The resolution to apply for and accept grant funding from the U. S. Department of Justice in the amount of up to \$120,506.00 for overtime funding for community policing and homeland security was adopted on the Consent Calendar.

3 – RESOLUTION – Mootry Peak – Purchase of Property

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut "Open Space and Watershed Land Acquisition" grant program is offering up to fifty (50%) percent reimbursement to municipalities for the acquisition of environmentally significant properties that are to be preserved as open space; and

WHEREAS, the grant would be used to purchase the Mootry Peak property adjoining Tarrywile Park; and

WHEREAS, this acquisition is consistent with the long range goal of expanding Tarrywile Park to provide a linkage to Wooster Mountain State Park; and

WHEREAS, based on the current assessed value and the projected appraisal value of this site, the grant application would seek grant funds in the approximate amount of \$95,000.00; and

WHEREAS, the direct cost to the City of Danbury for the balance of the acquisition cost is expected, therefore, to be in the range of \$97,500.00 to \$117,000.00; and

WHEREAS, said City contribution is incorporated within the City capital budget proposal for FY 2000-2001 as submitted by the Planning Department;

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury be and hereby is authorized to make application for grant funds providing reimbursement to the City of Danbury for fifty (50%) percent of the agreed acquisition price for the "Mootry Peak" open space property, and for the Mayor to accept such grant funding if awarded and enter into such agreements with the State of Connecticut as may be required in order to accomplish the goals hereof.

The Resolution to authorize Mayor Boughton to re-execute the Conservation and Public Recreation Easement agreement with the State of Connecticut was adopted on the Consent Calendar.

3A – RESOLUTION – Acquisition of Land for Blind Brook Playground

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is seeking to construct a playground for neighborhood use in the Blind Brook neighborhood, and specifically on property at 6 Williams Street, which property is described in Exhibit A attached hereto;

WHEREAS, in order to accomplish that goal, the City will need to acquire said property, through negotiation with the property owner or by eminent domain, if such negotiations are unsuccessful; and

WHEREAS, it is in the best interests of the City of Danbury to acquire said property and to construct said playground;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of the Corporation Counsel, be and hereby is authorized to acquire the property described in Exhibit A attached hereto for the purposes of constructing a playground at said location, in accordance with the procedures established by State law, either by negotiation or eminent domain through the institution of suit against the interested property owners and holders of mortgages encumbering the property, if any, by December 3, 2003.

The resolution to renew the authorization for the acquisition of property at 6 Williams Street for construction of a playground as described was adopted on the Consent Calendar.

4 – RESOLUTION – Downtown Parking Garage – Library Place

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury, pursuant to authorization through the Vision 21 squared bond package, is proceeding, through plans and designs, to construct a downtown parking garage; and

WHEREAS, in order to undertake the above referenced project, the City must acquire certain parcels of land or interests in real property as described in the Exhibits attached hereto; and

WHEREAS, said easements and property acquisition will have to be acquired either by negotiation with the property owners or by eminent domain, if such negotiations are unsuccessful; and

WHEREAS, it is in the best interest of the City of Danbury to acquire said rights and proceed with the work required.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of Corporation Counsel, be and hereby is authorized to acquire the easements and properties set forth on Exhibits A, B, C, D, E and F attached hereto, in accordance with procedures established by State law, either by negotiation or eminent domain through the institution of suit against the interested property owners and holders of mortgages encumbering the properties, if any, by December 1, 2003.

The resolution to authorize the Corporation Counsel to acquire certain parcels of property and easements described in Exhibits A through F for the construction of a downtown parking garage, subject to and only upon prior approval by the Planning Commission, as described was adopted on the Consent Calendar,

5 – COMMUNICATION – Promotion to Sergeant in the Police Department

Letter from Mayor Boughton requesting confirmation of the promotion of Police Officer Christian Carroccio to the rank of Sergeant in the Police Department. Mr. Setaro made a motion to receive the communication and confirm the promotion. Seconded by Mr. Scozzafava. Motion carried unanimously.

(Mayor Boughton arrived and Mr. Levy relinquished the gavel)

6 – COMMUNICATION – Promotion to Sergeant in the Police Department

Letter from Mayor Boughton requesting confirmation of the promotion of Detective Police Officer Matthew McNally to the rank of Sergeant in the Police Department. Mr. Nolan made a motion to receive the communication and confirm the promotion. Seconded by Mr. Furtado. Motion carried unanimously.

7 – COMMUNICATION – Promotion to Lieutenant in the Police Department

Letter from Mayor Boughton requesting confirmation of the promotion of Sergeant Francis Krupinsky, Jr. to the Lieutenant in the Danbury Police Department. Mr. McAllister made a motion that the communication be received and the promotion confirmed. Seconded by Mr. Saadi. Motion carried unanimously.

8 – COMMUNICATION – Promotion to Detective in the Police Department

Letter from Mayor Boughton requesting confirmation of the promotion of Police Officer Bryan Bishop to the rank of Detective in the Police Department. Mr. McAllister made a motion to receive the communication and confirm the promotion. Seconded by Mrs. Basso. Motion carried unanimously.

9 – COMMUNICATION – Donations to the Library

Letter from Library Director Betsy McDonough requesting permission to accept donations in the amount of \$1,016.50. Mr. McAllister made a motion to receive the communication, accept the donations, credit the appropriate line items and send letters of thanks. Seconded by Mrs. Coladarci. Motion carried unanimously.

10 – COMMUNICATION – Donations to the Department of Elderly Services

Letter from Director of Elderly Services Leo McIlrath requesting permission to accept donations in the amount of \$925 for use by the Senior Center. Mr. Moore made a motion to receive the communication, accept the donations, credit the appropriate line items and send letters of thanks. Seconded by Mr. Darius. Motion carried unanimously.

11 – COMMUNICATION – Donation to the Still River Greenway

Letter from Jack Kozuchowski requesting permission to accept a donation in the amount of \$2,500 from Branson Ultrasonic for the Still River Greenway. Mr. Gogliettino made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Mr. Moore. Motion carried unanimously.

12 – COMMUNICATION – Request from Police Chief Robert Paquette requesting a transfer of funds in the amount of \$50,000 from the Police Regular Salaries to Animal Control Regular Salaries. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

13 – COMMUNICATION – Farioly Fund Appropriation

Request from Library Director Betsy McDonough for the appropriation of \$23,015 from the Farioly Fund to purchase one self-checkout machine for the library. A certification of funds was attached. Mr. McAllister made a motion to receive the communication and authorize the appropriation of \$23,015 from the Farioly Fund for one self-checkout machine. Seconded by Mr. Gogliettino. Motion carried unanimously.

14 – COMMUNICATION – Reappropriation of Donated Funds

Request from Director of Elderly Services Leo McIlrath that a transfer of funds in the amount of \$1,345.00 from the Elderly Services Donations account to the Commission on Aging budget be approved. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

15 – COMMUNICATION – Billing Services Agreement with MedFinancial

Mr. Saadi asked that this be referred to the Ambulance Contract committee consisting of Council Members Levy, Saadi and Nolan. Mayor Boughton so ordered.

16 – COMMUNICATION – Ratification of Teamsters Local #677 Contract

Mr. McAllister asked that this be moved to the end of the agenda. Seconded by Mr. Furtado. Motion carried unanimously.

17 – COMMUNICATION & ORDINANCE – Reapportionment

The communication was received and the ordinance deferred on the Consent Calendar to public hearing.

18 – COMMUNICATION – Installation of Fencing

Mr. McAllister asked that this be referred to an ad hoc committee, the Corporation Counsel, the Building Inspector and the Zoning Enforcement Officer. Mayor Boughton so ordered and appointed Council Members Furtado, Machado and Nolan to the committee.

19 – COMMUNICATION – Assignment of Tax Liens to the Juniper Ridge Tax District

The resolution authorizing American Tax Funding LLC to assign all of its rights, title and interest to certain tax liens encumbering the Lake Wackawana parcel to the Juniper Ridge Tax District as described was approved on the Consent Calendar.

20 – COMMUNICATION – Request for Sewer and Water Extensions at 113 and 115 Clapboard Ridge Road

Mr. Saadi asked that this be referred to an ad hoc committee, the Director of Public Works and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Gogliettino, Neptune and Nolan to the committee.

21 – COMMUNICATION – Offer to donate land on Hayes Street to the City of Danbury

Mr. Moore asked that this be referred to the Director of Public Works, the Corporation Counsel and the Planning Commission for reports back within thirty days. Mayor Boughton so ordered.

22 – COMMUNICATION – Request for Sewer Extension at 69 Padanaram Road – WITHDRAWN

23 – COMMUNICATION – Redevelopment Parcel 9

A resolution authorizing Mayor Boughton to execute an agreement allowing the City to conduct environmental testing on property at the corner of Patriot Drive and Pahquioque Avenue as described was approved on the Consent Calendar.

24 – COMMUNICATION – Reports regarding the purchase of property on West Kenosia Avenue

The reports were received on the Consent Calendar and the request denied.

25 – COMMUNICATION – Reports regarding a proposed sidewalk easement at 29-35 Padanaram Road

The reports were received on the Consent Calendar and no action taken.

26 – COMMUNICATION - Offer to sell property on Grand Street to the City of Danbury

The reports were received on the Consent Calendar and the Corporation Counsel authorized to start informal preliminary negotiations and refer it to the Planning Commission.

27 – COMMUNICATION – Reports regarding a proposed parking garage on Delay Street

The reports were received on the Consent Calendar and no action taken.

28 – COMMUNICATION & RESOLUTION – Community Development Block Grant – PY29 & Section 108 Funding

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the United States Department of Housing and Urban Development has funds available under the Section '108' Loan Guarantee program for the use of CDBG entitlement communities pursuant to Title I of the Housing and Community Development Act of 1987, as amended, and

WHEREAS, the City of Danbury has determined that a significant community needs exists in the lack of public facilities available to its senior citizen residents, and

WHEREAS, the City of Danbury has identified and developed a project to meet these needs known as Senior Center – Phase II and

WHEREAS, this project has been reviewed and incorporated into the 200302008 City's Consolidated Plan process pursuant to 24 CFR 570.704(c)(v), and

WHEREAS, it is in the best interests of the City of Danbury to apply for funding for this project under this Act;

NOW, THEREFORE, be it resolved that the City of Danbury approve and make Application under the Section '108' Loan Guarantee Program for funds to carry out the Senior Center – Phase II project consisting of acquisition, demolition, the construction of an approximate 8,500 square foot addition with associated site improvements and related costs project and program totaling \$3.2 million. Repayment of Section '108' funds shall be from future CDBG annual funding allocations and the Mayor is authorized to execute all contracts and take all necessary actions to effectuate the purposes of this grant application. Pursuant to 24 CFR 570.705(b) the City pledges repayment from future CDGB grants made or for which the City may become eligible under this part and authorize the Mayor to provide such additional security as HUD may require.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the United States Department of Housing and Urban Development has allocated funds under Title I of the Housing and Community Development Act of 1987, as amended, which authorized the Community Development Block Grant Program; and

WHEREAS, it is in the best interests of the City of Danbury to apply for a grant under such Act; and

NOW, THEREFORE, BE IT RESOLVED that Mark D. Boughton, Mayor of the City of Danbury, is hereby authorized to approve and submit the City's Consolidated Plan 2003-2008 and Annual Action Plan for PY29 and to make application on behalf of the City of Danbury to the United States Department of Housing and Urban Development for grant funds for the Community Development Program Year commencing August 1, 2003 through July 31, 2004 for the Twenty-Ninth Year Funding in accordance with all pertinent laws and regulations and the Statement of Community Development Objectives and Projected Use of Funds proposed by the Mayor's Community Development Program Policy Committee.

BE IT FURTHER RESOLVED that Mark D. Boughton, Mayor of the City of Danbury, is hereby authorized to execute all contracts and take all necessary actions to effectuate the purposes of this grant application.

Mr. Gogliettino made a motion to receive the communication and adopt the resolutions. Seconded by Mrs. Coladarci. Motion carried unanimously.

29 – REPORT & ORDINANCE – Tax Deferral for Elderly Homeowners

Mr. Levy submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing on May 27, 2003 in the Common Council Chambers.

Ms. Diorio explained that the limits are income up to \$36,100 for a single and \$41,900 for a married couple to defer taxes each year. Net assessments must not exceed \$300,000. There will be 5% interest collected on all taxes deferred. A lien will be placed on the property to allow the City to recoup the taxes when the property is sold,

Mr. Nolan moved adoption of the ordinance as proposed. Seconded by Mr. Moore. Motion carried unanimously.

Be it ordained by the Common Council of the City of Danbury:

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a section, to be numbered 18-12.1, which said sections reads as follows:

18-12.1. Tax deferral program for elderly homeowners.

- (a) The City of Danbury hereby enacts a tax deferral program for elderly homeowners, pursuant to Section 12-129n of the Connecticut General Statutes, for eligible residents of the City of Danbury on the terms and conditions

provided herein. This section is enacted for the purpose of assisting elderly homeowners with a portion of the cost of property taxation commencing with the Assessment List of 2002.

- (b) Any person who owns real property in the City of Danbury or is liable for the payment of taxes thereon, pursuant to Section 12-48 of the Connecticut General Statutes, and who occupies the property as a principal residence shall be entitled to defer fifteen per cent (15%) of the real property on said residence remaining due after the application of all city and state real property tax credits, provided the following conditions are complied with:
- (1) a. Such person is sixty-five (65) years of age or over at the close of the previous calendar year, or his or her spouse is sixty-five (65) years of age or over at the close of the previous calendar year and resides with such person, or such person is sixty (60) years of age or over and the surviving spouse of a taxpayer qualified for tax relief under this section at the time of his or her death; or
 - b. Such person is under sixty-five (65) and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under Social Security, or has not been engaged in employment covered by Social Security and accordingly has not qualified for benefits thereunder, but has 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 Social Security.
 - (2) Such person must have a principal residence located in Danbury and must have paid taxes in Danbury for one (1) year immediately preceding his or her receipt of tax benefits hereunder.
 - (3) The property for which the tax deferral is claimed must be the primary legal residence of such person and occupied more than one hundred eighty-three (183) days of each calendar year.
 - (4) With respect to the Assessment List of 2002, applications must be filed with the assessor's office on or before September 15, 2003. Thereafter, applications must be filed annually with the assessor's office between February first and May fifteenth in the year following the assessment list date with respect to which benefits are claimed hereunder. All applications shall be filed in triplicate, one (1) copy going to the taxpayer, one (1) to the tax collector and one (1) to the assessor. The applicant must reapply every year in order to continue eligibility for relief hereunder.
 - (5) Such person shall not have received qualifying income during the calendar year preceding the fiscal year for which tax relief is claimed in excess of thirty-six thousand, one hundred dollars (\$36,100.00), if single, or forty-one thousand, nine hundred dollars (\$41,900.00), if married. For purposes hereof, "qualifying income" shall be defined to include total adjusted gross income, tax-exempt interest, realized capital gains, and Social Security payments as determined under the Internal Revenue Code of 1986, or any subsequent corresponding Internal Revenue Code of the United States, as from time to time amended.
 - (6) No property tax relief authorized hereunder shall be given under this section to any persons who owe delinquent taxes to the City of Danbury. The applicant shall submit a certificate from the tax collector to the effect that no such delinquent taxes are owed.

- (7) No property tax relief authorized hereunder, together with any relief received by any such resident under provisions of Section 18-12 of the Danbury Code of Ordinances or under Sections 12-129b to 12-129d, inclusive and 12-170aa of the Connecticut General Statutes, shall exceed, in the aggregate, seventy-five (75) percent of the tax which would, except for said provisions, be laid against the taxpayer.
- (8) The net assessment on real property subject to tax deferral hereunder, after all applicable tax exemptions have been applied, shall not exceed three hundred thousand dollars (\$300,000.00). The aggregate total tax deferred over the life of this program with respect to any parcel of property shall not exceed forty per cent (40%) of the total assessed value of said property.
- (c) Each tax deferral granted in accordance with the provisions of this section shall terminate upon the death of the taxpayer or upon the transfer, assignment, grant or conveyance of the property subject to tax deferral hereunder. Upon such termination the taxpayer or the taxpayer's estate shall reimburse the city for the full amount of the taxes deferred hereunder together with interest at the rate of five per cent (5%) per annum.
- (d) The city shall establish a lien on each property that is subject to tax deferral hereunder in the amount of the relief granted, together with interest at the rate of five per cent (5%) per annum. Said lien shall have a priority in the settlement of the taxpayer's estate.
- (e) The tax deferral provided for herein shall apply only to the residence itself and to the lot on which the residence is located but shall not apply to more than the minimum lot size permitted by the zoning ordinances of the City of Danbury.
- (f) The assessor shall determine whether each applying taxpayer is entitled to a tax deferral under this section and shall compute the amount of the tax deferral to which each qualified taxpayer is entitled and cause a certificate of tax deferral to be issued in such form as to permit the tax collector to reduce the amount of tax levied against the taxpayer. The tax deferral shall be applied proportionately to the tax payments due during the course of each tax year.
- (g) Only one (1) tax deferral shall be allowed for each parcel of real property eligible for tax deferral under this section. If title to such property is recorded in the name of an eligible taxpayer or his or her spouse and any other person or persons, the amount of the deferral shall be prorated to allow a tax deferral equivalent to the fractional share in the property of such taxpayer or spouse. If such property is a multiple-family dwelling, such deferral shall be prorated to reflect the fractional portion of such property occupied by the taxpayer.
- (h) The tax deferral allowed hereunder shall not apply to any water use charge, sewer use charge or special utility tax assessments that may be levied against real property in the City of Danbury.
- (i) If a taxpayer has qualified and received tax relief under the provisions of this section and subsequently becomes disqualified for any reason, he or she shall notify the tax assessor on or before the next assessment date and his or her exemption shall cease for such assessment year and such disqualification shall continue until he or she becomes eligible again and has filed a new application.
- (j) The total of all tax deferrals granted under this section shall not exceed for each assessment year an amount equal to five (5) percent of the total real estate property tax assessed in the City of Danbury during the preceding assessment year; tax deferrals given to eligible applicants hereunder shall be prorated in such a manner so that the total amount of city tax relief hereunder shall remain within the limits fixed herein.
- (k) If any person with respect to whom a claim for tax relief in accordance with this section has been approved for any assessment year transfers, assigns, grants or otherwise conveys in such assessment year the interest in real property to which

such claim for tax relief is related, regardless of whether such transfer, assignment, grant or conveyance is voluntary or involuntary, the amount of such tax deferral shall be a pro rate portion of the amount otherwise applicable in such assessment year to be determined by a fraction the numerator of which shall be the number of full months from the first day of October in such assessment year to the date of such conveyance and the denominator of which shall be twelve (12). If such conveyance occurs in the month of October, the grantor shall be disqualified for tax relief in such assessment year. The grantee shall be required within a period not exceeding ten (10) days immediately following the date of such conveyance to notify the assessor thereof, whereupon the assessor shall determine the amount of tax deferral to which the grantor is entitled for such assessment year with respect to the interest in real property conveyed and notify the tax collector of the reduced amount of tax deferral applicable to such interest. Upon receipt of such notice from the assessor, the tax collector shall, if such notice is received after the tax due date in the municipality, within ten (10) days thereafter mail or hand a bill to the grantee stating the additional amount of tax due as determined by the assessor. Such tax shall be due and payable and collectible as other property taxes and subject to the same liens and processes of collection, provided such tax shall be due and payable in an initial or single installment not sooner than thirty (30) days after the date such bill is mailed or handed to the grantee and in equal amounts in any remaining, regular installments as the same are due and payable.

Mr. Saadi made a motion to receive the report and adopt the ordinance. Seconded by Mr. Nolan.

Mr. Darius stated that it is the function of the government to protect those most vulnerable in our society. This would entice them to take a loan from the City. These people who are the most needy, may not be able to repay the City. The City would place a lien on their property. This ordinance is not in the best interest of the elderly; it is not a tax break.

Mr. Saadi noted that the concern that the estate tax will eat up the equity is misplaced. The State death tax will be phased out in 2004. The Federal tax impacts estates valued at one million dollars or greater. Mr. Nolan echoed Mr. Saadi's presentation and urged adoption of the ordinance. Mr. Darius said the ordinance is well intentioned, but misses the cogent point of property rich and cash poor.

Mr. Furtado moved the question, seconded by Mr. Nolan. Motion carried with Mr. Darius voting in the negative. The main motion carried with Mr. Darius voting in the negative.