

LAW DEPARTMENT



CITY OF STAMFORD, CONNECTICUT
INTER-OFFICE CORRESPONDENCE

To: Kathy Emmett
From: Dana B. Lee
Copy:
Date: June 12, 2014
Re: A14-0339 - Conveyance Tax Issue

Background:

Connecticut General Statute §12-494 establishes two conveyance taxes—one paid to the state and one to the municipality where the property is located.

Currently, the state conveyance tax is .75% of the sales price up to \$800,000. Any amount above \$800,000 is taxed at 1.25%. Conn.Gen.Stat. § 12-494(a)(1).

The municipal tax rate is .25% for most towns. Conn.Gen.Stat. § 12-494(a)(1). There are 18 eligible municipalities that are permitted to impose an additional tax of up to .25%, including Stamford. § 12-494(c). Consequently, these municipalities may impose a conveyance tax of .25% up to .50%.

For example, Stamford's municipal tax rate is presently .35%. Norwalk, which is also eligible to impose the additional tax, has a municipal tax rate of .50%.

Stamford's municipal tax rate of .35% was set by resolution on May 14, 2007 at a Special Meeting of the Board of Representatives called pursuant Section C2-10-4 of the Stamford Charter.

Issue:

Is it permissible for the City to impose the current tax rate of .35% of the sales price up to \$1,000,000 and a .50% tax rate on any amount above \$1,000,000?

Brief Answer:

In my opinion, it is permissible.

§ 12-494(c) provides that "(i)n addition to the tax imposed under subsection (a) of this section, any targeted investment community, as defined in section 32-222...**may**, on or after March 15, 2003, impose an additional tax...at a rate of **up to** one-fourth of one per cent of the consideration for the interest in real property conveyed..."

This is apparently a question of first impression as I found no case law on point.

The first issue that must be answered is whether the City has the power to institute this graduated taxing scheme when that scheme is not specifically provided for by state statute. This analysis must be made because, as a general rule, “(m)unicipalities have no powers of taxation other than those specifically given by statute, and strict compliance with the statutory provisions is a condition precedent to the imposition of a valid tax.” *Empire Estates, Inc. v. Stamford*, 147 Conn. 262, 264 (1960).
Sec. 7-148.

However, the language of § 12-494(c) necessarily grants the City a certain amount of discretion to determine first, whether to impose the additional tax and second, how much of an additional tax to impose up to .25%. (The municipality “may” impose the additional tax “up to” .25 %.) Consequently, it would appear that so long as the additional tax does not exceed .25% for any property, the implementation of a graduated tax scheme is a reasonable exercise of that discretion and would still strictly comply with the provisions of § 12-494(c).

The second issue that must be answered is whether the “graduated” conveyance tax runs afoul of the equal protection clause of the United States. Note, at the outset that the state itself imposes its own “graduated” conveyance tax scheme—levying a higher tax on properties sold for over \$800,000. Such schemes do not violate the equal protection clause. *Carter v. Linder*, 303 S.C. 119, 124-25, 399 S.E.2d 423 at 426 (1990)(Holding that a municipal ordinance which imposed a business license tax that classified businesses and assessed taxes at a graduated rate according to the gross income of the business did not constitute an equal protection violation); See also, *Southern Bell Telephone and Telegraph Company v. City of Aiken*, 279 S.C. 269, 272, 306 S.E.2d 220, 222 (1983)(“... the power to impose a license tax implies a power to classify business and differentiate as to rates of taxation.”). In order to make out a claim, a plaintiff must show that he or she was treated differently from similarly situated individuals. Graduated taxing schemes treat members of the same class equally and “(t)he fact that one class may pay more proportionately than other classes does not of itself make the (tax) unreasonable or arbitrary... “ *Id.*

* * * *

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Effective: July 1, 2011

Connecticut General Statutes Annotated Currentness

Title 12. Taxation (Refs & Annos)

Chapter 223. Real Estate Conveyance Tax (Refs & Annos)

→→ § 12-494. Imposition of tax on conveyances of real property for consideration. One part payable to state and the other to municipality in which paid

(a) There is imposed a tax on each deed, instrument or writing, whereby any lands, tenements or other realty is granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser, or any other person by such purchaser's direction, when the consideration for the interest or property conveyed equals or exceeds two thousand dollars, (1) subject to the provisions of subsection (b) of this section, at the rate of three-quarters of one per cent of the consideration for the interest in real property conveyed by such deed, instrument or writing, the revenue from which shall be remitted by the town clerk of the municipality in which such tax is paid, not later than ten days following receipt thereof, to the Commissioner of Revenue Services for deposit to the credit of the state General Fund, and (2) at the rate of one-fourth of one per cent of the consideration for the interest in real property conveyed by such deed, instrument or writing, provided the amount imposed under this subdivision shall become part of the general revenue of the municipality in accordance with section 12-499.

(b) The rate of tax imposed under subdivision (1) of subsection (a) of this section shall, in lieu of the rate under said subdivision (1), be imposed on certain conveyances as follows: (1) In the case of any conveyance of real property which at the time of such conveyance is used for any purpose other than residential use, except unimproved land, the tax under said subdivision (1) shall be imposed at the rate of one and one-quarter per cent of the consideration for the interest in real property conveyed; (2) in the case of any conveyance in which the real property conveyed is a residential estate, including a primary dwelling and any auxiliary housing or structures, regardless of the number of deeds, instruments or writings used to convey such residential real estate, for which the consideration or aggregate consideration, as the case may be, in such conveyance is eight hundred thousand dollars or more, the tax under said subdivision (1) shall be imposed (A) at the rate of three-quarters of one per cent on that portion of such consideration up to and including the amount of eight hundred thousand dollars, and (B) at the rate of one and one-quarter per cent on that portion of such consideration in excess of eight hundred thousand dollars; and (3) in the case of any conveyance in which real property on which mortgage payments have been delinquent for not less than six months is conveyed to a financial institution or its subsidiary which holds such a delinquent mortgage on such property, the tax under said subdivision (1) shall be imposed at the rate of three-quarters of one per cent of the consideration for the interest in real property conveyed. For the purposes of subdivision (1) of this subsection, "unimproved land" includes land designated as farm, forest or open space land.

(c) In addition to the tax imposed under subsection (a) of this section, any targeted investment community, as defined in section 32-222, or any municipality in which properties designated as manufacturing plants under section 32-75c are located, may, on or after March 15, 2003, impose an additional tax on each deed, instrument or writing, whereby any lands, tenements or other realty is granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser, or any other person by his direction, when the consideration for the interest or property conveyed equals or exceeds two thousand dollars, which additional tax shall be at a rate of up to one-fourth of one per cent of the consideration for the interest in real property conveyed by such deed, instrument or writing. The revenue from such additional tax shall become part of the general revenue of the municipality in accordance with section 12-499.

CREDIT(S)

(1967, P.A. 693, § 1, eff. Jan. 1, 1968; 1971, P.A. 158, § 2; 1983, June Sp.Sess. P.A. 83-1, § 6; 1985, P.A. 85-480, § 1, eff. June 27, 1985; 1986, P.A. 86-397, § 8; 1989, P.A. 89-205, § 1; 1989, P.A. 89-251, § 19, eff. July 1, 1989; 1991, P.A. 91-356, § 1; 1992, P.A. 92-57, § 1; 2003, P.A. 03-2, § 40, eff. March 15, 2003; 2004, P.A. 04-216, § 51, eff. May 6, 2004; 2004, P.A. 04-201, § 4, eff. June 3, 2004; 2005, P.A. 05-268, §§ 1, 2, eff. July 1, 2005; 2007, P.A. 07-154, § 6, eff. July 1, 2007; 2007, June Sp.Sess., P.A. 07-1, § 128, eff. July 1, 2007; 2008, June 11 Sp.Sess., P.A. 08-1, § 1, eff. June 16, 2008; 2010, June Sp.Sess., P.A. 10-1, § 1, eff. July 1, 2010; 2011, P.A. 11-6, § 102, eff. July 1, 2011.)

HISTORICAL AND STATUTORY NOTES

Amendments

1971 Amendment. 1971, P.A. 158, § 2, substituted the word “for” in lieu of “or value of” following “when the consideration”.

1983 Amendment. 1983, June Sp.Sess., P.A. 83-1, § 6, substituted subs. (1) and (2) for “when the consideration for the interest or property conveyed exceeds one hundred dollars and does not exceed five hundred dollars, in the amount of fifty-five cents; and at the rate of fifty-five cents for each additional five hundred dollars or fractional part thereof” following “by his direction,”.

1985 Amendment. 1985, P.A. 85-480, § 1, substituted “For the privilege of making any sale or transfer of an interest in real property in this state under any deed, instrument or writing,” for “There is imposed a tax on each deed, instrument or writing” and inserted “a tax is hereby imposed on each such sale or transfer payable by the person conveying such property upon the recording of instrument of such conveyance,”.

1986 Amendment. 1986, P.A. 86-397, § 8, changed the tax rate from one-half of 1% to forty-five one-hundredths of 1%.

1989 Amendments. 1989, P.A. 89-205, § 1, inserted a provision imposing a tax only when the consideration is \$2,000 or more; in subs. (1) and (2), substituted “consideration” for “full purchase price”; and in subd. (2), changed the rate from \$1.10 for every \$1,000 of the purchase price to eleven one-hundredths of 1% of the consideration.

1989, P.A. 89-251, § 19, without incorporating changes made by 1989, P.A. 89-205, § 1, adopted the former provision now designated as subsec. (a) but, in subd. (1), added reference to subsec. (b) of this section, and substituted the rate of five-tenths of one per cent of the consideration for the rate of forty-five one-hundredths of one per cent of the full purchase price; and, in subd. (2), substituted the rate of eleven one-hundredths of one per cent of the consideration for the rate of one dollar and ten cents for each one thousand dollars of the full purchase price, or fractional part thereof; and, added subsec. (b).

1991 Amendment. 1991, P.A. 91-356, § 1, added subsec. (b)(3).

1992 Amendment. 1992, P.A. 92-57, § 1, among other changes, in subsec. (b)(3), inserted reference to a subsidiary of a financial institution.

2003 Amendment. 2003, P.A. 03-2, § 40, in subd. (2) of subsec. (a), inserted "one-fourth of one per cent of the consideration for the interest in real property conveyed by such deed, instrument or writing, and on and after July 1, 2004, at the rate of" preceding "eleven one-hundredths" and substituted "provided the amount imposed under this subdivision" for "which amount" preceding "shall become"; added subsec. (c); and made other nonsubstantive changes.

2004 Amendments. 2004, P.A. 04-201, § 4, inserted "regardless of the number of deeds, instruments or writings used to convey such residential estate," and "or aggregate consideration, as the case may be," in subd. (2) of subsec. (b).

2004, P.A. 04-216, § 51, substituted "2005" for "2004" in subd. (2) of subsec. (a), and deleted "but prior to July 1, 2004," prior to "impose an additional tax" in subsec. (c).

2005 Amendments. 2005, P.A. 05-268, § 1, substituted "2007" for "2005" in subsec. (a).

2005, P.A. 05-268, § 2, substituted "a rate of up to one-fourth" for "the rate of one-fourth" in subsec. (c).

2007 Amendments. 2007, P.A. 07-154, § 3, added the final sentence in subsec. (b).

2007, June Sp.Sess., P.A. 07-1, § 128, substituted "2008," for "2007," in subsec. (a).

2008 Amendment. 2008, June 11 Sp.Sess., P.A. 08-1, § 1, substituted "2010" for "2008" in subsec. (a).

2010 Amendment. 2010, June Sp.Sess., P.A. 10-1, § 1, substituted "2011" for "2010" in subd. (a)(2), and made other nonsubstantive changes.

2011 Amendment. 2011, P.A. 11-6, § 102, increased the tax rate from five-tenths of 1% to three-quarters of 1% in subd. (a)(1); deleted "and on and after July 1, 2011, at the rate of eleven one-hundredths of one per cent of the consideration for the interest in real property conveyed by such deed, instrument or writing," preceding "provided the

amount imposed” in subd. (a)(2); increased the tax rate from 1% to 1 and one-quarter % in subd. (b)(1), from one-half of 1% to three-quarters of 1% in subpara. (b)(2)(A), from 1% to 1 and one-quarter % in subpara. (b)(2)(B), and from one-half of 1% to three-quarters of 1% in subd. (b)(3).

Effective Dates

1983 Act. 1983, June Sp.Sess., P.A. 83-1, § 15, provided that amendment by § 6 shall take effect on July 1, 1983 and be applicable to conveyances occurring on or after that date.

1986 Act. 1986, P.A. 86-397, § 10, provided that the act takes effect from passage [June 11, 1986], except that section 8 shall be applicable to any conveyance of an interest in real property occurring on or after January 1, 1987.

1991 Act. 1991, P.A. 91-356, § 3, provided:

“This act shall take effect July 1, 1991, and shall be applicable to conveyances occurring on or after said date.”

1992 Act. 1992, P.A. 92-57, § 2, provided:

“This act shall take effect July 1, 1992, and shall be applicable on or after said date.”

2011 Act. 2011, P.A. 11-6, § 102, eff. July 1, 2011, further provided that the section is “applicable to conveyances occurring on or after said date”.

CROSS REFERENCES

Obligation of purchaser assuming payment of taxes, see C.G.S.A. § 12-70.

Property tax assessment, generally, see C.G.S.A. § 12-40 et seq.

Real estate conveyance tax revenue, recording, see C.G.S.A. § 3-114m.

ADMINISTRATIVE CODE REFERENCES

Real estate conveyance tax, see Regs. Conn. State Agencies, § 12-494-1 et seq.

LAW REVIEW AND JOURNAL COMMENTARIES

1972 open space conveyance tax-recapture or reaction? John B. Tyler and Garrison N. Valentine, 47 Conn.B.J. 332 (1973).

Connecticut taxation of business entities. John T. Del Negro, 64 Conn.B.J. SI-112 (Special Issue, May 1990).

Intangible property taxation. Lester B. Snyder, 4 Conn.L.Rev. 310 (1971).

Overview of some 1971 Connecticut tax and probate legislation. Arnold M. Schwolsky, Richard W. Tomeo, Duane Totten, Walter A. Twachtman, Jr., 46 Conn.B.J. 236 (1972).

Tax policy in the 1971 Connecticut general assembly. Lester B. Snyder, 46 Conn.B.J. 136 (1972).

LIBRARY REFERENCES

Taxation ↪2218.
Westlaw Topic No. 371.

RESEARCH REFERENCES

Treatises and Practice Aids

20 Connecticut Practice Series § 2:3, Basic Overview of Applicable Tax Issues.

NOTES OF DECISIONS

Consideration 3
Conveyance stamp 1
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Transactions within section 2

1. Conveyance stamp

Mere fact that no conveyance tax stamp was fixed to quitclaim deed which conveyed property interest of individual guarantor of note to his wife was not proof of lack of consideration and did not establish that the conveyance was fraudulent. *Alling Paper Co. v. Massinin* (1974) 325 A.2d 533, 31 Conn.Supp. 154. Fraudulent Conveyances ↪300(1)

2. Transactions within section

Real estate conveyance tax is triggered by the conveyance of real estate regardless of any conditions agreed to by the parties related to the contract of sale. *Old Farms Associates v. Commissioner of Revenue Services* (2006) 903 A.2d 152, 279 Conn. 465. Taxation ↪2218

Corporation was not required to pay conveyance tax on transaction through which it obtained, for no consideration,

title to forest lands by a deed issued by estate executors who were also corporation's sole shareholders, as any tax would have been payable by the executors who conveyed the property. *Stepney Pond Estates, Ltd. v. Town of Monroe* (2002) 797 A.2d 494, 260 Conn. 406. Taxation ⚡2218

Conveyance from individual to his solely owned and controlled corporation, simultaneously with sale by that corporation was not inherently part of single transaction so as to be exempt from conveyance taxes. *Vigliotti v. Commissioner of Revenue Services*, 1996, 692 A.2d 407, 44 Conn.Supp. 444. Taxation ⚡2218

Purchaser's reconveyance to vendor of real property due to failure of conditions of original sale was subject to conveyance tax. *Vigliotti v. Commissioner of Revenue Services*, 1996, 692 A.2d 407, 44 Conn.Supp. 444. Taxation ⚡2218

Imposition of real property conveyance tax is triggered by conveyance of real property regardless of any conditions agreed to by parties related to contract of sale as relationship between taxpayer and Commission of Revenue Services is governed by statute, not by agreement of sale between purchaser and vendor. *Vigliotti v. Commissioner of Revenue Services*, 1996, 692 A.2d 407, 44 Conn.Supp. 444. Taxation ⚡2218

The real estate conveyance tax encompassed (1) a conveyance to a corporation in exchange for capital shares; (2) a conveyance of corporate realty to a shareholder after liquidation or dissolution, to the extent of the value of the liabilities; (3) a conveyance by a partner to a partnership as a contribution of partnership assets; (4) a conveyance of partnership realty to a partner after termination of the partnership or as consideration for the partner's withdrawal. Op. Atty. Gen. No. 89-020 (Aug. 15, 1989), 1989 Conn. Op. Atty. Gen. 111, 1989 WL 505910.

3. Consideration

Two-part transactions under which buyers received land and a house from land sellers and separate but related home builders were not shams structured only for the purpose of evading conveyance taxes, and thus consideration received by home builders could not be imputed to land sellers as consideration indirectly paid to them, as would permit Commissioner of Revenue Services to assess land sellers a real estate conveyance tax on such consideration, where land sellers assumed the risk associated with ownership of the lots, and home builders bore the risk of loss for all liabilities arising out of construction and were exposed to potential liability, extending into future, for any construction flaws; there were legitimate reasons, independent of their tax consequences, to structure transactions that way. *Old Farms Associates v. Commissioner of Revenue Services* (2006) 903 A.2d 152, 279 Conn. 465. Taxation ⚡2218; Taxation ⚡2220

Real estate conveyance tax is assessed only on consideration paid to the transferor. *Old Farms Associates v. Commissioner of Revenue Services* (2006) 903 A.2d 152, 279 Conn. 465.

Land seller could not be assessed real estate conveyance tax on the consideration paid by the buyer of the property to builder for the construction of a house built on the land prior to the buyer taking title to the property. *Old Farms Associates v. Commissioner of Revenue Services* (2006) 903 A.2d 152, 279 Conn. 465. Taxation ⚡2218

There was no “consideration for” taxpayer’s transfer of real property to limited liability company (LLC) in which taxpayer owned a 99 percent interest, and thus transfer was not subject to real estate conveyance tax, where deed of conveyance recited that transfer was for nominal consideration of ten dollars, and taxpayer unilaterally transferred the property to the company, with no promises or exchanges made by either taxpayer or the company; there was no bargained for exchange. *Tranfo v. Gavin* (2003) 817 A.2d 88, 262 Conn. 674. Taxation ☞2218

There was no “consideration for” taxpayer’s transfer of real property to limited liability company (LLC) of which taxpayer was sole member, and thus transfer was not subject to real estate conveyance tax, where company did not transfer any property to taxpayer in exchange for real property; there was no bargained for exchange. *Ferris v. Gavin* (2003) 816 A.2d 628, 262 Conn. 680. Taxation ☞2218

There was no “consideration for” taxpayer’s transfer of real property to limited liability company (LLC) of which taxpayer was sole member, and thus transfer was not subject to real estate conveyance tax, where taxpayer did not promise to transfer the real property to his company in exchange for any performance or return promise by the company; taxpayer acted unilaterally, not in a bargained for exchange. *Mandell v. Gavin* (2003) 816 A.2d 619, 262 Conn. 659. Taxation ☞2218

Exchange of consideration is touchstone for determining which transactions are subject to real estate conveyance tax under statute imposing tax when consideration for interest of property conveyed equals or exceeds certain sum. *Bjurback v. Commissioner of Revenue Services*, 1996, 690 A.2d 902, 44 Conn.Supp. 354. Taxation ☞2218

Unless legislature carves out exemption to imposition of real estate conveyance tax to include conveyance to corporation by sole stockholder of that corporation, court cannot, by judicial construction limit meaning of term consideration in conveyance tax statute to accomplish same purpose. *Bjurback v. Commissioner of Revenue Services*, 1996, 690 A.2d 902, 44 Conn.Supp. 354. Taxation ☞2218

4. Economic benefit

Blockhouse that was used to monitor pollution abatement efforts prior to and following the sale and subsequently was demolished was an “improvement,” and, thus, the real estate conveyance tax rate for “unimproved land” did not apply, regardless of the subjective reasons for the blockhouse. *Verna v. Commissioner of Revenue Services* (2002) 801 A.2d 769, 261 Conn. 102. Taxation ☞2478

Taxpayer’s conveyance of real estate to corporation wholly owned by taxpayer is subject to real estate conveyance tax based on real economic benefit of conveyance to taxpayer, not on amount stated in deed, pursuant to statute imposing tax when consideration for interest of property conveyed equals or exceeds certain sum. *Bjurback v. Commissioner of Revenue Services*, 1996, 690 A.2d 902, 44 Conn.Supp. 354. Taxation ☞2533

Taxpayer received economic value other than purchase price from taxpayer’s conveyance of real estate to corporation wholly owned by taxpayer for purposes of real estate conveyance tax, where taxpayer benefitted from increase in

value of assets of corporation and from limitation of liability to taxpayer from subsequent owners of property. *Bjurback v. Commissioner of Revenue Services*, 1996. 690 A.2d 902, 44 Conn.Supp. 354. Taxation ¶2533

5. Exemptions

Sole owner of construction corporation who controlled corporation was not corporation's "agent" and, thus, conveyance of property from owner to corporation did not fall within exemption from conveyance tax as deed from agent to his principal conveying realty purchased for and with funds of principal. *Vigliotti v. Commissioner of Revenue Services*, 1996, 692 A.2d 407, 44 Conn.Supp. 444. Taxation ¶2218

C. G. S. A. § 12-494, CT ST § 12-494

Current with enactments of Public Acts 14-1 through 14-22 and 14-24 through 14-32 of the 2014 February Regular Session of the Connecticut General Assembly.

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END OF DOCUMENT

ACTION REPORT

Chair Martin called the meeting to order at 9:10 p.m. Chair Martin read the call of the meeting:

I, David R. Martin, President of the 27th Board of Representatives of the City of Stamford, Connecticut, and pursuant to Section C2-10-4 of the Stamford Charter, hereby call a Special Meeting of said Board of Representatives at the following time and place:

Monday, May 14, 2007
8:00 p.m.
Legislative Chambers, 4th Floor
Government Center
888 Washington Boulevard
Stamford, CT 06904-2152

to consider and act upon the following:

1. LR27.047 - RESOLUTION; amending the conveyance tax rate.
04/24/07 – Submitted by Mayor Dannel P. Malloy
2. F27.248 – RESOLUTION; providing for a five-year phase-in of the 2006 revaluation.
05/07/07 – Resubmitted by President Martin, Rep. DeLuca
3. Operating, Capital, E.G. Brennan Fund, Grants and Police Extra Duty Fund, Risk Management Fund, Smith House Fund, WPCA Fund and Parking Fund, and WPCA (WPCA Capital) Budgets for the fiscal year 2007/2008, as transmitted by the Board of Finance on April 10, 2007, pursuant to provisions of Section C8-30-7 of the Stamford Charter; and RESOLUTIONS associated therewith.

AGENDA

INVOCATION: Led by Rep. Molgano

PLEDGE OF ALLEGIANCE TO THE FLAG: Led by President David R. Martin

ROLL CALL: Conducted by Clerk of the Board Annie M. Summerville. There were thirty-eight members present and one member absent/excused: Rep. C. Young. Rep. Pia arrived shortly after roll-call.

COMMITTEE/BUDGET PRESENTATION: Randall Skigen, Chair, Fiscal Committee

1. LR27.047 - RESOLUTION; amending the conveyance tax rate.
04/24/07 – Submitted by Mayor Dannel P. Malloy

A motion to approve the resolution amending the conveyance tax to .035 was made and seconded.

A motion to amend the resolution to a tax rate of .025 was made and seconded. Said motion failed by a vote of 12-27-0 (Reps. Coppola, DeLuca, Diamond, Franzetti, Greenberg, Layton, Lyons, Mallozzi, Mirkin, Molgano, Munger and Zelinsky in favor; Reps. Adams, Aposporos, Berns, blackwell, Boccuzzi, Cannady, Day, DePina, Esposito, Fedeli, Figueroa, Giordano, Heaphy, Hunter, Larobina, Lodato, Lombardo, C. Martin, D. Martin, McCullen, Mitchell, Neary, Pia, Rauh, Skigen, Summerville and White in favor (See RCS Vote Record No. 819).

A motion to amend the resolution by providing for a sunset provision at June 30, 2009 was made and seconded. Said motion failed by a machine vote of 14-25-0 (Reps. Coppola, Fedeli, Franzetti, Greenberg, Hunter, Larobina, Layton, Lyons, Mirkin, Molgano, Munger, Neary, Rauh and Zelinsky in favor; Reps. Adams, Aposporos, Berns, Blackwell, Boccuzzi, Cannady, Day, DeLuca, DePina, Diamond, Esposito, Figueroa, Giordano, Heaphy, Lodato, Lombardo, Mallozzi, C. Martin, D. Martin, McCullen, Mitchell, Pia, Skigen and White opposed (See RCS Vote Record No. 820).

A motion was made to make the resolution effective May 28, 2007. Said motion was seconded and approved by a vote of 38-0-0 (Reps. Adams, Aposporos, Berns, Blackwell, Boccuzzi, Cannady, Coppola, Day, DeLuca, DePina, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Greenberg, Heaphy, Hunter, Larobina, Layton, Lodato, Lombardo, Mallozzi, C. Martin, D. Martin, McCullen, Mirkin, Mitchell, Molgano, Munger, Neary, Pia, Rauh, Skigen, Summerville, White and Zelinsky in favor (See RCS Vote Record No. 821).

The main motion, as amended, was approved by a machine vote of 31-8-0. (Reps. Adams, Aposporos, Berns, Blackwell, Boccuzzi, Cannady, Coppola, Day, DeLuca, DePina, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Heaphy, Hunter, Larobina, Lodato, Lombardo, C. Martin, D. Martin, McCullen, Mitchell, Molgano, Neary, Pia, Rauh, Skigen, Summerville and White in favor; Reps. Diamond, Greenberg, Layton, Lyons, Mallozzi, Mirkin, Munger and Zelinsky opposed (See RCS Vote Record No. 822).

2. F27.248 – RESOLUTION; providing for a five-year phase-in of the 2006 revaluation.
05/07/07 – Resubmitted by President Martin, Rep. DeLuca

A motion to approve the phase-in resolution was made and seconded.

A motion amending the resolution to provide for a 3-year phase-in was made and seconded. Said motion failed by a vote of 16-23-0 (Reps. Aposporos, Berns, Coppola, Day, DeLuca, Fedeli, Franzetti, Larobina, Layton, Lodato, Lombardo, Mirkin, Molgano, Munger, Pia and Skigen in favor; Reps. Adams, Blackwell, Boccuzzi, Cannady, DePina, Diamond, Esposito, Figueroa, Giordano, Greenberg, Heaphy, Hunter, Lyons, Mallozzi, C. Martin, D. Martin, McCullen, Mitchell, Neary, Rauh, Summerville, White and Zelinsky opposed (See RCS Vote Record No. 823).

A motion to add a fifth WHEREAS clause to read as follows was made and seconded:

WHEREAS, it has been determined that it is in the best interest of the City of Stamford to perform and implement a property revaluation for the 2007 grand list thus replacing the term of the phase-in after one year. Said motion failed by a vote of 14-25-0 (Reps. Aposporos, Berns, Day, DeLuca, Franzetti, Greenberg, Heaphy, Layton, Lodato, Lombardo, Mirkin, Molgano, Munger and Pia in favor; Reps. Adams, Blackwell, Boccuzzi, Cannady, Coppola, DePina, Diamond, Esposito, Fedeli, Figueroa, Giordano, Hunter, Larobina, Lyons, Mallozzi, C. Martin, D. Martin, McCullen, Mitchell, Neary, Rauh, Skigen, Summerville, White and Zelinsky opposed (See RCS Vote Record No. 824).

The resolution, approving a five-year phase-in, was approved by a vote of 31-8-0 (Reps. Adams, Aposporos, Berns, Blackwell, Boccuzzi, Cannady, Coppola, DePina, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Greenberg, Heaphy, Hunter, Larobina, Lyons, Mallozzi, C. Martin, D. Martin, McCullen, Mitchell, Molgano, Neary, Pia, Rauh, Summerville, White and Zelinsky in favor; Reps. Day, DeLuca, Layton, Lodato, Lombardo, Mirkin, Munger and Skigen opposed (See RCS Vote Record No. 825).

3. Operating, Capital, E.G. Brennan Fund, Grants and Police Extra Duty Fund, Risk Management Fund, Smith House Fund, WPCA Fund and Parking Fund, and WPCA (WPCA Capital) Budgets for the fiscal year 2007/2008, as transmitted by the Board of Finance on April 10, 2007, pursuant to provisions of Section C8-30-7 of the Stamford Charter; and RESOLUTIONS associated therewith.

Operating Budget

Chair Skigen reported that the Committee recommended a \$35,000 cut from Fireworks and a \$265,000 general budget reduction. Chair Skigen moved the recommended cuts; said motion was seconded and approved by a vote of 39-0-0 (Reps. Adams, Aposporos, Berns, Blackwell, Boccuzzi, Cannady, Coppola, Day, DeLuca, DePina, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Greenberg, Heaphy, Hunter, Larobina, Layton, Lodato, Lombardo, Lyons, Mallozzi, C. Martin, D. Martin, McCullen, Mirkin, Mitchell, Molgano, Munger, Neary, Pia, Rauh, Skigen, Summerville, White and Zelinsky in favor (See RCS Vote Record No. 826).

WPCA Budget

Chair Skigen moved the Committee recommendation of a rejection of the WPCA Budget and a recommendation that it be resubmitted with a \$500,000 reduction. Said motion was seconded and approved by a vote of 38-0-0. (Reps. Adams, Aposporos, Berns, Blackwell, Boccuzzi, Cannady, Coppola, Day, DeLuca, DePina, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Greenberg, Heaphy, Hunter, Larobina, Layton, Lodato, Lombardo, Lyons, Mallozzi, C. Martin, D. Martin, McCullen, Mitchell, Molgano, Munger, Neary, Pia, Rauh, Skigen, Summerville, White and Zelinsky in favor (See RCS Vote Record No. 827).

Board of Education Budget

(Note: President Martin and Rep. White left the floor.) Chair Skigen moved the Committee's recommendation of a \$300,000 cut to the Board of Education Budget. Said motion was seconded and approved by a vote of 32-5-0 (Reps. Adams, Blackwell, Boccuzzi, Cannady, Coppola, Day, DeLuca, DePina, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Heaphy, Hunter, Larobina, Layton, Lodato, Lombardo, Lyons, Mallozzi, C. Martin, McCullen, Mirkin, Mitchell, Molgano, Munger, Pia, Rauh, Skigen and Summerville in favor; Reps. Aposporos, Berns, Greenberg, Neary and Zelinsky opposed). (See RCS Vote Record No.

827).

Resolutions

Chair Skigen moved Resolution No. 3152, authorizing an operating budget in the amount of \$401,061,519 (including the Board of Education Budget). Said motion was seconded and approved by a vote of 38-1-0 (Reps. Adams, Aposporos, Berns, Blackwell, Boccuzzi, Cannady, Coppola, Day, DeLuca, DePina, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Heaphy, Hunter, Larobina, Layton, Lodato, Lombardo, Lyons, Mallozzi, C. Martin, D. Martin, McCullen, Mirkin, Mitchell, Molgano, Munger, Neary, Pia, Rauh, Skigen, Summerville, White and Zelinsky in favor; Rep. Greenberg opposed) (See RCS Vote Record No. 829).

Chair Skigen moved Resolution No. 3153, authorizing the Funds Budgets. Said motion was seconded and approved by a vote of 38-1-0 (Reps. Adams, Aposporos, Berns, Blackwell, Boccuzzi, Cannady, Coppola, Day, DeLuca, DePina, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Heaphy, Hunter, Larobina, Layton, Lodato, Lombardo, Lyons, Mallozzi, C. Martin, D. Martin, McCullen, Mirkin, Mitchell, Molgano, Munger, Neary, Pia, Rauh, Skigen, Summerville, White and Zelinsky in favor; Rep. Greenberg opposed) (See RCS Vote Record No. 830).

Chair Skigen moved Resolution No. 3154, authorizing the WPCA Capital Budget in the amount of \$6,760,000.00. Said motion was seconded and approved by a vote of 39-0-0 (Reps. Adams, Aposporos, Berns, Blackwell, Boccuzzi, Cannady, Coppola, Day, DeLuca, DePina, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Greenberg, Heaphy, Hunter, Larobina, Layton, Lodato, Lombardo, Lyons, Mallozzi, C. Martin, D. Martin, McCullen, Mirkin, Mitchell, Molgano, Munger, Neary, Pia, Rauh, Skigen, Summerville, White and Zelinsky in favor) (See RCS Vote Record No. 831).

Chair Skigen moved Resolution No. 3156, authorizing the WPCA Capital Budget in the amount of \$6,760,000.00. Said motion was seconded and approved by a vote of 39-0-0 (Reps. Adams, Aposporos, Berns, Blackwell, Boccuzzi, Cannady, Coppola, Day, DeLuca, DePina, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Greenberg, Heaphy, Hunter, Larobina, Layton, Lodato, Lombardo, Lyons, Mallozzi, C. Martin, D. Martin, McCullen, Mirkin, Mitchell, Molgano, Munger, Neary, Pia, Rauh, Skigen, Summerville, White and Zelinsky in favor) (See RCS Vote Record No. 832).

Chair Skigen moved Resolution No. 3155, authorizing the Capital Budget in the amount of \$42,388,508.00. Said motion was seconded and approved by a vote of 38-1-0 (Reps. Adams, Aposporos, Berns, Blackwell, Boccuzzi, Cannady, Coppola, Day, DeLuca, DePina, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Heaphy, Hunter, Larobina, Layton, Lodato, Lombardo, Lyons, Mallozzi, C. Martin, D. Martin, McCullen, Mirkin, Mitchell, Molgano, Munger, Neary, Pia, Rauh, Skigen, Summerville, White and Zelinsky in favor; Rep. Greenberg opposed) (See RCS Vote Record No. 833).

ADJOURNMENT: Upon motion duly made and seconded and approved by unanimous voice vote, the meeting was adjourned at 10:30 p.m.