

MINUTES OF OCTOBER 11, 1977 SPECIAL MEETING

14th BOARD OF REPRESENTATIVES

STAMFORD, CONNECTICUT

A SPECIAL MEETING of the 14th Board of Representatives of the City of Stamford, Connecticut, was held on Tuesday, October 11, 1977, pursuant to a "CALL" issued by PRESIDENT FREDERICK E. MILLER, JR., under the provisions of Section 202 of the Stamford Charter.

The meeting was held in the Legislative Chambers of the Board of Representatives, Second Floor, Municipal Office Building, 429 Atlantic Street, Stamford, Conn.

The meeting was called to order at 9:30 P.M., after the two political parties completed their caucuses which began at 8:00 P.M. The Fiscal Committee also met before the meeting commenced.

PLEDGE OF ALLEGIANCE TO THE FLAG: President Frederick E. Miller, Jr. led the assemblage in the Pledge of Allegiance.

ROLL CALL: CLERK OF THE BOARD SANDRA GOLDSSTEIN called the Roll. There were 28 members present and 12 absent. The absent members were:

Kurt Zimbler	Gerald Rybnick (ill)
Handy Dixon	Barbara McInerney
George Hays	George Baxter
Leonard Hoffman	Leo Carlucci
Adam Osuch	John Sandor
John Wayne Fox	John Robie

The PRESIDENT declared a QUORUM.

CHECK OF THE VOTING MACHINE: President Miller tested the machine and it was found to be in good working order.

SPECIAL COMMITTEE TO INVESTIGATE THE APPOINTMENT OF A GRANTS OFFICER:

MR. MILLER: At the last Regular Meeting of the Board, it was voted to establish a Special Committee to Investigate the Circumstances Surrounding the Recent Appointment of A Grants Officer. The CHAIR is now going to appoint that SPECIAL COMMITTEE. There will be six members with three members from each Party. The CHAIR appoints:

Co-Chairmen Dr. Lynn M. Lowden (D) and Kurt Zimbler (R)	
Mildred Perillo (D)	Adam Osuch (R)
Thomas D'Agostino (D)	Wm. Flanagan (R)

It is expected that the Committee will make its final report at the November Regular Meeting of the Board.

CALL OF THE MEETING:

MR. MILLER read the CALL of the Meeting:

"I, FREDERICK E. MILLER, JR., President of the 14th Board of Representatives of the City of Stamford, pursuant to Section 202 of the Stamford Charter, do hereby CALL a SPECIAL MEETING of said 14th Board of Representatives at the following time and place:

TUESDAY, OCTOBER 11, 1977 - at 8:00 P.M.

in the Legislative Chambers of the Board of Representatives, Second Floor, Municipal Office Bldg., 429 Atlantic St., Stamford, Connecticut;

for the following purpose:

TO CONSIDER AND ACT UPON A PROPOSED ORDINANCE SUPPLEMENTAL FOR TAX ABATEMENT FOR ELDERLY HOUSING PROJECT FOR 148 UNITS PROPOSED FOR A SITE OF ABOUT TWO ACRES ON SHIPPAN AVENUE, STAMFORD; THE DEVELOPERS RICHARD HOROWITZ OF STAMFORD AND FOREST CITY DILLON, INC., CLEVELAND, OHIO, EXPECT CHFA FINANCING AND SECTION 8 FROM HUD, AND REQUIRE A TEN PER CENT TAX ABATEMENT FROM STAMFORD."

MR. MILLER: Obviously we can consider no other matter this evening except that one item on the Agenda. The CHAIR would call to the members' attention the letter of October 6, 1977 from Robert B. Wise, Corporation Counsel, that letter addressed to Mr. Morgan and attached to that letter there is an ordinance supplemental and an agreement.

This evening we will have to first consider the agreement and whether or not we wish to vote on approval of the agreement, which would require a majority of those present and voting.

The ordinance, of course, pre-supposes that the Board approves of the agreement, and an ordinance is usually adopted in two steps: publication of an ordinance requires a majority of those present and voting; final adoption 21 votes. If, tonight, we choose to Waive Publication and do everything in one evening, we would need 27 votes to Waive Publication of the Ordinance. The CHAIR would remind the members and those seated in the gallery that the "NO SMOKING" signs are posted. The CHAIR will now call upon the Chairman of the Fiscal Committee, Mr. Morgan.

FISCAL COMMITTEE - Michael G. Morgan

MR. MORGAN: The Fiscal Committee met earlier this evening. Present were Sandra Goldstein, Lathon Wider, John Schlechtweg, Jeremiah Livingston, Audrey Cosentini, Ralph Loomis, Mildred Ritchie, and Michael Morgan.

The one and only matter that we discussed was the proposed ordinance supplemental for a tax abatement for elderly housing of 148 units proposed for a site of roughly two acres located on Shippan Avenue. Now, the developers of this property will be Richard Horowitz of Stamford and Forest City Dillon Company, Inc. of Cleveland, Ohio. Usually an ordinance is handled by the Legislative and Rules Committee, but originally this matter was referred to us by the Corporation Counsel and the Mayor's Office in the form of a Resolution. On that basis, our Committee met on Sept. 28th with representatives of the Administration to discuss the matter, but because of a great amount of information that we thought was lacking, it was decided by the committee that it would be advisable to have a public hearing, which was held on Thursday, October 6, 1977.

FISCAL COMMITTEE (continued)

MR. MORGAN (continuing).....At that meeting we had 30 people speak on the matter, representing a variety of opinions and a number of different interested organizations, and also interested individuals; and now finally two weeks after our original meeting, we are here to consider the question of a tax abatement for the senior citizens housing which is proposed.

MR. MORGAN: Is the first order of business for me to read the agreement in its entirety? Is that what you would recommend that I do?

MR. MILLER: I would suggest that you do because there are blanks that I think should be filled in for the edification of the members of the Board.

MR. MORGAN: Every member of the Board should have on his desk a letter from the Corporation Counsel to me, with an ordinance attached, and also beyond the ordinance an agreement.

(Some discussion ensued as to what should be put into some of the blank spaces. Attached is a copy of Ordinance 363, in its approved and executed form, as well as copy of the agreement, with only the date of the agreement left blank, to be filled in by the Mayor at such time as he signs same.)

MR. MORGAN: I MOVE for the approval of the Agreement, on behalf of the Fiscal Committee.

MR. MILLER: MOVED and SECONDED. Discussion?

MR. BLOIS: First of all, I'd like to know what happens after 180 days if there's no Fee Simple or any clear records of HUD mortgages, what happens to the City of Stamford and what happens to Mr. Horowitz and Forest City Dillon? Is there a stay of contract or do you have an extended time limit, or is it completely dead at that point, or what?

MR. MORGAN: After 180 days if the mortgage commitment has not been made and the project's not going forward, the project is dead for other reasons, tax abatement is canceled.

At our first meeting on Wednesday, September 28, 1977, the Corporation Counsel assured us that 180 days would be sufficient time for all the negotiations and commitments to be completed on the project to be done in order for the tax abatement to take effect. If they can't get it done in 180 days, I guess they'll never get it done, but 180 days should be long enough for everything to take place.

MRS. COSENTINI: POINT OF INFORMATION. The Motion was made on the Agreement itself. Now, if we vote on the Agreement, which is attached to the Ordinance, so why are we doing this in that order? I'm not sure I understand that.

MR. MILLER: Well, the Ordinance makes reference to the Agreement and we have to know what we are approving in terms of an agreement.

MRS. COSENTINI: Is the Ordinance, in essence, the Agreement?

MR. MILLER: I don't think so because it could be possible for this Board this evening to change parts of this Agreement as we have received it from the Law Dept.

MRS. COSENTINI: Would it be improper to do it in the other direction?

MR. MILLER: I would think so, because if we're not approving the Agreement, there's not going to be any tax abatement. Number two in the Ordinance will state:

- "2. This tax abatement shall be in accordance with and subject to the terms and provisions of agreement to be entered into between RICHARD HOROWITZ and FOREST CITY DILLON, a Limited Partnership, and the City of Stamford, which agreement was approved Oct. 11, 1977."

MRS. COSENTINI: So, in essence, we are really voting on the specifics of the tax abatement. This Agreement, in other words, has to be voted on with the understanding that this is indeed what would happen if we agreed to this, if we passed the ordinance.

MRS. PERILLO: Mr. Miller, I think I heard tonight that someone told me that we don't have to vote on this tonight, that they have until the 30th of November and we could vote on this next month. Is that true?

MR. MILLER: It would appear that Mr. Rothenberg has said that, but I'll call on Mr. Morgan.

MR. MORGAN: Mr. White, who is the Chairman of CHFA, has told me that the final date for all the paperwork to be completed for this project is November 30, 1977. That means that the property must be appraised, the mortgage commitment must be granted and the final commitment from HUD must be made. (End of Tape Side #1 and a few words lost).....a tax abatement. It is unlikely that the other things that must happen will be able to happen in the time that will remain, so that although November 30th is the final deadline for everything, everything just can't be done in the matter of a couple of days.

It just takes a while to do the paperwork, to look at the property, to sign the letters of commitment, to do all those things that need to be done. I mean, just think about it in terms of when you bought a house and you had to wait for the savings bank or whoever granted you a mortgage to appraise the house, to write you a letter committing to it; all those things take time, and that's exactly the problem that the developer has here. He needs all those things to happen, but before some of those things can happen, he needs our approval of the tax abatement.

MR. BLOIS: I am a little confused here this evening. I've been on this Board going on four years and every ordinance that's come down the pike through this present Board and the 13th Board was proposed by the Legislative and Rules Committee. I don't quite understand why we're doing this through the Fiscal Committee.

As long as we've combined the abatement and the ordinance together, I think it's a little unusual that the Fiscal Committee, although they've done a wonderful job; they had a nice open hearing the other night, and I must commend them, but I feel this ordinance should come through the L&R Committee, and I don't know why it's coming through the Fiscal Committee if it's coming through as an ordinance.

MR. MORGAN: As I said earlier, now the Corporation Counsel originally sent this to the Steering Committee in the form of a Resolution and not in the form of an Ordinance; and on the basis of its original form, that is, as a Resolution, it was referred to the Fiscal Committee. Subsequently, the Corporation Counsel changed his mind about what form this matter should take, and he submitted, on Oct. 6th, a

MR. MORGAN (continuing).....draft ordinance, and since the Fiscal Committee at that point had already had one meeting, made a report to the regular meeting of the Board, and was in the process of holding a public hearing on the matter, it was really too late in the process to refer to Legislative and Rules as the primary committee, although L&R, throughout, has been one of the secondary committees on this matter, and members of the L&R Committee attended a number of our meetings.

MR. MILLER: If you're asking the CHAIR, the CHAIR doesn't believe there's any particular significance in the fact that an Ordinance is being brought out by the Fiscal Committee rather than the Legislative and Rules Committee.

MRS. COSENTINI: POINT OF ORDER, Mr. President. I do think that it has been our custom, with ordinances, and maybe this is where it would have helped to have had it go through L&R, and I have to agree with Mr. Blois here, even though I am on Fiscal; you know it just suddenly hit us tonight, I think, what was happening.

When we vote on Ordinances, we always vote on Publication first. Now it seems to be, tonight, we are voting on the merits before we're voting on the Ordinance, because that Agreement is an integral part of that Ordinance and I think we are doing it backwards.

MR. MILLER: It is an integral part, but this is the way it's been set up, Mrs. Cosentini, by the Law Department. The CHAIR says this evening the Board can vote to just publish the ordinance and not finally adopt it.

MR. MORGAN: I support your interpretation of how we should handle this because it's my understanding that there are several people on the Board, in fact several members of the Fiscal Committee who would like to see this Agreement amended, and I think that before we act on the Ordinance, we should have the Agreement drafted to our liking, and if there are going to be amendments to the Agreement, which is the substance of the Ordinance, we should deal with those first.

MRS. GOLDSTEIN: Mike, I just wonder if, in the past, we hadn't made those amendments at the discussion after the publication, so that if we Waive Publication tonight, if such a move is made, and it passes, then we can discuss all of this for the Agreement. I mean this is just the procedure that seems to have been followed for the two years that I've been on the Board.

MR. SHERER: I'd like to make a MOTION that we WAIVE PUBLICATION.

MR. MILLER: The CHAIR will not accept that MOTION, Mr. Sherer, because we're now considering the Agreement itself. After we vote on this Motion, then we would go into consideration of a Motion to Waive Publication, but we're not talking about the Ordinance itself right now.

MR. WIESLEY: I'd like to ask through you, Mr. President, to Mr. Morgan, as far as this Nov. 30th date is concerned, and I do recognize that that has to include the wrap-up of everything, is there any way of identifying at all what that everything, what time that everything will take; in other words, we can end up and delay just a little bit longer and lose it completely, just by waiting for that 30th date.

MR. MORGAN: There are a number of things that need to be done. First, they have to make an appraisal of the property, which has not been done at this point. Two, there are some differences of opinion between the Developer and CHFA about what the cost of the maintenance, the operating cost of the project will be, and they have to be further negotiated.

Three, although there is fairly-close agreement about the exact dollar amount of the mortgage, there is still some difference in how much that will be. The mortgage will be a 90% advance of the total project of the mortgage, but what the total cost will be is still subject to some minor negotiation; so all those things have to be done in order for a mortgage commitment to be granted, and I'm sure that would take some time; and then, in addition, there has to be a firm commitment from HUD for the rent subsidies, which has not happened either, so those are the two or three major issues that still need to be resolved, and all of that must be done by November 30, 1977.

MR. SIGNORE: I will ABSTAIN on any vote on this particular issue this evening. I am for elderly housing, but I'm not for tax abatement for this purpose. I believe that this would set a bad precedent. I think every developer will come along and ask for a tax abatement, and I think we'll have a lot of problems.

I know there are many elderly people in the City who do not have places to live. I've also run across people in my campaigning, especially this past Saturday, an elderly gentleman who had his own little home was very upset with the recent tax increase. In fact, he had a heart condition and didn't even have the money to buy his medicine.

Those are the elderly people who are also getting hurt, so it's not a point of elderly people getting housing or what have-you. It's the tax abatement which is the issue. We have other funds and other Federal means of giving the elderly a chance to have a place to live and I think these means should be used and explored rather than giving developers tax abatements which come out of the resident taxpayers' real estate taxes, many of whom are elderly persons. Thank you.

MR. SHERER: The question I have is simply according to the terms of the Agreement, it says up to 100%, which I understand from past experience that that's the verb that is necessary. However, as I was in attendance at the public hearing, I heard certain figures thrown around which, to me, seemed to be constant figures in the \$60,000 or \$62,000 a year. Now there's a guaranteed 6% profit on the investment; if at a given point, in order to maintain that profit level, if it were to be necessary to increase the abatement, do we have that obligation, and is that what, in fact, will happen at a given time, or do we in fact limit ourselves to just an abatement of X dollars per year?

MR. MORGAN: We don't limit ourselves to any dollar amount in the Agreement. It doesn't say \$62,000 any place. What it does say is - which is on page 2 - paragraph #5 - as a condition to the tax abatement granted herein, commencing with the issuance of the appropriate Certificate of Occupancy, Richard Horowitz and Forest City Dillon shall pay to the City of Stamford an amount not to exceed 10% (ten per cent) of the gross income of the Project.

What that means is that the HUD subsidy is, effectively, \$767,000, so the limited partnership will pay 10% of that in taxes to the City for 76-77. Now the total taxes on the project are anticipated to be \$140,000, so that the difference between \$140,000 and the 10% of the gross income is the amount that we are abating, so it's a formula. In the event that the cost would go up, I think it's reasonable to assume that the HUD subsidy would go up and therefore the amount available for taxes to be paid by the developer would increase and our abatement would remain fixed.

MRS. PERILLO: I haven't had one call from a Senior Citizen that told me they wanted this housing. I've heard senior citizens not tell me but tell others that they did NOT want this housing. As far as waiting lists for senior citizens that want housing are concerned, I'm very well aware of the waiting lists these senior citizens have been on for years. I know one who was number eight (8) for years and never moved, and just got an apartment now; and I've had a lot of people read these papers that we received on this and they've all come to the same conclusion that I did. There's something wrong with it, but we just can't put our fingers on it, and I don't think I can go for this.

MRS. HAWE: First thing I'd like to say is that I, as much as anyone else, am aware of the serious need for senior citizen housing. However, as Mr. Signore said, we have to think of all our senior citizens, as well as all our other taxpayers and not just the 148 who'd be housed in this proposed development.

\$66,000.00 a year tax abatement by the City adds up to \$2,640,000.00 over the 40-year life of a mortgage. This affects those senior citizens who have to pay increased City taxes to make up the loss of this tax revenue, not to mention theirs and our Federal taxes which will go in the amount of over \$31,000,000.00 over the span of the 40 years to subsidize this profit-making venture.

This is the first situation that I am aware of where tax abatement is asked for a profit-making development, and I don't think that this is a proper use of our tax money. One can't blame the developers for wanting such an arrangement, a business venture with almost no risk and with guaranteed profits for 40 years is very attractive.

We hear much talk of the \$61,000.00 a year the City will get in tax revenue from this land after it's developed. What we don't hear is the cost of the services that the City will have to provide for this development. For these reasons I intend to vote against this tax abatement.

MRS. SANTY: I agree, Mr. President, the issue here in tax abatement and since I've been serving on this Board for the last two years, I think that we routinely grant every tax abatement that comes before this Committee, and I think now is the time to stop and look carefully at each and every request.

MR. LOBOZZA: I MOVE THE QUESTION.

MR. MILLER: MOVED and SECONDED. The MOTION is CARRIED. We'll now proceed to a vote on the main Motion made by Mr. Morgan on behalf of the Fiscal Committee for approval of the Agreement which was read by him. Required for approval would be a majority of those present and voting. It is not unanimous so we'll take a DIVISION using the machine.

Let it be recorded that MR. SIGNORE and MRS. SANTY are ABSTAINING. The MOTION is CARRIED by a vote of 18 YES; 8 NO; 2 ABSTENTIONS.

THOSE VOTING IN FAVOR (YES) - 18:

Michael G. Morgan
Ralph Loomis
Vere Wiesley
James Loboza
Mildred Ritchie
William Flanagan
John Schlechtweg II
Sandra Goldstein
Thomas D'Agostino

Lathon Wider
Joseph DeRose
Jeremiah Livingston
John Zelinski
Donald Sherer
Robert Costello
David I. Blum
George Connors
Frederick E. Miller, Jr.

THOSE VOTING IN OPPOSITION (NO) - 8:

Mildred Perillo
George Ravallese
Alfred Perillo
Marie Hawe

(ON THE AGREEMENT)

Lynn Lowden
Julius Blois
Christine Nizolek
Audrey Cosentini

ABSTENTIONS (2):

S. A. Signore
Jeanne Lois Santy

(Note: There were 12 members absent from
the meeting; with 28 present.)

MR. MILLER: We will now proceed to the ordinance.

MR. MORGAN: At this point, would it be appropriate for me to make a Motion to Waive Publication of the Ordinance? All right. The Committee, by a vote of 6 in favor and 1 against, supported the Waiver of Publication, and I so MOVE.

MR. MILLER: SECONDED by Mr. Wider. We are now considering Waiver of Publication. Required for approval are 27 votes. The CHAIR is in doubt. We'll take a DIVISION, using the machine. Let it be recorded that Mr. Signore is ABSTAINING. The MOTION is LOST with 16 YES, 11 NO, 1 ABSTENTION.

THOSE VOTING IN FAVOR OF WAIVER OF PUBLICATION (16) YES:

Michael Morgan	Lathon Wider
Ralph Loomis	Joseph DeRose
Vere Wiesley	Jeremiah Livingston
James Lobozza	John Zelinski
Mildred Ritchie	Robert Costello
Wm. Flanagan	David Blum
John Schlechtweg	George Connors
Sandra Goldstein	Frederick E. Miller, Jr.

THOSE VOTING AGAINST WAIVER OF PUBLICATION (11) NO:

Mildred Perillo	Thomas D'Agostino
George Ravallese	Julius Blois
Alfred Perillo	Christine Nizolek
Marie Hawe	Donald Sherer
Jeanne-Lois Santy	Audrey Cosentini
Lynn Lowden	

ABSTENTIONS (1): S. A. Signore

MR. MILLER: Mr. Morgan, at this time a Motion to Publish the Ordinance would be in order.

MR. MORGAN: The Committee voted 7-0 in favor of the ordinance and so I would like to MOVE for PUBLICATION.

MR. MILLER: If there is a problem with the report of the Committee, Mr. Morgan, we can take a recess so that the Committee might meet.

MR. MORGAN: Well, I wrote down 7-0, but if Mrs. Cosentini -- did you abstain or vote no?

MR. MILLER: The question, Mr. Morgan, is as to whether a vote was actually taken in the Committee on these technical proposals about Waiver and Moving for Publication. The CHAIR would accept a Motion by Mr. Morgan as an individual.

MR. MORGAN: I would MOVE that this Ordinance be published.

MR. MILLER: SECONDED. We'll take a DIVISION, using the machine, on this Motion for PUBLICATION. Required for approval is a majority of those present and voting. Let Mr. Signore be recorded as an ABSTENTION. The MOTION is CARRIED by a vote of 17 YES; 10 NO; 1 ABSTENTION.

THOSE VOTING IN FAVOR OF PUBLICATION (17) YES:

Michael Morgan	Lathon Wider
Ralph Loomis	Jeremiah Livingston
James Loboza	John Zelinski
Mildred Ritchie	Donald Sherer
Wm. Flanagan	Robert Costello
John Schlechtweg	David Blum
Sandra Goldstein	George Connors
Lynn Lowden	Frederick E. Miller, Jr.
Thomas D'Agostino	

THOSE VOTING IN OPPOSITION TO PUBLICATION (10) NO:

Mildred Perillo	Jeanne-Lois Santy
George Ravallese	Joseph DeRose
Alfred Perillo	Julius Blois
Vere Wiesley	Christine Nizolek
Marie Hawe	Audrey Cosentini

ABSTENTIONS (1): S. A. Signore

ORDINANCE NO. ~~100~~ SUPPLEMENTAL
FOR TAX ABATEMENT FOR "THE SHIPPAN ELDERLY HOUSING PROJECT"

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

1. The City of Stamford hereby grants tax abatement of the ad valorem taxes applicable to ALL THAT CERTAIN tract or parcel of land situated in the City of Stamford, County of Fairfield, and State of Connecticut, in area approximately 1.9 (one and nine-tenths) acres, bounded:

EASTERLY : By Shippan Avenue;

NORTHERLY : By land of Ford Leasing Development Company;

WESTERLY : By land of the said Ford Leasing Development Company;

SOUTHERLY : By land of Louis G. Bratsanis; and

AGAIN

WESTERLY : By land of the said Louis G. Bratsanis.

located at Shippan Avenue, in the City of Stamford, Connecticut, which property is owned by RICHARD HOROWITZ and FOREST CITY DILLON, a Limited Partnership and is known as THE SHIPPAN ELDERLY HOUSING PROJECT.

2. This tax abatement shall be in accordance with and subject to the terms and provisions of agreement to be entered into between RICHARD HOROWITZ AND FOREST CITY DILLON, a Limited Partnership, and the City of Stamford, which agreement was approved October 11, 1977.

This Ordinance to take effect upon formal execution of agreement referred to herein and attached. (~~EFFECTIVE DATE: December 9, 1977 as signed by Mayor~~)

ORDINANCE NO. ~~228~~ (continued)

TAX ABATEMENT AGREEMENT BETWEEN THE CITY OF STAMFORD:
AND RICHARD A. HOROWITZ AND FOREST CITY DILLON, A
LIMITED PARTNERSHIP, FOR "THE SHIPPAN ELDERLY HOUSING
PROJECT" in STAMFORD, CONNECTICUT

THIS AGREEMENT made this _____ day of _____, 1977 between the CITY OF STAMFORD, a municipal corporation organized and existing under the laws of the State of Connecticut and located in the County of Fairfield in said State, acting herein by LOUIS A. CLAPES, its Mayor, hereunto duly authorized, and RICHARD A. HOROWITZ and FOREST CITY DILLON, A Limited Partnership, organized and existing under the laws of the State of Connecticut, having an office in said Stamford, acting herein by GEORGE CARROLL, Esq., its ATTORNEY, hereunto duly authorized.

W I T N E S S E T H :

WHEREAS, RICHARD A. HOROWITZ and FOREST CITY DILLON, A Limited Partnership, is the owner of two (2) acres of vacant land located on Shippan Avenue in said City of Stamford, more particularly described as follows:

EASTERLY : By Shippan Avenue;
NORTHERLY : By land of Ford Leasing Development Company;
WESTERLY : By land of the said Ford Leasing Development Company;
SOUTHERLY : By land of Louis G. Bratsanis; and
AGAIN
WESTERLY : By land of the said Louis G. Bratsanis;

to be known as THE SHIPPAN ELDERLY HOUSING PROJECT, which property is to provide 148 (One Hundred and Forty-Eight) units of rental dwelling accommodations for senior citizens and/or handicapped persons of low and/or moderate income levels as established by the U. S. Department of Housing and Urban Development (HUD), and

WHEREAS, the CITY OF STAMFORD is empowered to grant tax abatement to such housing projects under Ordinance No. 228 Supplemental, authorized by Sections 8-215 and 8-216 of the Connecticut General Statutes, as amended, which tax abatement is necessary to said housing project in order to qualify for rental subsidy under the Section 8 Housing Assistance Projects Program of HUD.

NOW THEREFORE, in consideration of the mutual undertakings herein contained and other valuable considerations, the parties hereto agree as follows:

1. In accordance with Ordinance No. 228 Supplemental of the City of Stamford, the CITY OF STAMFORD hereby grants to RICHARD A. HOROWITZ and FOREST CITY DILLON, a Limited Partnership, an abatement of up to 100% of the real property tax as it may vary from year to year on the property located at Shippan Avenue to be known as THE SHIPPAN ELDERLY HOUSING PROJECT, more particularly described above.

(continued)

ORDINANCE NO. 363 (continued) - also TAX ABATEMENT AGREEMENT (continued):

2. RICHARD A. HOROWITZ and FOREST CITY DILLON, a Limited Partnership, agrees that such tax abatement shall be used for one or more of the following purposes:

To reduce rents below the level which would be achieved in the absence of the abatement, or to improve the quality and design of such housing, or to effect occupancy of such housing by persons and families of varying income levels within the limits determined for the City of Stamford, or to provide necessary related facilities or services in such housing.

3. Said tax abatement shall terminate at any time when said housing is not used solely for and occupied by low or moderate income persons or families as said term is defined in Section 8-215 and 8-216 of the Connecticut General Statutes, as amended.
4. During the period of construction of the project the CITY OF STAMFORD will abate 100% (One Hundred Per Cent) of the real property taxes on the subject property.
5. As a condition to the tax abatement granted herein, commencing with the issuance of the appropriate Certificate of Occupancy, RICHARD A. HOROWITZ and FOREST CITY DILLON, a Limited Partnership, shall pay to the City of Stamford an amount not to exceed 10% (Ten Per Cent) of the gross income of the project upon the following terms and conditions:
- (a) If in any fiscal year during tax abatement hereunder the State of Connecticut reimburses the City of Stamford less than the full amount of taxes abated.
 - (b) Under no circumstances will the sum of payments made by RICHARD A. HOROWITZ and FOREST CITY DILLON, a Limited Partnership, and the State of Connecticut to the City of Stamford in any fiscal year exceed the amount of the real property taxes determined by multiplying the assessed valuation by the tax rate.
 - (c) For the purposes of this agreement the term "gross income" shall have the same definition provided in Section 6-17 (3) of the Code of Ordinances of the City of Stamford.
 - (d) The payment required herein from RICHARD A. HOROWITZ and FOREST CITY DILLON, a Limited Partnership, to the CITY OF STAMFORD shall be made twice annually with the first such payment made no later than February 1st and the second no later than August 1st of each year.

(continued)

ORD. NO. 363 (continued) - also TAX ABATEMENT AGREEMENT (continued):

6. (a) RICHARD A. HOROWITZ and FOREST CITY DILLON, a Limited Partnership, agrees to make all financial books and records of RICHARD A. HOROWITZ and FOREST CITY DILLON, a Limited Partnership, available to the Tax Abatement Committee of the CITY OF STAMFORD or any person duly appointed by it for review, inspection and reproduction of any documentation or portion thereof so long as this agreement shall remain in force and effect. It is understood that on the basis of such review the Tax Abatement Committee shall report to the Board of Representatives on or before June 1st of any year immediately following execution of this agreement and June 1st of each year thereafter with reference to the need and desirability for continued abatement of real estate taxes on THE SHIPPAN ELDERLY HOUSING PROJECT; and RICHARD A. HOROWITZ and FOREST CITY DILLON, a Limited Partnership, shall have the opportunity to review any report made pursuant to this provision before it is submitted to the Board of Representatives of the City of Stamford and to comment upon or criticize the same both to the Tax Abatement Committee and the Board of Representatives of said City.
6. (b) In addition hereto the CITY OF STAMFORD, its officers, agents and employees authorized by law or any person duly appointed by its Mayor for the following purpose may make a periodic inspection of any books, documents or premises in the possession or owned by RICHARD A. HOROWITZ and FOREST CITY DILLON, a Limited Partnership, as such may be required of the City of Stamford by the State of Connecticut pursuant to any reimbursement agreement between said City and said State for taxes abated for THE SHIPPAN ELDERLY HOUSING PROJECT.
7. (a) RICHARD A. HOROWITZ and FOREST CITY DILLON, a Limited Partnership, its officers, agents and employees shall conform their hiring, employment and housing practices to all requirements of Federal, State and local law and shall not discriminate against any person because of age, color, national origin or sex, or because any person is physically handicapped solely for that reason alone.
- (b) RICHARD A. HOROWITZ and FOREST CITY DILLON, a Limited Partnership, hereby recognizes the jurisdiction of the Human Rights Commission of the City of Stamford and in conjunction with RICHARD A. HOROWITZ and FOREST CITY DILLON, a Limited Partnership, its performance of this agreement waives any claim contesting same and further agrees to abide by any determination of said Commission made in accordance with Section 11-1 to 11-6 of the Code of Ordinances of the City of Stamford.
8. The tax abatement provided for herein is expressly conditioned upon the following:
 1. That RICHARD A. HOROWITZ and FOREST CITY DILLON, a Limited Partnership, shall construct 148 (One Hundred Forty-Eight) units of residential housing for Senior Citizens and/or the handicapped so as to qualify the project for tax abatement eligibility pursuant to Section 8-215 of the Connecticut General Statutes.

(continued)

ORD. NO. 363 (Cont'd.) - also TAX ABATEMENT AGREEMENT (cont'd.):

2. That the land cost represented to be \$585,000.00 (FIVE HUNDRED EIGHTY-FIVE THOUSAND DOLLARS) (to be re-negotiated solely to reflect the increased acreage from the present 1.7 acres to the proposed 1.9 acres) shall be the price paid by RICHARD A. HOROWITZ and FOREST CITY DILLON, a Limited Partnership. There shall be no transfer of the subject parcel for a profit.
3. That there be a firm commitment by HUD for rental subsidy under Section 8 Housing Assistance Payments Program to supplement rent for at least the duration of the term of the permanent mortgage loan from CHFA to RICHARD A. HOROWITZ and FOREST CITY DILLON, a Limited Partnership, so as to insure that the tenants of the completed project shall be obligated to pay in rent no more than an amount equal to 25% (Twenty-Five Per Cent) of all eligible income per household under said HUD program.
4. That within 6 (six) months of the date hereof, RICHARD A. HOROWITZ and FOREST CITY DILLON, a Limited Partnership, shall supply the Assessor of the City of Stamford with detailed plans, specifications, cost estimates and such other pertinent information as shall reasonably be required for preliminary assessment purposes.
5. That within 180 (One Hundred Eighty) days from the date hereof, RICHARD A. HOROWITZ and FOREST CITY DILLON, a Limited Partnership, shall furnish the Tax Abatement Committee and the Board of Representatives of the City of Stamford with certified copies of the commitments from CHFA for construction and permanent mortgage financing for the project.
6. That within 180 (One Hundred Eighty) days from date hereof, RICHARD A. HOROWITZ and FOREST CITY DILLON, a Limited Partnership, shall forward to the Tax Abatement Committee and the Board of Representatives certified copies of the deeds of conveyance of the subject parcel, with a certification from the attorney representing RICHARD A. HOROWITZ and FOREST CITY DILLON, a Limited Partnership, to the effect that said property is owned by said developer in fee simple subject to no loan encumbrances whatsoever excepting the mortgage loans from CHFA contemplated hereunder.
7. That the construction contract shall provide for project completion on or before April 1, 1979 and a copy of the executed construction contract shall be delivered to the Tax Abatement Committee and the Board of Representatives within 180 (One Hundred Eighty) days from date hereof.

Any delays caused by strikes, walkouts, acts of God, unavailability of materials, governmental restrictions, weather conditions, and other causes beyond the control of the developers or sponsor shall not be chargeable against said developers or sponsor with the respect to the times for performance provided herein.

IN WITNESS WHEREOF, we have hereunto set our hands and seals the day and year above written.

14.

MINUTES OF OCTOBER 11, 1977 SPECIAL MEETING

ADJOURNMENT:

MR. MILLER: There being no further business to come before the Board, the CHAIR declares the meeting ADJOURNED at 10:22 P.M.

Helen M. McEvoy

Helen M. McEvoy, Administrative Asst.

APPROVED:

Frederick E. Miller, Jr.

Frederick E. Miller, Jr., President
14th Board of Representatives

HMM:MS