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~CITY OF DANBURY COMMON COUNCIL~  
Committee of the Whole Meeting Minutes  
Monday, September 15, 2008

Hon. Mark D. Boughton, Mayor  
Common Council Members

President Joseph M. Cavo called the Committee of the Whole Meeting to order at 7:20 p.m. on Monday, September 15, 2008. Present were Council members: Louise P. McMahon, Shailesh Nagarsheth, Charles Trombetta, Benjamin Chianese, Thomas J. Saadi, Paul T. Rotello, N. Jane Diggs, Mary Teicholz, Robert F. Arconti, Philip D. Curran, Gregg W. Seabury and Colleen A. Stanley.

Absent: James H. Johnson, Michael J. Calandrino, Duane E. Perkins, Fred Visconti, John J. Esposito, Jack Knapp, Warren M. Levy, Robert T. Riley.

Mr. Cavo reiterated the reasons for the absent Council members (see minutes to Public Hearing, September 15, 2008).

Also present were Laszlo L. Pinter, Corporation Counsel; David St. Hilaire, Director of Finance; Charles Volpe, Purchasing Agent; interested citizens; and members of the press.

Mr. Cavo asked Ms. Holding to call Roll.

PRESENT: 13 (which includes Mr. Cavo), ABSENT: 8

**2. Ordinance—Property Tax Abatement on Open Space—Section 18-29:**

A motion was made by Councilman Seabury and seconded by Councilman Chianese that the Common Council adopt Code of Ordinance Section 18-29: Real property tax abatement on open space land in exchange for the transfer of certain rights to the City. The motion carried unanimously.

Respectfully submitted,

Amy Holding  
Recording Secretary

Attest,

President Joseph M. Cavo



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**ORDINANCE**  
**CITY OF DANBURY, STATE OF CONNECTICUT**  
**COMMON COUNCIL**

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 18-29, which said section reads as follows:

**Sec. 18-29. Real property tax abatement on open space land in exchange for the transfer of certain rights to the city.**

(a) Preamble, general findings and authority. Whereas, the Connecticut General Assembly has authorized municipalities to grant property tax abatements to owners of open space who transfer development rights, conservation easements, rights-of-way or any combination thereof to the city; and whereas promoting conservation and preservation of open space within the City of the Danbury represents an opportunity to further important goals deemed to be in the best interests of the city; now, therefore, pursuant to the provisions of section 12-129r of the Connecticut General Statutes, the City does hereby provide for the abatement of real property taxes in accordance with the further provisions hereof.

(b) Application and eligibility. An application to the City for an abatement of real property taxes due on open space, for a period of ten (10) years, may be made by the party owning any such property. Tax abatements granted pursuant to the provisions of this section shall be structured such that each annual abatement equals one tenth (1/10) of the fair market value of the rights, easements or restrictions granted to the city. In order for an applicant to be eligible for the benefits provided by this section the Common Council must find that:

- (1) The applicant's property is open space land. For purposes of this section, "open space land" means any area of land, including forest land, the preservation or restriction of the use of which would (A) maintain and enhance the conservation of natural or scenic resources, (B) protect natural streams or water supply, (C) promote conservation of soils, wetlands or beaches, (D) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces, (E) preserve historic sites, or (F) promote orderly urban or suburban development.
- (2) The applicant proposes to transfer development rights, conservation easements, rights-of-way or any combination thereof with respect to the open space land to the city, for non development and preservation purposes.
- (3) The applicant has provided a certified appraisal of the property proposed for abatement both with and without the rights, easements or restrictions that the applicant proposes to convey to the city.

(c) Application procedure.

- (1) All applications shall be submitted to the Danbury Planning Director on forms supplied by the Director.
- (2) The Planning Director shall review each application with the Tax Assessor, Tax Collector and any other municipal official that the Director deems appropriate and shall forward each such application to the Common Council within 30 days of receipt, together with a report indicating whether or not the application meets the eligibility criteria contained in this section. Each such report shall include specific reasons in support of the findings expressed therein.

- (3) Upon receipt of an application and report from the Planning Director, the Common Council shall approve the application, reject the application, or return the application to the Director for further information. If an application is rejected, the Common Council shall state its reasons for rejection upon the record. The applicant may file a revised application with the Director that addresses the reasons for its rejection by the Common Council.

(d) Miscellaneous provisions.

- (1) In the event that an application is approved, the Common Council shall adopt a resolution fixing the amount of the annual tax abatement to be granted and the period of time during which the abatement shall be in effect, authorizing the Mayor to accept the transfer of the rights, easements or restrictions that the applicant proposes to convey to the city.
- (2) A copy of the resolution adopted pursuant to paragraph (1) of this subsection shall be forwarded to the Tax Collector, who shall adjust the tax records of the city accordingly.
- (3) Any abatement granted pursuant to the provisions of this section shall be transferable to any other taxable property owned by the applicant and located within the City of Danbury.
- (4) The granting or denial of applications filed pursuant to the provisions of this section, as well as the specific terms thereof, shall be within the sole and absolute discretion of the Common Council of the City of Danbury and shall not be subject to appeal.
- (5) This program shall be applicable to assessment years commencing on or after October 1, 2008.