

## Employees' Retirement Board

Seat	Name	Party	Term Start	Term End
1	Mahoney, John B	U	11/17	11/22
2	Trabuco, Carolyn Luther	D	11/18	11/23
3	Mullen, Geoffrey	R	11/14	11/19
4	Vahey, Brian P	R	11/15	11/20
5	Pollack, Scott H	U	11/16	11/21
EMP1	Conley, Thomas Patrick		12/17	12/19
EMP2	Atkins, Russell		4/17	4/19
BOE Emp.	Brand, Christopher		3/19	3/21
FSEL	Kupchick, Brenda L.		11/19	11/23

Full	
Party	Count
Democrats	1
Republicans	2
Unaffiliated	2
Total Full	5

Town Code 37-11:

**§ 37-11 Employees' Retirement Board.**

[Amended 10-26-1970]

**A.**

The Employees' Retirement Board shall consist of nine voting members, who shall be the following: the First Selectman; three members, one of whom shall be from and chosen by members of the Board of Education, one of whom shall be from and chosen by the remaining employee members in the system, and one of whom shall be from and chosen by the administrative employees of the Town, such members to serve for terms of two years; and five members shall be appointed by the First Selectman, with the approval of the Representative Town Meeting. Such members appointed by the First Selectman shall serve for terms of five years, provided that each of said members currently serving on the Employees' Retirement Board shall serve until the expiration of his term.

**B.** All action taken by the Employees' Retirement Board shall be by majority vote.

**C.**

Any vacancy existing on the Employees' Retirement Board, either as a result of death, resignation or removal from the Town or Town employ, shall be filled for the expiration in the same manner as the original appointment or designation.

**D.**

The Employees' Retirement Board members shall serve without compensation and shall have charge of the general direction and management of the fund. Any portion of the fund may be invested by one or more trust companies or banks authorized to conduct a trust business in the state or may be deposited in any savings bank or trust companies or state or national banks in this state or may be used to purchase life insurance or endowment policies or annuity contracts issued by a life insurance company authorized to transact business in this state. From the retirement fund, the Employees' Retirement Board members shall, from time to time, appropriate and cause to be paid to the beneficiaries of the fund such sums as may be needed for paying pensions herein provided for. The Town shall furnish such clerical, legal, actuarial or medical assistance as the Employees' Retirement Board members shall consider necessary to carry out the purpose of this article, subject to such appropriations as shall be made in the manner provided for other Town appropriations. The fiscal officer shall act as executive secretary to the Employees' Retirement Board members but shall have no vote as an Employees' Retirement Board member.



## Town of Fairfield

Office of the First Selectman  
725 Old Post Road  
Fairfield, CT 06824

### BOARDS AND COMMISSIONS QUESTIONNAIRE

*To be considered for appointment to a Board or Commission please fill out this form, save a copy and email the saved copy, along with a copy of your resume, to the First Selectman's office at [firstselectmanffld@town.fairfield.ct.us](mailto:firstselectmanffld@town.fairfield.ct.us). Please note that your resume and completed questionnaire are public documents. If you have any questions please contact the First Selectman's Office at 203-256-3030 or [firstselectmanffld@town.fairfield.ct.us](mailto:firstselectmanffld@town.fairfield.ct.us).*

Board/Commission: Employees Retirement Board

Date: 1-3-2020

Name: Eric Newman

Address: 85 Eastfield Drive, Fairfield, CT 06825

Party: Democrat

email: [ericnewmancpa@yahoo.com](mailto:ericnewmancpa@yahoo.com)

home phone: 203-219-9877

work phone: (203)977-4187

cell phone: 203-219-9877

1. How did you learn about this position?

**Cristin McCarthy Vahey contacted me about the pension board vacancy.**

2. Why are you interested in serving and how can you contribute to this board / commission?

**I am interested in continuing to volunteer my time and professional services to the town leadership, employees and retirees after eight years of public service on the RTM.**

**I will be able to bring my government and private sector investment and portfolio management experience to the board. The past nine years, I have been serving as an Accountant and Treasury Manager for the City of Stamford where I am responsible for the treasury management, pension, OPEB, fixed income and public private partnership portfolio accounting. I serve as a Trustee on Stamford's Classified Employees Retirement Fund Board; Trustee on the Other Post-Employment Benefit Board (OPEB); Member and Secretary of the Investment Advisory Committee and the Managers Union Representative on the Defined Contribution Retirement Plan Committee (401A and 457 Plans).**

**I served as a member of the NYSSCPA Private Equity & Venture Capital Committee, NYSSCPA Investment Management Committee, Treasurer for thirty-eight not-for-profit and special purpose**

**financing committees, and served as the Chairman of the Finance Committee of Town of Fairfield - Representative Town Meeting.**

**Prior to entering government and not-for-profit finance, I served as a financial analyst and investment accountant at Royal Bank of Scotland (RBS), IBM Global Financing, Purdue Pharma, Arnhold and S. Bleichroeder, Price Waterhouse and Soros Fund Management.**

**I received my B.B.A. in Accounting from Adelphi University; Certificate in Investment Banking from New York University; and is currently pursuing my M.B.A. in Finance at Sacred Heart University. I am Certified Public Accountant (CPA) and a Chartered Global Management Accountant (CGMA).**

3. Have you attended any meetings or reviewed past minutes / agendas? If yes, please specify.

**I have visited the town website and reviewed the past minutes, Joint Retirement Investment Board New Member Education, including the Town of Fairfield Pension Fund History, Employee Retirement Program Booklet, JRI conflict of interest statement and the CAFR's (Annual Report) pension sections and footnotes.**

**While serving on the RTM, I was in attendance at the RTM meetings when the Chairmen of the Joint Pension Investment Board provided the body an update on the pension plans performance.**

4. Have you spoken with the chair, any members, or the appropriate Department Head?

**Yes.**

5. Have you read the written description of the board's role?

**Yes.**

6. Do you have any potential conflict of interest?

**No.**

7. Do you know the time, date and location of meetings and will you be able to attend and fulfill the obligations of the position?

**Yes**

8. Participation requires that you are registered voter in the town of Fairfield. Additionally, the town charter requires that party balance be maintained on all boards/commissions. Are you registered to vote and what is your party affiliation?

**Yes, Democrat**

9. Please use this space to ask any questions you may have or to provide additional information you'd like to share.

## Eric Newman, CPA, CGMA

85 Eastfield Drive • Fairfield, CT 06825 • 203-219-9877 • [ericnewmancpa@yahoo.com](mailto:ericnewmancpa@yahoo.com)

---

**City of Stamford, Stamford, CT**

2011 - Present

**Accountant – Treasury Manager**

**Trustee – Classified Employees Retirement Fund; Trustee – Other Post-Employment Benefits Fund; Board Member – Investment Advisory Committee; Board Member – Defined Contribution Retirement Plan Committee**

- Manage the treasury department staff of three responsible for cash and investment management, daily funding, wire payments, cash receipts, treasury accounting and special purpose entity controllership
- Serve on the boards of a \$227 million AUM defined benefit pension plan with 1,473 plan participants; OPEB Fund with \$157 million AUM with 4,310 plan participants; \$123 million AUM Defined Contribution Retirement Plan Committee; and Investment Advisory Committee with \$345 million in fixed income investments
- Participate in the selection, monitoring of investment manager strategies, allocations, targeted income and return objectives within acceptable risk/return framework while addressing the unfunded liability risk

**Eric Newman, CPA, CGMA, Fairfield, CT**

1998- Present

- Speaker at institutional investor conferences on global economic outlooks, opportunities and risk in emerging market debt, private debt, private equity, infrastructure and institutional real estate
- Served on NYSSCPA Private Equity and Investment Management Committees
- Serve as Chairman of the Board; Board of Director; Treasurer for JFSCT, Inc.
- Served as Treasurer for thirty-seven special purpose financing committees
- Provided management consulting services to Pepsi, Subway, Avon Products, Affinion, and United Way

**Town of Fairfield - Representative Town Meeting, Fairfield, CT**

2011 - 2019

**Chairman – Finance Committee**

- Collaborated with legislative and administration leadership to achieve strategic priorities, long term fiscal structural reforms, eight annual budgets and over \$210 million infrastructure bond issuances and financings

**Royal Bank of Scotland Group PLC, Bridgeport, CT**

2005 - 2009

**Lead Financial Analyst**

- Served on the Operational Risk Management Committee; Compliance & Risk Mitigation Workout Committee
- Managed the £/US\$ cross-border transfer pricing and settlements for a £3.4 billion AUM credit portfolio
- Provided macroeconomic trend analysis, rate movement, Industry and competitor analysis

**IBM Global Financing, Armonk, NY**

2004 – 2005

**Americas Balance Sheet Lead Analyst**

- Managed the consolidated analysis of Latin America, Canada and US \$13.5 billion financing portfolios

**Purdue Pharma LP, Stamford, CT**

2000 – 2004

- Treasury and investment accounting for the Sackler Family's \$2.1 billion portfolio of associated companies

**Arnhold and S. Bleichroeder, Inc. New York, NY**

1998 – 2000

- Portfolio reporting for Soros Fund Management's \$3.7 billion offshore macro and global private equity fund

**PricewaterhouseCoopers LLP, New York, NY**

1996 - 1998

- Audited private equity, fixed income, currency and commodity valuations; offshore fund structures

**Soros Fund Management / G. Soros Realty, Inc., New York, NY**

1993 – 1996

- Accounting for the Soros Family \$450 million private equity real estate portfolio

## EDUCATION

- |   |      |
|---|------|
| • Sacred Heart University, Jack Welch College of Business & Technology – M.B.A. Finance Candidate | 2021 |
| • Chartered Global Management Accountant (CGMA)   | 2012 |
| • New York University – Certificate in Investment Banking   | 1998 |
| • Certified Public Accountant – Licensed and Registered in New York State                         | 1998 |
| • Adelphi University, Robert B. Willumstad School of Business – B.B.A. Accounting                 | 1993 |

**A RESOLUTION AMENDING AND RESTATING THE RESOLUTION ENTITLED “A RESOLUTION APPROPRIATING \$22,000,600 FOR THE COSTS ASSOCIATED WITH THE RENOVATION AND EXPANSION OF MILL HILL ELEMENTARY SCHOOL AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION” TO INCREASE THE AMOUNT OF THE APPROPRIATION AND THIS BOND AUTHORIZATION BY \$1,274,900 TO A TOTAL OF \$23,275,500.**

-----

**WHEREAS**, the Representative Town Meeting of the Town of Fairfield (the “Town”) adopted on May 28, 2018 a resolution entitled “A Resolution Appropriating \$1,500,000 for the Costs Associated with the Planning, Design and Obtaining Cost estimates for the Renovation and Expansion of Mill Hill Elementary School and the Cost of Relocation of Temporary Classrooms Installed at Mill Hill Elementary School and Authorizing the Issuance of Bonds to Finance such Appropriation” (the “2018 Resolution”); and

**WHEREAS**, the Representative Town Meeting of the Town adopted the resolution entitled “A Resolution Appropriating \$22,000,600 for the Costs Associated with the Renovation and Expansion of Mill Hill Elementary School and Authorizing the Issuance of Bonds to Finance Such Appropriation” (the “2019 Resolution”) on June 24, 2019, which was based on the then existing establishment of the costs associated with renovating and expansion of Mill Hill Elementary School and which included the \$1,500,000 appropriation and bond authorization of the 2018 Resolution; and

**WHEREAS**, the estimated costs associated with such renovation and expansion have increased to a total of \$23,275,500; and

**WHEREAS**, it is necessary to amend and restate the 2019 Resolution to reflect such increased estimated costs and to make appropriation and to authorize borrowing to fund such costs, the 2019 Resolution is hereby amended and restated to provide as follows:

**Resolved:**

1. As recommended by the Board of Finance and the Board of Selectmen, the Town hereby appropriates the sum of Twenty-three Million Two Hundred Seventy-five Thousand Five Hundred and 00/100 Dollars (\$23,275,500.00) for the costs associated with the renovation and expansion of Mill Hill Elementary School, which costs include but are not limited to costs of materials, construction, equipment, site work, fixtures, furniture, design, architectural engineering, specialty consultants, environmental, oversight, finance and other costs and expenses that are related thereto (the “Project”).

2. To finance such appropriation and as recommended by the Board of Finance and the Board of Selectmen, the Town may borrow a sum not to exceed Twenty-three Million Two Hundred Seventy-five Thousand Five Hundred and 00/100 Dollars (\$23,275,500.00) and issue its bonds for such indebtedness under its corporate name and seal and upon the full faith and credit of the Town in an amount not to exceed said sum for the purpose of financing such appropriation.
3. The funds appropriated from the proceeds of the bonds authorized in this Resolution can only be spent on construction costs to renovate and expand Mill Hill Elementary School pursuant to the building specifications approved on June 11, 2019 which contemplated a school built to accommodate 441 students.
4. The Board of Selectmen, the Treasurer and the Fiscal Officer of the Town are hereby appointed a committee (the "Committee") with full power and authority to cause said bonds to be sold, issued and delivered; to determine their form and terms, including provision for redemption prior to maturity; to determine the aggregate principal amount thereof within the amount hereby authorized and the denominations and maturities thereof; to fix the time of issue of each series thereof and the rate or rates of interest thereon as herein provided; to determine whether the interest rate on any series will be fixed or variable and to determine the method by which the variable rate will be determined, the terms of conversion, if any, from one interest rate mode to another or from fixed to variable; to set whatever other terms of the bonds they deem necessary, desirable or appropriate; to designate the bank or trust company to certify the issuance thereof and to act as transfer agent, paying agent and as registrar for the bonds, and to designate bond counsel. The Committee shall have all appropriate powers under the Connecticut General Statutes to issue, sell and deliver the bonds and, further, shall have full power and authority to do all that is required under the Internal Revenue Code of 1986, as amended, and under rules of the Securities and Exchange Commission, and other applicable laws and regulations of the United States, to provide for issuance of the bonds in tax exempt form and to meet all requirements which are or may become necessary in and subsequent to the issuance and delivery of the bonds in order that the interest on the bonds be and remain exempt from Federal income taxes, including, without limitation, to covenant and agree to restriction on investment yield of bond proceeds, rebate of arbitrage earnings, expenditure of proceeds within required time limitations, the filing of information reports as and when required, and the execution of Continuing Disclosure Agreements for the benefit of the holders of the bonds and notes.
5. The First Selectman and Treasurer or Fiscal Officer, on behalf of the Town, shall execute and deliver such bond purchase agreements, reimbursement agreements, line of credit agreement, credit facilities, remarketing agreement, standby marketing agreements, bond purchase agreement, standby bond purchase agreements, and any other commercially necessary or appropriate agreements which the Committee determines are necessary, appropriate or desirable in connection with or incidental to the sale and issuance of

bonds, and if the Committee determines that it is necessary, appropriate, or desirable, the obligations under such agreements shall be secured by the Town's full faith and credit.

6. The bonds may be designated "Public Improvement Bonds of the Town of Fairfield", series of the year of their issuance and may be issued in one or more series, and may be consolidated as part of the same issue with other bonds of the Town; shall be in serial form maturing in not more than twenty (20) annual installments of principal, the first installment to mature not later than three (3) years from the date of issue and the last installment to mature not later than twenty (20) years from the date of issue. The bonds may be sold at an aggregate sales price of not less than par and accrued interest at public sale upon invitation for bids to the responsible bidder submitting the bid resulting in the lowest true interest cost to the Town, provided that nothing herein shall prevent the Town from rejecting all bids submitted in response to any one invitation for bids and the right to so reject all bids is hereby reserved, and further provided that the Committee may sell the bonds on a negotiated basis, at its discretion, as provided by statute. Interest on the bonds shall be payable semi-annually or annually. The bonds shall be signed on behalf of the Town by at least a majority of the Board of Selectmen and the Treasurer, and shall bear the seal of the Town. The signing, sealing and certification of the bonds may be by facsimile as provided by statute.
7. The Committee is further authorized to make temporary borrowings as authorized by the General Statutes and to issue temporary notes of the Town in anticipation of the receipt of proceeds from the sale of the bonds to be issued pursuant to this resolution. Such notes shall be issued and renewed at such time and with such maturities, requirements and limitations as provided by the Connecticut General Statutes. Notes evidencing such borrowings shall be signed by the First Selectman and Treasurer or Fiscal Officer, have the seal of the Town affixed, which signing and sealing may be by facsimile as provided by statute, be certified by and payable at a bank or trust company incorporated under the laws of this or any other state, or of the United States, be approved as to their legality by bond counsel, and may be consolidated with the issuance of other Town bond anticipation notes. The Committee shall determine the date, maturity, interest rates, form and manner of sale, including negotiated sale, and other details of said notes consistent with the provisions of this resolution and the Connecticut General Statutes and shall have all powers and authority as set forth above in connection with the issuance of bonds and especially with respect to compliance with the requirements of the Internal Revenue Code of 1986, as amended, and regulations thereunder in order to obtain and maintain issuance of the notes in tax exempt form.
8. Pursuant to Section 1.150-2, as amended, of the Federal Income Tax Regulations the Town hereby declares its official intent to reimburse expenditures (if any) paid for the Project from its General or Capital Funds, such reimbursement to be made from the proceeds of the sale of bonds and notes authorized herein and in accordance with the time limitations and other requirements of said regulations.



9. The First Selectman, Fiscal Officer and Town Treasurer are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board (the “MSRB”) and to provide notices to the MSRB of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution.
10. The Committee is hereby authorized to take all action necessary and proper for the sale, issuance and delivery of the bonds and notes in accordance with the provisions of the Connecticut General Statutes and the laws of the United States.
11. The First Selectman or other proper Town official is hereby authorized to apply for and accept any available State or Federal grant in aid funding the Project, and to take all action necessary and proper in connection therewith.

TO : BOS/BOF/RTM

FROM: MILL HILL SCHOOL BUILDING COMMITTEE (TOM QUINN -CHAIR)

FOR THE PAST YEAR, THIS COMMITTEE HAS DILIGENTLY WORKED TOWARDS A PLAN TO RENOVATE AND EXPAND MILL HILL SCHOOL. DURING THIS PERIOD THIS COMMITTEE HAD TO EVALUATE AND PROVIDE COST ESTIMATES FOR 3 DIFFERENT SCHOOL SIZES ( 378-441-504), IN EARLY MAY THE COMMITTEE PRESENTED ITS FINDINGS TO ALL RELEVANT PARTIES WITH COST ESTIMATES BASED ON SCHEMATIC DESIGN. THE PLAN OF 441 STUDENTS WAS SELECTED WITH A PROJECTED PROJECT COST OF \$21,500,600\* .

THE NEXT STAGE IS CALLED DESIGN DEVELOPMENT, IN ARCHITECTURAL SEQUENCE; DESIGN DEVELOPMENT IS WHERE THE PROJECT IS DESCRIBED IN ITS TERMS OF ARCHITECTURAL, ELECTRICAL, MECHANICAL AND STRUCTURAL SYSTEMS; AND HERE IS WHERE ARCHITECT/ENGINEER PREPARES A STATEMENT OF THE PROBABLE PROJECT COST. IN THE PROCESS USED IN OUR TOWN WE ATTEMPT TO PRODUCE A PROBABLE PROJECT COST AT SCHEMATIC DESIGN. THIS PROCESS PRODUCES PROJECT COST ISSUES WHEREAS IN DESIGN DEVELOPMENT THERE IS SIGNIFICANT ENGINEERING/THIRD PARTY EVALUATIONS THAT PRODUCE TIGHTER DRAWINGS, THE ESTIMATE DONE AT SCHEMATIC DESIGN HAS NONE OF THE IN DEPTH INFORMATION. WITH TIGHTER DRAWINGS ALONG WITH RESULTS FROM SITE SURVEYS AND SELECTION OF MECHANICAL-ELECTRICAL TARGETS THE COST PROJECTIONS BECOME A CLOSER REPRESENTATION OF THE FINAL COST.

THIS PROJECT REFLECTS THE IMPACT OF SETTING BUDGETS WITHOUT GETTING ENGINEERING REPORTS AND IN DEPTH ARCHITECTURAL REVIEWS. THE DESIGN DEVELOPMENT PROJECT COST ESTIMATE COMPLETED THIS PAST DECEMBER REVEALED A REVISED PROJECT COST ESTIMATE OF \$23,640,500\* OR AN INCREASE OF \$2,139,900. UNDERSTANDING THAT EVERY PROJECT IS MADE UP WITH HUNDREDS OF DISTINCT DECISIONS THAT LEAVES ROOM FOR ALTERNATE ACTIONS, THE COMMITTEE STUDIED THE PROJECT FOR AREAS THAT COULD PRODUCE COST REDUCTIONS. WITH AN EYE TO MANAGE COST WHILE STILL DELIVERING THE OFFICIAL ED SPECS. UPON MULTIPLE MEETINGS WE DEVELOPED A COST REDUCTION PROGRAM WORTH \$865K THEREBY REDUCING THE NEW ESTIMATE TO \$22,775,500\* OR AN INCREASE OVER SCHEMATIC DESIGN BY \$1,274,900.

BASED ON THE WORK AND EVALUATIONS DONE TO-DATE, THE COMMITTEE RESPECTFULLY REQUESTS THAT THE APPROVED BONDING NUMBER FOR THIS PROJECT REFLECTS THE NEW DD ESTIMATE OF \$22,775,500\* .

\* ALL BUDGET NUMBERS EXCLUDE SEPARATE BUDGET OF \$500K DESIGNATED FOR ABATEMENT OF HAZARDOUS MATERIALS

THANKS

TOM QUINN, CHAIR MHSBC



## Mill Hill School Revised DD Estimate

The original DD estimate was \$ 23,640,500 presented at our last Committee meeting. After a long and thorough review process we have developed SERIES OF COST REDUCTIONS WORTH \$ 865K . Our new estimate is \$ 22,775,500 . To achieve this revised number we have taken the following actions:

- 1) Eliminate STEAM classroom 320M
  - 2) Paving reductions 90K ( original est had replacing full depth vs top layers)
  - 3) Landscape reductions 45K
  - 4) Underslab Sanitary reduction 75K ( connect gang bathrooms not to sanitary line using existing pipe similar to Holland Hill )
  - 5) Reduce roof top HVAC curbs 85K
  - 6) Reduce escalation est to 3% 150K
- Total Constr Reduction -\$765K

Soft cost reduction -\$100K

Total Project Cost Reductions \$865K

New Project Cost \$ 22,775,500\*

SD Cost Projection \$ 21,500,599\*

Variance                    \$ 1,274,900`        or 5.9%

- Both estimates do not include \$500m budget for abatement of hazardous material

MILL HILL SCHOOL BUILDING COMMITTEE

SCHEMATIC DESIGN VS DESIGN DEVELOPMENT SCOPE & COST INCREASE

SITE WORK

A) INCREASED STORMWATER RETENTION CAPACITY	200K
B) ADDED SHORING SYSTEM TO SUPPORT RETENTION	70K
C) REWORK AND REPLACE SOIL AT NEW ADDTION	260K
TOTAL	530K

BUILDING INTERIOR SYSTEMS

A) REPLACE HVAC PIPING IN TUNNEL	100K
B) HVAC CONTROLS-MORE IN DEPTH REVIEW	70K
C) REPLACE ALL MILLWORK- NOT ONLY ADA	200K
D) INCREMENTAL ELECTRICAL INFRASTRUCTURE	100K
E) ADDED COSTS FOR ROOF ACOUSTICAL CURBS	65K
F) OVERALL COST INCREASES AS MORE IN DEPTH	210K
TOTAL	745K

TOTAL VARIANCE \$ 1,275,000

March 17, 2020

MILL HILL ELEMENTARY SCHOOL PROJECT

SCHEMATIC DESIGN								DESIGN DEVELOPMENT			COMMENTS	
		AREA	UNIT RATE	AMOUNT	DELTA 378 TO 441	RATE	AMOUNT		AREA	RATE	AMOUNT	
				378								
01000	SITE SERVICES	60265	8.60	484,577	-	8.04	484,577		60,566	8.08	489,577	No change
01500	DEMOLITION	60265	8.04	453,343	-	7.52	453,343		60,566	8.32	644,036	Detailed demolition notes and take offs, specific demo details and additional interior wall demo.
02000	SITE CONSTRUCTION	60265	36.01	2,030,163	(269,506)	29.22	1,760,657		60,566	34.24	1,898,697	Additional soils re-enforcement needed, additional shoring, additional drainage, eliminate portable classrooms for swing space, and other details provided at the DD level.
03001	CONCRETE FOUNDATIONS	60265	3.70	208,700	67,925	4.59	276,625		60,566	6.23	347,240	Additional foundations design details and information provided at the DD level
03002	CONCRETE SLAB ON GRADE	60265	2.41	135,620	31,120	2.77	166,740		60,566	3.41	188,229	Additional details provide at slab construction provided at the DD level
												Additional details provided at the DD level, additional block walls at the interior walls and additional brick offset by precast at the exterior walls.
04000	MASONRY	60265	4.56	257,233	99,936	5.93	357,169		60,566	7.67	464,405	
05000	STRUCTURAL STEEL	60265	6.73	379,292	122,729	8.33	502,021		60,566	4.92	272,859	Less structural steel, increase in metal decking
05001	MISC. METALS	60265	0.59	33,100	-	0.55	33,100		60,566	0.96	58,100	Additional details and information provided at the DD level, expansion joint and lintels.
06000	CARPENTRY	60265	1.86	104,683	79,972	3.06	184,655		60,566	5.18	306,910	Replacement of existing cabinetry throughout, in addition to the ADA requirements.
07000	THERMAL & MOISTURE PROTECTION	60265	18.91	1,065,899	106,112	19.45	1,172,011		60,566	21.10	1,397,790	Additional details and information provided at the DD level, additional waterproofing and insulation take offs, additional roofing membrane requirements, additional gutters and downspouts.
08000	DOORS & WINDOWS	60265	10.14	571,686	76,076	10.75	647,762		60,566	13.87	837,362	Additional ballistic glass, more details and info provided at the DD level for hardware requirements, additional windows and door quantities.
09000	FINISHES	60265	18.05	1,017,353	73,910	18.11	1,091,263		60,566	23.96	1,427,200	Additional finish details and information provided at the DD level, additional interior soffits, additional drywall take offs, additional ceilings, reductions in flooring finishes, additional painting.
10000	SPECIALITIES	60265	2.61	147,020	-	2.44	147,020		60,566	3.25	191,598	Additional details provided regarding lockers, toilet partitions at the DD level.
11000	EQUIPMENT	60265	3.10	175,000	-	2.90	175,000		60,566	3.09	187,012	Additional wall protection was provided at the DD level.
12000	FURNISHINGS	60265	0.24	13,285	-	0.22	13,285		60,566	0.80	48,407	Additional window shades were provided at the DD level.
15300	FIRE PROTECTION	60265	4.60	259,366	19,450	4.63	278,816		60,566	4.37	259,600	Additional details provided and sprinkler coverage was more defined at the DD level.
15400	PLUMBING	60265	10.80	609,031	104,472	11.84	713,503		60,566	15.64	787,300	Additional replacement of under slab piping, sanitary and storm systems
15500	HVAC	60265	56.46	3,183,123	170,373	55.65	3,353,496		60,566	70.14	3,767,600	Special Roof Curbs, Controls more details, Equipment more details and sizing.
16000	ELECTRICAL	60265	23.81	1,342,468	116,690	24.21	1,459,158		60,566	27.31	1,596,532	More information and details provided at the DD level, additional electrical demo, light fixtures count better quantified, additional power infrastructure needed for phasing,
	TOTALS			12,470,942	799,259		13,270,201				15,170,454	
	Design Contingency			623,547	92,000		715,547				455,114	Typical design contingency reduction from SD to DD level
	CM Contingency			392,835	27,889		420,724				468,767	Recalculated based on contract
	Escalation			810,611			810,611				426,821	Typical escalation reduction from SD to DD level
	Subtotal			14,297,935			1,946,882				1,350,702	Recalculated
	P/P Bond			9,942	80,641		90,583				113,853	Recalculated
	Subtotal			14,307,877			90,583				113,853	
	Precon			147,440			147,440				147,440	No change
	General Req'ts			1,574,909			1,574,909				1,574,909	No change
	CM Fee			397,680	46,732		444,412				455,412	Recalculated based on contract
	GL			142,101	6,914		149,015				162,730	Recalculated based on contract
	Builder's Risk			excl			excl				excl	No change
	Permit			excl			excl				excl	No change
	Subtotal			16,570,007	1,053,423		2,315,776				2,340,491	
	CONSTRUCTION COSTS (GMP)						17,623,442				18,975,500	
	SOFT COSTS						3,877,158				3,800,000	
	TOTAL PROJECT COSTS						21,500,600				22,775,500	
	Haz. Mat. Remediation Owner Contingency						500,000				500,000	
	TOTAL PROJECT COST (BOND AMOUNT)						22,000,600				23,275,500	

**A RESOLUTION APPROPRIATING \$6,245,000 FOR THE COSTS ASSOCIATED WITH CONSTRUCTION OF THE EASTON TURNPIKE PUMP STATION AND FORCE MAIN REPLACEMENT AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION**

-----

**RESOLVED:**

1. As recommended by the Board of Finance and the Board of Selectmen, the Town of Fairfield hereby appropriates the sum of Six Million Two Hundred Forty-Five Thousand and 00/100 Dollars (\$6,245,000) for the costs associated with the construction of the Easton Turnpike Pump Station and Force Main Replacement which costs include but are not limited to costs of materials, construction, equipment, site work, fixtures, furniture, design, architectural engineering, specialty consultants, environmental, oversight, finance and other costs and expenses that are related thereto (the "Project").
2. To finance such appropriation and in lieu of a tax therefor, and as recommended by the Board of Finance and the Board of Selectmen, the Town of Fairfield may borrow a sum not to exceed Six Million Two Hundred Forty-Five Thousand and 00/100 Dollars (\$6,245,000) and issue its general obligation bonds/bond anticipation notes for such indebtedness under its corporate name and seal and upon the full faith and credit of the Town in an amount not to exceed said sum for the purpose of financing the appropriation for the Project.
3. The Board of Selectmen, the Treasurer and the Fiscal Officer of the Town are hereby appointed a committee (the "Committee") with full power and authority to cause said bonds to be sold, issued and delivered; to determine their form and terms, including provision for redemption prior to maturity; to determine the aggregate principal amount thereof within the amount hereby authorized and the denominations and maturities thereof; to fix the time of issue of each series thereof and the rate or rates of interest thereon as herein provided; to determine whether the interest rate on any series will be fixed or variable and to determine the method by which the variable rate will be determined, the terms of conversion, if any, from one mode to another or from fixed to variable; to set whatever other terms of the bonds they deem necessary, desirable or appropriate; to designate the bank or trust company to certify the issuance thereof and to act as transfer agent, paying agent and as registrar for the bonds, and to designate bond counsel. The Committee shall have all appropriate powers under the Connecticut General Statutes, including Chapter 748 (Registered Public Obligations Act) and Chapter 109 (Municipal Bond Issues) to issue, sell and deliver the bonds and, further, shall have full power and authority to do all that is required under the Internal Revenue Code of 1986, as amended, and under rules of the Securities and Exchange Commission, and other applicable laws and regulations of the United States, to provide for issuance of the bonds in tax exempt form and to meet all requirements which are or may become necessary in and subsequent to the issuance and delivery of the bonds in order that the

interest on the bonds be and remain exempt from Federal income taxes, including, without limitation, to covenant and agree to restriction on investment yield of bond proceeds, rebate of arbitrage earnings, expenditure of proceeds within required time limitations, the filing of information reports as and when required, and the execution of Continuing Disclosure Agreements for the benefit of the holders of the bonds and notes.

4. The First Selectwoman and Treasurer or Fiscal Officer, on behalf of the Town, shall execute and deliver such bond purchase agreements, reimbursement agreements, line of credit agreement, credit facilities, remarketing, standby marketing agreements, standby bond purchase agreements, and any other commercially necessary or appropriate agreements which the Committee determines are necessary, appropriate or desirable in connection with or incidental to the sale and issuance of bonds, and if the Committee determines that it is necessary, appropriate, or desirable, the obligations under such agreements shall be secured by the Town's full faith and credit.
5. The First Selectwoman and Treasurer or Fiscal Officer shall execute on the Town's behalf such interest rate swap agreements or similar agreements related to the bonds for the purpose of managing interest rate risk which the Committee determines are necessary, appropriate or desirable in connection with or incidental to the carrying or selling and issuance of the bonds, and if the Committee determines that it is necessary, appropriate or desirable, the obligations under such interest rate swap agreements shall be secured by the Town's full faith and credit.
6. The bonds may be designated "Public Improvement Bonds of the Town of Fairfield", series of the year of their issuance and may be issued in one or more series, and may be consolidated as part of the same issue with other bonds of the Town; shall be in serial form maturing in not more than twenty (20) annual installments of principal, the first installment to mature not later than three years from the date of issue and the last installment to mature not later than twenty (20) years from the date of issuance or as otherwise provided by statute. The bonds may be sold at an aggregate sales price of not less than par and accrued interest at public sale upon invitation for bids to the responsible bidder submitting the bid resulting in the lowest true interest cost to the Town, provided that nothing herein shall prevent the Town from rejecting all bids submitted in response to any one invitation for bids and the right to so reject all bids is hereby reserved, and further provided that the Committee may sell the bonds on a negotiated basis, as provided by statute. Interest on the bonds shall be payable semi-annually or annually. The bonds shall be signed on behalf of the Town by at least a majority of the Board of Selectmen and the Treasurer, and shall bear the seal of the Town. The signing, sealing and certification of the bonds may be by facsimile as provided by statute.
7. The Committee is further authorized to make temporary borrowings as authorized by the General Statutes and to issue temporary notes of the Town in anticipation of the receipt of proceeds from the sale of the bonds to be issued pursuant to this resolution. Such notes shall be issued and renewed at such time and with such maturities, requirements and limitations as provided by the Connecticut General Statutes. Notes evidencing such borrowings shall be signed by the First Selectwoman and Treasurer or Fiscal Officer,



have the seal of the Town affixed, which signing and sealing may be by facsimile as provided by statute, be certified by and payable at a bank or trust company incorporated under the laws of this or any other state, or of the United States, be approved as to their legality by bond counsel, and may be consolidated with the issuance of other Town bond anticipation notes. The Committee shall determine the date, maturity, interest rates, form and manner of sale, including negotiated sale, and other details of said notes consistent with the provisions of this resolution and the Connecticut General Statutes and shall have all powers and authority as set forth above in connection with the issuance of bonds and especially with respect to compliance with the requirements of the Internal Revenue Code of 1986, as amended, and regulations thereunder in order to obtain and maintain issuance of the notes in tax exempt form.

8. Pursuant to Section 1.150-2, as amended, of the Federal Income Tax Regulations the Town hereby declares its official intent to reimburse expenditures (if any) paid for the Project from its General or Capital Funds, such reimbursement to be made from the proceeds of the sale of bonds and notes authorized herein and in accordance with the time limitations and other requirements of said regulations.
9. The First Selectwoman, Fiscal Officer and Town Treasurer are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board (the "MSRB") and to provide notices to the MSRB of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution.
10. The Committee is hereby authorized to take all action necessary and proper for the sale, issuance and delivery of the bonds and notes in accordance with the provisions of the Connecticut General Statutes and the laws of the United States. The First Selectwoman is authorized to negotiate and enter into grant agreements on behalf of the Town to fund the Project and to accept on behalf of the Town any grant to fund the Project. The First Selectwoman and other Town officials are authorized to seek grants and other contributions for the costs of the Project and take all such actions necessary or appropriate to obtain such grants and other contributions including execution and delivery of contracts related to such grants. Any such grants or contribution received prior to the issuance of the Bonds authorized herein shall be applied to the costs of the Project or to pay at maturity the principal of any outstanding bond anticipation notes issued pursuant this resolution and shall reduce the amount of the Bonds that can be issued pursuant to this resolution. If such grants and contributions are received after the issuance of the Bonds, they shall be applied to pay the principal on the Bonds or as otherwise authorized by the Board of Selectmen, Board of Finance and Representative Town Meeting provided such application does not adversely affect the tax exempt status of the Bonds or the Town's receipt of such grant or contribution.



## **SUPPLEMENTAL RESOLUTION**

**WHEREAS**, the Town of Fairfield (the “Town”) has adopted at the request of the Water Pollution Control Authority (“WPCA”) a Resolution entitled “A Resolution Appropriating \$6,245,000 for the Costs Associated with the Construction of the Easton Turnpike Pump Station and Force Main Replacement and Authorizing the Issuance of Bonds to Finance such Appropriation” (the “Resolution”); and

**WHEREAS**, the Resolution appropriated \$6,245,000 for costs associated with the construction of the Easton Turnpike Pump Station and Force Main Replacement (the “Project”) and authorized the issuance of bonds (the “Bonds”); and

**WHEREAS**, while the Town is liable for the debt service on the Bonds, for internal accounting purposes, it is appropriate that the costs of the Project including debt service on the Bonds (the “Costs”) be allocated to the WPCA; and

**WHEREAS**, the Town’s WPCA has agreed to pay for the costs of the Project and the debt service on the bonds authorized by the Resolution (the “Bonds”).

### **RESOLVED,**

That the debt service on the Bonds as it becomes due shall be paid by the WPCA from its own funds and the obligation of the WPCA shall be set forth in a memorandum of understanding with the Town satisfactory to the First Selectwoman.

**STATE OF CONNECTICUT**

**BY HIS EXCELLENCY**

**NED LAMONT**

**EXECUTIVE ORDER NO. 7S**

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC AND  
RESPONSE – SAFE STORES, RELIEF FOR POLICYHOLDERS, TAXPAYERS, AND  
TENANTS**

**WHEREAS**, on March 10, 2020, I issued a declaration of public health and civil preparedness emergencies, proclaiming a state of emergency throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed spread in Connecticut; and

**WHEREAS**, pursuant to such declaration, I have issued seventeen (17) executive orders to suspend or modify statutes and to take other actions necessary to protect public health and safety and to mitigate the effects of the COVID-19 pandemic; and

**WHEREAS**, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

**WHEREAS**, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

**WHEREAS**, the risk of severe illness and death from COVID-19 appears to be higher for individuals who are 60 years of age or older and for those who have chronic health conditions; and

**WHEREAS**, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention and the Connecticut Department of Public Health recommend implementation of community mitigation strategies to increase containment of the virus and to slow transmission of the virus, including cancellation of gatherings of ten people or more and social distancing in smaller gatherings; and

**WHEREAS**, my Executive Order No. 7N imposed certain safety restrictions and mandates on retail establishments in order to limit the spread of COVID-19 among customers, employees, and others entering such establishments; and

**WHEREAS**, there exists a compelling state interest in a consistent and easily understandable statewide approach to reducing the risk of transmission of COVID-19 among customers, staff, and other persons entering retail establishments, to limit community transmission of COVID-19 statewide, and to ensure the continuity of essential retail services and safe conduct of permitted non-essential retail services; and

**WHEREAS**, widespread financial hardship caused by the COVID-19 pandemic and necessary responses to it may prevent policyholders from timely payment of insurance premiums, and any resulting penalties, including cancellation or non-renewal of policies, create additional hardship, cause further damage to the economy, and endanger property and public health; and

**WHEREAS**, to encourage social distancing and protect public health and safety, my Executive Order 7D, dated March 16, 2020 and Executive Order 7G, dated March 19, 2020, closed bars and restaurants to all on-premise service of food and beverages; and

**WHEREAS**, many businesses may be experiencing lost revenue from the prohibition of on-premise food and beverage sales, which will hinder their ability to make timely payments to their creditors; and

**WHEREAS**, the State of Connecticut serves many elders and disabled individuals through multiple home and community based services waivers and Medicaid state plan benefits under the Medicaid program, including clients of the Department of Social Services, Department of Mental Health and Addiction Services and the Department of Developmental Services, who rely upon these home-based services to remain in their homes, avoid institutionalization and achieve maximum independence and functioning, and certain adjustments to the provision of services under these various waivers are necessary to ensure continuity of services and provide greater flexibility during COVID-19;

**WHEREAS**, the Centers for Medicare & Medicaid Services has advised the Department of Social Services that it may, on an expedited basis, and without providing a notice and comment period, take advantage of opportunities included in Appendix K to the Home and Community Based Waivers under Section 1915(c), as well as Sections 1115 (a) and 1135, of the Social Security Act, and also including, as applicable, amendments to Medicaid state plan provisions under other relevant provisions, such as sections 1915(i), 1915(k) and 1945 of the Social Security Act, in order to act quickly to address critical health needs of Medicaid beneficiaries and others in Connecticut in response to COVID-19; and

**WHEREAS**, Chapter 204 of the Connecticut General Statutes sets forth tax collection deadlines that will be difficult for residential and commercial property owners to meet in light of the significant job and economic losses experienced by Connecticut residents and businesses; and

**WHEREAS**, municipalities have sought relief on behalf of taxpayers who are struggling due to business operations being suspended or ceased, layoffs and other complications due to the COVID-19 pandemic; and

**WHEREAS**, certain municipal charters, ordinances or resolutions require critical town fiscal and budgetary decisions to be voted on by referendum or town meeting that create a risk to public health; and

**WHEREAS**, Sections 12-170aa(e) and (f) and Sections 12-129b and 12-129c of the Connecticut General Statutes require municipalities to conduct specific duties, including but not limited to processing tax relief claims that require in-person meetings and application filing requirements for taxpayers who have attained age sixty-five or over or are totally disabled; and

**WHEREAS**, Section 12-62 of the Connecticut General Statutes requires municipalities to conduct in-person inspections which will create increased risk of transmission of COVID-19; and

**WHEREAS**, Section 12-63c of the Connecticut General Statutes requires taxpayer filings based on information in Income and Expense Statements by Assessors, which were previously extended under Executive Order 7I, Section 15; and

**WHEREAS**, it will promote the public health and safety of all Connecticut residents to prohibit evictions during the public health and civil preparedness emergency; and

**WHEREAS**, the Judicial Branch has suspended all evictions and ejectment proceedings and Executive Order No. 7G suspended non-critical court operations;

**NOW, THEREFORE, I, NED LAMONT**, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, do hereby **ORDER AND DIRECT**:

1. **Safe Stores Mandatory Statewide Rules, Amending Executive Order No. 7N, Sec. 3.** Effective upon the opening of each retail establishment for the first time on April 3, 2020, every retail establishment in the State of Connecticut shall take additional protective measures to reduce the risk of transmission of COVID-19 between and among customers, employees, and other persons such as delivery drivers or maintenance people. The Commissioner of Economic and Community Development, in consultation with the Commissioner of Public Health, shall issue mandatory statewide rules prescribing such additional protective measures no later than 11:59 p.m. on April 1, 2020. Such rules shall be mandatory throughout the state and shall supersede and preempt any current or future municipal order and shall supersede the requirements of Executive Order No. 7N, Sec. 3, providing that nothing in this order shall eliminate or reduce the requirements of Executive Order No. 7N, Sec. 3 regarding firearms transactions.
2. **60-Day Grace Period for Premium Payments, Policy Cancellations and Non-Renewals of Insurance Policies.** Beginning on April 1, 2020, for a period of sixty (60) calendar days ending on June 1, 2020, no insurer may, without a court order, lapse, terminate or cause to be forfeited a covered insurance policy because a covered policyholder does not pay a premium or interest or indebtedness on a premium under the policy that is due except as provided hereunder. This grace period shall apply to entities licensed or regulated by the Insurance Department including admitted and non-admitted insurance companies that provide any insurance coverage in Connecticut including, life, health, auto, property, casualty and other types of insurance as follows:
  - a. Insurers shall provide such 60-day grace period to individuals that have individual insurance policies who, as a result of the COVID-19 pandemic, were laid off, furloughed, or fired from employment or otherwise sustained a significant loss in revenue. Such individuals may be required to provide an affidavit or other statement acceptable to their insurance carrier, explaining that as a result of the COVID-19 pandemic they were laid

off, furloughed, or fired from employment or otherwise sustained a significant loss in revenue.

- b. Insurers shall provide such 60-day grace period to businesses that are group policyholders, have group insurance and/or have property/casualty insurance that were required to close or significantly reduce operations or suffered significant revenue loss as a result of the COVID-19 pandemic. Such businesses may be required to provide an affidavit or other statement acceptable to their insurance carriers, explaining that as a result of the COVID-19 pandemic, they were required to close or significantly reduce their business operations or suffered a significant revenue loss.
  - c. This 60-day grace period is not automatic. To be eligible, affected policyholders must provide the information outlined above in an affidavit or other statement acceptable to their insurance carriers. Carriers shall provide instructions on how policyholders are to provide such information.
  - d. Policyholders are advised that this grace period is not a waiver or forgiveness of the premium; it is only an extension of time in which to pay premiums. Policyholders are advised that they may be subject to restrictions if they are in receipt of state or federal stimulus funding relating to COVID-19.
  - e. Individuals or businesses that do not meet the criteria for the 60-day grace period set forth above, will need to contact their insurance carrier should they wish to discuss a premium deferral.
  - f. This order does not apply to self-funded health plans.
  - g. If a carrier has already provided a policyholder with a 60-day grace period for March and April 2020 premiums, or offers to provide a 60-day grace period for that time frame and it is accepted, the carrier will be deemed to have satisfied the requirements of this Executive Order with respect to that policyholder.
  - h. This 60-day grace period shall only apply to policyholders that were in good standing with their insurance carrier on March 12, 2020, and shall only apply to premiums due after the initial premium has been made to secure coverage.
  - i. This 60-day grace period applies only to cancellation or non-renewals attributed to a failure to pay premiums during the applicable 60-day grace period. If a policy is to be cancelled or non-renewed for any other allowable reason, the cancellation or non-renewal may be made pursuant to statutory notice requirements and for legally recognized reasons.
3. **Extension of 30-Day Period of Credit for Liquor Permittees.** Section 30-48(b) of the Connecticut General Statutes and Sections 30-6-A36 and 30-6-A37a of the Regulations of Connecticut State Agencies, which permit no more than a thirty-day period of credit, from

manufacturers, wholesalers, or others specified in such statute and regulations, is modified so that the maximum period of credit shall be ninety days after the date of delivery for all permittees prohibited from engaging in on-premise sales per Executive Order No. 7D, as amended by Executive Order No. 7H. The extension of credit shall not apply to permits that were delinquent at the time Executive Order No. 7D became effective on March 16, 2020. The period of delinquency shall begin on the ninety-first day after the date of delivery. All other requirements under the above-referenced statute and regulations shall apply, except as modified to reflect the increased period of credit, and the standard thirty-day period of credit shall continue to apply to all permittees whose businesses who were not engaging in on-premise sales at the time Executive Order No. 7D became effective. The credit extension shall remain in effect for any delivery made prior to the time Executive Order No. 7D expires or is terminated, or if extended or renewed, through any period of extension or renewal.

4. **Daily Payment of Certain Taxes Changed to Weekly.** Section 12-575 (h) of the Connecticut General Statutes is modified so that the licensee authorized to operate off-track betting in Connecticut shall file with the Department of Consumer Protection: a daily electronic report of the amount of wagers collected; and, no later than 12:00 PM every Tuesday, the tax filing and payment for the week preceding.
5. **Flexibility to Amend Medicaid Waivers and State Plan.** Section 17b-8 of the Connecticut General Statutes, to the extent that it requires: the submission of proposed applications to submit waivers or make certain amendments to Medicaid waivers or the Medicaid state plan (for such amendments that would have required a waiver but for the Affordable Care Act) to the joint standing committees having cognizance of matters relating to human services and appropriations; a 30-day public notice and comment period prior to submission of the proposed amendments to said committees; the holding of a public hearing by said committees; and the approval of the applications for amendment by said committees, is modified retroactive to the declaration of public health and civil preparedness emergency on March 10, 2020, to authorize the Commissioner of Social Services, on an expedited basis, to exercise the waiver flexibilities provided in response to COVID-19 and afforded by Appendix K to the Home and Community Based Waivers under Section 1915(c), as well as Sections 1115 (a) and 1135, of the Social Security Act and also including, as applicable and in response to COVID-19, amendments to Medicaid state plan provisions under other relevant provisions, such as sections 1915(i), 1915(k) and 1945 of the Social Security Act. The suspension of the aforesaid requirements is limited solely to emergency waivers related to the COVID-19 declared public health and civil preparedness emergencies.
6. **Suspension and Modification of Tax Deadlines and Collection Efforts.**  
Notwithstanding any contrary provisions of Chapter 204 of the Connecticut General Statutes or of any special act, charter, home-rule ordinance, local ordinance or other local law, there shall be established two programs to offer support to eligible taxpayers, businesses, nonprofits, and residents who have been economically affected by the COVID-19 pandemic. Such programs shall be known as the "Deferment Program" and the "Low Interest Rate Program." Each

municipality, as defined in section 7-148 of the general statutes, by determination of its local legislative body, or, in any town in which the legislative body is a town meeting, by a vote of the board of selectmen, shall participate in one or both programs and shall notify the Secretary of the Office of Policy and Management no later than April 25, 2020, about which program or programs it is electing to participate in.

- a. **Deferment Program.** During the period of March 10, 2020, the date that I declared the public health and civil preparedness emergency, through and including July 1, 2020, municipalities participating in the Deferment Program shall offer to eligible taxpayers, businesses, nonprofits, and residents a deferment by ninety (90) days of any taxes on real property, personal property or motor vehicles, or municipal water, sewer and electric rates, charges or assessments for such tax, rate, charge, or assessment from the time that it became due and payable. Eligible taxpayers, businesses, nonprofits, and residents are those that attest to or document significant economic impact by COVID-19, and/or those that document they are providing relief to those significantly affected by the COVID-19 pandemic. The Secretary of the Office of Policy and Management shall issue guidance as to which taxpayers, businesses, nonprofits, and residents shall be considered eligible for the Deferment Program, but participating municipalities may, upon approval of its local legislative body, or, in any town in which the legislative body is a town meeting, by a vote of the board of selectmen, extend eligibility for the deferment program to other categories of taxpayers, businesses, nonprofits, and residents.
- b. **Low Interest Rate Program.** For municipalities participating in the Low Interest Rate Program, notwithstanding Section 12-146 of the General Statutes, (i) the delinquent portion of the principal of any taxes on real property, personal property or motor vehicles, or municipal water, sewer and electric charges or assessments or part thereof shall be subject to interest at the rate of three (3) per cent per annum for ninety days from the time when it became due and payable until the same is paid, for any such tax, rate, charge, or assessment due and payable from March 10 through and including July 1, 2020, unless such delinquent portion is subject to interest and penalties at less than three (3) per cent per annum. Following the ninety days, the portion that remains delinquent shall be subject to interest and penalties as previously established; and (ii) any portion of the principal of any taxes on real property, personal property or motor vehicles, or municipal water, sewer and electric rates, charges or assessments or part thereof that had been delinquent on or prior to March 10, shall be subject to interest at the rate of three (3) per cent per annum for ninety days from this Order, unless such delinquent portion is subject to interest and penalties at less than three (3) per cent per annum. Following the ninety (90) days, the portion that remains delinquent shall be subject to interest and penalties as previously established.
- c. **Eligibility of Landlords.** In order for a landlord, or any taxpayer that rents or leases to any commercial, residential, or institutional tenant or lessee, to be eligible for the Deferment Program, said landlord must provide documentation to the municipality that the parcel has or will suffer a significant income decline or that commensurate

forbearance was offered to their tenants or lessees. Any taxpayer that rents or leases to any commercial, residential, or institutional tenant or lessee shall only be eligible for the Low Interest Rate Program if said landlord offers commensurate forbearance to tenants or lessees, upon their request.

- d. **Escrow Payments.** Financial institutions and mortgage servicers that hold property tax payments in escrow on behalf of a borrower shall continue to remit property taxes to the municipality, so long as the borrower remains current on their mortgage or is in a forbearance or deferment program, irrespective of the borrower's eligibility for or participation in the Deferment Program or the Low Interest Rate Program.
- e. **Liens Remain Valid.** Nothing in this order affects any provision of the Connecticut General Statutes relating to continuing, recording and releasing property tax liens and the precedence and enforcement of taxes, rates, charges and assessments shall remain applicable to any deferred tax, rate, charge or assessment or installment or portion thereof.

7. **Allowance of Suspension of In-Person Voting Requirements for Critical and Time Sensitive Municipal Fiscal Deadlines.** Notwithstanding any contrary provision of the Connecticut General Statutes, including Title 7, or any special act, municipal charter, ordinance or resolution that conflicts with this order, the legislative body of a municipality, or in a municipality where the legislative body is a town meeting other than a representative town meeting, the board of selectmen, and the budget-making authority of said municipality if different from the legislative body or board of selectmen, by majority vote of each such body, as applicable, may authorize (i) any supplemental, additional or special appropriations under Section 7-348 of the Connecticut General Statutes or comparable provisions of any special act, municipal charter or ordinance, (ii) any tax anticipation notes to be issued under Section 7-405a of the Connecticut General Statutes or comparable provisions of any special act, municipal charter or ordinance, or (iii) municipal general obligation bonds or notes to be issued in anticipation of such bonds to be issued pursuant to Chapter 109 of the Connecticut General Statutes for capital improvement purposes, without complying with any requirements for in-person approval by electors or taxpayers, including but not limited to, annual or special town meetings requiring votes or referenda. Notwithstanding the foregoing, if the legislative body and budget-making authority, if they are separate entities, are taking any action specified in (ii) or (iii) above, or any action under (i) above, which involves an appropriation in an amount in excess of 1% of the current year's total municipal budget without complying with any in-person approval requirements normally required by statute, special act, municipal charter, ordinance or resolution, such body(ies) shall make specific findings that such actions are necessary to permit the orderly operation of the municipality and that there is a need to act immediately and during the duration of the public health and civil preparedness emergency in order to avoid endangering public health and welfare, prevent significant financial loss, or that action is otherwise necessary for the protection of persons and property within the municipality. In so acting, the legislative body and, if different from the legislative body, the budget-making



authority of the municipality, shall comply with open meeting requirements set forth in Executive Order No. 7B. All conditions precedent to any such approval, including without limitation, public notices, hearings or presentations, shall proceed in a manner as closely consistent with the applicable statutes, special acts, town charters, municipal ordinances, resolutions or procedures as possible, and in compliance with the open meeting provisions set forth in Executive Order 7B. Nothing in this order shall be construed to prohibit a municipality from conducting any in-person meeting, approval process, or referendum, provided such municipality first consults with local or state public health officials and conducts such meeting, approval process, or referendum in a way that significantly reduces the risk of transmission of COVID-19

8. **Suspension of Reapplication Filing Requirement for the Homeowners' Elderly/Disabled Circuit Breaker Tax Relief Program and for the Homeowners' Elderly/Disabled Freeze Tax Relief Program.** The biennial filing requirements under Sections 12-170aa(e) and (f) and Sections 12-129b and 12-129c of the Connecticut General Statutes for any taxpayers who were granted the benefit for the Grand List year 2017 and who is required to recertify for the Grand List year 2019, are suspended and such taxpayers shall automatically maintain their benefits for the next biennial cycle ending in Grand List year 2021.
9. **Substitution of Full Inspection Requirements Pertaining to October 1, 2020 Grand List Revaluations.** The requirement set forth under Section 12-62 of the Connecticut General Statutes pertaining to October 1, 2020 Grand List revaluations that require a full interior inspection of property, for which such interior inspection that has not yet been completed, is suspended and replaced with the alternative requirement to send a questionnaire to the owner as outlined in Section 12-62(b)(4).
10. **Extension of Deadline to File Income and Expense Statement.** The taxpayer filing deadline set forth under Section 12-63c of the Connecticut General Statutes is extended to August 15, 2020.
11. **Suspension of Non-Judicial Tax Sales.** Notwithstanding any contrary provision of the Connecticut General Statutes, including but not limited to Section 12-157 or Section 7-258, or any special act, municipal charter or ordinance that conflicts with this order, (1) no municipality nor water pollution control authority may conduct any sale pursuant to General Statutes Section 12-157 or Section 7-258, until thirty days after the end of the public health and civil preparedness emergency, including any period of renewal or extension of such emergency. Any sale for which notice had been filed prior to March 10, 2020 shall be adjourned by operation of law to a date to be determined by the tax collector. Such adjourned date shall be no earlier than thirty days after the end of the public health and civil preparedness emergency; and (2) For any sales held under Section 12-157 or Section 7-258 that were conducted prior to March 10, 2020, any six-month redemption period in General Statutes Section 12-157 shall be extended for the number of calendar days the public health and civil preparedness emergency remains in effect. The time period from March 10, 2020 to the end of the emergency shall be considered a

"holding period." Redemption interest during said holding period shall be charged at a monthly rate equivalent to three per cent per annum.

Unless otherwise specified herein, this order shall take effect immediately and shall remain in effect for the duration of the public health and civil preparedness emergency, unless earlier modified or terminated by me.

Dated at Hartford, Connecticut, this 1st day of April, 2020.



Ned Lamont  
Governor



By His Excellency's Command



Denise W. Merrill  
Secretary of the State



**OFFICE OF POLICY AND MANAGEMENT GUIDANCE**  
**Executive Order No. 7S**  
**Explanation of Purpose and Intent**

**Section 6, Executive Order 7S**  
**Suspension and Modification of Tax Deadlines and Collection Efforts**

Property taxation is a state function granted within certain parameters to local municipalities. Due to COVID-19 the state deems it necessary to make some changes to the normal deadlines and procedures. There will be two programs designed to offer support to eligible taxpayers who have been affected by COVID-19. The state has established the “Deferment Program” and the “Low Interest Rate Program.”

The EO defines “municipality” as indicated in 7-148. This means only towns, cities and boroughs, and does not include special taxing districts and special services districts. Unless and until the EO is amended these programs and procedures apply only to “municipalities” as defined above, and NOT to special taxing districts.

The legislative body of each municipality must determine if they will offer one plan, or both plans. Municipalities can offer either plan or both but must offer at least one. In municipalities where the legislative body is the town meeting, the board of selectmen decides which program to offer. Towns must notify OPM by April 25 of their choice.

---

**Section a: “Deferment Program”**

Think of this program as an extended grace period program. What is “deferred” is not a tax but rather the last day to pay without interest. **The deadline is deferred, not the tax.** Eligible taxpayers (“eligible” will be defined later) are entitled to **defer their payment deadline until 90 days from the tax due date, instead of the usual 30 days.**

This will have different applications depending on when taxes or other charges (municipal sewer, utility, etc.) are ‘due’ in a given municipality. Any tax that comes due between March 10, 2020 and July 1, 2020, inclusive, can be covered by this plan.

For semiannual and annual towns: the next installment comes due on July 1, 2020. This plan covers installments that come due up through and including July 1, 2020. For the July 1, 2020 installment, instead of the last day to pay being August 3, 2020 (August 1 falls on a Saturday), the last day to pay will instead be October 1, 2020 (90 days from July 1) because the last day to pay is being deferred, or the grace period is being extended.

The plan covers any real estate, motor vehicle or personal property tax, and any municipal water, sewer or electric rate, charge or assessment.

For towns that have taxes or other charges coming due between March 10 and July 1 (quarterly billing towns, and towns that bill other charges between March and July): those bills are covered by this plan. For example, if an installment or bill became due and payable on April 1, 2020, instead of the last day to pay being May 1, 2020, the grace period would be extended for 90 days instead of 30, and the last day to pay would instead be July 1, 2020.

“Eligible” taxpayers, businesses, nonprofits, and residents (that covers everybody) are those that “attest to or document significant economic impact by COVID-19, and / or those that document they are providing relief to those significantly affected by COVID-19.” There is separate guidance about eligibility for this program and is detailed on the application forms provided by OPM.

Municipalities may extend eligibility to other categories of taxpayers, businesses, nonprofits and residents, upon approval of the legislative body or by the Board of Selectmen in towns where the town meeting is the legislative body. This means the town is free to ‘open up’ the extended grace period to others not specifically mentioned in the EO. For example, a municipality could decide to offer the extended grace period to ALL taxpayers, period, without distinction. This is a decision up to the towns. If a municipality decides to “open up” the eligibility, the need for applications may be moot.

This program does not address taxes that are already past due. It is not an amnesty or waiver of interest or other charges on taxes that are already delinquent.

---

#### **Section b: “Low Interest Rate Program”**

This is another option for towns to consider. It can be offered in conjunction with the deferment program, or instead of it. This program does not say a taxpayer can have an extended grace period with no interest at all. Rather, it addresses the rate of interest that is to be charged on a delinquent or past due bill. Interest is normally charged at the rate of 1.5% per month, 18% per year from the due date of the tax, with a portion of a month being considered a full month. However, **this program will allow for a lower rate of interest: .25% per month, or 3% per year, from the due date of the tax, for a period of up to 90 days only.**

This program provides a ‘window’ of 90 days from the due date where taxpayers would be able to pay at a reduced interest rate. They would not have an extended grace period, but they would be paying significantly less interest if they pay late.

Any tax, or municipal water, sewer, or electricity charge that comes due at any time between March 10, 2020 and July 1, 2020, inclusive, can be covered by this plan (section i).

For semiannual and annual towns: the next installment comes due on July 1, 2020. This plan covers installments that come due up through and including July 1, 2020. For the July 1, 2020 installment, the last day to pay will (still) be August 3, 2020 (August 1 is a Saturday) but if the taxpayer pays on August 4 or later, they will not be paying 1.5% per month interest, but rather only .25% per month interest. On August 4, 2020 the interest charged would not be 3%, but rather .25 x 2 months or .5% This plan would remain in force only for 90 days from the due date of July 1; it would end on October 2, 2020.

The plan covers any real estate, motor vehicle or personal property tax, and any municipal water, sewer or electric rate, charge or assessment.

For towns that have taxes or other charges coming due between March 10 and July 1 (quarterly billing towns, and towns that bill other charges between March and July): those bills are covered by this plan. For example, if an installment or bill became due and payable on April 1, 2020, the last day to pay will (still) be May 1, 2020, but if the taxpayer pays on May 2 or later, they will not be paying 1.5% per month interest but rather only .25 % per month interest. On May 2, the interest charged would not be 3% but rather .25 x 2 months, or .5%. This plan would remain in force only for 90 days from the due date of the tax or charge. Once the 90 days was up, the plan would no longer be in effect.

This program **does not require taxpayers to qualify based upon eligibility criteria** as with the deferment program. However, please refer to eligibility of landlords in Section c, below.

The EO provides that if there is a case where any tax, charge etc. is already subject to an interest rate that is less than 3% per year, then that lower rate will apply instead.

**The EO also addresses past due charges that were already delinquent on March 10, 2020 (section ii). If a bill was already delinquent on or before March 10, 2020, it shall be subject to .25% per month, 3% per year interest for a period of 90 days from the EO (until July 1, 2020) only.** For the time period from April 1, 2020 (the date of the EO) to July 1, 2020, the delinquent taxpayer pays .25% per month or portion thereof instead of the normal 1.5% per month – but ONLY on those last three months, and only if they are making a payment.

On July 2, 2020, unless this EO is extended or other directives are subsequently given, the 'window' closes, and interest once again goes back to the statutory rate of 1.5% per month from due date. ("Following the 90 days, the portion that remains delinquent shall be subject to interest and penalties as previously established.")

If a taxpayer has made a partial payment between April 1 and July 1, 2020, but has not paid in full, interest goes back to the former rate. If a taxpayer has not made any payment at all during that time, they lose the benefit of the 'window' and all of their interest is calculated at the rate of 1.5% per month from the due date, as if the opportunity for the reduced rate had not ever existed. ("Following the 90 days, the portion that remains delinquent shall be subject to interest and penalties as previously established.")

---

### **Section c: Eligibility of Landlords**

The EO states that in order to be eligible for the extended grace period/ deferral program, a "landlord," or any taxpayer that rents or leases to tenants or lessees, must provide documentation to the municipality that the property being taxed has, or will, suffer a significant income decline, or that commensurate forbearance was offered to the tenants or lessees.

The EO states that in order to be eligible for the lower/ reduced interest rate program, the landlord must offer 'commensurate forbearance' to tenants or lessees upon their request.

The application forms provided by OPM have more detail about this section and contains specific sections to be completed by landlords.

---

### **Section d: Escrow Payments**

This section of the EO states that an individual taxpayer's eligibility for either program is irrelevant if the taxes on the property are paid on their behalf by an escrow agent, financial institution, mortgage service agent or bank. The escrow agents are still expected to remit tax payments on behalf of their customers according to the regular timetable – in other words, by August 3 for semiannual and annual towns. The EO states this is the case 'so long as the borrower remains current on their mortgage or is in a forbearance or deferment program.' The EO does not address what the expectation is if the borrower is NOT current or is NOT in such a program.

---

### **Section e: Liens Remain Valid**

Nothing in the EO affects ANY PROVISION of the Connecticut General Statutes relating to the continuing, recording and releasing of property tax liens. Tax collectors still rely on the existence of the inchoate lien as of the date of assessment. Intent to lien notices are to be sent. Lien continuing certificates are still to be filed in the land records on the regular timetable. Liens are still to be released according to the regular timetable.

Finally, "...the precedence and enforcement of taxes, rates, charges and assessments shall remain applicable to any deferred tax, rate, charge or assessment or installment or portion thereof." Take this to mean 'deferred' as defined in section a. Even if a tax is deferred according to the program (extended grace period granted) the priority/precedence of that property tax remains in effect, is not lessened or reduced by virtue of participation in the extended grace period program, and will be subject to normal collection enforcement procedures once the 'deferment' (extended grace period) has concluded.

---

## **Section 11, Executive Order 7S**

### **Suspension of Non-Judicial Tax Sales**

Section 11 postpones all pending tax sales and redemption deadlines. Effective on April 1, 2020, any upcoming tax sales are automatically postponed for the duration of the emergency and can be rescheduled by the tax collector no sooner than thirty (30) days after the Governor declares the emergency has ended. Tax sale notices which went out before the EO remain valid. Adjournment notices can go out by first-class mail in the meantime, but the return-receipt notices and newspaper advertising required by General Statutes 12-157(a) should not be resumed until the new auction date is known, and their timing will be calculated from the new date.

Section 11 also extends any six-month redemption deadline pending at the time the EO was signed, which was 9:00 p.m. on April 1, 2020. The length of the extension is equal to the number of days that the emergency is in effect, which will be March 10, 2020 through until whatever date the Governor declares it has ended. The interest rate the purchaser earns during the extended portion of the redemption period is 0.25% per month but remains at 1.5% per month for the regular part of the redemption period. The EO does not reinstate any redemption period which had already expired. This means any tax sale conducted before October 2, 2019 is not affected by EO unless its redemption period was extended by a bankruptcy filing or other law. Deeds and affidavits can still be recorded for tax sales whose redemption deadlines expired before then.



**OFFICE OF POLICY AND MANAGEMENT GUIDANCE  
ON TAX PROGRAMS PURSUANT TO SECTIONS 6 AND 11 of  
EXECUTIVE ORDER 7S**

**1. What kinds of municipalities do the tax programs apply to?**

Section 6 applies to all towns, cities, boroughs in Connecticut including their water pollution control authorities. These municipalities must adopt either or both programs created in the Order.

Note that a future EO may expand these programs to apply to all municipalities and quasi-municipal corporations, whether created by statute, ordinance, charter, legislative or special act, including but not limited to any town, city or borough, whether consolidated or unconsolidated, any village, school, sewer, fire, lighting, special services or special taxing districts, beach or improvement association, any regional water or resource recovery authority or any other political subdivision of the state or of any municipality having the power to make appropriations or to levy assessments or taxes. OPM is receiving input on this expansion and will update this guidance if the program is expanded to apply to quasi-municipal corporations.

**2. What kinds of taxes and charges does Section 6 apply to?**

Section 6 applies to unescrowed taxes on real estate, motor vehicles, and personal property as well as unescrowed municipal water, sewer, and electric charges.

Section 6 does not apply to trash and sanitation charges, landlord rental fees, fines, and other kinds of municipal assessments, penalties, and charges regardless of when they come due. It also does not apply to water, sewer, and electrical charges by private providers. All of these taxes and charges must therefore be paid normally.

**3. What is the difference between the two Programs in Section 6?**

Section 6 creates two Programs for relief from certain taxes and charges. Two programs are offered to provide municipalities flexibility, but also to ensure that all taxpayers have some type of tax relief available during the COVID-19 pandemic.

The Deferment Program effectively delays certain pay by dates (the last day to pay) by ninety (90) days for eligible taxpayers who apply and are approved as meeting the guidelines set forth by the Office of Policy and Management. All other



taxpayers who do not apply or who are not approved would remain responsible to pay their taxes and charges normally, unless a municipality votes to extend eligibility to such taxpayers. The EO makes clear that a municipality may extend eligibility to other categories of taxpayers, businesses, nonprofits and residents. Therefore it is up to each town whether to use the “Application for Municipal Tax Relief” available on OPM’s website, or choose to create a different form reflecting eligibility standards approved by its local legislative body, except that landlords participating in the deferral program must provide documentation to the municipality that the relevant parcel has or will suffer a significant income decline or that commensurate forbearance was offered to their tenants or lessees in either case.

The Low Interest Program would reduce the interest rate for a three-month window to three (3) per cent for all taxpayers owing taxes and charges automatically.

Every town, city, and borough must adopt either Program, or both Programs and notify the Office of Policy and Management by filling out the OPM Certification Form, no later than April 25, 2020.

#### **4. What are the requirements for landlords?**

Landlords are not eligible for either Program for relief from taxes and charges on their rental or leased properties unless they pass on “commensurate forbearance” to their tenants or lessees.

Commensurate forbearance, for purposes of both programs, means either a) a deferral of 25% of rent (approximating the property tax portion of rent) for the ninety (90) days from the due date; b) a deferral of one month’s rent to be paid over the 90 day period; or c) forbearance substantially similar to (a) or (b) as determined by the tax collector.

For the Deferment Program, the landlord must provide documentation that the property will suffer a significant revenue decline related to the COVID-19 emergency, or that commensurate forbearance was offered to tenants or lessees.

Landlords are subject to auditing and may be asked by their municipality to provide their tenants’ names and contact information, or other information identified by the municipality to confirm eligibility.

For the Low Interest Program, there is no documentation requirement for ease of administration, but landlords are subject to auditing and should not take advantage of this program unless they pass along to the tenants commensurate forbearance, when requested.

**5. When does the taxpayer have to submit their application?**

Deferment Program applications and any required documentation or related information must be submitted to the municipality no later than July 1, 2020 in any manner the municipality specifies, which may be in person, by mail and/or electronically. Each municipality shall utilize the guidance provided by the Office of Policy and Management for determining eligibility.

**6. How is interest calculated under the Programs?**

If a municipality adopts the Deferment Program, the interest will be zero for any tax or charge owed by an approved taxpayer which would otherwise come due between March 10 and July 1, 2020, inclusive so long as it is paid within ninety (90) days of the original due date. The practical effect of this Program is simply to extend the usual interest-free grace period to ninety (90) days. It would be as though the phrases “the first day of the month next succeeding the month in which” and “the same date of the month next succeeding the month corresponding to that of the month on which” in General Statutes 12-146 were both replaced with “the ninetieth day after.” For water and sewer charges, it would be as though the words “thirty days” in General Statutes 7-239(b), 7-254(a), and 7-258(a) were replaced with “ninety days.”

If a municipality adopts the Low Interest Program, interest is reduced automatically for everyone from 1.5% per month to a maximum of 0.25% per month on taxes and charges which come due between March 10 and July 1, 2020, inclusive. (If any tax or charge would otherwise accrue interest at a rate of less than 3% per annum, the lower rate continues to apply.) This Program also imposes the same cap on any delinquent taxes and charges which came due before March 10, 2020 and remain unpaid, but only to the extent of the interest which accrues on them between April 1, 2020 and July 1, 2020. Interest which had already accrued on delinquencies before April 1, 2020 remains unaffected. For example, if a tax which had previously come due on July 1, 2019 is paid in mid-May 2020, a municipality which adopted this Program would charge nine months of interest at 1.5% each plus two months of interest at 0.25% each. Regardless of whether a tax or charge was due before or after March 10, 2020, any portion not paid by July 1, 2020 accrues interest as it normally would, both within and outside the low-interest period. For example, if a tax due on July 1, 2019 is paid in mid-August 2020, the municipality would charge 14 months of interest at 1.5% each; no portion of the tax would remain entitled to the 0.25% per month interest rate. A tax due on July 1, 2020, however, would remain entitled to the normal one-month grace period which would apply normally (or 30 days for a sewer charge).

7. **Do the programs require refunding payments which the municipality has already received?**

Neither program requires any municipality to refund any payment, regardless of when it was made or how it was affected by either Program. If a payment is made which exceeds the correct amount due as affected by either Program, the normal overpayment procedures in General Statutes 12-129 apply.

8. **How does the suspension of tax sales in Section 11 affect notices of tax sales previously issued for auctions which were to take place after the date of the Order?**

Section 11 does not invalidate any notice issued under General Statutes Section 12-157 before the Order was signed. Although the Order itself postpones all pending tax sale auctions by operation of law, the municipality may issue adjournment notices in accordance with the second sentence of General Statutes Section 12-157(b) which state that the auction will be rescheduled to a date to be determined. In the interim, the other pre-auction notices which would otherwise be required by General Statutes Section 12-157(a) should not be issued. After the Governor declares the COVID-19 emergency to have ended, the tax collector may select a new auction date which is no less than 30 days later and issue any remaining pre-auction notices required by General Statutes Section 12-157(a) as calculated from that new date. If all three pre-auction notices required by General Statutes Section 12-157(a) had already been issued before the Order was signed, notice of the new auction date should be issued in accordance with the second sentence of General Statutes Section 12-157(b).

9. **Which tax sale redemption periods are extended by Section 11?**

Section 11 extends every six-month redemption period under General Statutes Section 12-157(f) which was in effect at the time the Order was signed. It does not reinstate any redemption deadline which had already expired before the Order was issued at 9:00 p.m. on April 1, 2020. This means that no tax sale which occurred before October 2, 2019 is affected by the Order except those for which the redemption deadline had already been extended by 11 U.S.C. Section 108 of the Bankruptcy Code or by another law or court order. For any tax sale procedure for which the redemption period expired before the Order was issued, Section 11 does not prohibit municipalities from depositing excess funds with the Superior Court under General Statutes Section 12-157(i), recording deeds or affidavits as provided in General Statutes Sections 12-157(f) or 12-167(a), or otherwise concluding the procedure as provided by law.

MUNICIPALITY NAME \_\_\_\_\_

**For deferral of real estate, motor vehicle, and personal property taxes and/or municipal electric, water and sewer charges due to a town, city, and/or borough between and including March 10, 2020 and July 1, 2020.**

**DEFERRAL PROGRAM:** ☐ I request that the applicable real estate, motor vehicle, and personal property taxes and any municipal electric, water or sewer charges or assessments on the property identified above, which would otherwise be due between and including March 10, 2020 and July 1, 2020, be deferred until ninety (90) days after the original due date of each without interest or penalty. Deferral, for purposes of this program, means that the tax or charge can be paid up to 90 days after its due date without interest or penalty.

☐ **Resident:** My household has suffered a reduction in income of at least 20% due to COVID-19.

- ☐ Since March 10, 2020, I have been either (1) been furloughed without pay; (2) had my hours significantly reduced; or (3) am unemployed. This has resulted in at least a 20% reduction in my household income.
- ☐ Proof of Residency is attached (i.e. a copy of driver's license, utility bill, or other proof of residency)

☐ **Business / Non-Profit:** Revenue is expected to decrease at least 30% in the March to June 2020 period versus the March to June 2019 period at this property.

- ☐ Proof of Ownership is attached (i.e. copy of my business license, utility bill, Secretary of State listing, or other proof of ownership)

☐ **Deferral Program.** If the municipality has adopted the Deferral Program, I request that the applicable real estate taxes and any municipal electric, water or sewer charges or assessments on the property identified above, which would otherwise be due between and including March 10, 2020 and July 1, 2020, be deferred until ninety (90) days after the original due date of each without interest or penalty.

☐ I have attached documentation proving that the property has or will suffer a significant revenue decline, OR

☐ I have attached documentation proving that commensurate forbearance was offered to the tenants or lessees.

“Commensurate forbearance, for purposes of this program, means either a) a deferral of 25% of rent (approximating the property tax portion of rent) for the ninety (90) days after its due date; b) a deferral of one month’s rent to be paid over the 90 day period, or c) forbearance substantially similar to (a) or (b) as determined by the tax collector. Documentation includes, but is not limited to, proof that some tenants or lessees have received forbearance or that the landlord has actively communicated with tenants or lessees to offer forbearance.

**CERTIFICATION:**

- (A) I am aware of the amount and/or basis of the taxes, charges, and assessments that I am requesting to be deferred and I hereby irrevocably waive all rights to appeal or dispute them on any basis. I understand that the municipality's lien, priority, and enforcement rights will remain unaffected during and after this period.
- (B) I understand that this request, if approved, will not defer any taxes, charges, fees, or assessments I may owe the municipality which came due before March 10, 2020 or after July 1, 2020 or the interest and penalties applicable to them, or any other debt I may owe the municipality at any time.
- (C) I authorize the municipality and its agents to verify the statements above, and any certification information I have provided, from its records and other third parties. I consent to those third parties releasing relevant information to the municipality and its agents for this purpose upon the municipality's request and that a copy of this application shall be adequate evidence of my consent. I hold the municipality harmless in their collection of this data.
- (D) I understand that I must pay all taxes, charges, and assessments deferred in full (i) within ninety (90) days after the original due date or (ii) immediately, if the municipality determines that I am not eligible for deferment. I understand that if I fail to make payments as noted in this section, all interest, fees, and penalties will be applied to all unpaid portions retroactive to the original due date.

<b>APPLICANT'S ATTESTATION</b>	Under penalties of perjury, I hereby swear or affirm that that I have read and understood all of the statements above, that they are true and accurate, and that I have attached any and all additional information necessary to process my application herein. I attest that this application, and all attachments, are genuine and unaltered.	
<b>SIGNATURE OF APPLICANT</b> X		<b>Date signed (Mo., Day, Yr.)</b> ____/____/____

**STOP! DO NOT WRITE BELOW THIS LINE  
FOR TAX COLLECTOR'S USE ONLY**

<b>DEFERRAL FOR:</b> <input type="checkbox"/> Real Estate Tax <input type="checkbox"/> Motor Vehicle Tax <input type="checkbox"/> Supp. Motor Vehicle Tax <input type="checkbox"/> Personal Property Tax <input type="checkbox"/> Water Charges <input type="checkbox"/> Sewer Usage Charges <input type="checkbox"/> Sewer Assessment Charges <input type="checkbox"/> Electric Charge		
<b>TAX COLLECTOR'S DETERMINATION</b>	___ I am satisfied that the applicant meets all the necessary statutory requirements ___ This claim is denied for the following reason(s):	
<b>SIGNATURE OF TAX COLLECTOR OR MEMBER OF TAX COLLECTOR'S STAFF</b> X		<b>Date signed (Mo., Day, Yr.)</b> ____/____/____

**From Governor Lamont's Executive Order 7S:**

**6. Suspension and Modification of Tax Deadlines and Collection Efforts.**

Notwithstanding any contrary provisions of Chapter 204 of the Connecticut General Statutes or of any special act, charter, home-rule ordinance, local ordinance or other local law, there shall be established two programs to offer support to eligible taxpayers, businesses, nonprofits, and residents who have been economically affected by the COVID-19 pandemic. Such programs shall be known as the "Deferment Program" and the "Low Interest Rate Program." Each municipality, as defined in section 7-148 of the general statutes, by determination of its local legislative body, or, in any town in which the legislative body is a town meeting, by a vote of the board of selectmen, shall participate in one or both programs and shall notify the Secretary of the Office of Policy and Management no later than April 25, 2020, about which program or programs it is electing to participate in.

a. Deferment Program. During the period of March 10, 2020, the date that I declared the public health and civil preparedness emergency, through and including July 1, 2020, municipalities participating in the Deferment Program shall offer to eligible taxpayers, businesses, nonprofits, and residents a deferment by ninety (90) days of any taxes on real property, personal property or motor vehicles, or municipal water, sewer and electric rates, charges or assessments for such tax, rate, charge, or assessment from the time that it became due and payable. Eligible taxpayers, businesses, nonprofits, and residents are those that attest to or document significant economic impact by COVID-19, and/ or those that document they are providing relief to those significantly affected by the COVID-19 pandemic. The Secretary of the Office of Policy and Management shall issue guidance as to which taxpayers, businesses, nonprofits, and residents shall be considered eligible for the Deferment Program, but participating municipalities may, upon approval of its local legislative body, or, in any town in which the legislative body is a town meeting, by a vote of the board of selectmen, extend eligibility for the deferment program to other categories of taxpayers, businesses, nonprofits, and residents.

b. Low Interest Rate Program. For municipalities participating in the Low Interest Rate Program, notwithstanding Section 12-146 of the General Statutes, (i) the delinquent

portion of the principal of any taxes on real property, personal property or motor vehicles, or municipal water, sewer and electric charges or assessments or part thereof shall be subject to interest at the rate of three (3) per cent per annum for ninety days from the time when it became due and payable until the same is paid, for any such tax, rate, charge, or assessment due and payable from March 10 through and including July 1, 2020, unless such delinquent portion is subject to interest and penalties at less than three (3) per cent per annum. Following the ninety days, the portion that remains delinquent shall be subject to interest and penalties as previously established; and (ii) any portion of the principal of any taxes on real property, personal property or motor vehicles, or municipal water, sewer and electric rates, charges or assessments or part thereof that had been delinquent on or prior to March 10, shall be subject to interest at the rate of three (3) per cent per annum for ninety days from this Order, unless such delinquent portion is subject to interest and penalties at less than three (3) per cent per annum. Following the ninety (90) days, the portion that remains delinquent shall be subject to interest and penalties as previously established.

c. Eligibility of Landlords. In order for a landlord, or any taxpayer that rents or leases to any commercial, residential, or institutional tenant or lessee, to be eligible for the Deferment Program, said landlord must provide documentation to the municipality that the parcel has or will suffer a significant income decline or that commensurate forbearance was offered to their tenants or lessees. Any taxpayer that rents or leases to any commercial, residential, or institutional tenant or lessee shall only be eligible for the Low Interest Rate Program if said landlord offers commensurate forbearance to tenants or lessees, upon their request.

d. Escrow Payments. Financial institutions and mortgage servicers that hold property tax payments in escrow on behalf of a borrower shall continue to remit property taxes to the municipality, so long as the borrower remains current on their mortgage or is in a forbearance or deferment program, irrespective of the borrower's eligibility for or participation in the Deferment Program or the Low Interest Rate Program.

e. Liens Remain Valid. Nothing in this order affects any provision of the Connecticut General Statutes relating to

continuing, recording and releasing property tax liens and the precedence and enforcement of taxes, rates, charges and assessments shall remain applicable to any deferred tax, rate, charge or assessment or installment or portion thereof.





## Town of Fairfield

Sullivan Independence Hall  
Finance Department

725 Old Post Road  
Fairfield, Connecticut 06824

Phone (203) 256-3065  
Fax (203) 255-7380

---

### MEMO:

April 9, 2020

To: Karen Wackerman, RTM Moderator  
Jill Vergara, Majority Leader  
Pam Iacono, Minority Leader

As you already know, Governor Lamont issued Executive Order No. 7S providing relief from certain municipal tax deadlines and collection efforts. This order requires municipalities to enact by vote of its legislative body one of two options for providing temporary tax forbearance of property tax collection and reduced interest on delinquent tax payments to property owners under certain conditions. The two short-term tax relief Programs include the Deferment Program (Option 1) and the Low Interest Rate Program (Option 2).

The Deferment Program defers payments by 90 days for taxpayers based on a showing of need, while the Low Interest Rate Program reduces the interest chargeable for all taxpayers in the municipality for 90 days. All municipalities must notify the Secretary of the Office of Policy and Management ("OPM") no later than **April 25, 2020** which Programs it is electing.

As per a change in legal opinion received on April 7, 2020, David Kluczowski, Tax Collector for the Town of Fairfield, has revised his summary of this order that clearly outlines advantages and disadvantages of both programs.

David Kluczowski spoke with Adam Cohen, an attorney with Pullman & Comley who specializes in Municipal Law and is lead counsel for the Connecticut Tax Collector's Association. He assisted the state in drafting the guidance for the tax collection portion of EO 7S. His recommendation which has been provided to several municipalities, is the full deferment program with across the board eligibility. With the explanation that if a municipality does not have cash flow issues, an across the board full deferment prevents discrimination and does not expose a municipality to the risk of litigation down the road.

The State felt compelled to include the “Low Interest Program” as a last resort for those municipalities with cash flow issues that still need to generate revenue during the 90 day period. Attorney Cohen also agreed that a substantial reduction in interest eliminates the incentive to pay in a timely manner. Instead it may encourage taxpayers to delay payment since they would only pay a small amount of interest on the 90th and final day and the municipality’s revenue would be deferred.

The Town has sufficient cash flow and investments to cover the cost of the Deferment Program thereby making a nominal financial impact on the Town. The cost of electing Option 1 would be the loss of investment income of approximately \$27k per quarter as shown on the attached spreadsheet. For cost comparison purposes, I have calculated the cost of issuing a Tax Anticipation Note (TAN) in the amount of \$13,750,000 for 6 months. This is estimated at \$138k, which is higher than the loss of investment income.

The Low Interest Rate Program reduces the interest rate from 18% (current interest rate set by State) to 3% for 90 days for both the April 1 and July 1 tax installments. As specified above, this option creates short term cash flow for the Town. This also creates a loss of interest earned by the Town for these two 90 day windows. As the example shows, the interest earned for a 90 day window if half of the taxpayers who take advantage of this program pay, under the same assumptions of Option 1, the Town earned \$40,625 at the 3% per annum rate.

I urge the RTM to vote for the Deferment Program as the Tax Collector states “Based on the analysis, in my professional opinion as Tax Collector I believe that the Deferment Program is the best and only option in keeping the interest of both the town and its residents in mind. As Tax Collector, I strongly urge you to adopt the Deferment Program as it is in the greatest interest of the town while best meeting the needs of residents enduring financial hardship”.

As a Town (and State) we are trying to alleviate the impact on our taxpayers of the interruption of their salaries/pay. The Deferment Program provides our taxpayers with the greatest benefit.

If you have any further questions, please do not hesitate to call.

Caitlin

## Suspension and Modification of Tax Deadlines and Collection Efforts

### Summary by: David Kluczowski, Tax Collector

Governor Lamont's [Executive Order No. 7S](#) enacts the following provisions relating to tax collection:

- **Relief from certain municipal tax deadlines and collection efforts:** Requires municipalities to enact by vote of its legislative body one or both of two options for providing temporary tax forbearance of property tax collection and reduced interest on delinquent tax payments to property owners under certain conditions, including that landlords agree to extend commensurate forbearance to commercial, residential, or institutional tenants for the duration of the deferment.
  - Option 1: Deferment Program
    - Any tax installment that became due and payable during the period of March 10, 2020 through and including July 1, 2020 shall be deferred for 90 days for any eligible taxpayers and businesses.
      - April 1, 2020 and July 1, 2020 installments apply
      - With the following exceptions/protections in place:
        - Based on eligibility guidance from state that can be expanded upon to include additional groups of people
          - An example of eligibility would be a reduction of income of at least 20% due to Covid-19
          - Or everyone could be made eligible
        - Escrow Payments do not qualify meaning 25 million or 50% of quarterly tax revenue is not deferred
        - Liens remain valid and will be filed June 1 in order to protect the towns interest once the 90 day deferment period ends
          - Deferred accounts will receive notification in advance of lien stating that it does not mean that the town will foreclose, auction, etc.
      - Advantages:
        - Filing of liens may discourage those that can afford to pay timely, from considering a deferment
        - No revenue loss to town, only a deferment

- Penalty-free relief which is in line the majority of other forms of state relief being offered (income tax, mortgage relief, etc.)
    - We receive 20 phone call inquiries a day from taxpayers asking for a deferment rather than reduction in penalty
- Disadvantages:
  - Approximately 15-20 million in revenue may be deferred for a period of 90 days
    - However, the town's financial standing can handle such a delay
  - Option 2: Low Interest Program
    - The delinquent portion of any tax installment that became due and payable during the period of March 10, 2020 through and including July 1, 2020 shall have interest reduced from 18%/yr to 3%/yr for 90 days from the date the installment became due and payable.
- Same exceptions and protections regarding escrow and liens apply
- Advantages:
  - Additional revenue would be collected at a rate of .0025% per month during the 90 day period once accounts become delinquent
    - We are looking at a range of \$12,000 – \$60,000 in additional interest revenue.
- Disadvantages:
  - A substantial interest rate reduction may encourage taxpayers to defer or wait the entire 90 days until they pay.
    - For example the chart below illustrates the interest charge for a tax installment of \$5,000 at normal and reduced rates

0.50%	25.00
3%	150.00
Total savings	125.00

### Option 1: Deferment Program

Total tax payments per quarter:	\$ 50,000,000
Escrow payments not affected:	<u>\$ 25,000,000</u>
Exposure per quarter:	\$ 25,000,000

Assumptions:	Paid	Outstanding	Investment Loss (1% per annum/ 0.083% per month)
If 25% of people pay April	\$ 6,250,000	\$ 18,750,000	\$ 15,619
If 20% of people pay May	\$ 5,000,000	\$ 13,750,000	<u>\$ 11,454</u>
			<b>\$ 27,073</b>

### Option 2: Low Interest Rate Program

Total tax payments per quarter:	\$ 50,000,000
Escrow payments not affected:	<u>\$ 25,000,000</u>
Exposure per quarter:	\$ 25,000,000

Assumptions:	Paid	Outstanding	Interest Earned If 50% of the people take advantage of (3% per annum/ 0.25% per month)
If 25% of people pay April	\$ 6,250,000	\$ 18,750,000	\$ 23,438
If 20% of people pay May	\$ 5,000,000	\$ 13,750,000	<u>\$ 17,188</u>
The Town earns in interest (at 3% per annum):			<b>\$ 40,625</b>

### **Deferment Program for All Taxpayers (Landlords must qualify to be eligible)**

**Deferment Program.** During the period of March 10, 2020, through and including July 1, 2020, all taxpayers, including businesses other than landlords, nonprofits, and residents, are hereby offered a deferment by ninety (90) days of any taxes on real property, personal property or motor vehicles, or municipal water, sewer and electric rates, charges or assessments for such tax, rate, charge, or assessment from the time that it became due and payable.

As required by EO 7S, to be eligible for the tax deferment program landlord's must attest to or document a significant economic impact by COVID-19 such that revenue is expected to decrease at least 30% in the March to June 2020 period versus the March to June 2019 period at the taxed property and/ or document they are providing relief to their tenants by offering commensurate forbearance to their tenants or lessees. Commensurate forbearance, for purposes of this program, means either a) a deferral of 25% of rent (approximating the property tax portion of rent) for the ninety (90) days after its due date; b) a deferral of one month's rent to be paid over the 90 day period, or c) forbearance substantially similar to (a) or (b) as determined by the tax collector. Documentation includes, but is not limited to, proof that some tenants or lessees have received forbearance or that the landlord has actively communicated with tenants or lessees to offer forbearance.

### **Deferment Program for All Individual Resident (Household) Taxpayers and Certain Eligible Businesses/Non-Profits**

**Deferment Program.** During the period of March 10, 2020, through and including July 1, 2020, all individual resident (household) taxpayers and certain eligible businesses and nonprofits, are hereby offered a deferment by ninety (90) days of any taxes on real property, personal property or motor vehicles, or municipal water, sewer and electric rates, charges or assessments for such tax, rate, charge, or assessment from the time that it became due and payable.

The town shall implement eligibility criteria as established by the OPM as to which businesses and nonprofits shall be considered eligible for the Deferment Program, including but not limited to the following:

Eligible businesses or non-profits, are defined as those that attest to or document a significant economic impact by COVID-19 such that revenue is expected to decrease at least 30% in the March to June 2020 period versus the March to June 2019 period at the taxed property and/ or those Landlords that document they are providing relief to their tenants by offering commensurate forbearance to their tenants or lessees. Commensurate forbearance, for purposes of this program, means either a) a deferral of 25% of rent (approximating the property tax portion of rent) for the ninety (90) days after its due date; b) a deferral of one month's rent to be paid over the 90 day period, or c) forbearance substantially similar to (a) or (b) as determined by the tax collector. Documentation includes, but is not limited to, proof that some tenants or lessees have received forbearance or that the landlord has actively communicated with tenants or lessees to offer forbearance.