

**TOWN OF FAIRFIELD, CT
MEMO**

TO: Representative Town Meeting Members
FROM: Betsy P. Browne, Town Clerk
DATE: October 13, 2015
SUBJECT: RTM SUBCOMMITTEES

The combined October RTM subcommittee meetings will be held on
WEDNESDAY, October 21, 2015 at 7:30 PM at OSBORN HILL SCHOOL.

Senior and Disabled Home Owner Tax Relief

2015 RTM Program Review

Over View

Significant Program changes were enacted by the RTM in 2012 which included:

- ✓ Restructuring of the Credit Program.
- ✓ Enhancement to Tax Deferral.
- ✓ Expansion of program eligibility.

2014 RTM Tax Relief Committee:

(Representatives Smey, Way, and McCarthy)

Because the 2012 changes were significant, this committee determined in 2014 that additional changes for the current term should be minimal, and its primary focus was to assess the impact/success of the 2012 program enhancements.

2012 Program Enhancements

- Self Adjusting Single Tier Credit program.
- Ability to defer up to 50% of property taxes for eligible seniors.
- Appeal Process for filing extensions due to extenuating circumstances (health related). *(consistent with State statute)*.
- Qualifying Total Asset Value (QVAT) uplifted from \$500K to \$650K.
- Biennial Filing *(consistent with State statute)*

TAX Relief Program: 6 Year Actuals for Participation and Relief granted.

The Credit Option saw an increase tax relief dollars in 2013 and 2014 following program changes; however participation declined by 4% in 2015.

TAX CREDIT OPTION

	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Prior Year Participants	1591	1623	1591	1554	1588	1594
Plus New Participants	126	98	131	186	116	59
Less Attrition	-94	-130	-168	-152	-110	-128
Net New Participants	32	-32	-37	34	6	-69
Total Participants	1623	1591	1554	1588	1594	1525
Total Option Credit	\$3,195,521	\$2,993,189	\$3,102,772	\$3,744,747	\$3,936,777	\$3,786,940
Average	\$1,969	\$1,881	\$1,997	\$2,358	\$2,470	\$2,483
Average Increase				18%	4.7%	0.5%

TAX FREEZE OPTION

	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Prior Year Participants	16	14	9	8	7	5
Plus New Participants	0	0	0	0	0	0
Less Attrition	-2	-5	-1	-1	-2	0
Net New Participants	-2	-5	-1	-1	-2	0
Total Participants	14	9	8	7	5	5
Total Option Credit	\$25,855	\$26,534	\$16,540	\$17,897	\$13,279	\$17,654
Average	\$1,847	\$2,948	\$2,068	\$2,557	\$2,656	\$3,531
Average Increase						

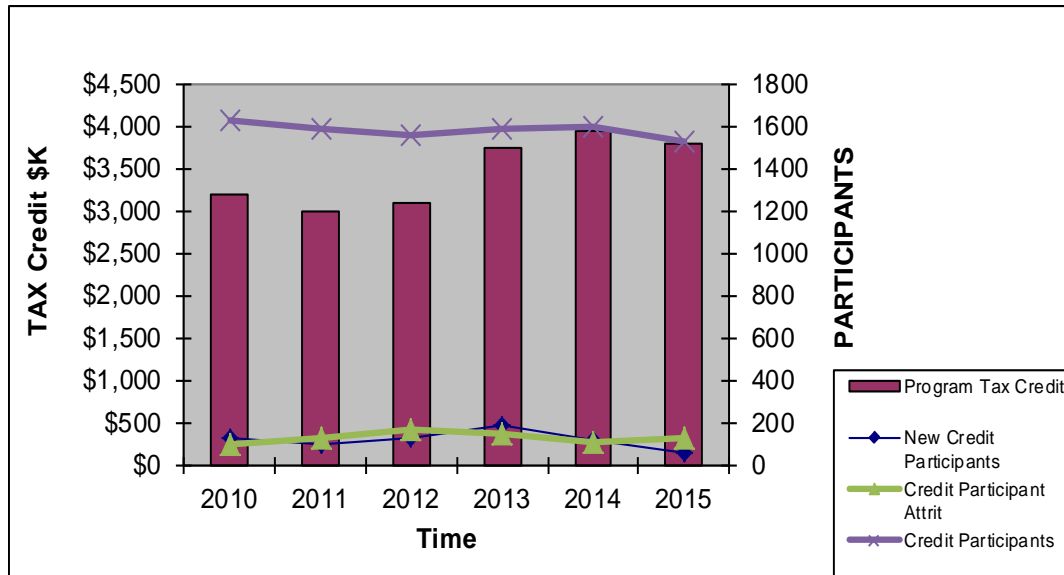
TAX DEFERAL OPTION

	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Prior Year Participants	22	19	20	16	16	13
Plus New Participants			0	0	1	0
Less Attrition			-4	0	-4	-1
Net New Participants	-3	1	-4	0	-3	-1
Total Participants	19	20	16	16	13	12
Total Option Credit	\$46,739	\$46,868	\$37,813	\$43,958	\$40,351	\$44,781
Average	\$2,460	\$2,343	\$2,363	\$2,747	\$3,104	\$3,732
Average Increase						

Total Program Participants	1656	1620	1578	1611	1612	1542
Total Program Credit	\$3,268,115	\$3,066,591	\$3,157,125	\$3,806,602	\$3,990,407	\$3,849,375

Credit Option Results:

- Tax relief under enhanced credit option increased in 2013 and 2014, but not by as much as forecasted.
- Difference between actual tax credit amount and forecasted tax credit amount was attributable to overestimate of net new participants.
- Net New Participants declined in 2015 (reasons: no longer in Fairfield, did not meet income qualification(s)).



Summary

- A review of 2015 participation results and the higher than expected attrition did not specifically indicate a deficiency in program offerings.
- Within the context of tax relief, Fairfield's program remains among the most generous in Connecticut.
- Room for improvement: Suggestions to next RTM Tax Relief Committee to improve program administration and expand eligibility.

Suggestions for Future Review:

Sections of Article III Chapter 95 in need of tighter definitions:

- The current asset cap (not including primary residence) is \$650,000. Greater specificity is needed concerning the assets to be included in the \$650,000 total (Sec. 95-8. C (9)). Current language is general.
- Define a methodology for determining the value of assets included in the asset cap (in particular the value of non-residence real estate).

Suggestions for Future Review:

Other Initiatives

- Examine the reasons for adding *other benefits and other forms of income* to Adjusted Gross Income (IRS definition) in the calculation of “qualifying income” Sec. 95-8. C (5).
- Review eligible offsets to qualifying income Sec. 95-8. C (5). Consider expanding eligible expenses beyond certain medical expenses which now only apply (eg. unanticipated car or home repair).
- The assessors office needs to document a set of procedures for the administration of the program (similar to the manual issued by the State Office of Policy and Management for the Owner Credit program). A future RTM Tax Relief committee could direct and otherwise assist in the development of such a manual.

Back Up

Program Change Comparison

SR.CITIZEN TAX RELIEF TOWN PROGRAMS 2011

SR.CITIZEN TAX RELIEF TOWN PROGRAMS 2014

Option #1 CREDIT PROGRAM

Income \$ 0 - \$60,900

Qualifying Income		Tax Credit	Tax Credit
Over	To	Married	Single
\$ 0	\$ 14,500	\$ 4,400	\$ 3,900
14,501	20,800	3,900	3,500
20,801	25,700	3,200	2,800
25,701	30,700	2,800	2,500
30,701	37,700	2,200	1,900
37,701	44,000	1,500	1,200
44,001	60,900	900	900

NO PAYBACK, NO LIEN WITH THIS PROGRAM

Option #2 FREEZE PROGRAM (FIVE YEAR MAX)

Income \$ 0 - \$49,600

Allows person to freeze last year's GROSS tax for 5 years

Example:

<u>Last year's tax</u>	<u>This year, 5% increase</u>	<u>Applicant's Gross Tax</u>
\$4,000 (gross)	\$4,200 (gross)	\$4,000 (frozen)

NO PAYBACK, NO LIEN WITH THIS PROGRAM

Option #3 DEFERRAL PROGRAM

Income \$ 0 - \$77,800

Same as the Freeze, but there is a PAYBACK and LIEN provision.

Option #1

CREDIT PROGRAM

Income \$ 0 - \$70,000

Applicants must be 65 years old as of 12/31/2014

Qualifying Income		TAX CREDIT	CAP
Over	To	% of Tax Due	Not to Exceed
\$0	\$16,700	67%	\$5,000
\$16,701	\$23,900	60%	\$4,500
\$23,901	\$29,500	50%	\$3,700
\$29,501	\$35,300	42%	\$3,500
\$35,301	\$43,400	33%	\$2,700
\$43,401	\$50,600	25%	\$2,000
\$50,601	\$70,000	15%	\$1,400

For prior credit option participants tax credit will not be less than calculated for 2012/2013, based upon 2012/2013 qualification levels.

NO PAYBACK, NO LIEN WITH THIS PROGRAM

Option #2 FREEZE PROGRAM (SIX YEAR MAX)

Income \$ 0 - \$50,600

Allows person to freeze last year's GROSS tax for 6 years

Applicants must be 65 years old as of 12/31/20XX

Example:

<u>Last year's tax</u>	<u>This year, 5% increase</u>	<u>Applicant's Gross Tax</u>
\$6,000 (gross)	\$6,300 (gross)	\$6,000 (frozen)

NO PAYBACK, NO LIEN WITH THIS PROGRAM

Option #3 DEFERRAL PROGRAM

Income \$ 0 - \$80,000

An eligible tax payer age 75 or older may defer up to 50% of his or her property tax.

This program involves both a PAYBACK and LIEN provision and is subject to program cap.

Bring your 2011 Social Security 1099 form, PLUS your 2011 Federal Income Tax Return.
If you are not filing a Federal Income Tax Return, bring all of the 1099 forms you received for 2011.

Filing Period: February 1 to May 15, 2012

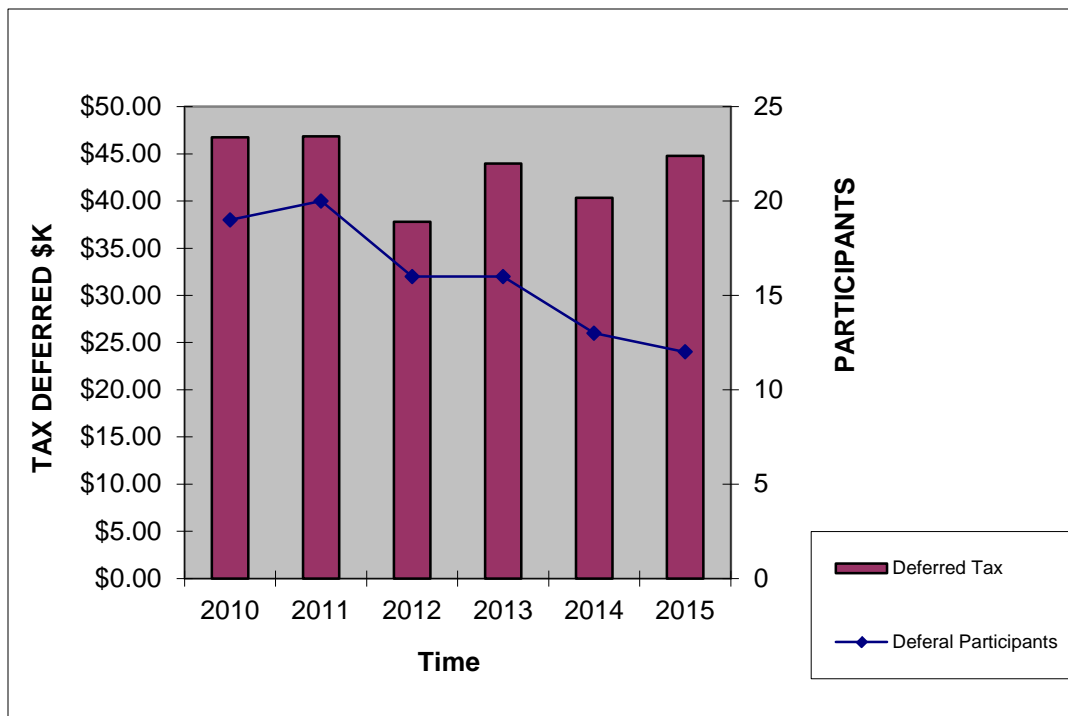
Bring your 2013 Social Security 1099 form, PLUS your 2013 Federal Income Tax Return.
If you are not filing a Federal Income Tax Return, bring all of the 1099 forms you received for 2013.

Filing Period: February 1 to May 15, 2014

Note: To apply, applicants must be 65 years old as of December 31, 2011

Deferral Program

Less popular option as it involves a lien. Offered as an alternative to leaving Fairfield.



October 9, 2014

Dear RTM members,

Below please find the proposed language for an amendment to Chapter 37 of the Town Code: Retirement System. This language is in response to the discussion in committees that the RTM, not the BOS oversee the adoption, design, contribution amounts, re-design, amendments and/or termination of the plan. This language was provided by Attorney Cohen.

Sincerely,

Pamela Iacono
Moderator, RTM

Article IV: Retirement Savings Plans other than Retirement System

§ 37-25 Retirement Savings Plans other than Retirement System.

B. With respect to any retirement savings plan referenced in (A) above established by the Representative Town Committee, the Board of Selectmen shall have exclusive authority thereafter in all matters pertaining to the administration, operation, oversight or management of such plan, but such authority of the Board of Selectmen shall not include the adoption, design (including but not limited to setting and approval of Town contribution amounts), re-design, amendment (including amendments that specify or vary the provisions of a plan that apply to different individual employees, groups or categories of Town employees, including those working for the Board of Education), or termination of such plan. As for those actions, or any other action that is not part of the administration, operation, oversight or management of such plan, the RTM retains exclusive authority with respect to all such actions involving such plan. To the extent designated in the terms of such plan, the Board of Selectmen or its designee shall also serve as the plan administrator of the plan, with such responsibilities, as set forth in the plan document, that are not inconsistent with the Board of Selectmen's authority as specified in this subsection B.

Chapter 37 Retirement System

CURRENT CODE:

Article I: Establishment and Administration of Systems

37-1 Definitions

MEMBER

All full-time employees of the Town except regular members of the Police and Fire Departments and certificated employees of the Board of Education.

[Amended 4-27-1987]

PROPOSED CODE:

37-1 Definitions

MEMBER

All full-time employees of the Town and the Board of Education, except (A) regular members of the Police and Fire Departments, (B) certified employees of the Board of Education and (C) all other employees of the Town and the Board of Education who are excluded from membership pursuant to Section 37-3(C).

Chapter 37 Retirement System

CURRENT CODE:

Article I: Establishment and Administration of Systems

37-1 Definitions

SYSTEM OR RETIREMENT SYSTEM

The Town of Fairfield Employee Retirement System.

PROPOSED CODE:

37-1 Definitions

SYSTEM OR RETIREMENT SYSTEM

The Town of Fairfield Employee Retirement System, which shall not include any of the retirement savings plans referred to in Article IV of this Chapter 37.

Chapter 37 Retirement System

CURRENT CODE:

Article I: Establishment and Administration of Systems

37-3 Obtaining Membership

- A. Any full-time employee of the Town on March 15, 1966, could have become a member of the retirement system by filing written application with the Employees' Retirement Board by April 14, 1966.
- B. Any person who becomes a full-time employee after March 15, 1966, shall become a member of the retirement system if he qualifies in accordance with the rules and regulations of the Retirement Board.
[Amended 4-27-1987]

PROPOSED CODE:

37-3 Obtaining Membership

- A. Any full-time employee of the Town on March 15, 1966, could have become a member of the retirement system by filing written application with the Employees' Retirement Board by April 14, 1966.
- B. Any person who becomes a full-time employee after March 15, 1966, and before November 1, 2015, shall become a member of the Retirement System if he qualifies in accordance with the rules and regulations of the Retirement Board.
- C. All employees of the Town or Board of Education hired on or after November 1, 2015 shall participate in a Retirement Savings Plan, such as a 401(a) type pension plan, with no eligibility or vesting rights in the Town's existing Retirement System, unless the person is a full-time employee who is a member of a collective bargaining unit and the collective bargaining agreement in effect and covering such person provides that such person is eligible to participate in the Retirement System.

Chapter 37 Retirement System

Addition of a new Article, to be added at the end of Chapter 37 to provide as follows:

Article IV: Retirement Savings Plans other than the Retirement System.

37-25 Retirement Savings Plans other than the Retirement System

A. Separate from the Retirement System of the Town established in this Chapter 37, the Representative Town Meeting may establish retirement savings plans, including money purchase pension plans, for purposes of providing eligible employees of the Town, including eligible employees working for the Board of Education, with retirement savings plans other than the Retirement System that enable such eligible employees to participate in such retirement savings plans that satisfy the requirements of section 401(a), section 457, 403(b) or any other applicable section of the Internal Revenue Code.

++++B. With respect to any retirement savings plan referenced in (A) above established by the Representative Town Meeting, the Board of Selectmen shall have exclusive authority thereafter in all matters pertaining to the administration, operation, design, oversight, management and amendment of said plan, including amendments that specify or vary the provisions of the plan that apply to different individual employees, groups or categories of Town employees, including those working for the Board of Education. To the extent designated in the terms of such plan, the Board of Selectmen or its designee shall also serve as the plan administrator of the plan, with such responsibilities, as set forth in the plan document, that are not inconsistent with the Board of Selectmen's authority as specified in this subsection B.

++++*there was confusion over the intent of the original language in section B submitted by Attorney Cohen when L&A met, therefore the language above for section B has been re-written by Attorney Cohen. It was approved in form by L&A and is before the Body as consideration for content.*

7/23/15

Formatted: Right, Indent: Left: 1"

Formatted: Font: 10 pt

Chapter 99. Transient Merchants

§99-1. - Definition.

For the purposes of this article, the term "transient merchant" means and includes all persons who engage in itinerant business in the Town or selling, or offering for sale, any goods, printed matter or merchandise, including photographs or portraits, or exhibiting the same for sale or exhibiting the same for the purpose of taking orders for the sale thereof; ~~who have their headquarters in places other than the Town or who have had their headquarters in the Town for less than one (1) year.~~

The term "transient Merchant" shall not include a farmer or gardener selling the produce of his own farm or garden; salesman selling goods to retail or wholesale establishments within the town for resale; vendors at fairs of the Town of Fairfield or Board of Education property or vendors operating under a valid lease with the Board of Parks and Recreation at town parks or beaches; any person engaged in the selling of goods and services on behalf of or under the authority of any charitable or nonprofit organization which is registered with the Secretary of State of Connecticut; persons requested or invited to call upon private residences by any owner or occupant thereof; a person using a roadside or outside stand or booth located on the same site as an established business owned and operated by the same person; or a minor using a roadside or outside stand or booth located at his/her home.

Formatted: Font: Arial, Not Highlight

§99-2 License required

- (a) All transient merchants shall be prohibited from conducting business within the Town without first obtaining a license. The Chief of Police [for the Fairfield Police Department](#) shall issue any transient merchant a license authorizing such transient merchant to sell, exhibit for sale, or exhibit for the purpose of taking orders for the sale thereof, in the Town, his goods or merchandise only after such transient merchant has fully complied with ~~subsection (b)~~ [section \(99-3\)](#) below and made payment in accordance with the schedule of fees as enumerated in section (99-5).

§99-3 Application

- (a) The transient merchant shall make application to the Chief of Police for a license at least ten (10) days prior to the date of his contemplated sale or exhibit to be held in the Town, which application shall be in the form of a sworn affidavit stating:
- (1) The full name and [home and business](#) address of the transient merchant;
 - (2) A physical description of the applicant, setting forth the applicants age, height, weight, color of hair and eyes;
 - (3) The location of his principal office and place of business;

- (4) The designated agent for service of process within the state, or if none, the names and addresses of the officers if it is a corporation, and the partnership name and names and addresses of all partners if the transient merchant is a firm;
- (5) The names and addresses of all the transient merchant's agents and employees who will represent the transient merchant in the Town as salesmen;
- (6) A statement showing the kind and character of the goods or merchandise to be sold, offered for sale, or exhibited;
- (7) A statement as to the period not to exceed 90 days, during which the applicant intends to solicit orders;
- (8) A statement as to whether or not the applicant has registered with nearest local office of the Better Business Bureau;
- (9) ~~————~~ A statement as to whether the applicant has ever been convicted of any felonies or misdemeanor(s), or has such charges pending; and been convicted of any crime; felonies or has such charges pending and and
- (10) A statement as to whether the applicant has ever been refused a license or permits to sell in or ever had a license or permit revoked by the Town or by any other municipality or state.

Formatted: Indent: Left: 0.3", First line: 0"

Formatted: Indent: Left: 0", First line: 0"

(b) The applicant shall submit:

- (1) Identification in the form of a government issued ID;
- (2) A specimen of his signature;
- (3) A photograph (two inches by two inches); ~~}}~~
- (4) A copy of the applicants State of Connecticut sales and use tax permit;
- (5) When applicable, a copy of a valid Health Department certificate enforceable for the same period of time as the requested permit;
- (6) When applicable, a copy of a certificate from the State Sealer of Weights and Measurers indicating that all weights and measures used by the applicant in his or her business have been approved and stamped;
- (7) The application fee in the amount described in this chapter;
- (8) Proof of insurance;
- (9) If the applicant is from out of state, a certificate in good standing from the Secretary of the State providing that the firm or corporation is qualified to conduct business in the State of Connecticut; and
- (10) Identifying information for the motor vehicle, including a copy of the registration thereof, is any, to be used by the applicant.

Formatted: Indent: Left: 0.5", First line: 0"

Formatted: Indent: Left: 0.5"

(11) If the application is for a temporary license, the desired date of commencement. ~~In addition, the applicant shall submit identification in the form of a government issued identification, a specimen of his signature, a photograph (two inches by two inches), and a copy of the applicants State of Connecticut sales and use tax permit.~~

Formatted: Indent: Left: 0"

Formatted: Indent: Left: 0.5"

(c) Each applicant shall be fingerprinted and photographed, and any such fingerprints may in the discretion of the Chief of Police, be sent to the Federal Bureau of Investigation and to the Connecticut State Police Investigation Department for further investigation.

(d) The signature on the application shall be witnessed by the Chief of Police, or his or her agent.

Formatted: Indent: Left: 0", First line: 0"

(e) Any applicant proposing to place or operate a roadside or outside stand or both shall also exhibit a certificate of zoning compliance with respect to any such location.

Formatted: Indent: Left: 0.3", First line: 0"

§99-4 Issuance of License

A. Upon compliance by the applicant with the foregoing provisions, the Police Department shall retain one original application and stamp and, within 10 days, return to the applicant a duplicate copy, which shall constitute a license hereunder.

B. The stamp applied to the applicant's license shall bear the legend:

License No:

Date of issue:

Date of Expiration:

Police Department, Fairfield, Connecticut

C. The license must be signed by the Chief of Police or his or her agent.

D. The license shall be nontransferable and nonassignable.

E. Any license issued shall be accompanied by a notice which will contain the following language: "No person shall sell or offer for sale upon a public street, sidewalk or other public place any spray string, stink bomb or other substantially similar article pursuant to Chapter 99 of the Code of the Town of Fairfield. [Added 3-25-1996[1]]

[1] Editor's Note: This legislation was subject to referendum. No valid petition was filed.

F. Reasons for denial:

The Chief of Police may refuse to issue a transient merchant's license if:

- ~~(1) The applicant has given false or misleading information on his application;~~
- ~~(2) The applicant fails to give all the information required in section (b); or~~
- ~~(3) The applicant has been convicted of a crime.~~

(1) The location and time of the activities described in the application would endanger the safety and welfare of the applicant or its customers;

Formatted: Font: (Default) Arial, 12 pt

Formatted: Indent: Left: 0.3"

(2) An investigation reveals that the applicant falsified information on the application;

(3) The applicant has been convicted of a felony ~~or, misdemeanor or ordinance violation~~ involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property;

Formatted: Font: (Default) Arial, 12 pt

(4) The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five years immediately preceding the date of application;

(5) There is no proof as to the authority of the applicant to serve as an agent to the principal;

(6) The applicant has been denied a permit under this chapter within the immediate past year, unless the applicant can and does show to the satisfaction of the Chief of Police, ~~or his or her agent,~~ that the reasons for such earlier denial no longer exist; or

Formatted: Font: (Default) Arial, 12 pt

(7) The applicant failed to supply the requested application information outlined in § 99-3.

Formatted: Font: 12 pt

Formatted: Indent: Left: 0.3", First line: 0"

~~Reasons for Revocation.~~

~~The Chief of Police, or his or her agent, may revoke a transient merchant's license if:~~

- ~~(1) The applicant has given false or misleading information on his application;~~
- ~~(2) The applicant or his agents or employees violate any of the provisions of this article; or~~
- ~~(3) The applicant or his agents or employees are convicted of a crime.~~

§99-5 Fees.

Except as hereinafter provided, the following fees shall be charged for transient merchant's licenses:

- (1) Nonresident
 - a. For a one-year transient merchant's license, a fee of ~~\$250.00~~350.00
 - b. For a temporary transient merchant's license, a fee of ~~\$100.00~~200.00
- (2) Resident
 - a. For a one-year transient merchant's license, a fee shall be charged based on the cost of processing said license. The fee, however, shall be no less than ~~\$50.00~~ 75.00 or no more than ~~\$75.00~~100.00
 - b. For a temporary transient merchant's license, a fee shall be charged based on the cost of processing said license. The fee, however, shall be no less than ~~\$25.00~~ 50.00 or no more than ~~\$50.00~~ 75.00.
 - c. For any person under the age of 16, no fee.

Exemptions:

(1) Pursuant to section 21-30 of the Connecticut General Statutes, U.S. military veterans shall be licensed under this article without paying a license fee, provided that the veteran:

- A. Has resided in the state for two (2) years preceding the date of application for such license;
- B. Served in time of war as defined by section 27-103 of the Connecticut General Statutes; and
- C. Was honorably discharged from military service. The veteran shall produce his/her certificate of honorable discharge from military service or a copy thereof certified by the city/town clerk from the records of the city/town where such certificate of discharge is recorded as provided in section 12-93 of the Connecticut General Statutes, for inspection, together with a certificate from the city/town clerk that the applicant is a resident of the state.

Any person who makes a false representation for the purpose of obtaining a license under this section shall be fined not more than two hundred fifty dollars (\$250.00) and said license shall be automatically revoked.

Fingerprinting fees are separate from the Transient Merchant Fees:

Formatted: Indent: Left: 0.75"

Formatted: Indent: Left: 0.75"

Formatted: Indent: Left: 1"

Formatted: Indent: Left: 0.75"

Formatted: Normal, No bullets or numbering

a. An amount in accordance with the current State of Connecticut fingerprinting fee payable to the Treasurer of the State of Connecticut

b. An amount in accordance with the current Town of Fairfield fingerprinting fee payable to the the Fairfield Police Department

c. Fingerprinting is mandatory every year.

Formatted: Font: (Default) Arial, 12 pt

Formatted: Numbered + Level: 1 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 1" + Indent at:
1.25"

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial, 12 pt

Formatted: Normal, No bullets or numbering

Formatted: Font: (Default) Arial, 12 pt

§99-6. Display of Badge

Each person holding a license shall, when engaged in the sales activities regulated herein, shall prominently display a suitable badge furnished by the Chief of Police, or his or her agent, indicating that such person is a licensed transient merchant. The badge shall contain the transient merchant's license number, name, photograph, and date of expiration of such license and signature of the licensee.

Each Licensee who uses a motor vehicle shall plainly and conspicuously display on the front windshield of such motor vehicle a sign issued by the Chief of Police indicating that such person is a licensed transient merchant. Such sign shall contain the license plate number, the transient merchant's license number, and the date of expiration of the license.

§99-7. Terms of License; hours of solicitation.

- a. The transient merchant's license shall expire one year from the date of issuance, except for temporary transient merchant's licenses, which shall be issued by the Chief of Police for periods not exceeding 10 consecutive days.
- b. The hours of solicitation by transient merchants shall be from 9:00~~10:00~~ AM through 6:00~~5:00~~ PM, during the months when standard time is being observed and the hours of 9:00 AM through 8:00 PM during the months when daylight savings time is being observed. However the following exceptions will apply: Food and/or Ice Cream Truck transient merchant hours of solicitation shall be 10:00 am to 8:00 PM. Parade vendor transient merchant hours of solicitation shall be 8:30 AM to 1:00 PM.

§99-8 Conduct of Transient Merchants.

Any person operating in the town as a transient merchant, whether or not exempt from the licensing provisions of this article, shall conform to the following regulations:

- (1) The transient merchant shall conduct himself/herself at all times in an orderly and lawful manner.
- (2) The transient merchant shall immediately identify himself/herself by means of a firm or corporate identification card and/or a valid state motor vehicle driver's license.
- (3) The transient merchant shall, prior to a solicitation of a sale at the residence of a buyer or prospective buyer, clearly, affirmatively and expressly reveal at the time the seller initially contacts the buyer or prospective buyer and before making any other statement or asking the buyer any question, that the purpose of the contract is to effect a sale, stating in general terms the goods or services the seller has to offer.
- (4) The transient merchant shall give a written receipt to the purchaser for all orders taken within the Town where a down payment is received, which receipt shall be signed by the solicitor and shall set forth a brief description of the goods, wares, merchandise or services ordered, the total purchase price thereof, and the amount of the down payment received by the solicitor from the purchaser.
- (5) No solicitation shall be conducted door to door during the period prior to 10:00 a.m. or after 5:00 p.m.

On all solicitation to sell, whether made in person, by telephone or otherwise, the licensee shall state his name, his principal's name and his permit number upon request. The permit is valid only between the hours of 10:00 a.m. to 5:00 p.m.

- (6) No solicitation will be conducted in a manner as it obstructs or prevents the free and convenient use of any street or sidewalk within the town.
- (7) Transient merchants are prohibited from selling or offering for sale upon any public street, sidewalk, or other place, any of the following articles or similar articles: spray string, stink bombs, and substantially similar

devices. Added 3-25-1996^[1]

[1] Editor's Note: This legislation was subject to referendum. No valid petition was filed.

§99-9 Penalties for offenses

Any person violating any of the provisions of this chapter or making any false statements or misrepresentation of the facts for the purpose of obtaining permission to conduct themselves as a transient merchant in the town, shall be subject to a fine not to exceed \$5400.00, for each solicitation or sale which occurred. Penalties may be imposed in addition to violation of any and all violation of law.

§99-10. Revocation.

- A. The license issued pursuant to this chapter may be revoked by the Board of Police Commissioners of the Town, after notice and hearing, for any of the following causes:
- (1) Any fraud, misrepresentation or false statement contained in the application for license.
 - (2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares, or merchandise.
 - (3) Any violation of this chapter.
 - (4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude.
 - (5) Conducting the business licensed under this chapter in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- B. Notice of hearing for revocation of a license shall be given in a writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee, at his known address, at least five days prior to the date set for the hearing.

BOE

Non-Union Positions in Pension

Director of Operations \$169,391

Director of Finance and Business Services \$169,391

Manager of Information Technology \$118,238

Transportation Supervisor \$93,223

Manager of Construction, Safety and Security \$108,963

Maintenance Supervisor \$84,760

Custodial Supervisor (2) \$86,344/\$72,000

Application Integration Specialist \$88,316

School Support Services Liaison \$81,094

Human Resources Support Specialist \$75,877

Business Systems Analyst \$85,856

Transition Specialist Special Education \$91,953

Webmaster \$64,442

Accounting Supervisor \$72,245

Administrative Assistant-Superintendent \$76,894

Administrative Assistant-Business Office \$81,094

Head of Security \$68,895

Security Officer (2) \$30,345/\$30,345

Student Assistance Counselor (2) \$47,961/\$67,396

Career Center Assistant (2) \$38,051/\$38,051

Technical Services, Software Support \$80,976

Grand Total Salaries = \$2,022,101

Average Salary for 25 Non-Union Positions = \$80,884

Town of Fairfield
Non-Union Town Employees in Pension System

<u>Position (Department Head)</u>	<u>Annual Salary</u>	
1 IT Director	\$106,100	
2 First Selectman	131,428	
3 Chief Fiscal Officer	147,704	
4 DPW Director	140,610	
5 Human Services Director	80,370	
6 Chief of Staff	93,636	
7 Public Works Supt	137,689	
8 Town Planner	136,909	
9 Tax Assessor	119,067	
10 Director of Health	118,842	
11 Town Librarian	121,614	
12 Conservation Director	115,000	
13 Golf Superintendent	100,595	
14 Dep. Chief of Staff	65,866	
15 Town Clerk	92,597	
16 Director of Parks & Rec.	124,006	
17 Human Resources Director	119,957	
18 Purchasing Director	113,368	
19 Com. and Econ Dev. Dir.	129,181	
20 Admin Asst.-First Selectman	<u>57,471</u>	
Subtotal - Department Head Salaries		2,252,010

<u>Position (Other)</u>		
1 HR Assistant	66,162	
2 Assistant Town Clerk	73,556	
3 Assistant Town Clerk	71,802	
4 Benefits Manager	95,842	
5 Risk Manager	<u>93,050</u>	
Subtotal - Other Salaries		400,412

Grand Total Salaries	<u><u>\$2,652,422</u></u>
-----------------------------	----------------------------------

Average Salary for 25 Non-Union Positions	\$106,097
--	------------------

Chapter 99. Transient Merchants

§99-1. - Definition.

For the purposes of this article, the term "transient merchant" means and includes all persons who engage in itinerant business in the Town or selling, or offering for sale, any goods, printed matter or merchandise, including photographs or portraits, or exhibiting the same for sale or exhibiting the same for the purpose of taking orders for the sale thereof., ~~who have their headquarters in places other than the Town or who have had their headquarters in the Town for less than one (1) year.~~

The term "transient Merchant" shall not include a farmer or gardener selling the produce of his own farm or garden; salesman selling goods to retail or wholesale establishments within the town for resale; vendors at fairs of the Town of Fairfield or Board of Education property or vendors operating under a valid lease with the Board of Parks and Recreation at town parks or beaches; ~~any person engaged in the selling of goods and services on behalf of or under the authority of any charitable or nonprofit organization which is registered with the Secretary of State of Connecticut;~~ persons requested or invited to call upon private residences by any owner or occupant thereof; a person using a roadside or outside stand or booth located on the same site as an established business owned and operated by the same person; ~~any person under 18 years old (and any adult chaperon for that youth) who is selling on behalf of or under the authority of a 501c3 nonprofit or minor using a roadside or outside stand or booth located at his/her home or selling his or her own goods (such as lemonade).~~

§99-2 License required

(a) All transient merchants shall be prohibited from conducting business within the Town without first obtaining a license. The Chief of Police ~~for the Fairfield Police Department~~ shall issue any transient merchant a license authorizing such transient merchant to sell, exhibit for sale, or exhibit for the purpose of taking orders for the sale thereof, in the Town, his goods or merchandise only after such transient merchant has fully complied with ~~subsection (b) section (99-3)~~ below and made payment in accordance with the schedule of fees as enumerated in section (99-5).

§99-3 Application

(a) The transient merchant shall make application to the Chief of Police for a license at least ten (10) days prior to the date of his contemplated sale or exhibit to be held in the Town, which application shall be in the form of a sworn affidavit stating:

- (1) The full name and ~~home and business~~ address of the transient merchant;
- (2) A physical description of the applicant, setting forth the applicants age, height, weight, color of hair and eyes.;
- (3) The location of his principal office and place of business;
- (4) The designated agent for service of process within the state, or if none, the names and addresses of the officers if it is a corporation, and the partnership name and names and addresses of all partners if the transient merchant is a firm;
- (5) The names and addresses of all the transient merchant's agents and employees who will represent the transient merchant in the Town as salesmen;
- (6) A statement showing the kind and character of the goods or merchandise to be sold, offered for sale, or exhibited;
- (7) A statement as to the period ~~not to exceed 90 days~~, during which the applicant intends to solicit orders;
- (8) A statement as to whether or not the applicant has registered with nearest local office of the Better Business Bureau;

(9) A statement as to whether the applicant has ever been convicted of any felonies or misdemeanor(s), or has such charges pending; and ~~been convicted of any crime; felonies or has such charges pending and~~

(10) A statement as to whether the applicant has ever been refused a license or permits to sell in or ever had a license or permit revoked by the Town or by any other municipality or state.

(b) The applicant shall submit:

(1) Identification in the form of a government issued ID;

(2) A specimen of his signature;

(3) A photograph (two inches by two inches);--}}

(4) A copy of the applicants State of Connecticut sales and use tax permit;

(5) When applicable, a copy of a valid Health Department certificate enforceable for the same period of time as the requested permit;

(6) When applicable, a copy of a certificate from the State Sealer of Weights and Measurers indicating that all weights and measures used by the applicant in his or her business have been approved and stamped;

(7) The application fee in the amount described in this chapter;

(8) Proof of insurance;

(9) If the applicant is from out of state, a certificate in good standing from the Secretary of the State providing that the firm or corporation is qualified to conduct business in the State of Connecticut; and

(10) Identifying information for the motor vehicle, including a copy of the registration thereof, is any, to be used by the applicant.

(11) If the application is for a temporary license, the desired date of commencement. ~~In addition, the applicant shall submit identification in the form of a government issued identification, a specimen of his signature, a photograph (two inches by two inches), and a copy of the applicants State of Connecticut sales and use tax permit.~~

(c) Each applicant shall be fingerprinted and photographed, and any such fingerprints may in the discretion of the Chief of Police, be sent to the Federal Bureau of Investigation and to the Connecticut State Police Investigation Department for further investigation.

(d) The signature on the application shall be witnessed by the Chief of Police, or his or her agent.

(e) Any applicant proposing to place or operate a roadside or outside stand or both shall also exhibit a certificate of zoning compliance with respect to any such location.

§99-4 Issuance of License

A. Upon compliance by the applicant with the foregoing provisions, the Police Department shall retain one original application and stamp and, within 10 days, return to the applicant a duplicate copy, which shall constitute a license hereunder.

B. The stamp applied to the applicant's license shall bear the legend:

License No:

Date of issue:

Date of Expiration:

Police Department, Fairfield, Connecticut

C. The license must be signed by the Chief of Police or his or her agent.

D. The license shall be nontransferable and nonassignable.

E. Any license issued shall be accompanied by a notice which will contain the following language: "No person shall sell or offer for sale upon a public street, sidewalk or other public place any spray string, stink bomb or other substantially similar article pursuant to Chapter 99 of the Code of the Town of Fairfield. [Added 3-25-1996[1]]

[1] Editor's Note: This legislation was subject to referendum. No valid petition was filed.

F. Reasons for denial:

The Chief of Police may refuse to issue a transient merchant's license if:

~~(1) The applicant has given false or misleading information on his application;~~

~~(2) The applicant fails to give all the information required in section (b); or~~

~~(3) The applicant has been convicted of a crime.~~

(1) The location and time of the activities described in the application would endanger the safety and welfare of the applicant or its customers;

(2) An investigation reveals that the applicant falsified information on the application;

(3) The applicant has been convicted of a felony or, misdemeanor ~~or ordinance violation~~ involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property;

(4) The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five years immediately preceding the date of application;

(5) There is no proof as to the authority of the applicant to serve as an agent to the principal;

(6) The applicant has been denied a permit under this chapter within the immediate past year, unless the applicant can and does show to the satisfaction of the Chief of Police, or his or her agent, that the reasons for such earlier denial no longer exist; or

(7) The applicant failed to supply the requested application information outlined in §99-3.

~~Reasons for Revocation.~~

~~The Chief of Police, or his or her agent, may revoke a transient merchant's license if:~~

~~(1) The applicant has given false or misleading information on his application;~~

~~(2) The applicant or his agents or employees violate any of the provisions of this article; or~~

~~(3) The applicant or his agents or employees are convicted of a crime.~~

§99-5 Fees.

Except as hereinafter provided, the following fees shall be charged for transient merchant's licenses:

(1) Nonresident

a. For a one-year transient merchant's license, a fee of ~~\$250.00~~ **\$350.00**

b. For a temporary transient merchant's license, a fee of ~~\$400.00~~ **\$200.00**

(2) Resident

a. For a one-year transient merchant's license, a fee shall be charged based on the cost of processing said license. The fee, however, shall be no less than ~~\$50.00~~ **\$75.00** or no more than ~~\$75.00~~ **\$100.00**

b. For a temporary transient merchant's license, a fee shall be charged based on the cost of processing said license. The fee, however, shall be no less than ~~\$25.~~ **\$50.00** or no more than ~~\$50~~ **\$75.00**.

c. For any person under the age of 16, no fee.

Exemptions:

(1) Pursuant to section 21-30 of the Connecticut General Statutes, U.S. military veterans shall be licensed under this article without paying a license fee, provided that the veteran:

A. Has resided in the state for two (2) years preceding the date of application for such license;

B. Served in time of war as defined by section 27-103 of the Connecticut General Statutes; and

C. Was honorably discharged from military service. The veteran shall produce his/her certificate of honorable discharge from military service or a copy thereof certified by the city/town clerk from the records of the city/town where such certificate of discharge is recorded as provided in section 12-93 of the Connecticut General Statutes, for inspection, together with a certificate from the city/town clerk that the applicant is a resident of the state.

(2): Any person who is seeking to sell under the auspices of a 501c3 nonprofit organization may apply for a license under this article at no fee.

Any person who makes a false representation for the purpose of obtaining a license under this section shall be fined not more than two hundred fifty dollars (\$250.00) and said license shall be automatically revoked.

Fingerprinting fees are separate from the Transient Merchant Fees:

a. An amount in accordance with the current State of Connecticut fingerprinting fee payable to the Treasurer of the State of Connecticut

b. An amount in accordance with the current Town of Fairfield fingerprinting fee payable to the Fairfield Police Department

c. Fingerprinting is mandatory every year.

§99-6. Display of Badge

Each person holding a license shall, when engaged in the sales activities regulated herein, shall prominently display a suitable badge furnished by the Chief of Police, or his or her agent, indicating that such person is a licensed transient merchant. The badge shall contain the transient merchant's license number, name, photograph, and date of expiration of such license and signature of the licensee.

Each Licensee who uses a motor vehicle shall plainly and conspicuously display on the front windshield of such motor vehicle a sign issued by the Chief of Police indicating that such person is a licensed transient merchant. Such sign shall contain the license plate number, the transient merchant's license number, and the date of expiration of the license.

§99-7. Terms of License; hours of solicitation.

a. The transient merchant's license shall expire one year from the date of issuance, except for temporary transient merchant's licenses, which shall be issued by the Chief of Police for periods not exceeding 10 consecutive days.

b. The hours of solicitation by transient merchants shall be from ~~9:00~~10:00 AM through ~~6:00~~5:00 PM. ~~during the months when standard time is being observed and the hours of 9:00 AM through 8:00 PM during the months when daylight savings time is being observed.~~ However the following exceptions will apply: Food and/or Ice Cream Truck transient merchant hours of solicitation shall be 10:00 am to 8:00 PM. Parade vendor transient merchant hours of solicitation shall be 8:30 AM to 1:00 PM.

§99-8 Conduct of Transient Merchants.

Any person operating in the town as a transient merchant, whether or not exempt from the licensing provisions of this article, shall conform to the following regulations:

- (1) The transient merchant shall conduct himself/herself at all times in an orderly and lawful manner.
- (2) The transient merchant shall immediately identify himself/herself by means of a firm or corporate identification card and/or a valid state motor vehicle driver's license.
- (3) The transient merchant shall, prior to a solicitation of a sale at the residence of a buyer or prospective buyer, clearly, affirmatively and expressly reveal at the time the seller initially contacts the buyer or prospective buyer and before making any other statement or asking the buyer any question, that the purpose of the contract is to effect a sale, stating in general terms the goods or services the seller has to offer.
- (4) The transient merchant shall give a written receipt to the purchaser for all orders taken within the Town where a down payment is received, which receipt shall be signed by the solicitor and shall set forth a brief description of the goods, wares, merchandise or services ordered, the total purchase price thereof, and the amount of the down payment received by the solicitor from the purchaser.
- (5) No solicitation shall be conducted door to door during the period prior to 10:00 a.m. or after 5:00 p.m. On all solicitation to sell, whether made in person, by telephone or otherwise, the licensee shall state his name, his principal's name and his permit number upon request. The permit is valid only between the hours of 10:00 a.m. to 5:00 p.m.
- (6) No solicitation will be conducted in a manner as it obstructs or prevents the free and convenient use of any street or sidewalk within the town.
- (7) Transient merchants are prohibited from selling or offering for sale upon any public street, sidewalk, or other place, any of the following articles or similar articles: spray string, stink bombs, and substantially similar devices. Added 3-25-1996^[1]

[1] Editor's Note: This legislation was subject to referendum. No valid petition was filed.

§99-9 Penalties for offenses

Any person violating any of the provisions of this chapter or making any false statements or misrepresentation of the facts for the purpose of obtaining permission to conduct themselves as a transient merchant in the town, shall be subject to a fine not to exceed \$4500.00, for each solicitation or sale which occurred. Penalties may be imposed in addition to violation of any and all violation of law.

§99-10. Revocation.

A. The license issued pursuant to this chapter may be revoked by the Board of Police Commissioners of the Town, after notice and hearing, for any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for license.
 - (2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares, or merchandise.
 - (3) Any violation of this chapter.
 - (4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude.
 - (5) Conducting the business licensed under this chapter in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- B. Notice of hearing for revocation of a license shall be given in a writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee, at his known address, at least five days prior to the date set for the hearing.