

**TOWN OF MARLBOROUGH
NOTICE OF PUBLIC HEARING (s)
Marlborough Town Hall
September 20, 2011
Beginning at 6:00PM**

First Selectman called the Public Hearing to order at 6:00pm. Present and seated were Bill Black, Joseph A. La Bella, Riva Clark.

Legal notice read into record by First Selectman, Bill Black:

The legal voters of the Town of Marlborough and those eligible to vote at town meetings are hereby notified and warned that a Public Hearing will be held on Tuesday, September 20, 2011 beginning at 6:00pm.

- **6:00PM – Commission on Aging – revised membership**
 - B. Black stated that when the ordinance for the COA was originally published, the COA pointed out the number of members was being offset by one. The following wording is being requested for elimination “The Town of Marlborough’s municipal agent for elderly persons appointed pursuant to Connecticut General Statute §7-127b(a) shall be a regular member of the Commission.” The following language is requested to be added: “The Town of Marlborough’s municipal agent for elderly persons appointed pursuant to Connecticut General Statute §7-127b(a) shall be an ad hoc member of the Commission.” This will free up a membership position.
 - Comments: Dennis Hawrylko, 15 Lake Ridge Dr, Chairman COA: Mr. Hawrylko saw nothing wrong with this and stated the COA membership also supports the changes. He did make a request for himself and two other candidates to be sworn in as well as to have Betty Sullivan replace Linda West who resigned.

J. La Bella made a motion to close the public hearing on the Commission on Aging – revised membership. R. Clark seconded the motion. The motion passed unanimously.

- **6:15PM – Property Tax Relief for Sixty-Five or over or Permanently and Totally Disabled – proposal was changed, Qualifying Income section revised.**
 - B. Black stated a proposal was put forward by the COA to provide property tax relief. Several options were explored such as deferred taxes, rebate/reduction of tax bill, standard freeze programs. COA recommendation was to not have a property lien and to provide for those living on fixed incomes, savings or those without a pension. Discussion also took place about tying in to income levels. Seniors are tax contributors and typically pay more in taxes than they receive in services. The current proposal would provide tax relief on a sliding scale.
 - Comments:

- Dennis Hawrylko, 15 Lake Ridge Dr, Chairman COA stated the COA membership's original intent was to keep seniors in their homes. Mr. Hawrylko pointed out that the Section numbers in the ordinance have already been used so the Town Clerk will need to change them. On the top of Page 2 words seem to be missing after 'Social Security and.' On the top of Page 5, the table for amount of tax abatement, indicates those with income over \$45,300 would receive \$300 in tax relief. Mr. Hawrylko stated the COA never espoused that kind of benefit which would give \$300 to every person over 65 with an income over \$45,300 and that it was not the intent of this proposal. The COA's goal was to get the tax relief to those who need it. Their recommendation is to strike the over 45 income level and go to the original proposal which had two income categories. He further recommended taking the \$300 and putting it back into the other two levels i.e. increase \$500 to \$700 and \$400 to \$500. He stated he didn't see the logic of the current table and that \$300 for the top tier residents takes away from the people who really need it.
- Marilyn Murphy Hickory Road: Ms. Murphy agreed with Mr. Hawrylko's comments. She also stated the intent was not to provide a benefit to everyone and felt the over 45 income level should be taken out and given back to the other two income brackets.
- Emma Cranfield 120 West Road: She stated she does not want the town residents to think the COA is trying to take money from the town that could be better spent in other areas.
- Midge Denno Jones Hollow Road: Ms. Denno concurred with the other members of the COA. She stated this wasn't intended to be an entitlement program but to help the neediest in the community.
- Amy Traversa: Ms. Traversa stated she is glad the COA favors income caps and felt it is necessary. She stated she would like some consideration given to having a lien against the home in these amounts that would be paid back to the town upon sale of the home.
- Cliff Denniss 111 Cheney Road: Mr. Denniss would also like to see a lien provision added to the ordinance. He stated he doesn't feel the town should be providing elderly and disabled "estate planning." He stated that if everyone took the tax relief calculated at \$300 the tax liability would be over \$109,000. Mr. Denniss pointed out in Section A20-7 Maximum Abatement the statement regarding "the program shall not exceed an amount equal to ten percent of the total real property tax assessed..." could potentially result in a tax liability of over \$1.6 million. In Section A20-3 - Application Item A the sentence should read 'Town Assessor of the Town of Marlborough.' In the same section item B states applications need to be filed between February 1 and May 15. Mr. Denniss pointed out that this year's first budget vote didn't take place until May 2nd. Without a maximum amount in the ordinance as to what the town is liable for it is difficult to come up with a budget. Regarding the lien, the COA Financial

Review Committee made a motion, and was accepted by that committee, to have a third option which would include a lien and 5% interest on the property.

- Richard Shea 33 Bull Hill Road: member of BOF and also speaking on own behalf stated that although there has been a lot of back and forth discussion about this ordinance, Mr. Shea doesn't believe the BOF has been forwarded a recommendation by the BOS. In the body of the ordinance Page 2 item 7, Mr. Shea questioned whether the town has the means to verify if someone receives a tax benefit from another municipality, other than relying on the respondent's answer on an application. Mr. Shea brought up a concern with the principal residence requirement, as stated on Page 3 Section B1. He felt this was written in such a way to accommodate someone who owns a second home and doesn't know if the town wants to be providing relief to someone who has the means to own a second home. Mr. Shea presented an additional concern about the Assessor workload, given all the items referred to in the ordinance, and the ability to carry out all the necessary work. Under Section A20-3 Application item A in reference to "documentation of all income" Mr. Shea questioned how the town can verify independently individuals' statement of income. Mr. Shea felt the appeal timeframe was too short and suggested extending it. Finally, Mr. Shea stated that allowing a small element of relief to everyone over 65 might not be in line with the original intent of this ordinance. It might be better to provide more relief to a smaller number of people who really need it.
- Cathy Gaudinski 89 Chapman Road: chair BOF and speaking as an individual. Ms. Gaudinski concurred with other comments that the intent of the Financial Review Committee was to help a few people substantially. She also recalled that part of the committee's recommendation was to base the income requirements on the State circuit breaker program. The reasoning was that individuals are required to provide documentation to the State and this would alleviate the Assessor from verifying documentation. Also, as the State changed its parameters of the circuit breaker program, the Town's tax relief would also be adjustable. Ms. Gaudinski stated the BOF wanted to meet with the BOS prior to making a recommendation and that is why no recommendation has been made yet. Ms. Gaudinski had comments about the ordinance draft as well. On Page 1 under Section A20-1 she suggested that the title of the program should include the wording "totally disabled" since that is the title of the ordinance. She further stated that both the BOF and the Financial Review Committee requested clarification on Section A20-2 item 1 regarding eligibility wording for spouse and confusion over the language and intent of that paragraph. On Page 2 item 3 Ms. Gaudinski suggested the wording in the paragraph had not been struck once the income limits changed and should the ordinance be passed, she felt the statement regarding

“maximum income allowable during the calendar year...” should be removed in order to be in sync with the chart. Item 5 states the “total tax relief shall not exceed 75% of tax that would otherwise be payable absent all such programs” and she wanted to know where that figure comes from, whether from the State statute or an arbitrary number. In item 7 Ms. Gaudinski had a question about how to verify if an applicant is receiving a tax benefit from another municipality. Page 3 Section B1 a question was raised about the period of 5 years being for a different proposal, stating other towns have longer time frames. She also suggested for consideration that the relief should only be for individuals with a single residence. On Page 5 Section A20-7 “shall not exceed an amount equal to 10% of the total real property tax assessed...” Ms. Gaudinski wanted clarification on what that meant. In Section A20-8 “The Assessor shall review applications...” Ms. Gaudinski raised the question as to how it would be determined who would receive the tax relief if there were excess applications. On Page 6 Section A20-10 she stated there is language regarding a review every 2 years and made a suggestion to use language from the State statute which reads “After the initial approval such property tax relief by the legislative body of such municipality such plan may be amended from time to time by vote of its legislative body on recommendation of its Board of Finance or equivalent body without compliance with the requirements of the subsection applicable and subject to approval.” On Page 6 under the heading Purpose it is stated it is to “certain” elderly and disabled residents, and Ms. Gaudinski stated that if the income limits are removed it needs to be worded differently. A final suggestion was made to consider a lien program which is a recommendation followed by other communities as well.

- Mr. Hawrylko disagreed with a lien program and suggested that research indicates lien programs don’t work because nobody signs up for it. He stated that seniors do not want to be burdened with a lien and brings seniors to a second class citizen mentality. He stated he has reports he can provide to the BOS to support this. He stated the current Assessor administered a similar program in Haddam for 7 years and is familiar with the workings of this and doesn’t think the workload is an issue.

J. La Bella made a motion to close the public hearing on Property Tax Relief for Sixty five or over or Permanently Disabled. R. Clark seconded the motion. The motion passed unanimously.

- **6:45PM – Acceptance of New Roads, to bring into alignment with revised State regulation, and, Overnight Parking regulations revised**
 - B. Black stated that during this legislative session there was a change as to the acceptance of new roads associated with subdivisions and moves that

responsibility over to the BOS along with some other requirements. The two aspects include 1) All roads after completion must go through a winter season prior to acceptance; 2) A maintenance bond shall be posted for a period of one year from the date of acceptance, with the amount determined by the BOS. The language for this was taken from State statutes. With regard to overnight parking, the town currently has winter parking rules, no overnight parking beginning November 1 and ending April 1. There have been a number of incidents where individuals have been parking their trailers/campers in the right of way. The purpose keeps the value of neighborhoods up.

- Comments:
 - Cliff Denniss 111 Cheney Road: Mr. Denniss pointed out that there is nothing in the Overnight parking section that addresses towing provisions.
 - Richard Shea 33 Bull Hill Road: Mr. Shea asked if under the maintenance bond the Town should provide for some “wiggle room” in the event of a defect. He suggested the actual 30 day requirement be waived by the BOS because of seasonal conditions. Mr. Shea suggested putting in an actual time frame in the Overnight parking section to eliminate questions about what constitutes “overnight.”

J. La Bella made a motion to close the public hearing on Acceptance of New Roads and Overnight Parking. R. Clark seconded the motion. The motion passed unanimously.

- **7:00PM – Sidewalks – clarify responsibilities for removal of snow and obstructions**

- B. Black stated this is a complete replacement of a 1988 snow ordinance document. This document expands it with clarifying language regarding snow and obstructions.
- Comments:
 - Richard Shea 33 Bull Hill Road: With regard to the statement “In the case of snow 24 hours from the time the snow has ceased as declared by the Director of Public Works) Mr. Shea asked if this could be posted on the town website to eliminate debate as to when the snow stopped.
 - Mike Gut 21 Emily Drive: Besides snow and ice, he pointed out the property beyond the barber shop has weeds growing over the sidewalk and asked if that is considered an obstruction. He is concerned that is a liability to the Town.

J. La Bella made a motion to close the public hearing on Sidewalks. R. Clark seconded the motion. The motion passed unanimously.

- **7:15PM – Peddling and Solicitation permit – revised to include a background check in order to receive a permit**

- B. Black explained that concerns have been raised regarding door to door sales/fundraiser peddlers and revised language has been added to address concerns for safety. Many peddlers/solicitors are legitimate and register with the Town Clerk but the Town is looking to strengthen the requirement to give an opportunity to validate credentials of an individual and their organization.
- Comments:
 - Robin Hodge Cheney Road: Ms. Hodge didn't feel that someone should be able to get a same day permit and that there should be a duration noted on the permit.
 - Cliff Denniss 111 Cheney Road: Stated permits are good for a year. He also noted the word 'town' spelled wrong on the permit card.
 - Midge Denno Jones Hollow Road: Section 3 item G states "A certificate of insurance for each policy applicable to the business subject of the application, including but not limited to, general liability and workers' compensation insurance." Ms. Denno pointed out that a sole proprietor with no employees would not be required to carry workers' compensation and felt the language in that section needs to be fixed.

J. La Bella made a motion to close the public hearing on Peddling and Solicitation permits. R. Clark seconded the motion. The motion passed unanimously.

Respectfully submitted,

Karen Migliaro
Board Clerk