

**MINUTES
REGULAR MEETING
BOARD OF MAYOR AND BURGESSES
NOVEMBER 1, 2016**

1. Mayor “Pete” Hess called the regular meeting to order at **6:06 p.m.** with the following in attendance:

BURGESSES:

R. Neth	L. Jackson, arr. 6:20 p.m., left 7:41 p.m.
R. Burns	P. Scully, Sr.
K. Donovan, absent	R. Vitale
C. Herb	D. Wisniewski, absent
D. Hoff	

PRESS:

L. Marshall

RESIDENTS:

Five

DEPARTMENT HEADS:

J. Bernegger, Deputy Police Chief
J. Stewart, Public Works Director
J. Goggin, Tax Collector
J. Kallipolites, Information Technology Director

C. Edson, Chief of Police
R. Butler, Jr., Controller
C. A. Tyler, Assessor
W. Zirolli, Borough Engineer

OTHERS:

D. Sheridan, Board of Finance
S. Bronko, Board of Finance

E. Fitzpatrick, Attorney

2. Burgess Vitale led in the Pledge of Allegiance to the flag.
3. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses approve the monthly reports of **October**. Each member received copies for review.
4. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully to recess to Executive Session at **6:07 p.m.** for discussion on the following: **Personnel** (Staff Accountant), **Real Estate Negotiations** (Cell Tower, Naugatuck Armory, Property on Springdale Avenue) and **Pending Litigation** inviting in Public Works Director J. Stewart.

Mayor Hess reconvened the meeting at **7:20 p.m.**

5. There were no motions emanating from Executive Session.
6. Public Comment
School Street residents spoke against the adoption of a Feral and Domestic Cat Ordinance. Due to the river being close by and all the eating establishments, cats in their neighborhood keep down the mice and rat population. Stray cats are cats that were once owned as a pet and feral cats don’t want to be bothered by people. They support the state voucher system that provides financial assistance getting animals spayed or neutered.

Burgess Jackson left the meeting at 7:41 p.m.

Minutes – Board of Mayor and Burgesses
Regular Meeting – November 1, 2016

7. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses approve the appointment of **Carlos S. Batista** (R), 39 Visconti Drive, Naugatuck, CT 06770 as a regular member of the **Inland Wetlands Commission**, filling the unexpired term of S. Mackenzie, term to expire January 1, 2017.

Mayor Hess swore in Carlos Batista as a regular member of the Inland Wetlands Commission.

8. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses approve the appointment of **Kelli Sargeant**, 125 Ward Street, Naugatuck, CT 06770 as an elector of the **Non Union Pension Board**, filling the vacancy of J. Clark, indefinite term.
9. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses approve the reappointment of **Andrew Bottinick** (R), 64 Inwood Drive, Naugatuck, CT 06770 as a regular member of the **Board of Finance**, term to expire June 1, 2019.
10. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses approve the appointment of **Seth Bronko** (R), 73 Lewis Street, Naugatuck, CT 06770 as an alternate member of the **Board of Finance**, filling the expired term of E. Fennell, term to expire June 1, 2019.

Mayor Hess swore in Seth Bronko as an alternate member of the Board of Finance.

11. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses approve the appointment of **Alexander Olbrys** (R), 608 Maple Hill Road, Naugatuck, CT 06770 as an alternate member of the **Board of Finance**, filling the expired term of W. McAllister, term to expire June 1, 2019.
12. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses approve the appointment of **Robert P. Burke**, (D), 56 Rockwell Avenue, Naugatuck, CT 06770 as a regular member of the **Board of Finance**, filling the expired term of A. Pistarelli, term to expire June 1, 2019.
13. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses approve the appointment of **Sara Euvino** (D), 56 Grickis Lane, Naugatuck, CT 06770 as a regular member of the **Board of Finance**, filling the expired term of K. Kiernan, term to expire June 1, 2019.

Minutes – Board of Mayor and Burgesses – Regular Meeting – November 1, 2016

14. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses approve the appointment of **Edward J. Fennell** (R), 10 Parkman Place, Naugatuck, CT 06770 as a regular member of the **Board of Finance**, filling the unexpired term of A. Campbell, term to expire July 1, 2017.
15. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses approve the appointment of **Anthony Campbell** (D), 57 Jolie Road, Naugatuck, CT 06770 as an alternate member of the **Board of Finance**, filling the unexpired term of R. Burke, term to expire June 1, 2018.
16. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses approve the reappointment of **Mary Lou Sharon**, 228 Lewis Street, Naugatuck, CT 06770 as a regular member of the **Conservation Commission**, term to expire November 1, 2017.
17. Deputy Police Chief Joshua Bernegger spoke on the adoption of a **Feral and Domestic Cat Ordinance**. He said the police department looked in depth at adopting an ordinance and the value of having one. The state considers a cat feral if it is unowned even if it is a stray. They reached out to other towns to see if they had a Feral Cat Ordinance on their books. The Town of Newington's Feral Cat Ordinance has never been used and they won't be using it. They weren't even aware one existed. It is the recommendation of the police department that the borough does not adopt a Feral and Domestic Cat Ordinance but continues working with nonprofit groups on controlling the cat population.

VOTED: Unanimously on a motion by Burgess Scully and seconded by Deputy Mayor Neth that the Board of Mayor and Burgesses accept Deputy Chief Bernegger's recommendation on taking **no action on a Feral and Domestic Cat Ordinance**.
18. IT Director James Kallipolites discussed **Video Recording Borough Meetings**. He came up with a laptop and recorder type system for a minimal cost. The camera would be fixed on a pedestal focused to record the board/commission holding the meeting. He said it's not the ultimate system but it will work. Mr. Kallipolites was asked to bring a few more proposals for the board to review during budget workshops.
19. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses authorize Mayor Hess to execute all contracts and related documents to approve the **road acceptance of the entire length (or a portion thereof) of Dorman Drive, Fieldstone Terrace and Yorktown Lane** as described in the legal descriptions as recommended by Borough Engineer Wayne Zirolli and the Planning Commission, subject to borough attorney approval.

Minutes – Board of Mayor and Burgesses
Regular Meeting – November 1, 2016

20. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses authorize Mayor Hess to execute all contracts and related documents to accept the proposed **transfer of 1959 sf/0.045 acre of property from Tractor Supply Company** to the Borough of Naugatuck along the road right of way to allow for future widening of Candee Road as recommended by Borough Engineer Wayne Zirolli.
21. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses authorize Tax Collector James Goggin to send **corrected bills to ten (10) taxpayers** applying interest from date of bill forward rather than July 1, 2016.
22. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses authorize Mayor Hess to execute all contracts and related documents to apply for a **Farm Viability Grant for the Community Garden** as recommended by Sandy Ribeiro, Assistant to the Public Works Director/Recycling Coordinator.
23. Motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses adopt the following resolution and **Ordinance #128 – Senior Tax Deferral Program** hereby creating a new **Article III – Senior Tax Deferral Program, Sections 17-30 – 17-38** in **Chapter 17 – Taxation** of the Code of Ordinances of the Borough of Naugatuck, Connecticut, which **reads as follows**, as if read:

WHEREAS, Connecticut General Statutes Section 12-129n provides that a municipality may provide property tax relief with respect to real property owned and occupied by elderly or disabled residents as more fully set forth in said statute; and

WHEREAS, the Board of Mayor and Burgesses established an Elderly Tax Exemption Committee for the purpose of evaluating the tax relief options available to the Borough and determining what type of tax relief structure would be most appropriate and effective for the residents of the Borough.

WHEREAS, the Elderly Tax Exemption Committee has recommended to the Board of Mayor and Burgesses that certain property tax relief be afforded to elderly and disabled residents; and

WHEREAS, the Board of Mayor and Burgesses desires to provide tax relief to the elderly and disabled in accordance with Section 12-129n of the Connecticut General Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH OF NAUGATUCK THAT:

Minutes – Board of Mayor and Burgesses
Regular Meeting – November 1, 2016

Ordinance #128
Senior Tax Deferral Program
Chapter 17 – Taxation, Article III – Senior Tax Deferral Program, §§ 17-30 – 17-38

Sec. 17-30. Purpose.

The purpose of the Naugatuck Tax Deferral Program, hereinafter referred to as the “Program”, is to assist those taxpayers in the greatest need of financial assistance by deferring payment of real estate taxes for qualifying taxpayers as described below until the property is transferred or the taxpayer dies without a qualified surviving spouse. This Program is intended as an alternate form of tax relief to the “freeze” program, and replaces all other “freeze” programs that were previously offered by the Borough.

Sec. 17-31. Eligibility- Age, disability, residency and income requirements.

1. Subject to the limitations hereinafter set forth, real property tax deferral benefits shall be available with respect to real property located in the Borough of Naugatuck owned and occupied as a principal residence by residents of Naugatuck, provided they meet the eligibility criteria set forth in this ordinance.
2. For the purpose of this ordinance, a qualified applicant is a person who:
 - a. on December 31st of the calendar year preceding the year in which an application is filed, be (1) sixty-five (65) years of age or older, or whose spouses, living with them, are sixty-five (65) years of age or over or sixty years of age or over and the surviving spouse of a taxpayer qualified in such municipality under this section at the time of his or her death or with respect to real property on which such residents or their spouses are liable for taxes under Section 12-48 of the Connecticut General Statutes, or (2) under age sixty-five and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under Social Security, or have not been engaged in employment covered by Social Security and accordingly have not qualified for benefits thereunder, but have become qualified for permanent total disability benefits under any federal, state or local government retirement or disability plan, including the Railroad Retirement Act and any government-related teacher’s retirement plan, in which requirements with respect to qualifications for such permanent total disability benefits are comparable to such requirements under Social Security, provided such residents or their spouses under subdivisions (1) or (2) above have been taxpayers of such municipality for five (5) years immediately preceding their receipt of tax benefits under this section, and meet the requirements which may be established by such municipality with respect to maximum income allowable during the calendar year preceding the year in which application is made for the tax relief provided in this section. No such property tax relief, together with any relief received by any such resident under the

Minutes – Board of Mayor and Burgesses
Regular Meeting – November 1, 2016

- provisions of section 12-129b to 12-129d, inclusive, and 12-170aa shall exceed, in the aggregate the total amount of the tax which would, except for said sections 12-129b to 12-129d, inclusive, 12-170aa and this section, be laid against the taxpayer.
- b. is a resident of the Borough of Naugatuck for at least five (5) years immediately preceding the application;
 - c. resides in the home for at least three hundred (300) days per calendar year;
 - d. has paid all taxes due to the Borough of Naugatuck for the preceding five (5) years;
3. All such qualified applicants must meet the state tax relief program qualifying income limits as set forth in Connecticut General Statutes Section 12-170aa. Qualifying income is defined as total income, and includes taxable and nontaxable income including but not limited to all income derived from wages, Social Security (retirement or disability benefits), bank interest, interest and dividends from stocks and bonds.
 4. All such residents or spouses who may qualify for tax relief under Connecticut General Statutes Section 12-129b through 12-129d, inclusive, 12-129h and/or 12-170aa must apply for and be included in such program or programs as a condition precedent to qualifying for and receiving benefits under this Program.
 5. A qualified applicant who otherwise meets the above qualifications for the Program but whose principal residence is assessed at Two Hundred Thousand (\$200,000.00) Dollars or greater shall not be eligible to apply for or participate in the Program.
 6. No local renter's tax relief will be offered.

Sec. 17-32. Interest, Lien, Repayment.

1. The Borough shall establish a lien on the subject property each year that such taxes are deferred in the amount of the relief granted. This lien shall have priority in the settlement of the applicant's estate.
2. All tax deferments granted under the Program shall bear interest from the date said deferred taxes become due (July 1 and January 1 of each year) and compound annually until paid in full. The rate of interest payable on such deferred taxes shall be set annually by the Board of Finance and Board of Mayor and Burgesses at its first regular meeting in January each year and will be guided by the Prime Rate.
3. The lien will be for the amount of tax annually deferred.
4. As a condition precedent to receiving the tax deferral benefit under the Program, applicant shall execute a tax deferral lien, on a form provided by the Assessor, in favor of the Borough of Naugatuck at the time of application for benefits hereunder is made, to be recorded on the Naugatuck Land Records by the Naugatuck Tax Collector upon the approval of such application by the Naugatuck Assessor.
5. Taxes deferred under the Program shall be due and payable, together with accumulated interest thereon, at such time as the real property in question is sold and conveyed, whether or not for value, or title is transferred or upon the death of such taxpayer (unless a spouse qualified under this section hereof survives), whichever even first occurs.

Minutes – Board of Mayor and Burgesses
Regular Meeting – November 1, 2016

Sec. 17-33. Application.

1. Any resident believing himself or herself entitled to tax deferment under the Program for any assessment year shall make application on a form prepared for such purpose by the Assessor of the Borough of Naugatuck and submit the same for approval to the Borough Assessor at any time from February 1 to and including May 15 of the year for which the tax deferment benefit is claimed. The tax deferment will be applied to the tax bills for the fiscal year starting July 1 of the year the application is filed. In making such application, the applicant shall present to the Assessor, in substantiation of his or her application, a copy of such applicant's federal income tax return including a copy of a Social Security statement or 1099 of earnings for such applicant and that of such applicant's spouse, if filed separately, for such applicant's taxable year ending immediately prior to the submission of such application or, if not required to file a return, such other evidence of qualifying income in respect to such taxable year as may be required by the Assessor, as well as documentation that evidences the applicant's acceptance into the State programs offered under Connecticut General Statutes Section 12-129b through 12-129d, inclusive, 12-129h and/or 12-170aa.
2. Approved applicants shall be required to certify continuing eligibility every two (2) years by submitting a new application to the Assessor.
3. Failure to file an application by May 15th will constitute a waiver of the right to claim local real property tax relief under the Program.
4. When the Assessor is satisfied that the applicant is entitled to the tax deferment applicable in accordance with eligibility requirements, the Assessor shall issue a certificate of tax deferment showing the amount of the taxes deferred to the applicant and deliver a copy of said certificate of deferment, together with the executed tax deferred lien, to the Naugatuck Tax Collector.

Sec. 17-34. Maximum Amount of Tax Deferral.

1. In no event will the total of all tax deferred through any tax relief program, state or local, exceed seventy-five (75) percent of the annual tax due, in the aggregate. In the event the aggregate assistance received is greater than seventy-five (75) percent of the annual tax due, the amount deferred under the Program shall be reduced accordingly.
2. The local tax deferral amount shall be one half (1/2) of the amount of tax relief as determined by the sliding scale utilized by the State tax relief ("circuit breaker") program.
3. The Assessor shall determine the maximum amount of the tax due with respect to the applicant's residence and thereafter the property tax.

Sec. 17-35. Coordination with other tax relief programs.

1. Any such property tax relief granted pursuant to the Program shall not disqualify eligible taxpayers from any other benefits to which they may be entitled as provided by law.

Minutes – Board of Mayor and Burgesses
Regular Meeting – November 1, 2016

Sec. 17-36. Applicability.

1. The Program shall apply to annual real property taxes as are due and payable for the grand list year beginning October 1, 2016 and all subsequent grand list years.

Sec. 17-37. Discretion of Assessor, Confidentiality, Appeals.

1. The Assessor and Tax Collector shall prescribe, with regard to his or her respective duties under his or her division, such forms and procedures as may be necessary to implement the provisions of this Ordinance. The Assessor, in addition, shall satisfy himself or herself as to the qualifying income of an applicant for benefits under the Program by requesting and reviewing such evidence of qualifying income as he or she may deem pertinent.
2. All applications, federal income tax returns filed therewith and any additional evidence of qualifying income which the Assessor may require shall be kept confidential and not open to public inspection.
3. Persons aggrieved by any act or determination of the Assessor or Tax Collector under this Ordinance may appeal to the Board of Assessment Appeals.
4. After each revaluation, the Assessor shall have the option to recommend to the Joint Boards of Mayor and Burgesses and Finance that this Ordinance be reviewed if it is deemed that the revaluation may have caused substantial unanticipated changes to the program. The Assessor shall have one (1) year after the new revaluation is implemented to make this recommendation.

Sec. 17-38. Cessation of Benefits, Penalties.

1. Any benefits accruing under the Program shall cease immediately upon the death of the eligible taxpayer, provided that the eligible taxpayer's spouse does not qualify for relief under this Program, and shall be prorated for the year in which the taxpayer dies. Any person knowingly making a false application for the purpose of claiming property tax relief under the Program shall be fined not more than five hundred (\$500) dollars. Any person who fails to disclose all matters relating thereto or with intent to defraud makes a false statement shall refund to the municipality all tax relief improperly taken, which shall include all accumulated interest.

ROLL CALL VOTE:

FOR

Mayor N.W. Hess	D. Hoff
R. Neth	P. Scully, Sr.
R. Burns	R. Vitale
C. Herb	

OPPOSE

None

ABSTAIN

None

Motion carried 7-0-0

Minutes – Board of Mayor and Burgesses
Regular Meeting – November 1, 2016

24. Motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses adopt the following resolution for a **Historic Restoration Grant Application for the Tuttle Building**:

RESOLVED, that N. Warren “Pete” Hess, who is the Mayor of the Borough of Naugatuck, is empowered to execute and deliver in the name and on behalf of the Borough of Naugatuck a certain contract with the State of Connecticut, Department of Economic and Community Development, and to affix the corporate seal.

ROLL CALL VOTE:

FOR

Mayor N.W. Hess

R. Neth

R. Burns

C. Herb

D. Hoff

P. Scully, Sr.

R. Vitale

OPPOSE

None

ABSTAIN

None

Motion carried 7-0-0

25. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses approve the bid for “**Tuttle Building Renovations – Phase 1 Roof Replacement and Related Work**” to A. Secondino & Son, Inc., 21 Acorn Road, Branford, CT 06405 **as per bid** as recommended by Public Works Director James Stewart.
26. Controller Robert W. Butler, Jr. told the board he would like the **general terms and conditions** that were provided and vetted by borough counsel to be **added to the back of the Borough of Naugatuck purchase orders** when Munis, the new software system, is implemented. The board agreed and did not need to take action.
27. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses authorize Controller Robert W. Butler, Jr. to refund the following tax refunds approved by Tax Collector James Goggin; as if read:

Corelogic Tax Service **\$180.00**
1 Corelogic Drive
Westlake, TX 76262
2015-01-0041180 Overpaid

DaSilva, Christopher **\$141.34**
145 Highland Avenue
Naugatuck, CT 06770
2015-3-515865 Overpaid

Larkin, Roseann **\$13.21**
16 Fox Run Road
Naugatuck, CT 06770
2015-03-0523038 Overpaid

Minutes – Board of Mayor and Burgesses
Regular Meeting – November 1, 2016

McClain, Matthew **\$8.01**
56 Rockwell Avenue
Naugatuck, CT 06770
2009-3-15470 Overpaid

Medolli, Teki **\$195.73**
57 Rosewood Avenue
Waterbury, CT 06706
2015-03-525366 Overpaid

Murray, Karen M. **\$90.65**
41 Crestwood Drive
Naugatuck, CT 06770
2015-03-0526445 Overpaid

Murtha, Harold W. **\$76.89**
45 Sherman Street
Naugatuck, CT 06770
2015-03-0526461 Overpaid

Murtha, Harold W. **\$81.50**
45 Sherman Street
Naugatuck, CT 06770
2015-03-0526462 Overpaid

Murtha, Harold W. **\$81.50**
45 Sherman Street
Naugatuck, CT 06770
2015-03-0526463 Overpaid

Murtha, Harold W. **\$81.50**
45 Sherman Street
Naugatuck, CT 06770
2015-03-0526464 Overpaid

Murtha, Harold W **\$81.50**
45 Sherman Street
Naugatuck, CT 06770
2015-03-0526465 Overpaid

Nelson, Jason **\$83.62**
1385 Highland Avenue
Waterbury, CT 06708
2014-03-16815 Overpaid

Pen, Marika **\$199.55**
6 Vincent Place
Naugatuck, CT 06770
2014-3-18320 Overpaid

Pen, Ralin **\$324.33**
6 Vincent Place
Naugatuck, CT 06770
2014-3-0018319 Overpaid

Minutes – Board of Mayor and Burgesses
Regular Meeting – November 1, 2016

Sharon, Robert **\$266.07**
228 Lewis Circle
Naugatuck, CT 06770
2015-3-0531928 Overpaid

Wichlinski, Agnieszka **\$71.04**
211 Osborn Road
Naugatuck, CT 06770
2015-03-0535372 Overpaid

Wilcox, Jeannie C. **\$20.50**
84 Svea Avenue
Naugatuck, CT 06770
2015-03-0535381 Overpaid

28. Public Comment – None

29. Burgess Comments/Sub-Committee Reports

Burgess Herb said the Conservation Commission hosted a great speaker on biofuels. The high school cross country team defended their championship title.

Burgess Hoff reminded everyone of the Veteran's Day Parade. Happy Thanksgiving!

Burgess Neth wished everyone a Happy Thanksgiving.

Burgess Burns thanked the mayor for getting a handrail installed at the golf course.

Burgess Scully said the Catholic War Veterans and the NHS Air Force Junior ROTC placed flags on the graves of deceased veterans. He attended the Robert L. Genovese Patriotism Award luncheon. Burgess Scully said he was honored to be one of thirty-one recipients to receive the Vietnam Commemorative Award. He wished Burgess Burns a Happy 91st Birthday.

Burgess Vitale reported the Halloween Village was a success. The library hosted a very good jazz concert. The Dog Park is turning out to be better than anything in his wild expectations. They've raised \$6,000 and had a bench donated in memory of a loved one.

Mayor Hess said the Winter Festival will be held on December 3rd combined with the tree lighting on the green and the Festival of Trees at ION Bank. There will be a visit from Santa Claus, a bonfire, music, food and vendors for Christmas shopping. He said North Main Street is going well with Stonehouse Baked Goods, Edible Dreams and Southern BBQ. A festival may be held on North Main Street in the future.

30. **VOTED:** Unanimously on a motion by Burgess Scully and seconded by Burgess Hoff to adjourn the meeting at **9:00 p.m.**

A digital recording of this meeting is available in the office of the Borough Clerk for further review.

Attest:

Nancy K. DiMeo
Borough Clerk