

Town of Plymouth
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Plymouth Town Council
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Minutes

October 1, 2013

Call to Order: Mayor Vincent Festa, Jr., called the scheduled October 1, 2013, Plymouth Town Council Public Hearing to order at 6:00 p.m., in the Community Room, Town Hall.

Roll Call: Present were Mayor Vincent Festa, Jr., Town Councilman Richard Foote, Town Councilwoman Sue Murawski, and Town Councilman Tom Zagurski.

Also in attendance were Director of Economic Development Margus Laan and Town Attorney Salvatore Vitrano.

Fire Exits Notification

Mayor Festa noted the Fire Exits for the record.

Pledge of Allegiance

Mayor Festa led the Plymouth Town Council and the Public Audience in the Pledge of Allegiance.

Reading of Legal Notice

The Recording Secretary read the Legal Notice into the record as follows: Legal Notice, Town of Plymouth, Notice of Public Hearing, The Town Council of the Town of Plymouth will meet in the Community Room, Plymouth Town Hall, 80 Main Street, Terryville, on October 1, 2013, at 6:00 P.M. for the purpose of holding a Public Hearing on a proposed ordinance authorizing the Municipality to abate and forgive taxes or fix assessment on contaminated real property. Copies of said proposed ordinance are on file open to public inspection at the office of the Town Clerk, Dated this 23rd day of September 2013, Vincent Festa, Jr., Mayor.

Public Comments/Written Recommendations Regarding the Proposed Ordinance Authorizing the Municipality to Abate and Forgive Taxes or Fix Assessment on Contaminated Real Property

Pattie DeHuff, 20 Lynn Avenue, Terryville, stated that she did not have any questions, proposals or recommendations at this time, however she would like a deeper explanation of the Ordinance and then she might have something to say.

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Public Comments/Written Recommendations Regarding the Proposed Ordinance Authorizing the Municipality to Abate and Forgive Taxes or Fix Assessment on Contaminated Real Property Cont'd.

Town Attorney Salvatore Vitrano stated that the purpose of the Ordinance was to incentivize either owners, or potential owners, of property that was environmentally challenged, to clean up the environmental problems that existed on the properties and to put those properties back into effective use for the Community so that the Community would receive the benefit of those properties and the properties would be back on the tax rolls and added to the tax base of the Town. He further stated that the Ordinance was designed for and addressed to specific owners and potential owners of properties that were environmentally challenged and that it was not a blanket abatement, noting that each case would be dealt with on a case specific/fact specific basis. Attorney Vitrano stated that each case would be dealt with through a series of reviews and analysis and that ultimately the Council had the authority, right, and responsibility to address these issues for each property. He further stated that it was not carte blanche or automatic and was designed to target those properties that could be beneficial and helpful in terms of the Town's tax base.

Pattie DeHuff questioned if the Ordinance was speaking to both residential and commercial property.

Town Attorney Vitrano stated that the Ordinance was speaking to both types of property.

Pattie DeHuff questioned if there was some kind of Federal law with the words "Transfer Act" in it. She further stated that if you know you have contaminated property.... Pattie DeHuff stated that she was unsure if applied to residential properties, but you could not actually sell the property without cleaning up the property.

Town Attorney Vitrano stated that it was not a Federal law and that it was a State Statute. He further stated that the reality was that this Ordinance was specifically authorized by the State Statute, which authorized towns that adopted these types of Ordinances to engage in this tax abatement relief process. Town Attorney Vitrano further stated that it was sanctioned by the State of Connecticut in the form of a Statute and that it was separate from and over and above the Transfer Act requirements. He further stated that the requirements weren't avoided, they still had to be followed, relating to environmental hazards and environmental remediation. Attorney Vitrano stated that if one were to look at the Ordinance closely it would be noted that there were specific references in the Ordinance to the State Statutes outlining the remediation obligations that the owner had in order to apply for and qualify for this benefit. He further stated that he had taken the provisions of the State Statute (almost verbatim) and applied them to this Ordinance.

Pattie DeHuff questioned if she was going to sell her house to someone and knew it was contaminated would she also have to follow the guidelines of the Transfer Act and not be able sell it until she cleaned it up.

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Public Comments/Written Recommendations Regarding the Proposed Ordinance Authorizing the Municipality to Abate and Forgive Taxes or Fix Assessment on Contaminated Real Property Cont'd.

Attorney Vitrano stated that Pattie DeHuff should not involve issues relating to the Transfer Act to the Ordinance, noting that the Transfer Act stood separately and distinctly as the State Statutes. He further stated that what the Ordinance essentially said was if you follow all of the State Statutes, Transfer Act included, if you follow the Federal Statutes/Federal laws, i.e. Brownsfields, etc., and you cleaned up your property then you might qualify for abatements and it would be up to the Council to authorize it or not.

Pattie DeHuff referencing page 2, questioned if the Town had a Tax Incentive Committee, and questioned who made up the Committee.

Mayor Festa stated that there were a number of people on this Committee and named them as follows: Land Use Director, the Mayor, the Assessor, the Comptroller, Town Council Liaison Representation and the Tax Collector from time to time.

When questioned if the Tax Incentive Committee was an Ad Hoc Committee, Town Attorney Vitrano stated that it was an existing Committee.

Town Councilman Zagurski requested Town Attorney Vitrano's response to Pattie DeHuff's question.

Town Attorney Vitrano stated that it was an existing, long-standing Committee, not Ad Hoc, as in created for one specific purpose or one specific project, and that it was ongoing as he understood it.

Town Councilwoman Murawski questioned how the Ordinance was brought forward and questioned if someone had asked for it.

Mayor Festa stated that it was brought forward through the Economic Development Commission and that Craig Stevenson, Town Economic Development Consultant, was supposed to be in attendance this evening. He further stated that Craig Stevenson might have thought that the meeting started at 7:00 p.m.

Mayor Festa stated that there were a number of properties in Town that needed to be remediated and further, two individuals had come forward and had asked for consideration. Mayor Festa stated that other communities had this particular Ordinance, as well, allowing the forbearance of taxes until the property was cleaned up. He further stated that the property had no value to it, but the property owner was paying taxes on the assessed value of what it would be if it were in proper shape and condition.

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Public Comments/Written Recommendations Regarding the Proposed Ordinance Authorizing the Municipality to Abate and Forgive Taxes or Fix Assessment on Contaminated Real Property Cont'd.

When questioned by Mayor Festa, Margus Laan stated that he had nothing to add at this time.

When questioned by Town Councilman Foote, Mayor Festa stated that there would be no votes taken this evening, noting that the Town Council could make recommendations and bring it to the Town Council. He further stated that this evening's meeting was for the Public so that they could speak to the issue.

Adjournment

There being no further Public Comment, Town Councilman Foote made a motion, seconded by Town Councilwoman Murawski, to adjourn at 6:25 p.m. This motion was approved unanimously.

Respectfully Submitted,

Recording Secretary