

MINUTES
Ordinance Committee
Monday, September 28, 2020 – 7:00 PM
Zoom Teleconference – (646) 558-8656 – ID # 819 7041 4205

Members Present: Annmarie Drugonis, Bob Findley and Rob VanEgghen
Members Absent: None
Others Present: Town Council Bryan LeClerc, Chief of Staff Rory Burke, Town Assessor Joe Kusiak, Fire Commission Chair Clay Jurgens

1) Call meeting to order

The meeting was called to order at 7 PM.

2) Pledge of Allegiance

All present stood and recited the Pledge of Allegiance.

3) Public comment

There was no public comment.

4) Non-profit assessment

Bryan LeClerc – The Town has the ability to exempt property that is leased to charitable or religious organizations under 12-81 of State statute in addition to the real and personal property of these organizations that are already exempted.

Joe Kusiak – If a landlord is being paid rent by one of these organizations do you want that rent money to be exempted? I'm unaware of any building where the whole building is being leased to one of these organizations.

Rob VanEgghen – Do we have a list of organizations that would benefit from an ordinance like this? I would like to be able to help them out.

Bob Findley – If they're doing something under market value for one of these organizations I would be in favor but not necessarily at market value.

Joe – I'm not aware of any at this time. I'm happy to work with the Town Attorney to write this ordinance.

Currently, I'm only aware of one or two municipalities that have employed an ordinance like this.

Bryan – One way it could apply is for personal property such as vehicles, even leased vehicles.

Joe – I keep track of this and if a church has a vehicle we have been exempting them.

Rob – I would love to have an incentive for landlords to help out non-profits if this is a good way to do so.

Bob – I just don't see how it would be feasible to determine market value.

Rob – Can that be written into the ordinance?

Bryan – The way the statute is written, it's an outright exemption.

Rob – Can we do a partial? Similar to the firefighters' exemption with a points system?

Bryan – We can look at that. To play devil's advocate, how would you determine market rate?

Joe – There is also an element of exclusivity.

Bob – Correct, it has to be used only by these organizations. I'd love to help them out but I think it would be a big burden.

Joe – If I can think of an applicable situation, I can tell Rory.

Annmarie – What about the old Bank of America building? I know there are nonprofits there.

Joe – None of them have filed with me for personal property.

Annmarie – Can the individual organizations file?

Bryan – No, this is just the real estate. The personal property is a different issue. You could exempt personal property leased by the organization.

Joe – The organization would already be exempted for personal property. You'd be exempting the business they lease from.

Bryan – If there was a pass through on savings that would be one thing. The way this is written, the exemption is for the property owner.

Joe – In terms of cars, the Lessor is responsible for taxes but there is generally an agreement between the lessor and lessee that the lessee will be responsible for them. There is also case law that says the Assessor doesn't get involved with these private agreements.

Bob – So what is our next step?

Bryan – I will look for your next meeting at whether a partial exemption is allowable under the statute and present a draft ordinance.

Bob – Joe, do you have any thoughts or recommendations?

Joe – What if a landlord starts leasing to a for-profit tenant? We'd need to be made aware of that. I will look at other towns. We can build in penalties.

Bryan – We could look at periodic certification like the existing programs.

5) Fire Fighter's Abatement

Annmarie – We had a question as to what the abatement committee's role would be.

Clay Jurgens – When the program was established in 2001, there was a list of requirements and a package for how the abatement is calculated. They are responsible for updates and changes to the program. The Town has not been following the ordinance. They are not giving abatements but issuing checks and W-2's. We are requesting they either follow the ordinance or change it. 2 years ago I met with The First Selectman, Finance Director and Operations Director. There was an IRS memo saying they could no longer do abatements. Every firefighter would need to submit a W-9.

Annmarie – Rory and Bryan, do you have any other information?

Rory – I don't have too much additional information other than that I believe this was at the request of the auditors.

Bryan – We will have to look into this. It was my understanding that you wanted to look into abatements for firefighters that are 65+.

Annmarie – Correct, that is another issue.

Rob – Was the point system being used appropriately?

Clay – It is tracked throughout the year and given to the Board of Selectmen annually. They are being given out as wages contrary to the ordinance.

Rob – Okay, so the amounts are different?

Clay – Correct. According to the policy, the membership of the Committee are listed.

Bob – Was the change communicated to you at the time?

Clay – We were blindsided in that the change occurred after our list was submitted to the Selectmen. We had to do paperwork as if we were new employees of the Town.

Annmarie – So it's not an abatement at all, it's a check?

Clay – Correct, I receive a check like an employee of the Town with taxes taken out.

Rob – What’s the next step?

Rory – The Committee is not in the ordinance, it’s in the abatement policy.

Bryan – Correct, the ordinance has no mention of the Committee. I will look into the tax issues as well. I will also look into extending this per statute to members with 25+ years of service.

Annmarie – These are two separate issues.

Bryan – How many firefighters would be eligible for this?

Clay – I don’t have hard numbers but we have some members with the requisite service in active service just to get the abatement. These people would probably retire from active service if this were an option. I would guess somewhere around 20 members. It would still require some form of support activity.

Rob – Do I understand correctly that the Committee is not required by ordinance?

Bryan – Correct, they are only referenced in the policy.

Rob – Clay, you’re asking to add them to the ordinance?

Clay – The ordinance says the Selectmen will review the point system every two years.

Bob – Bryan, have you seen the auditor’s concerns elsewhere?

Bryan – I will check with my colleagues as well as the Finance Director as to the nature of the concern.

Rob – So who do we need to get together? The Fire Department can convene the committee. We just need to look at why the change was made and if we can get them the value that was promised?

Annmarie – I agree. We should have the Finance Director at the next meeting.

Rob – I am very in favor of the 25+ year component as well.

Bryan – If we amend the ordinance regarding 25+ years would you rather the ordinance define the requisite activity level or leave that to the committee?

Clay – I think using the existing format would make sense.

Annmarie – We want to make sure we are helping those who have given us this service but we want to make sure it goes to property in Seymour if they live elsewhere as well as how they will be getting their hours in. The service has to be for Seymour. Particularly if it’s issued as a wage, we need to make sure everything is related to Seymour.

Clay – We can add that restriction. We have one member, our historian, who lives elsewhere, who does work for the department but lives elsewhere.

Rob – If I’m not mistaken, there was built-in discretion but I’d rather a case-by-case exception.

Clay – I can take it back to the Commissioners to decide. Do you want us to draft language?

Annmarie – Yes. With strict Seymour-centric language and an allowance for case-by-case exceptions.

Bryan – The statute refers to members of fire services and defines them as uniformed members so that should help determine whether probationary members are included.

Clay – It’s a moot point because time as a junior is likely irrelevant if you’re 65+ with 25+ years of service.

Annmarie – Okay, Clay can you have that to is for our next meeting?

Clay – I will do my best.

6) Noise Ordinance

Annmarie – We had given this to Rich to do some research on.

Bryan – What are you trying to get at with the ordinance?

Bob – There is an enforceability issue.

Rob – Is there a noise versus nuisance distinction?

Bryan – There is a time consideration already as well as the zone-specific levels. Noise problems are very difficult to address.

Bob – There's a duration element as well.

Bryan – Everything goes back to decibel levels.

Rob – Correct, otherwise it's a matter of perception. What issue are we trying to solve? Do we have data on complaints?

Bob – Bands at bars is a recurring theme. It's allowed until a certain time though.

Rob – I think decibels are unavoidable and it has to be measured with calibrated devices. What kind of communication is happening with the venues as well?

Bryan – You also have to consider zoning regulation to look at accepted uses.

Bob – I want to encourage other restaurants to come to Seymour.

Annmarie – Can we make frequent offenders self-regulate?

Rob – That's a thing with some industrial equipment. Maybe we could look at a public-private partnership? Maybe there's a grant?

Bob – I think we need a better idea of the data because that's a lot if the volume is very low.

Rory – We have a mix of neighbor complaints, industrial complaints. I don't have data on volume but I'm sure we can get that from the police department.

Bob – Is there a financial penalty?

Bryan – Yes, it's up to \$400 per day.

Bob – That doesn't seem enough. I can envision scenarios where that could become the price of doing business if the other resolution is more expensive.

Rob – I could see lower penalties for residential offenders than commercial.

Annmarie – I would just be careful putting a big burden on businesses that may already be struggling.

Bob – There's already a written warning so it would only be for repeat offenders.

Bryan – I will speak to the police chief about their data.

7) Discussion and take possible action on other ordinances forwarded by the Board of Selectmen

There were no other ordinances to consider.

8) Adjournment

The meeting was adjourned at 8:33: PM.

Submitted by,

Rory Burke