

COPY RECEIVED
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TOWN CLERK'S OFFICE

MINUTES
Special Ordinance Committee Special Meeting
Monday, November 16, 2020- 7:00pm
Zoom Teleconference (646)558-8656 – ID #822 0006 7281

Members Present: Annmarie Drugonis, Rob VanEgghen, Bob Findley

Members Absent: None

Others Present: Town Counsel Bryan LeClerc, Chief of Staff Rory Burke, Director of Finance Doug Thomas, Fire Commissioner Clay Jurgens

1. Call meeting to order

The meeting was called to order at 7:02 PM.

2. Pledge of Allegiance

All present stood and recited the Pledge of Allegiance

3. Public Comment

There was no public comment.

4. Approve minutes from Ordinance Committee Special Meeting; October 12, 2020

A motion was made to approve the minutes as presented.

Motion: Rob VanEgghen

Second: Bob Findley

Vote: 3-0

5. Fire Fighter's Abatement

Doug: It started off as a decrease in property tax bills. The IRS considers even a reduction in debt taxable so we had to issue 1099's. There's one called 1099-D, which confused a lot of accountants and firefighters. We revamped it to just issue a check through payroll and pay their Social Security and withholding. That's how it's done right now. This way they get more than if they'd gone through property tax.

Rob: When did this happen? When did the IRS make the change?

Doug: The IRS has always considered it taxable but we found out from other towns. This was back a few years.

Rob: Public Act 19-36, House Bill 5125 was signed by the Governor on June 28, 2019 that was an abatement starting at \$1,500 and up to \$2,000 for First Responders as of July 1, 2021.

Annmarie: Is that for paid firefighters?

Rob: It appears to include volunteers.

Bob: I found a document from November 2006 allowing for property tax relief.

Bryan: The IRS isn't saying we can't do that, just that it's taxable. I think the question is whether we issue 1099s or W2s. The net cost to the Town is similar because of withholding whether it's a check or an abatement.

Rob: I would be in favor of returning to an abatement and then maybe increasing the amount to \$1,500.

Bryan: You can't raise it over \$1,000 because the State statute caps the amount at \$1,000 of property tax abatement. You could also grant it to people serving in other Towns as long as there is an agreement in place.

Rob: The public act I mentioned increases it to \$1,500. We don't have to increase it but we have the option.

Bob: The language says the abatement is taxable if it's in return for services performed.

Bryan: It is.

Annmarie: Correct, they have to attend a certain number of calls to get points to qualify.

Clay: Correct, in your packet two meetings ago was the guidelines for the process. 7/2/2018 I attended a meeting with Kurt, Tony and Dana. I was told then the process was changing. 7/13 I got an email from Kurt stating it would be paid without taxes. When it was an abatement, we got a 1099. Oxford's program is very similar. They pay the difference for the younger volunteers who don't have homes. We were informed of the change without discussion.

Rob: What's the next step?

Bryan: It's an administrative process change. There is no change to the ordinance required.

A motion was made to increase the annual abatement to \$1,500.

Motion: Rob Van Egghen

Second: Bob Findley

Vote: 3-0

Clay: How are we going to address the 1/3 of the Fire Department that don't own homes?

Rob: Will the language be "up to \$1,500"?

Bryan: Correct, it's only an abatement.

Clay: What about this year?

Bryan: Correct, January 31 is the certification date in the ordinance so we'll go forward.

Annmarie: Can it go toward sewer assessments?

Bryan: If they don't own a house they can't have a sewer bill. Also, the statute specifically mentions property taxes.

Bob: How do we communicate this?

Rory: I will draft a memo.

Bob: Will anyone be upset?

Clay: Some of the younger members maybe, but anyone who's been there less than 2 years will be familiar.

6. Fire Fighter's Abatement (65+)

Bryan: To remind how this all got started, there was an amendment a few years ago to include members who were older and retired from active duty.

Clay: Maybe we can just send a letter saying who would be eligible for this when we send the others?

Annmarie: To remind everyone, we are still requiring them to still be active in the Department, just not to do calls.

Clay: And we added all of the requests you sent over including service only in the Town, 25++ years, etc. You also asked for an estimate and we came up with maybe 20, but that includes some who are only active currently to maintain their abatement.

Bryan: We'll do this by definitions, defining what constitutes an active member and a retired volunteer, etc.

Annmarië: We would have a list of eligible activities for point generation.

Clay: That is in place already, we would just add the activities.

Annnnmarie: This would be \$1,500 as well.

A motion was made to approve the ordinance as discussed:

Motion: Bob Findley

Second: Rob VanEgghen

Vote: 3-0

7. Municipal liens & permits

Rory: As you are aware, there was a fire on Main Street. The property owner has not been cooperative. There is a State law that requires the Town to house anyone rendered homeless by a code violation, such as a fire. The landlord refused to do so and so the Town had to house about 10 apartments at a cost of up to \$4,000 each. The Town ended up spending over \$20,000. The Board of Selectmen passed an ordinance requiring people to be up to date on their property taxes to be issued a permit. We tried to pursue that for this case but Town Counsel informed us at the ordinance we have was not sufficient. I don't know if the Statutes allow us to pass anything, but I asked to see if you could address it.

Rob: Could we file a lien?

Rory: We did, but it doesn't have to be paid immediately.

Bryan: The Town could foreclose on the lien.

Rob: So we're asking to refuse permits?

Rory: Correct.

Bryan: The Town has an obligation to make the payment. We have an action to foreclose on the lien if we choose.

Bob: Did we issue a permit?

Rory: Yes, we did. We have to within 30 days.

Rob: So we want to stop anything from happening until they pay?

Bob: Can we do that? Does that hurt us because we're stopping the repair?

Rob: It adds another tool to the arsenal.

Bob: Are we doing anything about illegal apartments?

Rory: The owner will have to meet building and fire codes and the enforcement guys will be holding him to the letter of the code.

Bryan: He wouldn't be issued a certificate of occupancy. There are fines and even potential jail time depending on the severity.

Rob: I'm in support of expanding the language to accommodate it.

Bob: Me too, it gives us additional leverage.

A motion was made to expand the language of the ordinance to include liens.

Motion: Rob VanEgghen

Second: Bob Findley

Vote: 3-0

Rob: This will come back to us anyway.

Rory: Rich was unsure whether we're allowed to do this anyway.

8. Article II

Annmarie: Rory and I started reviewing the boards and it's amazing how many were put in place in the 1960's and are not currently used but are still in the ordinances.

Rob: Do we have a welfare committee?

Rory: My understanding is before welfare programs were administered at the State level they were administered locally so this may be a reference to that.

Annmarie: Commission on Aging?

Bryan: We'll ask the Town Clerk to see if there is a typo related to "the 31st" which doesn't specify a month.

Bob: Board of Ethics says "each member shall serve until a successor is appointed.

Bryan: That's just to ensure there is always a full board.

Annmarie: They can serve a maximum of five years.

Rory: They have not met the entire time I have worked for the Town. We will need to reconstitute the Board.

Bryan: There is also a disagreement between the ordinances and the Charter and the Charter takes precedence.

Annmarie: The ordinance includes membership that includes Civil Defense, which we changed for Emergency Management Director.

Rory: Is this statutorily required?

Bryan: No.

Rory: We already have the Local Emergency Planning Committee, which is tasked with public safety. This is from 1961, so I think this predates the LEPC. If it performs a different role than the LEPC, I think we should keep it but if it's the same, I don't see the point in keeping it. The ordinance doesn't give them any real power anyway.

Annmarie: Okay then, we can replace safety committee with the LEPC.

Rory: The LEPC exists by statute we'd be rewriting it.

A motion was made to remove the Safety Committee from the ordinances.

Motion: Bob Findley

Second: Rob VanEgghen

Vote: 3-0

Rob: Should we remove the Welfare Advisory board as well?

Bryan: This has a reference to a State Statute 7-127 repealed in 1982.

Annmarie: Then let's strike it.

A motion was made to remove the Welfare Advisory Board.

Motion: Rob VanEgghen

Second: Bob Findley

Vote: 3-0

Rory: Civil Preparedness and Communications Commission has already been updated. We wait until we have a few because it costs money to update the website that hosts the ordinances. Beautification is something I have not heard of. We had Seymour Pride when I started. I believe we should remove things we don't use unless we'd like to see them instituted because these are requirements we created that we are not meeting.

Rob: I would rather leave this as a reserved division.

Bob: This is one I would love to see filled.

Rory: The Sustainability Committee does some cleanup events. We had started an initiative to reduce the overall number of boards. We have over 200 volunteer government positions and part of the problem is there aren't enough active people to fill the slots. The requirement for 5 additional volunteers is something I would try to avoid. I love the idea of a community organization doing this that the Town can partner with. The Board of Selectmen can also appoint a committee without codifying it in the ordinances.

A motion was made to remove the Beautification Commission:

Motion: Rob VanEgghen

Second: Bob Findley

Vote: 3-0

Rob: Employee safety commission, isn't that under HR?

Rory: The Town already has one because OSHA requires ones.

Annmarie: OSHA has a lot of requirements that are more stringent and OSHA supersedes this and some of this ordinance contradicts OSHA requirements.

A motion was made to update the Employee Safety Committee to be in line with OSHA requirements:

Motion: Rob VanEgghen

Second: Bob Findley

Vote: 3-0

Rob: I have a lot to talk about with EDC. Should we save this for another night?

Annmarie: Agreed. For Culture & Arts, we have to remove the reference to the municipal theater.

Rory: Also the membership is listed as 7 members but the last Charter revision reduced it to 5. The Aquifer Protection is filled by the Conservation Commission.

Annmarie: Friends of the Broad Street Park Commission should be removed because it's been absorbed into Parks.

Annmarie: We'll go back and do EDC, Strategic Plan and Municipal Flood & Erosion Control at a later date.

9. Discussion and take possible action on other ordinances forwarded by the Board of Selectman

No further discussions were held.

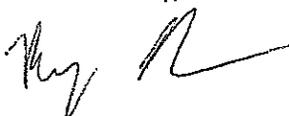
A motion was made to adjourn the meeting at 9: PM.

Motion: Bob Findley

Second: Rob VanEgghen

Vote: 3-0

Submitted by,



Rory Burke

Recording Secretary

