

**TOWN OF WALLINGFORD, CONNECTICUT
TOWN COUNCIL MEETING
Robert F. Parisi Chambers
Wallingford Town Hall
45 South Main Street
Ordinance Committee
Tuesday, September 3, 2019
6:30 P.M.**

RECORD OF VOTES & MINUTES

The meeting was called to order at 6:38 P.M. The Pledge of Allegiance was said. The following Councilors were in attendance: Craig Fishbein, Vincent Cervoni, John LeTourneau, Joseph Marrone, Gina Morgenstein, Christopher Shortell, Vincent F. Testa, Jr. and James Zandri. Councilor Thomas Laffin was absent. Others in attendance were: Corporation Counsel Janis Small.

1. Pledge of Allegiance
2. Roll Call
3. Approval of Minutes of June 11, 2019 Ordinance Committee meeting.

MOTION WAS MADE TO APPROVE MINUTES

MADE BY: CERVONI

SECONDED BY: MARRONE

Councilor Fishbein acknowledged Cynthia Kleist's retirement and complemented her on doing a great job with minutes. Councilor Shortell agrees with Councilor Fishbein that she did a great job.

ROLL CALL VOTE:

FISHBEIN: ABSTAIN

LAFFIN: ABSENT

LETOURNEAU: YES

MARRONE: YES

7-AYE

1-ABSTAIN

MOTION: PASSED

MORGENSTEIN: YES

SHORTELL: YES

TESTA: YES

ZANDRI: YES

CERVONI: YES

4. Discussion and possible action on amending Wallingford's tax abatement for first responders subject to the provisions in PA 19-36 – Councilor Fishbein

In Attendance: Richard Heidgerd, Fire Chief

Councilor Fishbein noted this is not for all first responders, just volunteers and stated that we are very lucky to have our volunteers.

Councilor Fishbein and Attorney Small discussed the tax abatement issue. Attorney Small stated that this is a tax reduction. She stated for the years 2020 to 2021 it could be up to \$1,500 and for 2022 on, it could be up to \$2,000. She indicated that presently the ordinance has a breakdown of number of years of services and explained for the current ordinance for 1-4 years of service they get \$250, for 5 to 6 years of service they get \$500, for 7 to 9 years of service they get \$750 and for 10 or more years its \$1,000. Attorney Small went on to state that in the next two years it could go up to a max of \$1,500 and then up to a max of \$2,000.

Councilor Fishbein supports this.

The Mayor explained this is a payment made by the Fire Department. Whoever qualifies; they pay their taxes in full, and then they are reimbursed the appropriate amount by the Fire Department. He went on to say Federal Government requires withholding from those sums because the Federal Government sees it as ordinary income.

Chief Heidgerd stated that is accurate, the mayor is correct.

Councilor Testa believes this is a reimbursement by their employer who is not really their employer. He asked why we are doing it that way.

Attorney Small stated that the statute refers to it as abatement and deferred this to the Chief.

Councilor Testa suggests we do it as a credit without checks, etc. He stated overall he is in favor of this and thinks this is a great program. He asked how much it is each year to administer this. Chief Heidgerd responded that it is budgeted at \$25,000 but his experience is around \$14,000.

Attorney Small noted when this was done in 2003 it was meant to be an incentive to volunteers. She will talk with the Comptroller, Mr. Bowes, to get a clearer interpretation on the IRS issue.

Councilor Cervoni wants to see how we change years of service and inquired about putting the \$500 increase under the first year. The Chief stated he did not have any recommendations for that. Councilor Cervoni remarked that he appreciates everything the Fire Department does.

Councilor Zandri stated we have already budgeted for this and noted there is a minimal tax impact; it almost has no tax hit. He agrees with Councilor Testa that he would like to see a better way to do this so they don't take a tax hit. He suggested lowering their tax bill or having their assessment managed differently so they are not paying taxes on it. He is good with bumping all the numbers up by \$500. He is looking at creative ways that we might be able to do this.

Councilor Fishbein stated the difference is the individual being categorized by a town employee. He feels maybe part of this analysis has to do with possibly the payment doesn't happen at all.

The Mayor stated that Corporation Council needs to look into this. He explained if you're receiving money for service they are looking to you as an employee. The IRS likes to see things on very black and white terms it makes it simple for them but we can look into it.

MOTION WAS MADE THAT THE PRESENT TIERS FOR THE NEXT TWO YEARS BE \$500 \$750 \$1,000 and \$1,500 AND THEREAFTER THEY BECOME \$750 1,000, \$1,500 and \$2,000.

**MADE BY: FISHBEIN
SECONDED BY: ZANDRI**

Councilor Morgenstein is very happy to move forward with the numbers that have been thrown out and vote on it. She feels the word abatement is inaccurate.

Councilor Morgenstein calls the question.
Councilor LeTourneau seconds.

ROLL CALL VOTE:	MORGENSTEIN: YES
FISHBEIN: YES	SHORTELL: NO
LAFFIN: ABSENT	TESTA: NO
LETOURNEAU: YES	ZANDRI: NO
MARRONE: YES	CERVONI: NO
4-AYE	
1-ABSENT	
4-NAY	
MOTION: FAILS	

Chairman Cervoni has no problem with the numbers as proposed. He thinks we are putting the cart before the horse in terms of where we are in the process. He stated as far as whether or not this is abatement, we can only do with taxation what Connecticut General Statutes allows us to do as a Town or a Council. He doesn't know if it's necessary to do a motion at this time because we are waiting for information to come back on how we can do this.

Councilor Fishbein feels there is merit there but he doesn't agree with the characterization that we are putting the cart before the horse. He stated if we don't change anything we still have the system as it presently exists.

Bob Gross, Long Hill Road, feels we should just do the maximum amount whatever it is. He went on to say any income is considered income to the IRS and it is taxable by IRS standards. He remarked that you can't give someone a tax break that doesn't have a tax liability.

Tim Wall asked if we are accepting the whole law the way the law is written, and referred to Public Act #19-36.

There was discussion with regard to residents being protected by an Inter-Local Agreement. Councilor Zandri supports this regardless and does not want the lack of an Inter-Local Agreement to stop us.

Bill Celata, Sorrento Road, stated if someone from North Haven volunteers in Walling then they have no tax liability to Wallingford. He asked if the Town of Wallingford would accept North Haven's tax

liability and then be eligible for the payment.

Chairman Cervoni stated if we want to contemplate somebody outside of Wallingford getting compensated then the ordinance has to be changed.

Councilor Shortell indicated that Attorney Small will follow-up on how this is administered.

ROLL CALL VOTE:	MORGENSTEIN: YES
FISHBEIN: YES	SHORTELL: YES
LAFFIN: ABSENT	TESTA: YES
LETOURNEAU: YES	ZANDRI: YES
MARRONE: YES	CERVONI: YES
8-AYE	
1-ABSENT	
MOTION: PASSED	

5. Discussion on prompt posting of agendas and minutes on town website of those groups required to be posted under FOI – Councilor Fishbein

Councilor Fishbein inquired about rules for votes and minutes for various Boards and Commissions. He feels we need to pass an ordinance that has some sort of reasonable criteria and he will look to administration as to what is reasonable.

Councilor Cervoni asked if we are compliant with FOI requirements.

Attorney Small stated that she does not check up on Boards and Commissions. She hasn't gotten any complaints recently. She indicated she sends out a memo periodically as a reminder on the requirements.

Councilor Cervoni asked if the FOI Act requires us to post on the website in total within a certain amount of time. Attorney Small answered no and stated the important part is to get them to the Town Clerk. She stated that special meetings have to go on the website and yearly schedules get posted on the website if available. Regular meeting do not have to be posted on the website.

The Mayor stated that the law does not require it and he feels it would be an additional administrative cost to put everything online all the time. If we were seeing multitudes of requests looking for minutes and it was easier to put them online, he would be the first one to say it's appropriate but there is no demand for these in any numbers, we are only creating more cost for government and we can't keep up with the current staff we have.

Councilor Letourneau feels it is a courtesy to our residents that they should be able to get this online.

Councilor Fishbein stated from his perspective, it's the reliance aspect. He thinks everything should be on the website. He mentioned that Parks & Recreation has not posted minutes since 2013.

Councilor Morgenstein feels people are not requesting things because they are not aware that they exist because there is not a good website. She stated the people in Wallingford do not have a transparent government.

Councilor LeTourneau asked what the estimated cost is if we do this. The Mayor said that he can formulate one but we do not have the staff time to accomplish this currently.

Councilor Shortell disagrees with Councilor Morgenstein. He thinks our website is pretty good and very well organized. He feels part of the problem is you don't know you need it until you need it. He asked the Mayor if we could look at hiring a high school student or intern.

The Mayor stated if everyone is worried about the Parks & Recreation Commission minutes then we could look to get them online. Councilor Shortell thinks it's the right thing to do.

Mr. Brodinsky, 45 Valley View, feels there is no will to do this. He asked how much time it takes for a four page set of minutes to get on the website. The Mayor stated he does not have that information at this time.

Mr. Ciardullo, 2 Bayberry Drive, stated he doesn't see it as a resource issue, to him, it's performance management. He does not think this is a cost issue.

Jennifer Parmelee, Bristol Street, feels we need to upgrade.

Bob Gross, Long Hill Road, stated to Councilor Fishbein that he thought that if you have a website then the town is required to post minutes. There was discussion between Mr. Gross, Attorney Small and Councilor Fishbein regarding Section 1-225 under the FOI Act. Councilor Fishbein stated that it does not have to be done.

Councilor Fishbein wants to know how long it takes to post on the website.

Councilor Zandri stated it takes seconds, not even five minutes. He agrees that we could hire an intern even if to just get caught up. He remarked there has got to be the will to do it and there is no will.

The Mayor stated that everything costs money and when we spend money it should be for an identified need.

Councilor Fishbein thinks an appropriate way to deal with this is to keep it on the Agenda.

The Mayor will obtain information and see what's possible.

Councilor Testa stated if administration doesn't want to do this, it's not going to get done.

Mr. Brodinsky spoke to the Council members about their legislative responsibilities. He asked them to not get talked out of their duty as a legislative body and to pass ordinances to help steer the town in the direction.

6. Discussion and possible action on a Taxpayer Credit Ordinance – Councilor Zandri

Councilor Shortell noted that Mr. Bowes was not able to attend the meeting tonight.

Councilor Zandri talked about how we can approach funds left over as a surplus and have them utilized in future budget. He stated that he would like to make it so that we are not compelled to put money back into the general fund balance but intentionally earmark it for the next budget and not in the form of an allocation, he wants it to be allocated to something, for example, community pool and if we can't do that then drive it by ordinance that it must be consumed into the budget for the following year. He would like an input from the public.

Councilor Shortell asked Attorney Small if she had any comments on the legality of this. She explained that you can't, by ordinance, change the powers that the Charter gives the Council and the Mayor on the budget. She went on to state it takes both branches of government to accomplish a budget.

The Mayor commented that when we did use reserves, the result was losing a triple A credit rating.

Councilor Morgenstein feels this discussion is valuable and stated that with Mr. Bowes here, she would like to continue this conversation. She feels we owe it to the public to use our dollars wisely.

Councilor Shortell suggested putting this on as a regular Agenda item with Chairman Cervoni.

Councilor Fishbein inquired about passing an ordinance in which at the end of the fiscal year after the audit is done, a surplus is realized, and a refund is given to the taxpayer. Attorney Small stated she highly questions whether or not that would be permitted under state law.

Councilor Fishbein asked if we can express an intent. Attorney Small does not think that it's proper subject of an ordinance to state intent.

Mr. Ciardullo thanked Councilor Zandri for bringing this item to the Committee. He would like to see this brought forward to Council and take a vote. He feels this is unfair and a disservice of any municipality that raises taxes as part of a budget process and then keeps the money. He agrees with this proposal for an ordinance.

Councilor Zandri thinks we should have another discussion during a regular Town Council Meeting.

Councilor Shortell stated since Attorney Small indicated this does not belong on the Ordinance Committee, any Council member can add this to any Agenda for future discussion.

7. Adjournment

Chairman Shortell declared the meeting adjourned.

The Meeting adjourned at 8:55 p.m.

Respectfully submitted,

Lisa Moss
Council Staff
Meeting digitally recorded

In accordance with Title II of the Americans with Disabilities Act- Individuals in need of auxiliary aids for effective communication in programs and services of the Town of Wallingford are invited to make their needs and preferences known to the ADA Compliance Coordinator at 203-294-2070 five days prior to meeting date.