

**TOWN OF WALLINGFORD, CONNECTICUT  
TOWN COUNCIL MEETING  
Robert F. Parisi Chambers  
Wallingford Town Hall  
45 South Main Street  
Ordinance Committee  
Tuesday, October 15, 2019  
6:30 P.M.**

**RECORD OF VOTES AND MINUTES**

The meeting was called to order at 6:35 P.M. The Pledge of Allegiance was said. The following Councilors were in attendance: Craig Fishbein, Vincent Cervoni, Thomas Laffin, Joseph Marrone, and Christopher Shortell. Councilors John LeTourneau, Gina Morgenstein, Vincent F. Testa, Jr., and Jason Zandri were absent. Others in attendance were: Corporation Counsel Janis Small.

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

Chairman Shortell noted the status of the absent councilors and mentioned that Councilor Laffin is on his way. It was determined that there was a quorum and the meeting could commence.

**MOTION WAS MADE TO APPROVE MINUTES**

**MADE BY: CERVONI**

**SECONDED BY: FISHBEIN**

Chairman Shortell acknowledged and welcomed Cheryl-Ann Tubby as the new Recording Secretary.

<b>ROLL CALL VOTE:</b>		<b>MORGANSTEIN:</b>	<b>ABSENT</b>
<b>FISHBEIN:</b>	<b>YES</b>	<b>SHORTELL:</b>	<b>YES</b>
<b>LAFFIN:</b>	<b>ABSENT</b>	<b>TESTA:</b>	<b>ABSENT</b>
<b>LETOURNEAU:</b>	<b>ABSENT</b>	<b>ZANDRI:</b>	<b>ABSENT</b>
<b>MARRONE:</b>	<b>YES</b>	<b>CERVONI:</b>	<b>YES</b>
<b>4 - AYE</b>			
<b>4 - ABSENT</b>			
<b>MOTION: PASSED</b>			

Councilor Laffin arrived at approximately 6:45pm.

4. Discussion and possible action on Abatement for Members of Volunteer Fire Departments.

Chairman Shortell noted that this is a carryover from the previous Ordinance meeting and that there are three issues to be discussed. Attorney Small has provided follow up information by email. The first issue was the correct wording of the actual abatement. The second issue was a discussion around the mechanics. Historically it's a check that counts as taxable income. Third was the inter-local agreements.

Attorney Small pointed out the draft memo she provided should address the issues. She did research on tax status under the IRS code and the provision of the law and what is in the proposed law. She pointed out that any way this is paid it is considered income by the IRS. Attorney Small described a past statute with a maximum of \$360 would not be considered gross income, but it applied to 2010 only. This legislation has not been reenacted. She stated that the fact that it's taxable doesn't change anything in the ordinance.

Councilor Fishbein stated he had no problem with what Attorney Small had put together. He asked to discuss the taxability of the abatement, comparing it to tax refunds. He asked if the abatement could be structured in a similar manner. Attorney Small clarified that the refunds are for overpayments. This would not be a refund, but a benefit. However it is paid, it is still considered income by the IRS. Councilor Fishbein asked if someone did not take the benefit, it could be said that they would be overpaying their taxes. Attorney Small disagreed. If people don't avail themselves of programs, the town doesn't owe them the benefit. Attorney Small stated that she appreciated the attempt to find a way to not make it income, but the IRS calls it income. Attorney Small pointed out the wording in the current law (26 USC 139B) stating it was a benefit and thus taxable. Attorney Small noted that she is not a tax expert, but she doesn't know of a way around this code. She suggested getting input from a tax expert.

As for the latest Federal bill, Attorney Small stated that if the Council doesn't feel the pending proposed law goes far enough, there is a way to pursue changes. The pending legislation has been proposed many times since the original one expired in 2010. She noted that it also has a cap but increases the benefit to \$50 a month and makes the legislation permanent. Councilor Fishbein asked what portion of the law would make the benefit untaxable. Attorney Small stated that if it says it's not included in gross income, then it's not taxed. Statute 139B(a) states "gross income shall not include", then section c2B mentions the monthly limit. The pending bill doesn't change that wording. Councilor Fishbein asked that if the benefit is not considered gross income, where does it say it's taxable? Attorney Small replied that if it doesn't say that it isn't taxable, then it is. IRS code tells you what's not taxable, not what is taxable. She also noted that this benefit has expired. Attorney Small reported that presently there is no statute in the IRS code that she could find that says this benefit is not taxable income. Councilor Fishbein thanked Attorney Small for her explanation.

No further questions were presented by the Council. No questions were presented by the Public. Chairman Shortell called for a Motion.

**MOTION TO ADVANCE THIS DISCUSSION TO THE NOVEMBER 12, 2019 COUNCIL MEETING.**

**MADE BY: CERVONI**

**SECONDED BY FISHBEIN**

**ROLL CALL VOTE:**

**FISHBEIN: YES**

**LAFFIN: YES**

**LETOURNEAU: ABSENT**

**MARRONE: YES**

**5 -AYE**

**4 - ABSENT**

**MOTION: PASSED**

**MORGANSTEIN: ABSENT**

**SHORTELL: YES**

**TESTA: ABSENT**

**ZANDRI: ABSENT**

**CERVONI: YES**

5. Discussion and possible action on Abandoned Vehicles

*In attendance: William J. Wright, Chief of Police*

Attorney Small reviewed the issue which focuses on abandoned vehicles on properties which is a violation zoning and a blight issue. Currently being dealt with between the police department and zoning. The Police Department reports that the way the ordinance is written puts it into the infraction category. The request is to change it to a citation under the Blight Ordinance. Then it would go through the citation and appeal procedure which is through the town not the state. Attorney Small noted that the statutes for towing are poorly written. This doesn't take away police powers to deal with vehicles on the streets. This is about vehicles on someone's property considered blight and zoning violation, and we want them to be responsible for getting rid of it. Put into Blight ordinance and any fines paid come to the Town. Chief Wright offered no comment.

Councilor Marrone stated that it makes perfect sense. He asked if this included all unregistered vehicles. Attorney Small replied that it comes into play when there are multiple vehicles or rotting vehicles and it turns into a blight issue with complaints. Outside of that section then the policy have powers and processes.

Councilor Fishbein stated that he had no problem with the concept. He asked what is done with vehicles that are removed per statute 14-150A. Attorney Small indicated that primarily this is for situations where we are not involve in the removal. There is a different statute covering removals. Chief Wright stated that typically complaints come from our own observation or the water department reporting vehicles not registered or under proper cover within the watershed as well as from residents noticing vehicles in yards. He reported that they are pretty good at getting residents to comply with the current ordinance but there are situations that should fall under blight. Currently they can't remove a vehicle from private property without a court order or search warrant. Councilor Fishbein asked for clarification of what happens to cars that are towed and who pays the fees for towing and storage. Chief Wright reported that they have a rotation

list of garages they use and there is a procedure for the garage to seek redress for the fees from the owner. He noted that if the vehicle is unclaimed after a certain period of time the car can be sold at auction or destroyed. Councilor Fishbein noted that the sale is not part of this ordinance. Attorney Small pointed out that that is covered in ordinance 14-150 and that process is not being changed. The power of the police to use the other procedures are not diminished by the proposed ordinance change. Councilor Fishbein asked for further clarification on the ability to sell the vehicle since the ordinance only refers to removal in 14-150a. He suggested some reference to possible sale be included. Attorney Small agreed to review the ordinance again. Councilor Fishbein asked why the ordinance is limited to vehicles and asked if boats should be included. Attorney Small agreed to review it to see if we should reference something else. Councilor Fishbein stated he was in favor of this. Chief Wright added that once the vehicle is removed it triggers a separate process including formal notification to the owner and lien holder. The garage also has obligations for notification. There is a very formal process before a vehicle can be sold or destroyed. Councilor Fishbein asked about responsibility for storage fees. Chief Wright reported that it hasn't happened very often, but that the garage would be responsible for recovering those fees. Attorney Small offered to read through the ordinance again.

Councilor Marrone suggested the discussion be advanced to the Council and have additional information presented then.

**MOTION TO ADVANCE THE DISCUSSION AND POSSIBLE ACTION ON  
ABANDONED VEHICLES TO THE NOVEMBER 12<sup>TH</sup> COUNCIL MEETING.**

**MADE BY: MARRONE**

**SECONDED BY: FISHBEIN**

No further questions were presented by the Council. No questions were presented by the Public. Chairman Shortell called for a vote.

**ROLL CALL VOTE:**

**FISHBEIN: YES**

**LAFFIN: YES**

**LETOURNEAU: ABSENT**

**MARRONE: YES**

**5 - AYE**

**4 - ABSENT**

**MOTION: PASSED**

**MORGANSTEIN: ABSENT**

**SHORTELL: YES**

**TESTA: ABSENT**

**ZANDRI: ABSENT**

**CERVONI: YES**

The next Ordinance Committee meeting is December 3<sup>rd</sup>.

Paul Ciardullo of Bayberry Drive asked to speak. He was recognized by Chairman Shortell. Mr. Ciardullo asked that the agenda item presented by Councilor Zandri on the taxpayer credit ordinance be moved to the October Council meeting instead of the November meeting. Chairman Cervoni responded that the request was discussed at an Ordinance Committee meeting and it was determined that it was not appropriate for an ordinance but will be a discussion item at the November 12<sup>th</sup> Council meeting. Mr. Ciardullo expressed concern that discussion of this issue has been delayed. Councilor Cervino reviewed the process. Mr. Ciardullo asked what will happen after the Council meeting. Chairman Cervoni replied that the concept is understood but he doesn't know if the Council has the ability to do it due to legal issues. Then the question will be how it would be effectuated.

Councilor Shortell stated that he appreciates Mr. Ciardullo's passion on this issue and agreed that it took a while for the proposal to get on the Council agenda. It was discussed at the September 3<sup>rd</sup> Ordinance Committee meeting and determined that it was not appropriate for an ordinance but was more appropriate for the Council. Attorney Small indicated she had nothing to add to the discussion.

Mr. Ciardullo's stated that his concerns were: 1) the delay to the November meeting, 2) it is a critical issue that the proposal resolves, and 3) that a lot of people are concerned about the issue. Councilor Shortell restated that Mr. Ciardullo's passion for this issue is appreciated and encouraged him to have other residents interested in the issue come to meetings and speak. Mr. Ciardullo reiterated that it was important to move the agenda item to the meeting before the elections.

## 6. Adjournment

Councilor Shortell declared the meeting adjourned at 7:15 P.M.

Respectfully submitted

Cheryl-Ann Tubby  
Recording Secretary