

**Board of Selectmen
Special Meeting Agenda
November 19th 2020 at 7.00pm
Meeting to be held remotely due to COVID 19**

Internet: <https://us02web.zoom.us/j/83107007602>
Phone: 646 558 8656
Meeting ID: 831 0700 7602

1. Call to Order
2. Public Hearing to amend, pursuant to a request of Weston Fire/EMS, Ordinance Chapter 179, Article IV, Volunteer Emergency Service Organization Members
3. Adjournment

DRAFT Motions for the Nov 19th Special BOS Meeting

1. Call to Order: **No motion**

2. Public Hearing to amend, pursuant to a request of Weston Fire/EMS, Ordinance Chapter 179, Article IV, Volunteer Emergency Service Organization Members

- I move to open the public hearing on the subject of amending, pursuant to a request of Weston Fire/EMS, Ordinance Chapter 179, Article IV, Volunteer Emergency Service Organization Members.

- I move to close the public hearing on the subject of amending, pursuant to a request of Weston Fire/EMS, Ordinance Chapter 179, Article IV, Volunteer Emergency Service Organization Members.

3. Adjournment: **I move to adjourn.**



Jonathan Luiz <jluiz@westonct.gov>

Revised Tax Abatement Ordinance

1 message

Jon Weingarten <jweingarten@westonems.com>

Fri, Oct 30, 2020 at 3:14 PM

To: Jonathan Luiz <JLuiz@westonct.gov>

Cc: Craig Cohen <ccohen@wvfd.com>

Jonathan,

Attached is the Revised Tax Abatement Ordinance for Fire and EMS based on our meeting today. Let me know if you have any additional corrections from the Town Attorney.

Jon



Tax Abatement Town Ordinance rev..docx

41K

Article IV

Volunteer Emergency Service Organization Members

[Adopted 11-2-2000, effective 11-30-2000]

§ 179-13 Death and disability.

§ 179-8 Authority; abatement granted; limitations.

§ 179-9 Definitions.

§ 179-10 Points.

§ 179-11 Determination of abatement amount.

§ 179-12 Household abatement.

§ 179-13 Death and disability.

§ 179-14 Probationary emergency service volunteers.

§ 179-15 Other abatements.

§ 179-16 Interpretation.

§ 179-17 Certification.

§ 179-18 **Effective date.**

§ 179-8 **Authority; abatement granted; limitations.**

In accordance with Connecticut Public Act 99-272, Section 6, ¹ the Tax Collector's office shall provide a property tax abatement ("property tax abatement"), in an amount calculated as set forth below, to each individual who is, as of each determination date, an active emergency services volunteer and is otherwise eligible. Such abatement shall be applied, up to the whole thereof, to the first installment of tax due from the emergency services volunteer following the determination date, and any remaining balance thereof shall be applied to the second installment of tax due following the determination date. Such tax abatement shall in no event exceed such individual's total property tax payment liability or be construed to carry over from year to year. An emergency services volunteer who is delinquent in the payment of property tax shall not be eligible to receive an abatement hereunder.

[1]

Editor's Note: See § 12-81W of the Connecticut General Statutes.

§ 179-9 **Definitions.**

As used in this article, the following terms shall have the meanings indicated:

ACTIVE

Full and active membership, and good standing, in one or more of the emergency service organizations in accordance with the bylaws of such organization and possessing the appropriate certification to provide emergency services in accordance with the respective emergency service organization's bylaws and any applicable state or federal law. The term "active" shall specifically exclude any emergency service volunteers who are deemed probationary ("probationary emergency

service volunteers") in accordance with the respective emergency service organization's bylaws.

CALL

A bona fide response to a broadcast request issued from the Weston emergency dispatch office to an emergency incident and bona fide participation in a community service event utilizing emergency response apparatus.

DETERMINATION DATE

January 1 of each year.

EMERGENCY SERVICE ORGANIZATION

Includes the recognized EMS, fire rescue, and fire police organizations serving the Town of Weston.

EMERGENCY SERVICE VOLUNTEER

Includes any individual actively engaged in one or more of the emergency service organizations. In no event shall participation in more than one emergency service organization entitle an emergency service volunteer to a property tax abatement of more than \$1,000.

MEDICAL DISABILITY or MEDICALLY DISABLED

The inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration.

SENIOR OPERATIONAL AUTHORITY

The duly elected Chief or the EMS Operations Officer, as appropriate, of the Weston Volunteer Fire Department.

TOTAL CALLS TOTAL CALL Points

The aggregate of call calls-attendedpoints between the determination date of the previous year and the determination date of the current year.

TOTAL PROPERTY TAX PAYMENT LIABILITY

The aggregate of all property tax, whether assessed against real or personal property, payable to the Town of Weston by an emergency service volunteer.

§ 179-10Points.

Total points ("total points") shall be the sum of points (each a "point") accumulated from the determination date of the previous year until the determination date of the current year. Points shall be assessed in accordance with the following table:

Type of Service	Points Assessed
Call (as defined above) commencing between the hours of 6:00 a.m. and 6:00 p.m.	3
Call (as defined above) commencing between the hours of 6:01 p.m. and 5:59 a.m.	23
Monthly drill or meeting	1
Weekly drill	1
Possession of Fire Fighter I or II certification	10 each
Possession of EMT certification	10
Possession of HAZMAT Operational, MRT, MAST or DEFIB certification	5 each
Each hour of training not otherwise recognized hereunder and approved in writing by the senior operational authority of the applicable emergency service organization	1
Each year of active service	1
Elective office (line or civil, fire or EMS) as set forth in the bylaws of the Weston Volunteer Fire Department	10
Membership and participation in the group of EMS personnel which is scheduled to respond to emergency incidents during a certain period (e.g., night duty)	1/3
Chairmanship of a standing committee as defined in the bylaws of the Weston Volunteer Fire Department	5 each
Each Department-related community service event which is not otherwise a "call" and is approved in writing by the senior operational authority of the applicable emergency service organization	1

Type of Service	Points Assessed

§ 179-11 Determination of abatement amount.

A. Entitlement to, and amount of, property tax abatement shall be determined in accordance with the following table:

Level	Total Calls <u>Call Points</u>	Total Points	Amount of Property Tax Abatement
1	<u>3075</u>	100-125 <u>or more</u>	\$1,000
2	<u>2050</u>	75 to 99 <u>94</u>	\$750
3	<u>1025</u>	50 to 74 <u>63</u>	\$500
4	<u>60</u>	30 to 49 <u>0</u>	<u>\$2500</u>

B. An emergency service volunteer must meet both the total call points and the total points requirement of a given level as set forth above in order to qualify for that level's amount of property tax abatement.

§ 179-12 Household abatement.

A. In the event an active emergency service volunteer who is otherwise entitled to a property tax abatement lacks such amount in total property tax payment liability in his or her name, such individual's spouse, who is domiciled with him or her, whether or not such spouse is an active emergency service volunteer, shall be entitled to receive the balance up to such spouse's total property tax payment liability.

B. In the event an active emergency service volunteer entitled to a property tax abatement is domiciled with and is the spouse or child of another active emergency service volunteer entitled to a property tax abatement, each shall be entitled to the full amount to which he or she would otherwise be entitled.

§ 179-13 Death and disability.

A. Any emergency service volunteer having a medical disability who has been active for an aggregate of 30 or more years and who is active at the determination date shall be entitled to the maximum property tax abatement of \$1,000.

B. Any emergency service volunteer who has been medically disabled in the line of duty and has been active for an aggregate of five or more years shall be entitled to the maximum property tax abatement of \$1,000 for the remainder of his or her lifetime.

C. The spouse of any emergency services volunteer who is killed in the line of duty shall be entitled to the maximum property tax abatement of \$1,000 for the remainder of his or her lifetime.

§ 179-14 Probationary emergency service volunteers.

Probationary emergency service volunteers may accumulate points and calls but shall in no event be entitled to a property tax abatement unless he or she is active on the determination date and is otherwise eligible.

§ 179-15 Other abatements.

This property tax abatement shall be in addition to and not a limitation of any other tax abatement, rebate, exemption, or other discount to which any emergency service volunteer may be entitled.

§ 179-16 Interpretation.

Any disputes regarding the construction, interpretation, or administration of this article shall be resolved by a duly constituted meeting of the Weston Volunteer Fire Department Executive Committee and/or the EMS Executive Committee, as appropriate, its decision being subject to the review and approval of the Weston Board of Selectmen.

179 -17 - Special Circumstances -Extended Medical Leave

An active member who is on medical leave for a minimum of 6 months in a calendar year, will be allowed to maintain their Tax Abatement participation in the following year, at the next lower category from the current year

179-18 – Special Circumstances-Public Health Emergency

In the event of a Public Health Emergency The BOS has the authority to grant Fire and EMS active duty members a waiver on good standing, call points, and total points, as required by The Tax Abatement Ordinance.

~~§ 179-17~~Certification. 179-19 - Certification

Certification of an active emergency service volunteer's eligibility hereunder shall be delivered to the Tax Collector's office on or before May 15 of each year by the Executive Committee of the Weston Volunteer Fire Department.

~~§ 179-18~~Effective date. 179-20 – Effective Date

This article shall take effect and shall be applicable to the tax installment due in July of the year 202101.

Article IV

Volunteer Emergency Service Organization Members

[Adopted 11-2-2000, effective 11-30-2000]

§ 179-13 Death and disability.

§ 179-8 Authority; abatement granted; limitations.

§ 179-9 Definitions.

§ 179-10 Points.

§ 179-11 Determination of abatement amount.

§ 179-12 Household abatement.

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§ 179-15 Other abatements.

§ 179-16 Interpretation.

§ 179-17 Certification.

§ 179-18 Effective date.

§ 179-8 Authority; abatement granted; limitations.

In accordance with Connecticut Public Act 99-272, Section 6,¹ the Tax Collector's office shall provide a property tax abatement ("property tax abatement"), in an amount calculated as set forth below, to each individual who is, as of each determination date, an active emergency services volunteer and is otherwise eligible. Such abatement shall be applied, up to the whole thereof, to the first installment of tax due from the emergency services volunteer following the determination date, and any remaining balance thereof shall be applied to the second installment of tax due following the determination date. Such tax abatement shall in no event exceed such individual's total property tax payment liability or be construed to carry over from year to year unless otherwise set forth in this Article. An emergency services volunteer who is delinquent in the payment of property tax shall not be eligible to receive an abatement hereunder.

[1]

Editor's Note: See § 12-81W of the Connecticut General Statutes.

§ 179-9 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACTIVE

Full and active membership, and good standing, in one or more of the emergency service organizations in accordance with the bylaws of such organization and possessing the appropriate certification to provide emergency services in accordance with the respective emergency service organization's bylaws and any applicable state or federal law. The term "active" shall specifically exclude any emergency service volunteers who are deemed probationary ("probationary emergency

Comment [NRB1]: This should be defined, i.e., no pending disciplinary action, probationary period, etc.

service volunteers") in accordance with the respective emergency service organization's bylaws.

CALL

A bona fide response to a broadcast request issued from the Weston emergency dispatch office to an emergency incident and bona fide participation in a community service event utilizing emergency response apparatus.

DETERMINATION DATE

January 1 of each year.

EMERGENCY SERVICE ORGANIZATION

Includes the recognized EMS, fire rescue, and fire police organizations serving the Town of Weston.

EMERGENCY SERVICE VOLUNTEER

Includes any individual actively engaged in one or more of the emergency service organizations. In no event shall participation in more than one emergency service organization entitle an emergency service volunteer to a property tax abatement of more than \$1,000.

MEDICAL DISABILITY or MEDICALLY DISABLED

The inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration.

SENIOR OPERATIONAL AUTHORITY

The duly elected Chief or the EMS Operations Officer, as appropriate, of the Weston Volunteer Fire Department.

TOTAL CALLS TOTAL CALL Points POINTS

The aggregate of ~~call calls~~ attended points between the determination date of the previous year and the determination date of the current year.

TOTAL PROPERTY TAX PAYMENT LIABILITY

The aggregate of all property tax, whether assessed against real or personal property, payable to the Town of Weston by an emergency service volunteer.

§ 179-10Points.

Total points ("total points") shall be the sum of points (each a "point") accumulated from the determination date of the previous year until the determination date of the current year. Points shall be assessed in accordance with the following table:

Type of Service	Points Assessed
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Call (as defined above) commencing between the hours of 6:01 p.m. and 5:59 a.m.	23
Monthly drill or meeting	1
Weekly drill	1
Possession of Fire Fighter I or II certification	10 each
Possession of EMT certification	10
Possession of HAZMAT Operational, MRT, MAST or DEFIB certification	5 each
Each hour of training not otherwise recognized hereunder and approved in writing by the senior operational authority of the applicable emergency service organization	1
Each year of active service	1
Elective office (line or civil, fire or EMS) as set forth in the bylaws of the Weston Volunteer Fire Department	10
Membership and participation in the group of EMS personnel which is scheduled to respond to emergency incidents during a certain period (e.g., night duty)	1/3
Chairmanship of a standing committee as defined in the bylaws of the Weston Volunteer Fire Department	5 each
Each Department-related community service event which is not otherwise a "call" and is approved in writing by the senior operational authority of the applicable emergency service organization	1

Type of Service	Points Assessed

§ 179-11 Determination of abatement amount.

A. Entitlement to, and amount of, property tax abatement shall be determined in accordance with the following table:

Comment [NRB2]: I suggest that the columns for Total call points and the Total points are formatted to show the range of points per Level. For example, total call points for level 4 would be 0-24.

Level	Total Calls Call Points	Total Points	Amount of Property Tax Abatement
4 1	30 75	100-125 or more	\$1,000
3 2	20 50	75 to 99 94	\$750
2 3	10 25	50 to 74 63	\$500
1 4	6 0	30 to 49 0	\$2500

Comment [NRB3]: Reversed number list for consistency with 179-17 below.

B. An emergency service volunteer must meet both the total call pointss and the total points requirement of a given level as set forth above in order to qualify for that level's amount of property tax abatement.

§ 179-12 Household abatement.

A. In the event an active emergency service volunteer who is otherwise entitled to a property tax abatement lacks such amount in total property tax payment liability in his or her name, such individual's spouse, who is domiciled with him or her, whether or not such spouse is an active emergency service volunteer, shall be entitled to receive the balance up to such spouse's total property tax payment liability.

B. In the event an active emergency service volunteer entitled to a property tax abatement is domiciled with and is the spouse or child of another active emergency service volunteer entitled to a property tax abatement, each shall be entitled to the full amount to which he or she would otherwise be entitled.

§ 179-13 Death and disability.

A. Any emergency service volunteer having a medical disability who has been active for an aggregate of 30 or more years and who is active at the determination date shall be entitled to the maximum property tax abatement of \$1,000.

B. Any emergency service volunteer who has been medically disabled in the line of duty and has been active for an aggregate of five or more years shall be entitled to the maximum property tax abatement of \$1,000 for the remainder of his or her lifetime.

C. The spouse of any emergency services volunteer who is killed in the line of duty shall be entitled to the maximum property tax abatement of \$1,000 for the remainder of his or her lifetime.

§ 179-14 Probationary emergency service volunteers.

Probationary emergency service volunteers may accumulate points and calls but shall in no event be entitled to a property tax abatement unless he or she is active on the determination date and is otherwise eligible.

§ 179-15 Other abatements.

This property tax abatement shall be in addition to and not a limitation of any other tax abatement, rebate, exemption, or other discount to which any emergency service volunteer may be entitled.

§ 179-16 Interpretation.

Any disputes regarding the construction, interpretation, or administration of this article shall be resolved by a duly constituted meeting of the Weston Volunteer Fire Department Executive Committee and/or the EMS Executive Committee, as appropriate, its decision being subject to the review and approval of the Weston Board of Selectmen.

179 -17 - Special Circumstances -Extended Medical Leave

An active member who is on medical leave for a minimum of 6 months in a calendar year, will be allowed to maintain their Tax Abatement participation in the following year, at the next lower category from the current year.**An active**

Emergency Service Volunteer who qualifies on a determination date for property tax abatement under this Article, but who during the course of the calendar year immediately following such determination date goes on medical leave for at least six (6) months, shall remain eligible for property tax abatement under this Article during the calendar year subsequent to that in which he or she went on medical leave, but in an amount one level, as set forth in Section 179-11, less than that applicable for the calendar year in which he or she went on medical leave.

179-18 – Special Circumstances-Public Health Emergency

In the event of a Public Health Emergency The BOS has the authority to grant Fire and EMS active duty members a waiver on good standing, call points, and total points, as required by The Tax Abatement Ordinance.

Comment [NRB4]: Concerned that this section may exceed the authority of the BOS, may give rise to unequal application. Recommend deletion in its entirety.

§ 179-17 Certification. 179-19 - Certification

Certification of an active emergency service volunteer's eligibility hereunder shall be delivered to the Tax Collector's office on or before May 15 of each year by the Executive Committee of the Weston Volunteer Fire Department.

§ 179-18 Effective date. 179-20 – Effective Date

This article shall take effect and shall be applicable to the tax installment due in July of the year 2021~~04~~.

Comment [NRB5]: If the BOS approves these amendments prior to the January 2021 tax installment, the resolution will need to clearly state that the ordinance as it currently exists will continue until the property tax due date of July 1, 2021, and that that time the amendments will take effect.



Jonathan Luiz <jluiz@westonct.gov>

EMS Abatement ordinance - proposed amendments

1 message

Nicholas R. Bamonte <nbamonte@berchemmoses.com>

Tue, Nov 10, 2020 at 1:59 PM

To: Jonathan Luiz <jluiz@westonct.gov>

Cc: Ira Bloom <ibloom@berchemmoses.com>

Jonathan: Per our discussion this AM please see attached with my suggested revisions and general comments.

You will see that I revised the new section 179-17 regarding medical leave and abatement carry over. Although the revised language is somewhat convoluted, I think it removes possible ambiguities as originally drafted. Just want to be extra clear about the section's application. To that end, I would also have the Tax Collector weigh in on this section in particular.

Nick



Nicholas R. Bamonte

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NRB Comments re amendments EMS abatement (01417133xADB93).DOCX

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