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~AD HOC REPORT~

Tax Abatement for Police and Firefighters Surviving Spouses

Tuesday, November 23, 2010

Chairman Jack Knapp called the meeting to order at 6:15 p.m. on Tuesday, November 23, 2010, in the Caucus Room, 3rd Floor, Danbury City Hall, 155 Deer Hill Avenue. Present were Committee members Nancy Deep Damici and Peter Nero. Also present were Ex Officio Members: Ben Chianese and Don Taylor; Geoff R. Herald, Fire Chief; Assistant Finance Director Dan Garrick; Dianne Rosemark, Corporation Counsel; Louis Demici, Firefighters Local 801, President; and, members of the public.

Chairman Knapp introduced everyone present at the meeting and briefly explained the purpose of the continued meeting.

Mr. Nero asked if the surviving spouses for police officers received the benefits as referenced for the surviving spouses of firefighters. Attorney Rosemark reviewed the relevant statutes for pre-1967, 1967 and 1983 benefits. The concern is if the ordinance being proposed is necessary above and beyond what the surviving spouses currently receive. Chief Herald explained the Federal definition of a line-of-duty death for a firefighter is more narrowly defined than Workers' Compensation or other state laws and is not the same across the board. He and Mr. Demici reviewed some death cases with the Committee. The heart and hypertension component relates to anyone hired prior to 1996 as being job related and anyone hired after 1996 has the burden of proof. In 2008, the hypertension component was removed and the definition changed to a cardiac occurrence while an individual was on duty. The proposed ordinance is an attempt to bring clarity to the definition of line-of-duty death for the surviving spouse benefits. Chief Herald pointed out that the ordinance is an opportunity for the City to step up over and above the other agencies that offer death benefits and recognize the families of the fallen firefighter or police officer. Attorney Rosemark explained the various benefits surviving spouses receive.

The Committee reviewed the proposed ordinance:

- The ordinance relates to City firefighters, City volunteer firefighters and City police officers.
- (3) Add in "and living with".
- (4) The concern with the wording was that the duties were not limited to fighting a fire or answering a police call. Chief Herald pointed out that training occurs while the firefighters are working and the activities are dangerous. He offered an example where a firefighter could be at the training school in a building on fire and have a heart attack. He also pointed out that a firefighter rescuing someone from a car that is in water is not fighting a fire but is on duty. Attorney Rosemark pointed out that there are too many gray areas and could end up with a definition that was unworkable. She followed examples from other towns and tried to craft an ordinance that was narrower than the ones she reviewed. He offered a lengthy explanation of the various duties firefighters perform that are dangerous or potentially expose the individual to danger. Attorney Rosemark cautioned the Committee not to delete, "and any other duty ordered to be performed by a superior or commanding officer in the fire department". She pointed out that the Legislature has treated the groups as special groups for a very long time and continue to do so. They are being treated differently because of their job duties.
- 6(c) Abatement is to be 100%.
- 6(d) Abatement is not to exceed the original assessment if someone buys a new home in Danbury after the death of the firefighter or police officer.
- 6(g) Principal residence is the verbiage to be used.
- 6(i) The surviving spouse is to be required to periodically reapply for the abatement.
- 6(j) Tax abatement should cease upon remarriage.

A motion was made by Councilwoman Damici and seconded by Councilman Nero that the Ad Hoc Committee's recommendation was to decline the ordinance as presented.

Mr. Nero explained that his apprehension in approving the proposed ordinance is that it is not clear to him how in all instances the ordinance will impact the surviving spouse because the numbers are so fluid. He does not fully understand the Workers' Compensation component. If there were clearer examples as to how this would impact the lifestyle and quality of life of the surviving spouse, it would make the decision easier for him. He believes that it is important to show the City's firefighters and police officers how highly regarded they are but he feels a lot of that is covered in the contracts that are entered into with them.

Councilwoman Deep Damici and Councilman Nero were in favor. Chairman Knapp opposed the motion.

A motion to adjourn was made by Councilwoman Deep Damici and seconded by Councilman Nero. The motion carried unanimously at 7:38 p.m.

Respectfully submitted,

Jack Knapp, Chairman

Nancy Deep Damici

Peter Nero