

**ENFIELD TOWN COUNCIL
MINUTES OF A SPECIAL MEETING
TUESDAY, July 5, 2022**

A Special Meeting of the Enfield Town Council was called to order by Mayor Cressotti on Tuesday, July 5, 2022. The meeting was called to order at 6:00pm.

ROLL-CALL- Present were Councilors Cekala, Cressotti, Despard, Finger, Hopkins, Ludwick, Mangini, Pyznar, Santanella and Unghire. Also present were Town Manager, Ellen Zoppo-Sassu; Assistant Town Manager, Steven Bielenda; Town Attorney, James Tallberg; Town Clerk, Sheila Bailey

Chairman Cressotti stated that the reason for the special meeting was to discuss the retention of an Independent Review of Reevaluation Issues. He turned the floor over to Attorney Tallberg.

Town Attorney, James Tallberg stated that at the June 20, 2022 meeting he outlined the process that was taken that led to the recommendation to hire the firm of Berchem Moses PC to conduct the independent review. He stated that they are not proposing an investigation; it is a review of the issues surrounding the revaluation process. To call it an investigation suggests that there is misconduct or malfeasance. There is no credible evidence to suggest misconduct or malfeasance. He said that almost all tax appeals in CT resolved in Superior Court, which is the next step after the Board of Assessment Appeals (BAA), are resolved amicably by mediation. There are very few that go to a trial. When there are disputes on the local level, the BAA is a mini review board of the decisions of the tax assessor. There is a built-in tension between the two sides. The tension here has gotten personal. His recommendation is to take a step back and let someone with subject matter expertise do an independent review. The goal is, we need someone who can review the issues, make factual findings, complete a report, and make recommendations on how the town can do this better going forward. The Town of Enfield has only received six tax appeal that were filed through the Superior Court. There are some towns like Enfield that have 50+ appeals filed. Why is Enfield so low? He said that most taxpayers have received the relief they requested through the BAA. Some did not have significant enough requests to get a lawyer and go to court.

Mr. Tallberg attended the BAA meeting on Saturday. He went there to talk with the BAA and try to find some common ground. At the BAA meeting, the chair announced that that he had hired a lawyer to represent the BAA. He, at that point, is prohibited by the rules of professional conduct. He could not have the discussion if he wanted to. At that point he sat silently and watched the meeting. He is confused by them hiring legal counsel. Tonight, the resolution will be brought up a second time. There have been a lot of questions about the process and some of the council members have been able to interview the candidate. He is unsure about the funding for the lawyer that the BAA has retained. The BAA, pursuant to General Statute §12-110, has very little statutory authority, only limited powers delegated by the state. They are empowered to hear appeals in September and March. It is his understanding that the BAA at this point has heard all the appeals. We don't want to be averse to the BAA, so again he does not understand why they have hired a lawyer. The BAA passed a couple motions directing the council as to what it thinks the council should or shouldn't do regarding these issues. The Charter grants the authority to the Town Attorney to be the legal advisor to the council. It is within his charter role to make

recommendations to you about how this should proceed. He hopes that the firm of Berchem and Moses PC will be hired tonight to do the independent review.

Councilor Hopkins stated that he thinks that doing a superficial review of the assessments is not going to answer any questions. The Council is empowered under Section 8 of the charter to investigate any concerns about departments, and he thinks it is important for the Council to honor that duty. If we are going to take the time to hire an outside law firm, so we get our money's worth, and all our questions are answered, he thinks the first step is to understand the questions and give the questions to the law firm to answer. The resolution put forward at the last meeting concerns him as to what they would do with that. Having the town attorney clean up after the fact defeats the purpose of having an independent review. It would not work to have the town manager's office develop the questions, because the department people have claimed issues with is supervised by the town manager's office. There would be a conflict of interest that would take away from the legitimacy. It is important that the council, under charter authority, develop the questions and give them to the law firm, so they know what we are looking for.

Mr. Tallberg stated that during the proposed initial task for the law firm in order to do a conflict check, he sent all the core material. There were two reports that the BAA issued that outlined their concerns. This was sent to allow the lawyer an initial scope of the assignment. We would then direct them to what other specific areas we wanted reviewed. He mentioned that if Councilor Hopkins had specific questions, those could be directed to the firm.

Councilor Hopkins added that it would be important to have these things in writing for the council to approve and add any questions people want to ask before we hire that firm, just so it's clear. He stated that he has prepared a list of questions.

Mr. Tallberg agreed that it is appropriate and necessary for all councilors have the opportunity to be heard.

Councilor Unghire stated that at the last meeting on June 20, it was stated that there is no connection or association with the town attorney, or management to the recommendation of Berchem and Moses PC. She asked if now Attorney Tallberg can confirm that there is not connection or association with this law firm.

Mr. Tallberg stated that he was not sure of the language he used but he said the attorney was given the list of the names of the main participants and the town being the client, and he responded that he has no conflicts.

Councilor Pyznar stated that she did take the opportunity to interview the attorney. She also said she went online and found some information that does look like, in all fairness, that he has worked with some of you. There is a case from the City of Bristol Inlands Wetlands and that was at the time when our current Town Manager was the mayor. Can it be assumed that as the mayor you would be hiring a law firm?

Mr. Tallberg responded that there is a case, however, Attorney Coppola works out of the Westport Office. There is also a Milford Office and an attorney from that office was hired by City of

Bristol's Insurer, Trident Insurance Company. When a municipality gets sued, it is not the town manager, not the town council, not the town attorney that decides when insurance council gets hired. There is a list of panel counsel. Our town manager is not a defendant in the matter, had nothing to do with that matter, and Attorney Coppola is not involved with that matter. It is an entirely separate group of lawyers.

Councilor Pyznar asked about the BOE for Bristol.

Mr. Tallberg said it is the same analysis. It is a slip and fall case with the Milford Office. Our town manager also had nothing to do with the hiring.

Councilor Pyznar stated that it is her due diligence to look into these things for the residents of Enfield. She stated that it looks like Mr. Tallberg has also worked with them through the City of East Hartford as the attorney for East Hartford.

Mr. Tallberg responded that yes, he is the assistant part-time council for East Hartford for the past 8 months. There is a lawyer from that firm that does labor work, again out of the Milford office, and nothing to do with Attorney Coppola. He also preceded Mr. Tallberg there and he does not work directly with Mr. Tallberg or report to him.

Councilor Pyznar stated that Attorney Coppola has had some cases with our assessor. He won a case against our assessor. That would not be in favor of the assessor.

Mr. Tallberg stated that he thought he responded to that when he was interviewed. Attorney Coppola is by trade a public entity defense lawyer. He also handles some matters for some parties who want to contest their tax appeal. It is his understanding that it was the CT Green Bank with a solar panel farm that contested an issue. It was not just Bloomfield, there were as many as 20 municipalities that the CT Green Bank filed tax appeals against, Bloomfield happened to be one. They must have been put on the docket together. Our tax assessor was not a client, if anything, he was an adverse party in a matter that is now resolved. That does not rise to a level of a conflict.

Councilor Pyznar would like to see a council-led investigation with the help of an outside attorney. She would like to see an RFP for an outside attorney.

Mr. Tallberg did mention that there were firms that they did consider that did do work for Bloomfield, which would rise to the appearance of a conflict.

Councilor Mangini thanked Attorney Tallberg for his time and dedication. She stated that she too interviewed the attorney that Attorney Tallberg did vet and this attorney rose to the top for varying reasons. She said no one on the council is capable, qualified, or worthy of this type of work. She wanted to know if the council was going to put on an attorney cap and start doing legal findings and litigation. She does not think so nor does she want any part of that. She mentioned that she is the longest sitting member of the council, and she has never seen anything like this before. She is opposed to the council being interviewers. Her position is to have faith and trust in our town attorney.

Councilor Santanella stated that he also had an opportunity to talk to the attorney. He said there were three things he was looking to get out of the call. The first was to make sure the person was competent and qualified to do the review. Attorney Coppola practices in the areas of municipal law, land use and zoning, property tax assessment appeals, general civil litigation, and real estate transactions. He has handled hundreds of cases of land use and zoning and tax appeal from the administrative level through the CT courts. He has handled property tax appeals involving various types of real estate. He has been serving as the corporate council for the City of Norwalk since 2013. He was the Town Attorney for Trumbull and Assistant Attorney for Westport since 2006. He regularly provides representations and services to other municipalities. He has a bachelor's degree in Political Science from Boston College 2001 and his juris doctorate from the University of CT Law School in 2004. He currently serves on board of directors of the CT Association of municipal lawyers. He has served as chairman of the CT Bar Association. He has served as planning and zoning section and chairman for the Fairfield County Bar Association.

The second thing he wanted to know was if there was a conflict and he found the same case that Councilor Pyznar was talking about, and he said the fact that he is involved in a land use case is exactly the experience we would expect him to have. Councilor Santanella stated that there are 684 cases on the Superior Court docket against the City of Bristol, of those they have been involved in 2 or 3. This is not someone and a firm who is regularly engaged in business with the City of Bristol. Zero of the cases name our current Town Manager. He said he is comfortable that there is no conflict.

The third thing he wanted to know was whether this attorney understood the project. He thinks that he clearly understood the scope of the project now. There is public comment for him to review, a paper trail, and so much information on the public record. He thinks he is capable of going through our questions and going through additional questions that we may have. He stated that on the call with the attorney, he seemed very empathic to taxpayers. He feels that there is no bias towards municipalities or tax assessors. Councilor Santanella stated that we owe the taxpayers a resolution quickly.

Councilor Despard stated that he is not for a council-led investigation, but he does agree with Councilor Pyznar in saying that the council should start it with an RFP. He thinks the council should be involved in selecting a law firm to remove all appearance of a conflict. He thinks there needs to be a MOU with questions. The council needs to have a say in the scope.

Chairman Cressotti thanked everyone that has taken part in the process so far. He thanked Attorney Tallberg for setting up the interviews. He thanked Councilor Hopkins for scoping out a list of questions so quickly. He stated that he agrees with Councilor Santanella in saying that the council is not qualified to do the investigation.

Chairman Cressotti does want to make the recommendation that we move forward and make a commitment to hiring an attorney. He would like to have two liaisons, one from the democrat side and one from the republican side to work with Attorney Tallberg. He recommended that Councilor Ludwick and Councilor Santanella be the two liaisons for the group so that questions that we formulate can go through them. He thinks that having 10 people putting in their input would not flow correctly. We need to hire for an independent review, we are not looking for an investigation.

Chairman Cressotti said his recommendation is to have the two liaisons to work with Attorney Tallberg.

Councilor Ludwick stated that if you go back to when the PA490 letters came out, regardless of opinion, the tide should go to the taxpayer and that was not our approach. He said he understands it is state statute that the burden falls on the taxpayer but is that the burden we want to have on an ongoing basis. There are a lot of policy issues that need to be addressed. In his opinion, from a policy perspective, government has failed the taxpayers. Our elected job is to ask questions. Taxpayers feel aggrieved and the point of this is to get to the bottom of it. This can never happen again. This is not the way government should treat its residents. He does not want to run the investigation, but he wants to be able to work with the lawyer and answer all the questions. He stated that Councilor Hopkins has a good outline of questions. As long as the council is having direct input with the lawyer, he is okay with the lawyer that was interviewed. He stated that in all his years he has never seen a town go after an appointed board like this. This needs to be fixed. People should not have to go through appeals every year if they have already proven it once.

Councilor Unghire stated that she thinks everyone agrees that an investigation needs to be done. Residents have had sleepless nights thinking they were going to have to sell their property. She believes that we owe due diligence to the residents of this community, and the BAA that has done all this hard work. The recommendation that we have been given is just a recommendation. It doesn't mean that we are not going to take or have another attorney. She stated she has a list of a dozen attorneys that do tax appeals that could be looked at.

Councilor Cekala thanked Attorney Tallberg for his overview. She mentioned that council-led does not equal truly independent. If this is going to be independent, the council should not be leading the review. She does think that they should be submitting questions. This has, like Councilor Ludwick mentioned, turned into a show and that is unacceptable. The residents, taxpayers, town employees, and the council want the outcome that is best for everyone. She said let's vote tonight and do this independent review.

Councilor Finger stated that he was upset that the council had no voice in the direction of what was going to be done. We had a majority of people who wanted to meet in a special meeting, and nobody showed up for it, and couldn't make it. That is disrespectful. He is in favor of the RFP. He ran for council so that he could make decisions for the taxpayers. It is the council responsibility.

Councilor Pyznar agreed with Councilor Finger by saying they owe this to the residents of Enfield. They put us in these seats because they trusted us. We need to be 100% transparent, be part of who is being chosen to gain the trust of our residents again. She agrees with the liaisons and this needs to be done with accuracy.

Mr. Tallberg stated that when he made his presentation two weeks ago, he did suggest that an RFP could be done. It was his understanding that it had already gone through leadership and there was a consensus to act quickly. He already knows, going down the list of attorneys, who is conflicted out. There was a member at the BAA meeting who had a list of 17 law firms from an internet search. He said he could go through it and tell you why they are not the best candidate. Seven of them have hard conflicts. Attorney Coppola is ready to act if you want this addressed. If you want

to do an RFP, it will have to be put together, advertised, and time for the firms to put together a package. It does not matter to him. He just wants everyone to understand the time issue.

Councilor Finger said there was no transparency. No one was notified through leadership that this was happening.

Councilor Hopkins stated that this is very important, and we need to make sure we are doing it right. We don't want to take a long time, but we also don't want to be in a rush. If this resolution is approved tonight, we are not getting any of these questions answered. We need to get our ducks in a row. The council is hiring the independent law firm and it is important that we get updates so that they can talk to constituents.

MOTION #6298 by Councilor Cekala, seconded by Councilor Santanella to adjourn.

Upon a **SHOW-OF-HANDS** vote being taken, the chair declared **MOTION #6298** adopted 10-0-0 and the meeting stood adjourned at 6:55pm.

Respectfully submitted,

Sheila M. Bailey
Clerk of the Council
Town Clerk

Tina Demers
Secretary to the Council