

PRUDENTIAL COMMITTEE MEETING
2550 CRANBERRY HIGHWAY
05 January 2023
MINUTES

6:01 Chair Barrett Call meeting to order. No one is recording.

Present: Chair George Barrett, Ron Enos, Rick England, Brian Crocker, Chief Kelley,
Clerk/Treasurer Wendy Lemieux

Correspondence:

bill: Urquhart Electric, \$2870.00 split with Water \$1,435.00

Motion to pay, Brian Crocker, 2nd Ron Enos **4-0-0**

Treasurers Report: Wendy, She will be on Vacation Effective 01/17/23

Accountant John O'Brian will be taking Fridays off

The District Meeting will be held in the High School Gym as the Auditorium isn't quite ready.

Ron spoke to Peter Balzarini and he will once again Moderate the District Meeting.

There are 2 Bi-Law amendments (see attached)

Stabilization History (see attached) George suggested adding back \$75K to Stabilization (to be discussed further).

The Clerk/Treasurer referenced a letter to Chief Kelley with regards to personal use of "Municipal Provided Vehicles" and asked if it's his intent to have the Vehicle Marked. If so, it would resolve the issue. If it was not his intent, Chief Kelley's W-2 would have to reflect Personal use of a Municipal Vehicle. The Prudential Committee advised Chief Kelley to have the vehicle marked. (see attached letter and referenced pages regarding "Personal use of Municipal Vehicles")

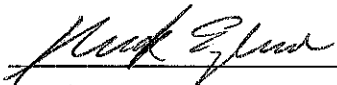
Chiefs Report: (see attached). A discussion ensued regarding whether a Hydrant can be brought to Reed Rd. Recycling if the company pays. Not so simple with betterments and other restrictions.

Chief Kelley presented a draft of the Fire Department Budget and Articles for review. It was brought up regarding how to pay for the Articles based on the amount in the Stabilization?

George: Can we phase in some of these articles over time?

8:55 Brian Motion to Adjourn, Ron 2nd, **4-0-0**

Respectively Submitted,

Acting Clerk: Richard H. England, Jr. 

Minutes reviewed and accepted on 3/2/23

Chair: 

Transcribed by Rick England,

Wendy Lemieux

From: Wendy Lemieux
Sent: Thursday, January 5, 2023 11:53 AM
To: John Kelley
Subject: Personal Use of Municipally Provided Vehicles
Attachments: Personal Use of Municipal Provided Vehicles.pdf

John,

As part of the Year End Checklist, prior to W-2's being issued, I am faced with the dilemma about your "Municipal Provided Vehicle". Your contract allows for the personal use of your District Vehicle. Under the IRS Code, use of a municipal provided vehicle by a municipal employer constitutes a fringe benefit. This means I have to calculate the value of the "personal use" and withhold the applicable taxes or include the value of the use on your W-2. Certain vehicles are considered "Non-Personal-Use Vehicle" by the IRS and allow for personal use of these vehicles is not subject to taxation. Qualifying vehicles include clearly marked fire vehicles.

Is it your intention to get your District Vehicle marked? This would resolve the entire issue.

Let me know. We can discuss this tonight at the Pru Comm Meeting.

Thanks,

Wendy A. Lemieux

Clerk/Treasurer
Wareham Fire District
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To the extent possible, employees must provide written notice to the employer. If not feasible, employees may request leave orally.

Sexual Harassment

As noted above, Ch. 151B §3A requires all Massachusetts employers to adopt a policy against sexual harassment, to annually provide an individual written copy of that policy to all employees and to review this policy with their employees on a yearly basis. All new employees should be required to sign an acknowledgment that they have received and understand the policy.

Personal Use of Municipally-Provided Vehicles

Under the Internal Revenue Code, the personal use of a municipally-provided vehicle by a municipal employee constitutes a taxable fringe benefit. Therefore, if a municipal employee uses a municipally-provided vehicle for personal reasons, the treasurer must determine the value of that use and withhold the applicable Social Security and Medicare taxes. The treasurer must also either withhold income taxes on the value of that benefit or, alternatively, inform the employee and include the value of the use on the employee's *Form W-2*.

Non Personal-Use Vehicles

Certain vehicles, however, are characterized as "non personal-use vehicles" by the IRS. Personal use of these vehicles is not subject to taxation as a fringe benefit. Qualifying vehicles include (a) clearly marked police and fire vehicles, (b) unmarked vehicles used by law enforcement officers, provided the officer is authorized to carry a firearm, execute search warrants and make arrests, (c) ambulances and hearses used for their specific purposes and (d) school buses.

Calculating the Value of Personal Use of a Municipally-Provided Vehicle

To calculate the value of an employee's personal use of a municipally-provided vehicle, the treasurer must use either the lease rule, the cost-per-mile rule or the commuting value rule, as appropriate in each particular case.

- **Automobile Lease Rule.** The treasurer must determine the fair market value of the vehicle and then calculate the annual lease value using IRS *Publication 15-B*.
- **Cents-Per-Mile Rule.** The treasurer must ascertain that at least 50% of the use is business-related, that the vehicle is driven at least 10,000 miles per year and that the fair market value of the vehicle is less than \$15,300 in order to use this rule. In a qualifying situation, the treasurer must apply the cents-per-mile rate established by the IRS for the applicable year.
- **Commuting Value Rule.** The treasurer must add \$3 for each two-way commute and \$1.50 per each one-way commute to the employee's income.

specified noncash benefits with a predetermined cash value.

A physical examination program you provide, even if mandatory.

- Any item to the extent the payment would be allowable as a deduction to the employee as an expense for a trade or business other than your trade or business. For more information, see Regulations section 1.132-5(a)(2).

Employee. For this exclusion, treat the following individuals as employees.

- A current employee.
- A partner who performs services for a partnership.
- A director of your company.
- An independent contractor who performs services for you.

Vehicle allocation rules. If you provide a car for an employee's use, the amount you can exclude as a working condition benefit is the amount that would be allowable as a deductible business expense if the employee paid for its use. If the employee uses the car for both business and personal use, the value of the working condition benefit is the part determined to be for business use of the vehicle. See *Business use of your car under Personal Versus Business Expenses* in chapter 1 of Pub. 535. Also, see the special rules for certain demonstrator cars and qualified nonpersonal use vehicles discussed later.

Demonstrator cars. Generally, all of the use of a demonstrator car by your full-time auto salesperson in the sales area in which your sales office is located qualifies as a working condition benefit if the use is primarily to facilitate the services the salesperson provides for you and there are substantial restrictions on personal use. For more information and the definition of "full-time auto salesperson," see Regulations section 1.132-5(o). For optional, simplified methods used to determine if full, partial, or no exclusion of income to the employee for personal use of a demonstrator car applies, see Revenue Procedure 2001-56. You can find Revenue Procedure 2001-56 on page 590 of Internal Revenue Bulletin 2001-51 at <https://pubs/irs-ifts/irb01-51.pdf>.

Qualified nonpersonal use vehicles. All of an employee's use of a qualified nonpersonal use vehicle is a working condition benefit. A qualified nonpersonal use vehicle is any vehicle the employee isn't likely to use more than minimally for personal purposes because of its design. Qualified nonpersonal use vehicles generally include all of the following vehicles.

- Clearly marked, through painted insignia or words, police, fire, and public safety vehicles, provided that any personal use of the vehicle (other than commuting) is prohibited by the governmental unit.
- Unmarked vehicles used by law enforcement officers if the use is officially authorized. Any personal use must be authorized by the employer, and must be re-

lated to law-enforcement functions, such as being able to report directly from home to an emergency situation. Use of an unmarked vehicle for vacation or recreation trips can't qualify as an authorized use.

- An ambulance or hearse used for its specific purpose.
- Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds.
- Delivery trucks with seating for the driver only, or the driver plus a folding jump seat.
- A passenger bus with a capacity of at least 20 passengers used for its specific purpose and school buses. The working condition benefit is available only for the driver, not for any passengers.
- Tractors and other special-purpose farm vehicles.
- Bucket trucks, cement mixers, combines, cranes and derricks, dump trucks (including garbage trucks), flat-bed trucks, forklifts, qualified moving vans, qualified specialized utility repair trucks, and refrigerated trucks.

See Regulations section 1.274-5(K) for the definition of qualified moving van and qualified specialized utility repair truck.

Pickup trucks. A pickup truck with a loaded gross vehicle weight of 14,000 pounds or less is a qualified nonpersonal use vehicle if it has been specially modified so it isn't likely to be used more than minimally for personal purposes. For example, a pickup truck qualifies if it is clearly marked with permanently affixed decals, special painting, or other advertising associated with your trade, business, or function and meets either of the following requirements.

1. It is equipped with at least one of the following items.
 - a. A hydraulic lift gate.
 - b. Permanent tanks or drums.
 - c. Permanent side boards or panels that materially raise the level of the sides of the truck bed.
 - d. Other heavy equipment (such as an electric generator, welder, boom, or crane used to tow automobiles and other vehicles).
2. It is used primarily to transport a particular type of load (other than over the public highways) in a construction, manufacturing, processing, farming, mining, drilling, timbering, or other similar operation for which it was specially designed or significantly modified.

Vans. A van with a loaded gross vehicle weight of 14,000 pounds or less is a qualified nonpersonal use vehicle if it has been specially modified so it isn't likely to be used more than minimally for personal purposes. For example, a van qualifies if it is clearly marked with permanently affixed decals, special painting, or other advertising associated with your trade, business, or function and has a seat for the driver only (or the driver and one other person) and either of the following items.

- Permanent shelving that fills most of the cargo area.

Chief's report for week ending January 5, 2022

Thursday December 22nd

- Firefighter is out on line of duty injury, transported to hospital. Firefighter was treated and released.

Saturday December 24th

- Large outdoor mulch fire at County Roar Recycling, mutual aid tankers from Onset, Marion, Carver, as well as Rochester Fire Departments for water supply.

Sunday December 25th

- Returned to County Road Recycling for another mulch fire, Marion and Onset tankers assisted with mutual aid tankers for water supply.
- Breaker 401 out of service.

Tuesday December 27th

- Rescue 1 is out of service for maintenance.

Tuesday December 28th

- Rescue 1 back in service, Engine 3 is out of service for maintenance.

Tuesday January 4th

- Breaker 402 out of service for maintenance.

Wednesday January 4th

- Attended Plymouth County Fire Chiefs meeting.
- Awarded the Senior SAFE grant in the amount of \$1837.00
- Awarded the SAFE grant in the amount of \$3479.00
- Total grant award of \$5316.00

Thursday January 5th

- Attended Massachusetts Homeland Security Council Meeting.