

**MONROE TOWN COUNCIL
Monroe, Connecticut
DRAFT MEETING MINUTES**

November 9, 2015– 8:00 PM – Council Chambers

Present: Chairman Frank Lieto
Vice Chairman Enid Lipeles
Councilmember Deborah Heim
Councilmember Phyllis Kansky
Councilmember Kenneth Kellogg
Councilmember Raymond Knapp, Jr.
Councilmember Dee Dee Martin
Councilmember Sean O'Rourke
Councilmember Kevin Reid

Also Present: First Selectman Stephen J. Vavrek

A regular meeting of the Monroe Town Council was held on Monday, November 9, 2015 at 8:00 p.m. in the Council Chambers of the Monroe Town Hall.

CONSENT CALENDAR

Motion to approve the minutes and voting record of the Regular Town Council Meeting held on October 26, 2015 (Session 2015-18).

Request for Refunds dated November 3, 2015 totaling \$4,632.00.

The Consent Calendar was passed unanimously to the October 26, 2015 Town Council Meeting.

COMMUNICATIONS

Memo from the First Selectman to Town Council Chairman dated November 5, 2015 regarding an appointment to the Commission on Aging.

Memo from the First Selectman to Town Council Chairman dated November 5, 2015 regarding a bid waiver from the Public Works Department for the purchase of a Pipe Camera System.

Letter of Opinion from Town Attorney John Fracassini to the First Selectman dated November 5, 2015 regarding Proposed Revisions/Ordinances and the Monroe Health Department.

PUBLIC PARTICIPATION - None

APPOINTMENTS

Motion: (D. Martin)

To appoint Vivian Capoccitti (D) of 157 Highland Drive to the Commission for the Aging for a term ending July 2, 2016.

Second: (E. Lipeles)

Discussion: Ms. Capoccitti has been a Monroe resident for over 50 years. Vivian is a former Registrar of Voters and has served on Town Council. She is also a member of the Senior Center. This appointment fills the vacancy created by Theresa Pontillo.

Motion passed 9-0

ACTION ITEMS

Town Council Committee on Finance, Education, Health & Public Safety Matters

Councilmember Heim reported they did not meet but noted at the Board of Finance meeting the credit card agreements were approved. She also stated at the Board of Education meeting, the turf fields were discussed and will be presented to the Town Council and Board of Finance. She noted on the Commission on Aging, discussions were done about new strategies on capital plans with the town, and options using Chalk Hill for some of their programs. She concluded by stating they spoke about setting up some new policies in regard to parking lots being used for tailgating after football games. Councilmember Kellogg noted there are certain ordinances on the agenda that will be discussed noting Dennis Condin; Chairman of the Board of Health was present tonight along with Nancy Brault, the new Health Director. He also noted they are 100% current on food service inspections.

Town Council Committee on Planning & Zoning, Public Works and Parks & Recreation Matters

Councilmember O'Rourke reported his sub-committee did not meet and Parks and Recreation monthly meeting was cancelled this month.

Town Council Committee on Legislative & Administrative Matters

Vice-Chairman Lipeles reported they met on November 6, 2015 and discussed some of the ordinances that will be discussed on tonight's agenda.

Trumbull/Monroe Health District

Councilmember Knapp stated he had nothing to report but noted Town Attorney, John Fracassini will be reporting on the Health District tonight.

Strategic Planning Committee

Councilmember Kellogg met on November 5, 2015 and discussions were done on Chalk Hill matters with James Agostine, Superintendent of Schools, and Jack Zmary, IT Director. He noted at the next meeting zoning issues will be discussed. Chairman Lieto wanted to thank Mr. Agostine and Mr. Zmary for their presence at this very informative meeting.

EMS Facility Workgroup

Councilmember Kellogg had a short update on the first phase needs assessment which is continuing. He noted the functional aspect of the view is complete at this point and they are putting some square footage estimates together. He noted he is hoping the additional report will

be ready for further consideration with the EMS Commission and EMS Facility Workgroup. He concluded noting they are still waiting for the specifics on the forthcoming grant.

First Selectman's Update

First Selectman Vavrek wished to thank Councilmember Knapp for all the years he has served on Council. First Selectman Vavrek noted he will be actively meeting monthly with Council members on their goals and concerns. He also feels there are many unaffiliated voters that want to get involved in the political process, and he will continue to recruit voters as there is a need to get more people involved.

UNFINISHED BUSINESS

TOM/Bellsite/Discover Insurance Matter

Chairman Lieto noted Attorney Fracassini has kept him informed with many discussions and feels it is appropriate to move forward. Attorney Fracassini was present and stated a claim was filed by the developer in 2006 and found out the insurance carrier for the town at the time (Discover) denied coverage. He also noted nothing was done to contest this but he did find out that Discover went out of business and then was told Discover was a subsidiary of Travelers Insurance. He noted when this information was discovered, it was before the statute of limitations so legal action was thrown together. Attorney Fracassini then noted they went through a trial process with Bellsite which led to a decision against the town in the amount of \$700,000. He felt the way the town was treated by the court in Hartford was reprehensible. He noted the courts (Appellate and Supreme) indicated there was no basis for a decision as far as the town of Monroe is concerned and has since been thrown out. He did note they have spoken to the law firm that represents the case on Discover and they have agreed to do the appeal on a contingency basis with a reduced rate and he feels we may have a distinct chance of winning. He concluded the timeframe should take approximately 1½ years or the fall of 2016.

Town of Monroe Section 401(a) Money Purchase Pension Plan

Chairman Lieto stated he will call a Public Hearing on Monday, November 23, 2015 at the Town Hall (Council Chambers) located on 7 Fan Hill Road, Monroe, Connecticut to consider the Town of Monroe Section 401(a) Money Purchase Pension Plan. The purpose of this hearing is to receive input from the public regarding the proposed ordinances. This meeting meets accessibility requirement for the disabled. Anyone requiring special accommodations would contact the First Selectman's Office as soon as possible. This ordinance will be discussed at 7:00 p.m.

Chairman Lieto held a consensus for calling a Public Hearing on Monday, November 23, 2015 to discuss Town of Monroe Section 401(a) Money Purchase Pension Plan.

For: 9

Against: 0

Other Post-Employment Benefits Trust ("OPEB TRUST")

Chairman Lieto stated he will call a Public Hearing on Monday, November 23, 2015 at the Town Hall (Council Chambers) located on 7 Fan Hill Road, Monroe, Connecticut to consider the Other

Post-Employment Benefits Trust (“OPEB TRUST”). The purpose of this hearing is to receive input from the public regarding the proposed ordinances. This meeting meets accessibility requirement for the disabled. Anyone requiring special accommodations would contact the First Selectman’s Office as soon as possible. This ordinance will be discussed at 6:45 p.m.

Chairman Lieto held a consensus for calling a Public Hearing on Monday, November 23, 2015 to discuss Other Post-Employment Benefits Trust (“OPEB TRUST”).

For: 9

Against: 0

Repeal and revisions to Chapter 71 (Currently titled “Health District”)

Chairman Lieto stated he will call a Public Hearing on Monday, November 23, 2015 at the Town Hall (Council Chambers) located on 7 Fan Hill Road, Monroe, Connecticut to consider the Repeal and revisions to Chapter 71 (Currently titled “Health District”) The purpose of this hearing is to receive input from the public regarding the proposed ordinances. This meeting meets accessibility requirement for the disabled. Anyone requiring special accommodations would contact the First Selectman’s Office as soon as possible. This ordinance will be discussed at 6:00 p.m.

Chairman Lieto held a consensus for calling a Public Hearing on Monday, November 23, 2015 to discuss Repeal and revisions to Chapter 71 (Currently titled “Health District”).

For: 9

Against: 0

Revision to Chapter 397 (Peddlers and Transient Sellers)

Chairman Lieto stated he will call a Public Hearing on Monday, November 23, 2015 at the Town Hall (Council Chambers) located on 7 Fan Hill Road, Monroe, Connecticut to consider the Revision to Chapter 397 (Peddlers and Transient Sellers) The purpose of this hearing is to receive input from the public regarding the proposed ordinances. This meeting meets accessibility requirement for the disabled. Anyone requiring special accommodations would contact the First Selectman’s Office as soon as possible. This ordinance will be discussed at 6:15 p.m.

Chairman Lieto held a consensus for calling a Public Hearing on Monday, November 23, 2015 to discuss Revision to Chapter 397 (Peddlers and Transient Sellers).

For: 9

Against: 0

New Salon Ordinance

Chairman Lieto stated he will call a Public Hearing on Monday, November 23, 2015 at the Town Hall (Council Chambers) located on 7 Fan Hill Road, Monroe, Connecticut to consider the New Salon Ordinance. The purpose of this hearing is to receive input from the public regarding the proposed ordinances. This meeting meets accessibility requirement for the disabled. Anyone requiring special accommodations would contact the First Selectman’s Office as soon as possible. This ordinance will be discussed at 6:30 p.m.

Chairman Lieto held a consensus for calling a Public Hearing on Monday, November 23, 2015 to discuss New Salon Ordinance.

For: 9

Against: 0

Chairman Lieto stated all the ordinances needed to be reviewed and discussed. Some were reviewed by L&A and he would like to move forward and then have a Public Hearing and hear comments from the public and finalize.

NEW BUSINESS

Monroe Trumbull Health District Resolution

Attorney Fracassini was present and expressed his frustration due to the fact he expected a resolution to have been reached. He noted today, the town received a letter from the Unemployment Security Division, State of Connecticut indicating that the town owed the State of Connecticut whether Trumbull, Monroe, or both, the sum of \$6,500 for unemployment compensation plans that were bought by the former Director of the Health Department and the nurse that worked on a full time basis. He did note the State of Connecticut, on more than one occasion, misrepresented the legal position of the state as far as this is concerned. He stated the letter was just received at 4:30 p.m. and he will be having a discussion tomorrow to find out what statutory basis they claim the town is responsible for. Attorney Fracassini also discussed problems with TD Bank and he hopes to have more information to report at the next Town Council meeting scheduled for November 23, 2015. Councilmember Knapp added we thought the Town Attorney had everything resolved and all systems were to move forward but receiving numerous phones late in the day caused a delay noting TD Bank also wanted titles until their payments were fulfilled. He noted the Town Attorney and District Attorneys will be getting together to discuss further.

Recess: 9:31 p.m.

Chairman Lieto called for a recess at 9:31 p.m. to discuss the Arbitration Award – Town of Monroe and UE Local 222 CILU #44, Case No 2014-MBA-325 – possible action under CGS § 7-473c(d).

Meeting Resumed: 10:15 p.m.

Arbitration Award – Town of Monroe and UE Local 222 CILU #44, Case No 2014-MBA-325 – possible action under CGS § 7-473c(d)

Chairman Lieto noted the action of the board was to take **no** action and they will not be challenging the award.

2ND PARTICIPATION - None

Next Town Council Meeting will be scheduled on November 23, 2015

ADJOURNMENT

Motion: (R. Knapp)

To adjourn the meeting at 10:20 p.m.

Second: (E. Lipeles)

Motion passed 9-0

Respectfully submitted,

Donna Cerreta
Town Council Clerk