

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

**April 11, 2016– 8:00 PM – Council Chambers**

**Present:** Chairman Frank Lieto  
Vice Chairman Enid Lipeles  
Councilmember Nicholas Kapoor  
Councilmember Kenneth Kellogg  
Councilmember Terry Rooney

**Absent:** Councilmember Phyllis Kansky  
Councilmember Dee Dee Martin  
Councilmember Sean O'Rourke  
Councilmember Kevin Reid

**Also Absent:** First Selectman Stephen J. Vavrek

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A regular meeting of the Monroe Town Council was held on Monday, April 11, 2016 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 Town Council Meeting held on March 28, 2016 (Session 2016-07).

Request for Refunds dated April 1, 2016 totaling \$5,208.47.

*Chairman Lieto noted he will remove (A) Motion to approve the minutes and voting record of the Town Council Meeting held on March 28, 2016 (Session 2016-07) and will vote on it at the next Town Council Meeting.*

The Consent Calendar was passed unanimously to the Request for Refunds dated April 2, 2016 totaling \$5,208.47.

**COMMUNICATIONS**

Memo from the Tax Collector to Town Council Chairman dated April 1, 2016 regarding the Request for Refunds totaling \$5,208.47.

Memo from the Town Clerk to the Town Council Chair dated April 4, 2016 regarding the 2017 Municipal Finance Filing.

Memo from the First Selectman to Town Council Chair dated April 6, 2016 regarding an appointment to the Board of Health.

Memo from the First Selectman to Town Council dated April 7, 2016 regarding the Pension Plan Resolution.

Memo from the Director of Health to the Town Council Chair with a copy to the First Selectman regarding the Health Department Proposed Fee Schedule for 2016/2017.

*Chairman Lieto added (F) (G) (H) to Communications (sealed letters that were in his packet).*

**F.** Status Report dated April 1, 2016 from Ron Bienkowski, Director of Business, Newtown Public Schools.

**G.** Letter from DebraLee Hovey to the Rossi Law Offices, LTD, copied to the Chairman, First Selectman, Tax Collector, and Tax Assessor discussing an assessment that was made on her personal property.

**H.** Memo from Vida Stone, Town Clerk to the Town Council Chairman regarding the Pilot Program: 2017 Municipal Finance Filing.

**PUBLIC PARTICIPATION** - None

**APPOINTMENTS**

*Chairman Lieto noted no vote will be done for Nadine Rooney to the Board of Health (4 Council members not present) as Councilmember Rooney will have to excuse himself from this vote as she is his wife. This vote will be done at the next Town Council Meeting.*

**ACTION ITEMS**

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

Vice Chairman Lipeles reported FEHPS has been meeting with Rich Lasky noting discussions were done on senior tax abatement. The next scheduled meeting will be May 4, 2016 at 4:00 p.m. Councilmember Kellogg reported on the Board of Health, the fee schedule and ongoing work on the food ordinance was discussed. There was no report on education. Councilmember Kellogg reported EMS discussed collections and write-offs policy. Councilmember Rooney stated the next Public Safety meeting will be held on April 20, 2016.

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

Councilmember Reid was not present, therefore there was no report. Councilmember Rooney had no information to report. Councilmember Kapoor noted he did talk to the Economic Development Chairman, Jon Stone and he is excited to put the new team together and they are actively meeting.

***Town Council Committee on Legislative & Administrative Matters***

Chairman Lieto noted Councilmember O'Rourke is Chairman and they have not met, therefore nothing to report. Chairman Lieto also noted they are looking at potential revisions on Rules and Procedures.

***Strategic Planning Committee***

Councilmember Kellogg reported they did not meet but will be continuing their discussions on fire apparatus as information from another vender has not come in. Councilmember Kapoor questioned about the part time wage adjustments. Councilmember Kellogg noted it will be put on their agenda for discussion.

***EMS Facility Workgroup***

Councilmember Kellogg reported they will be meeting sometime in April and will be discussing STEAP grant documents.

***First Selectman's Update***

First Selectman Vavrek was not present, therefore there was no report.

**UNFINISHED BUSINESS** - None

**NEW BUSINESS**

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

**Motion: (E. Lipeles)**

To approve and adopt the following resolution as written and incorporated into the body of the resolution.

**BE IT RESOLVED:** WHEREAS, it is desirable that the Town Council of the Town of Monroe (the “Town”) approve, ratify and confirm the adoption of the Town of Monroe Section 401(a) Money Purchase Pension Plan (the “401(a) Plan”) for the benefit of certain employees of the Town, effective as of July 1, 2015.

That the adoption of the 401(a) Plan, in the form presented to this meeting, be and hereby is approved, ratified and confirmed in all respects, together with such modifications as in the opinion of counsel for the Town are necessary or desirable to effectuate the intention thereof and to comply with the requirements of the Internal Revenue Code of 1986, as amended; and further

**RESOLVED:** That the adoption of the trust agreement for the 401(a) Plan, in the form presented to this meeting, be and hereby is approved, ratified and confirmed in all respects, together with such modifications as in the opinion of counsel for the Town are necessary or desirable to effectuate the intention thereof and to comply with the requirements of the Internal Revenue Code of 1986, as amended; and further

**RESOLVED:** That the execution of the 401(a) Plan and the trust agreement by the First Selectman and the submission of an application to the Internal Revenue Service requesting a favorable ruling regarding the qualification of the 401(a) Plan upon its adoption be, and hereby are, approved, ratified and confirmed in all respects; and

**WHEREAS,** the Town Council has established a pension committee of the Town (the “Pension Committee”) which is composed of the First Selectman, two representatives of the Monroe Town Council, two representatives of the Monroe Board of Finance, two representatives of the Monroe Board of Education, the Monroe Town Treasurer, and the Superintendent of the Monroe Board of Education; and

**WHEREAS,** the Town Council has designated the Pension Committee as the administrator of the 401(a) Plan; and

**WHEREAS**, it is desirable that the Town Council delegate to the Pension Committee the authority to adopt certain amendments to the 401(a) Plan.

**NOW, THEREFORE, BE IT**

**RESOLVED:** That the Town Council does hereby delegate to the Pension Committee the authority to adopt amendments to the 401(a) Plan that: (a) effectuate the terms of any collective bargaining agreements which the Town Council has previously approved; or (b) are necessary in order to maintain the qualification of the 401(a) Plan under Section 401(a) of the Internal Revenue Code of 1986, as amended.

If approved, will be signed by Town Council Chairman Francis Lieto

**Second: (K. Kellogg)**

**Discussion:** Chairman Lieto reviewed an email received by John Galiette, Attorney from Reid and Riege, to Ron Bunovsky stating the ordinance that was adopted by the Town Council on November 23, 2015; (a) establishes the Town of Monroe Section 401(a) Money Purchase Pension Plan (the “401(a) Plan”) (Section 1); (b) designates the Pension Committee as the administrator of the 401(a) Plan (Section 2); (c) authorizes the Town Council to adopt the governing documents (and to amend the governing documents) of the 401(a) Plan (Section 3); (d) authorizes the Town Council to delegate to the Pension Committee the authority to adopt amendments to the 401(a) Plan that effectuate the terms of any collective bargaining agreements or that are required to maintain the qualification of the 401(a) Plan (Section 3); and (e) authorizes the First Selectman to execute the 401(a) Plan document, the trust agreement, any amendments to the 401(a) Plan, and an application to the IRS requesting a determination regarding the qualification of the 401(a) Plan (Section 5). Therefore, the ordinance authorizes the Town Council to adopt the 401(a) Plan documents and to delegate to the Pension Committee the authority to adopt certain amendments, but does not actually take those actions. As a result, it is necessary for the Town Council to adopt the 401(a) Plan documents and to delegate to the Pension Committee the authority to adopt certain amendments. Due to the IRS filing deadline for the 401(a) Plan, the First Selectman had to execute the 401(a) Plan document and the trust agreement before the town Council could adopt the 401(a) Plan. Therefore, I have revised the first two paragraphs of the first set of resolutions to provide that the Town Council approves, ratifies and confirms the prior adoption of the 401(a) Plan. Because the ordinance designates the Pension Committee as the administrator of the 401(a) Plan, I have deleted the resolution that provided for this designation. Therefore, as revised, the resolutions: (a) approve, ratify and confirm the adoption of the 401(a) Plan document and the trust agreement; (b) approve, ratify and confirm the actions taken by the First Selectman in executing the 401(a) Plan, the trust agreement, and the submission of the 401(a) Plan to the IRS; and (c) delegate to the Pension Committee the authority to adopt certain amendments to the 401(a) Plan.

**Motion passed 5-0**

**Health Department Fee Schedule**

**Motion: (E. Lipeles)**

To approve the Health Department proposed fee schedule for 2016-2017.

**Second: (K. Kellogg)**

**Discussion:** Councilmember Kellogg noted Nancy Brault, Director of Health was supposed to be present to address any issues but needed to attend a symposium. He noted a fee schedule was established and discussions on the numerous ways other towns did their fee schedules. He noted

the Board of Health changes and revisions effects the entire food service category. He noted the non-profits have not been charged for food service licenses but there is an actual administrative cost to the town. Councilmember Kapoor questioned the prorated timelines.

Chairman Lieto asked for a consensus to call for a vote and he prefers this be looked at when all Council members are present.

**WITHDRAW MOTION ON HEALTH DEPARTMENT FEE SCHEDULE**

**2<sup>ND</sup> PARTICIPATION** - None

*Next Town Council Meeting will be scheduled on April 25, 2016*

**ADJOURNMENT**

**Motion: (E. Lipeles)**

To adjourn the meeting at 9:00 p.m.

**Second: (T. Rooney)**

**Motion passed 5-0**

Respectfully submitted,

Donna Cerreta  
Town Council Clerk