

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

**January 14, 2013 – 8:00 PM – Council Chambers**

**Present:** Chairman Enid Lipeles  
Vice Chairman Deborah Heim  
Councilmember Debra Dutches  
Councilmember Nick Kapoor  
Councilmember Raymond Knapp, Jr.  
Councilmember Frank Lieto  
Councilmember Dee Dee Martin  
Councilmember J.P. Sredzinski  
Councilmember Tony Unger

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

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A regular meeting of the Monroe Town Council was held on Monday, January 14, 2013 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 meeting held on December 10, 2012 (Session 2012-21).

Motion to approve the minutes and voting record of the emergency meeting held on December 17, 2012.

Tax Collector's Request for Refunds dated January 7, 2013 in the total amount of \$3,821.58.

Reappointments:

**Board of Ethics**

Patricia Tomchik (D) 35 Farmview Road Term Ends 1/11/15

Patrick Carleton (D) 62 Pastors Walk Term Ends 1/11/15

Phil White (D) (alternate) 188 Flint Ridge Road Term Ends 1/11/15

*\*Mr. White is changing from a full seat to an alternate replacing Mr. Carleton and Mr. Carleton is changing from the alternate position to a full seat replacing Mr. White.*

*Councilmember Kapoor stated on page 8 of the regular meeting held on December 10, 2012 under 2013 Town Council Meeting Schedule, under discussion the dates should be December 19, 2013 and December 9, 2013 not 2012.*

*Councilmember Sredzinski stated under D Reappointments on the Agenda for today, January 14, 2013, Patrick Carleton (D) and Phil White (D) (alternate) should be Appointments not Re-Appointments.*

The Consent Calendar was passed unanimously with the noted amendment to the December 10, 2012 Town Council Meeting and was passed unanimously to the Emergency Meeting held on December 17, 2012.

**COMMUNICATIONS**

Email from the First Selectman dated January 4, 2013 regarding Chalk Hill Community Center Project.

Letter from Town Attorney John Fracassini to L&A Chairman J.P. Sredzinski dated January 4, 2013 regarding a legal opinion on Chapter 3, Section 4 of the Monroe Town Charter.

Memo from the Tax Collector to the Town Council Chair dated January 7, 2013 regarding a request for refunds in the total amount of \$3,821.58.

Memo from WMNR General Manager Kurt Anderson to the First Selectman dated January 8, 2013 regarding WMNR's Annual CPB Grant and Revision of WMNR FY 2013-14 Budget.

Letter from Town Attorney John Fracassini to the First Selectman dated January 9, 2013 regarding a legal opinion on CL&P Letter of Agreement.

Memo from the First Selectman to the Town Council Chair dated January 10, 2013 regarding reappointments to the Board of Ethics.

### **PUBLIC PARTICIPATION**

*Keith Alexander, Newtown Board of Education* expressed his sincere thanks for the use of Chalk Hill School. He stated the help given to them was immeasurable and the police have been fantastic. Mr. Alexander expressed his appreciation that this school was made available from the town of Monroe.

### **APPOINTMENTS**

#### **Motion: (J.P. Sredzinski)**

To approve the appointment of Patrick Carleton (D) of 62 Pastors Walk as a full member of the Board of Ethics with a term ending 1/11/15.

#### **Second: (D. Martin)**

**Discussion:** Councilmember Sredzinski stated most of Council knows Mr. Carleton from running on Town Council and he is filling the seat of Phil White.

**Motion passed 9-0**

#### **Motion: (J.P. Sredzinski)**

To approve the appointment of Phil White (D) of 188 Flint Ridge Road to the Board of Ethics with a term ending 1/11/15 as an alternate.

#### **Second: (N. Kapoor)**

**Discussion:** Councilmember Sredzinski stated Council knows Mr. White and because of the “swap”, L&A did not feel the need to interview him.

**Motion passed 9-0**

### **ACTION ITEMS**

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

Vice Chairman Heim reported they met and the Board of Education approved their budget of 3.72% increase which includes a full day kindergarten. She stated the Board of Finance only had a special meeting which dealt with the change of Chalk Hill. Vice Chairman Heim noted the Police Department also met and discussed security measures regarding Sandy Hook Elementary School. She also stated the EMS received approval for the paramedics for the hospital, and they hired a billing clerk, who will be at the Jockey Hollow station. The Youth Commission has not met but will be meeting Thursday, January 17, 2013. She also noted the fire cisterns have a 6 month extension and noted Councilmember Kapoor’s question regarding the Board of Finance having alternates. She stated she would see if Council can get a legal opinion by the Town Attorney to do it by ordinance or charter change, and see how it would fit in with the Town of Monroe and if it will be feasible. The next scheduled meeting will be February 26, 2013 at 7:00 p.m.

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

Councilmember Unger reported they met and asked Councilmember Lieto to bring Council up to date on Parks and Recreation meetings. Councilmember Lieto stated Mr. Frank Cooper, Director of Parks & Recreation, is working on a few projects coordinating allocation assignments of all the fields between the towns and the schools. He noted each independent school assigned their fields separate from the Parks and Recreation and he should get an update within a month. He also noted Mr. Cooper is working on a field expansion to accommodate the growing need of sports programs. Councilmember Lieto stated we should be expecting the fee schedule for the Masuk pool, Wolfe Park, and Great Hollow next month. Councilmember Lieto stated Mr. Cooper is also trying to increase the draw to Great Hollow with ideas that will be presented. One idea is to improve the arts around town, possibly installing a formal garden. Councilmember Unger requested Councilmember Kapoor bring Council up to date on Planning and Zoning. Councilmember Kapoor stated there was a discussion on January 3, 2013 regarding the application of 528 Monroe Turnpike which is the proposed Stop and Shop gas station. He also stated on January 24, 2013 at 7:00 p.m. at Masuk, there will be a Public Workshop number 2 with BFJ. Councilmember Unger stated a discussion was done on the ordinances of Land Use but stated they are not completely satisfied, and hopefully, they will have within 30 days for Land Use. In addition, a meeting is scheduled with the Department of Public Works but found out today a resignation was made by Doug Arndt, Director of Public Works, and he will be

leaving the town effective January 31, 2013. The next meeting is scheduled for January 28, 2013.

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

Councilmember Sredzinski reported the next scheduled meeting will be January 24, 2013 at 5:00 p.m. On the agenda will be the wetlands ordinance, contract discussion, and rules procedure.

#### ***Trumbull/Monroe Health District***

Councilmember Knapp reported they met and will be passing out the proposed budget to everyone tonight. He stated the District is out of the flu shots and is anticipating delivery by the end of next week. Councilmember Knapp noted if anyone wants a flu shot, they must call the Health District to make an appointment and the Health District will be calling the individuals as the flu shots come in. The next scheduled meeting is March 12, 2013.

#### ***First Selectman's Update***

First Selectman Vavrek reported that it has been one month since the Sandy Hook Elementary School tragedy. He wanted to thank Town Council and Planning and Zoning for doing everything in such a timely fashion and hopes everything continues to work along these lines. He noted it was a tremendous team effort. First Selectman Vavrek stated the new gym floor has been refinished in green and white signifying the Newtown color. He also thanked Kelly Plunkett and Jennifer Aguilar for all their community efforts leading volunteers to build a playground outside the school. Councilmember Kapoor stated at the last Town Council meeting a discussion was made about the date of budget and how Charter stipulates February 8, 2013 is the deadline that the budget needs to get to Council. He wanted to know if there was any plan. First Selectman Vavrek stated the budget will be given on February 8, 2013 and he will have a presentation on February 11, 2012. He did not feel comfortable having a town meeting on a Friday night. First Selectman Vavrek wanted as many people to come and hear this the presentation. Councilmember Kapoor also asked if there was any way in the budget books to have organizational charts for the departments. First Selectman Vavrek stated since working with Munis, hopefully we will have a better rounded budget. First Selectman Vavrek also noted the Parks and Recreation Department is now at 7 Fan Hill Road in the Land Use Room.

### **UNFINISHED BUSINESS**

#### **Police Department Renovation**

Councilmember Sredzinski stated the renovation project is moving along very well. He stated carpets are being installed along with plumbing fixtures in the dispatch and records areas are near completion. The fire sprinkler, a new ground piping test was completed and was passed and the Fire Marshall has signed off on it. Councilmember Sredzinski also noted tile in the new front lobby along with the bullet proof front glass should be installed by now. The restrooms in the North addition have also been completed. A spiral staircase will be installed that will lead from the police department to the Town Hall kitchen and that is being worked on now. The project is about 75% completed and everyone involved has been very cooperative.

#### **Jockey Hollow Firehouse Remediation Report**

First Selectman Vavrek stated Chris Nowacki, Public Works Department has been very instrumental in getting the Monroe School up and running and has been utilizing all his time for the Sandy Hook Elementary School, therefore, there was no remediation report. He stated they are getting numbers but it is a work in progress. Councilmember Dutches asked where the EMS is housed and First Selectman Vavrek stated they are housed at the Jockey Hollow Fire Station.

#### **Capital Infrastructure Facility Asset Planning**

William Porter, Chair of Capital Infrastructure Facility Asset Planning Sub-Committee (CIFAP) was present and gave a copy of the Capital Projects. One of the biggest things that came out of the CIFAP process was vehicles. He stated as far as ranking of projects, the committee looked at life safety issues, liability issues, preservation of town assets, and if any specific funding that had a time deadline was considered in ranking projects. He stated the purpose of the compilation of information and spreadsheet is a tool to establish budgets which consists of all the items for each of the various departments. The spreadsheet consisted of rank, town department, project title, approximate budget/cost, year submitted, project completion time, 1, 3, 5, 10 year projection, grant eligible, contact, telephone number, and rationale. Councilmember Lieto questioned if this

document was available to the general public and Mr. Porter did say it can be found online. Many questions were asked by Council and answered by Mr. Porter.

### **Economic Development Coordinator**

Councilmember Sredzinski stated at a prior L&A meeting, Councilmember Kapoor was present as a guest and brought up a question to the committee about Section 4 of the Monroe Town Charter, and it is Chapter 3, Section 4 which states: "The First Selectman shall appoint an Administrative Assistant, Town Engineer, Director of Community and Social Services, Assessor, Tree Warden, Director of Public Works, Building Official, Fire Marshal, Director of Finance, Zoning Enforcement Officer, Planning Administrator, Library Director, Director of Emergency Management, Director of Parks and Recreation, Town Attorney, Director of Health, Municipal Agent for the Elderly, Human Resources Director, Economic Development Coordinator and such other appointments as may from time to time be necessary for the efficient management of the Town. Appointments shall be made in accordance with provisions of Chapter X of this Charter. Provided that the same is not inconsistent with the Connecticut General Statutes, the First Selectman may, subject to the approval of the Council, perform duties of any office over which the First Selectman has appointive authority." Councilmember Sredzinski noted as Council is aware, the last budget years, there has been a request to add an Economic Development Coordinator which the Town Council removed the funding. He felt this was Council's indication they did not want an Economic Development Coordinator to be paid but have the First Selectman serve this role. He stated this question was presented to the Town Attorney whether the First Selectman has the authority to serve without having formal approval from the Council such as a motion. John Fracassini, Town Attorney expressed two options: take no course of action and leave it the way it is or a formal motion may be made by Council in order to serve in this role. Councilmember Sredzinski noted he would rather leave it alone and move forward. Councilmember Unger noted he believes the First Selectman has the right and is protected by the Charter to make himself head of any particular body that is not an elected body. Councilmember Unger also stated "*by putting our two cents in, we are diminishing his powers which happen to also be in the Charter*". Councilmember Kapoor noted his disappointment with the letter received from the Town Attorney. He noted in the letter on option number one, Attorney Fracassini stated "They can take no course of action. This is based that the First Selectman exercised his right to undertake the duties of the Economic Development Coordinator as they deleted the funds for that position in essence agreed to that course of action on the reasonable presumption that the First Selectman might undertake or take the actions that he did." Councilmember Kapoor stated he does not like to operate in terms of essence and reasonable presumption, and feels the better course of action would be a majority of members on the Town Council agree the First Selectman should be acting as the EDC and a formal motion should be made. Councilmember Kapoor firmly disagrees with Attorney Fracassini's sentence in this letter which states "is not discretionary but is a mandatory requirement as set forth in this section of the Charter". He also thought the office of the First Selectman is a full time job with numerous responsibilities and to also be the Economic Development Coordinator is not a responsible thing to do. Councilmember Kapoor expressed his concerns of having someone serve on a volunteer basis to bring businesses into town, increase our commercial tax base, and lower property taxes, and feels if we have someone do that on a volunteer basis, it would free up the First Selectman from serving this role.

### **Motion: (N. Kapoor)**

To urge the First Selectman to appoint a Monroe resident who is not elected, appointed, or an employee of the Town of Monroe on a part time volunteer basis as the Economic Development Coordinator.

### **Second: (D. Martin)**

**Discussion:** Councilmember Kapoor understands we cannot diminish the power of the First Selectman according to our Charter but since we have a legal opinion from our Town Attorney that is telling us by taking no action we did approve the First Selectman as the EDC. He feels this body can make a suggestion in a resolution. Councilmember Kapoor noted there could be a community service person out there that can help us out. Councilmember Unger wanted to know how many towns had Economic Development Coordinators that are not the First Selectman. First Selectman Vavrek stated there are 169 towns and very few have them. Councilmember Dutches wanted to address her comment to Councilmember Kapoor and to caution Council to put more work on the First Selectman's office in both fiscal years. She noted to have him act as our EDC and now spend time to look for someone, believes we are too far along in this fiscal

year and does not feel this is an appropriate time to be doing this. Councilmember Lieto expressed to Councilmember Kapoor what evidence he had or believed that the First Selectman, as EDC, has been doing that is not up to par. Councilmember Lieto stated he feels the First Selectman has the most experience in managing the whole town. He also noted the leader of the town, in most towns, serves as this role. Councilmember Lieto also pointed out we did have an EDC in this town once before, and Council felt we were not “*getting a return on our investment*”.

### **Calling of the Question**

Question was called by Parliamentarian Unger

#### **Motion: (E. Lipeles)**

To call the question

Motion failed due to lack of second motion

#### **Motion: (N. Kapoor)**

To urge the First Selectman to appoint a Monroe resident who is not elected, appointed, or an employee of the Town of Monroe on a part time volunteer basis as the Economic Development Coordinator.

#### **Second: (D. Martin)**

**Motion fails 3-6 (opposed Lipeles, Heim, Dutches, Lieto, Sredzinski, Unger)**

### **Legal Fees**

Councilmember Kapoor requested a spreadsheet on legal fees that lays out the cases, date of the billing, and rates per hour to be updated for fiscal year 2013 which is July 1, 2012 through the present and hopefully before the budget. Councilmember Kapoor asked he if could have permission to follow up with the Director of the Board of Finance. Councilmember Unger requested any documents that Council receives he would like to see who the preparer is and date the document. First Selectman Vavrek stated it was Heidi Meade/Finance Department.

### **NEW BUSINESS**

#### **Audit Report (Assessor)**

Ms. Duffy, Assessor’s Office was present and stated they had a very good return on their money. She handed out a Personal Property Audit Report to all Council members.

#### **WMNR Annual Grant**

##### **Motion: (D. Heim)**

To approve the annual grant for WMNR from CPB, which is the Corporation for Public Broadcasting for the grant year for 2013 for \$87,789 and its purpose is for general operations with no matching funds required.

##### **Second: (T. Unger)**

**Discussion:** Kurt Anderson, WMNR General Manager was present and discussed the annual grant for WMNR from CPB. WMNR has received this annual operating grant since 1993. Mr. Anderson also seeks approval of a minor revision of its current operating budget for FY2013. The following budget revision was approved by the WMNR Commission at their December 5, 2012 meeting. He noted, they are seeking to increase their revenue and expense budgets by \$15,000 so that they can finish the construction of a new antenna and transmitter for one of the stations. Mr. Anderson also requested an increase in WMNR’s expense account for 30<sup>th</sup> Anniversary from \$100,000 to \$115,000 and to increase the revenue account for WMNR 30<sup>th</sup> Future Fund from \$30,000 to \$45,000.

**Motion passed 9-0**

#### **WMNR FY2013-14 Budget Revision**

##### **Motion (D. Heim)**

To ask Council’s approval for a minor revision of its current operating budget for FY2013. The following budget revision was approved by the WMNR Commission at their December 5, 2012 meeting. They are requesting to increase their expense account for 30<sup>th</sup> Anniversary from \$100,000 to \$115,000 and to increase the revenue account from \$30,000 to \$45,000.

##### **Second: (T. Unger)**

**Discussion:** Councilmember Dutches wanted to make a note that this requires no additional funding from the Town of Monroe.

**Motion passed 9-0**

**CL&P Letter of Agreement**

**Motion (J.P. Sredzinski)**

To have Town Council approve the letter of agreement with CL&P and authorize the First Selectman to sign on behalf of the town with the conditions that the First Selectman report back to the Council within 30 days with a plan for execution of this letter of agreement including a timeline, who is going to be in charge of the project and certain projects that will be done this fiscal year vs. next fiscal year and that the general oversight of this project will be under the prevue of the Planning and Zoning, Parks and Rec, and Public Works, Town Council sub committee

**Second: (N. Kapoor)**

**Discussion:** Justin Bevis, Account Executive of CL&P was present. All Council members were given a non-binding agreement stating if you complete the measurements within the document you will receive the incentives for them. He noted if it is not done, the agreement can be cancelled at any time. The money comes from Connecticut Energy Efficiency fund which is brought by CL&P. He stated there is a separate gas portion. Councilmember Lieto noted the opinion letter from John Fracassini, Town Attorney, and asked who prepared the scope of work. Mr. Bevis stated the incentive values are prepared by the Project Engineers at CL&P. The preparer for the list of work for Exhibit A was completed by Honeywell with suggestions from the town, and the values are done by CL&P. Mr. Bevis noted you would only get paid for the measures you want to complete. Councilmember Martin asked about the terms and conditions stated on the agreement which reads: the participant understand that all funding for this program derives from the CEEF which is managed by CL&P and funded by CL&P's customers. CL&P is not responsible for any costs or damages incurred by the participant if funding for this program or the CEEF is reduced or eliminated by the State of Connecticut or the Connecticut Department of Public Utility Control. Councilmember Martin asked what happens while we are working on our local budget and we wait for the state budget, what happens to the participate in the town of Monroe, if we put money out and do anything on the list and then this funding is pulled? Mr. Bevis stated funding is already there for the year 2013, so signing allows us to put the money away so money is already budgeted. Councilmember Lieto noted if the town is going to undertake and do this project, we need to make sure we have the proper oversight, personnel, and committee.

**Motion passed 9-0**

**2<sup>ND</sup> PARTICIPATION**

*Steve Kirsch, 35 Applegate Lane*, stated he wanted to see all the documents about the town to have a title, the name of the author, the date of creation/publishing, and should have a file name. He stated any document or spreadsheet should have this standard information so we can all identity where it came from.

*Steve Schapiro, 42 Harvester Road*, wanted to make a comment about filling the Economic Development Coordinator position with the right person. He claims this could provide a boost to the town. Mr. Schapiro stated very rarely does he see our leader at the Economic Development meetings. He believes economic development brings revenue to the town and he will be disappointed if Town Council does not look at the advantages this town could have by having a full time Economic Development Coordinator. Mr. Schapiro noted by putting together one major economic development deal, such as Swiss Army, can probably earn their salary benefits and the entire budget back.

*Mark Antonazzi, 41 Fan Hill Road*, feels economic development is not just for new business, but old established business as well. He noted old business can be adversely affected because someone just wants to bring in something new. He expressed his concerns regarding the total impact of this town and felt this needs to be reviewed. He also spoke about legal billings and stated if he doesn't see hours billed, he cannot know what they are for. Mr. Antonazzi just does not want to see a bill stating you owe me for a certain amount of hours.

**ADJOURNMENT**

**Motion: (E. Lipeles)**

To adjourn the meeting at 9:58 p.m.

**Second: (R. Knapp)**

**Motion passed 9-0**

Respectfully submitted,

Donna Cerreta  
Town Council Clerk