

**Disclaimer.** Please note, these Minutes have yet to be approved. Check with the department or Town Clerk for updated versions.

**BOARD OF SELECTMEN  
REGULAR MEETING  
August 15, 2012**

**Present:** Norman M. Needleman, First Selectman  
Stacia R. Libby, Selectman  
Joel B. Marzi, Selectman

Norman Needleman called the meeting to order at 7:02 p.m.

**Approval of Agenda:**

**Motion** was made by Stacia Libby to approve the Agenda with the following changes: Move item 6 Traffic Authority after Item 7 Informational Items. Add item 8B Merit Service Retirement Plan. Edit item 9C to read Proposed Amendments to Retirement Plans. Joel Marzi seconded the motion, it was unanimously approved. Motion carried.

**Approval of Minutes:**

**Motion** was made by Stacia Libby to approve the July 18, 2012 Regular Meeting Minutes. Joel Marzi seconded the motion, it was unanimously approved. Motion carried.

**Communications and Correspondence:**

**STEAP Grant Application** was submitted for a Civic Campus Enhancements project in the amount of \$486,500 that would enhance the Town Hall parking lot and would provide an ADA compliant Playscape. Mr. Needleman thanked Lee Thompson, John Beveridge, Rick Audet, and John Guszowski for their work on the grant application.

**Connecticut Resource Recovery Authority** – Mr. Needleman stated that there is an agreement and the CRRA board has approved the settlement and there will be a new lease agreement.

**Statewide Hurricane Emergency Preparedness Drill** – the Essex Emergency Management participated in the two-day drill, several volunteers participated. A list of needed items was presented to the Selectmen for review. This drill simulated a category 3 hurricane.

**Household Hazardous Waste**

The July 28<sup>th</sup> collection had 21 Essex households participate and August 11th collection had 19 households.

**2012 Neighborhood Assistance Act** –The two approved were The Connecticut River Foundation at Steamboat Dock was awarded 60% of \$25,000 for a community outreach project, and The Company of Fifers and Drummers were awarded 100% of \$61,000 for improvements to their museum.

**Emergency Operations Center (EOC) Office**

The EOC mold as well as the asbestos remediation is still in progress. The water problem has finally been resolved.

**Public Announcements:** None

**INFORMATIONAL ITEMS:** None

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### **Traffic Authority**

**Motion** was made by Joel Marzi to enter Traffic Authority. Stacia Libby seconded the motion, it was unanimously approved. Motion carried.

Mr. Needleman stated that research has been performed on Hill Top. Frances Nolin, Town Clerk, presented maps and deeds that all indicate the name to be road. Six deeds are listed as Hilltop Road, one is Avenue. Mr. Needleman stated that for an emergency situation the address needs to be correct and consistent.

The homeowners who were present tonight stated that they would like to continue with the name Hilltop Avenue.

Mr. Needleman suggested this item be tabled until Attorney Royston has a chance to review the options.

**Motion** was made by Norman Needleman to table this until the Attorney Royston has a chance to review. Joel Marzi seconded the motion. Motion carried.

**Motion** was made by Stacia Libby to exit Traffic Authority. Joel Marzi seconded the motion, it was unanimously approved. Motion carried.

### **OLD BUSINESS:**

#### **Resubdivision Rosewood Lane**

Mr. Needleman tabled this until the next Board of Selectmen meeting.

#### **Merit Service Retirement Plan**

Mr. Needleman reported on the request from the Essex Fire Department to change the current multiplier from \$15/month to \$16.65/month. There are two options; one would be to change the multiplier to \$16.65 for all years after 9/1/12. The second option would be to change the multiplier to \$16.65/month for all years of credited service for participants not currently receiving benefits. Mr. Needleman stated that he is in favor of the second option. (Options Attached).

**Motion** was made by Stacia Libby to approve the adoption of the amendment to the multiplier for the Town of Essex Merit Service Retirement Plan. Joel Marzi seconded the motion and it was unanimously approved. Motion carried.

### **NEW BUSINESS:**

#### **Essex Land Trust**

Mr. Needleman reported that the Essex Land Trust has requested approval from the Selectmen for abatement for the real estate taxes currently due on their properties.

**Motion** was made by Stacia Libby to abate the Essex Land Trust taxes in the amount of \$368.29 for parcels of land on Great Meadows Road. Joel Marzi seconded the motion and it was unanimously approved. Motion carried.

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### **Elderly Tax Relief Program**

Mr. Needleman reported on an initiative for some additional tax relief to those who have lived in Essex for a significant amount of time. A committee was formed to draft the New Local Option Elderly Benefit. Attached is an outline of what is being proposed. .

Mr. Needleman would like to table this until the next Board of Selectmen meeting.

Mr. Marzi stated this would need to be drafted into an ordinance. Mr. Needleman stated that he would like this voted on by October 21 around the time the grand list is set. This would also provide residents with an option.

Mr. Marzi inquired about fees and costs associated with ways to collect the money after the homeowner passes away, as well as probate fees. Mr. Marzi suggested creating a list of definitions.

Mr. Needleman tabled this until the next Board of Selectmen meeting.

### **Proposed Amendment to Retirement Plans**

Mr. Needleman presented Amendment No. 1 to the Town of Essex Police Retirement Plan and Amendment No. 3 to the Town of Essex Retirement Plan (Amendments Attached). The amendments would allow for the Board of Selectmen to negotiate a settlement which would be presented to the Town's Retirement Board.

**Motion** was made by Joel Marzi to approve the two amendments. Stacia Libby seconded the motion, it was unanimously approved. Motion carried.

### **Public Hearing**

**Motion** was made by Joel Marzi to set a Public Hearing for Wednesday, September 5th, 2012 at 6:30 p.m. for the purpose of Merit & Amendments to Retirement Plans. Stacia Libby seconded the motion, it was unanimously approved. Motion carried.

### **Set Town Meeting**

**Motion** was made by Joel Marzi to set a Special Town Meeting for Wednesday, September 5th, 2012 immediately following the Public Hearing. Stacia Libby seconded the motion, it was unanimously approved. Motion carried.

### **Public Comment:**

There was additional discussion on the Elderly Relief Tax Credit. Mr. Needleman stated this is an attempt to help seniors on fixed income.

### **SELECTMEN GENERAL DISCUSSION:**

#### **Capital Planning Meeting.**

Mr. Marzi reported on the Capital Planning Meeting. Mr. Marzi stated that the infrastructure of the corrugated steel at South Main needs to be assessed and the Town should do a study on town roads.

**Motion** was made by Stacia Libby to adjourn the meeting at 8:41 p.m. Joel Marzi seconded the motion, it was unanimously approved. Motion carried.

Respectfully submitted,  
Maria P. Lucarelli

*Board of Selectmen August 15, 2012*

**OPTION I**  
**AMENDMENT NO. 1**  
**TO THE**  
**TOWN OF ESSEX**  
**MERIT SERVICE RETIREMENT PLAN**  
**FOR**  
**VOLUNTEER FIREFIGHTERS**

The Town of Essex Merit Service Retirement Plan for Volunteer Firefighters (the "Plan") is hereby amended, effective \_\_\_\_\_, 2012 as follows:

**I.**

Section 4.2 of the Plan is amended by substituting "\$16.65" for "\$15.00" wherever such terms are used in the Section.

**II.**

If there shall be any inconsistency between the provisions of this Amendment No. 1 and the provisions of the Plan, this Amendment No. 1 shall govern.

Amendment No. 1 executed at Essex, Connecticut this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

TOWN OF ESSEX

By: \_\_\_\_\_

**OPTION II**  
**AMENDMENT NO. 1**  
**TO THE**  
**TOWN OF ESSEX**  
**MERIT SERVICE RETIREMENT PLAN**  
**FOR**  
**VOLUNTEER FIREFIGHTERS**

The Town of Essex Merit Service Retirement Plan for Volunteer Firefighters (the "Plan") is hereby amended, effective \_\_\_\_\_, 2012 as follows:

**I.**

Section 4.2 of the Plan is amended in its entirety to read as follows:

4.2 Normal Retirement Pension. The monthly normal retirement pension payable for the Participant's life commencing at his Normal Retirement Date shall be determined pursuant to (a), (b) and (c) below:

(a) PAST SERVICE: \$15.00 per month for each Year of Credited Service prior to the Effective Date, not to exceed fifteen (15) years; plus

(b) PRIOR SERVICE: \$15.00 per month for each Year of Credited Service prior to \_\_\_\_\_, 2012; plus

(c) FUTURE SERVICE: \$16.65 per month for each Year of Credited Service on or after \_\_\_\_\_ 2012.

(d) Notwithstanding the foregoing, no Participant shall receive more than thirty (30) Years of Credited Service.

**II.**

If there shall be any inconsistency between the provisions of this Amendment No. 1 and the provisions of the Plan, this Amendment No. 1 shall govern.

Amendment No. 1 executed at Essex, Connecticut this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**TOWN OF ESSEX**

By: \_\_\_\_\_

August 15, 2012

Meeting with Norman Needleman, First Selectman, James Francis, Chair of the Board of Finance, Kelly Sterner, Director of Finance and Jessica Sypher, Assessor

*New Local Option Elderly Benefit Outline*

- Rule of 85 – Minimum age is 65 and minimum years of residence is 20 (at the end of the previous calendar year)
- 6 year run on the program with option to renew or allow to sunset
- Interest rate will be set by the Board of Finance which will be the IRS published minimum allowable to avoid imputed income
- Interest will reset every year on the date as determined by IRS
- In order to apply and maintain participation in the program a taxpayer must be current on their taxes which according to statute is paid in full
- Must occupy said real property as his or her primary residence
- A municipal lien will be placed on the property when someone participates in this program
- Board of Finance can set a cap on the total amount of the benefit to be given
- Multiplier of 1.25 times that State of CT "Circuit Breaker" amounts as maximum income level
- An applicant must disclose any existing liens or encumbrances with regard to their property at the time of application
- "Qualifying Income" = adjusted gross income as defined in the Internal Revenue Code of 1952, as amended, plus social security benefits, income from other tax exempt retirement annuity sources and income from tax exempt bonds, less medical expenses in excess of 5% of AGI less any offsetting insurance benefits
- Assets are not considered for this benefit
- Biannual application period from February 1 to May 15
- Only one spouse needs to meet the necessary criteria
- Surviving spouse who does not meet the criteria on their own can stay on the program as long as they remain in the home
- Benefit can be lost due to inability to meet minimum criteria for a period of two years without losing the initial base year place holder
- All benefits shall be due to the Town upon conveyance of the real property or death of the recipient, whichever occurs first except where there is a surviving spouse
- If the program sunsets the deferrals already on file would not become due until conveyance or death
- The Tax Collector and Assessor will take applications and administer the program
- If a person(s) are denied program benefits by the Tax Collector and Assessor, then an appeal can be made to a committee made up of the First Selectman, Chair of the Board of Finance, and the Director of Finance.
- In the case of partial ownership (other than a spouse) the benefit will be calculated based on the applicants percentage of ownership

**AMENDMENT NO. 1  
TO THE  
TOWN OF ESSEX POLICE RETIREMENT PLAN**

The Town of Essex Police Retirement Plan (the "Plan") is hereby amended, pursuant to Section 11 of the Plan, effective August 1, 2012, as follows:

**I.**

Section 11.4 of the Plan is amended in its entirety to read as follows:

11.4 The Retirement Board shall have no power to add to or subtract from, or modify, any of the terms of this Plan, or to change or add to any benefit, or to waive or fail to apply any requirement of eligibility for a benefit under this Plan, except as provided by this Plan. If the Retirement Board shall find that it has no power to rule on a particular case referred to it, it shall make a determination to that effect and shall make no other ruling with respect to such case. No ruling or decision of the Retirement Board on any one case shall create a basis for any adjustment in any other case. In making any ruling or decision, the Retirement Board shall act in such a way as not to discriminate in favor of any Employee or Eligible Employees or class or classes of Eligible Employees. There shall be no appeal from any ruling by the Retirement Board which is within its authority. Each such ruling shall be final and binding on any applicant, on the Town and on the Retirement Board.

**II.**

Section 11 of the Plan is amended by adding the following new Section 11.5 at the end thereof:

11.5 If any Employee or Spouse shall dispute the amount of, or eligibility for, any type of benefits under the Plan and the Board of Selectmen of the Town shall recommend the settlement of such dispute and the terms of such settlement that apply to the Plan to the Retirement Board, then the Retirement Board shall have the authority to approve such proposed settlement. In no event shall the benefit payable from the Plan pursuant to such settlement exceed the maximum payment that could be made pursuant to Section 5 or 8 of the Plan, whichever is applicable, as limited by Section 9 of the Plan. If the Retirement Board approves the settlement of such dispute and there is a signed agreement between the Town and the Employee and/or Spouse with respect to such dispute, then the such Employee and his Spouse shall receive (i) benefits from the Plan in accordance with the terms of such settlement regardless of whether or not such Employee and/or Spouse would be entitled to a benefit from the Plan and regardless of the amount otherwise payable from the Plan to such Employee and/or Spouse and (ii) such Employee and his Spouse shall only be entitled to receive the benefits specified in the settlement

agreement in lieu of any other benefits that the Employee and his Spouse may be entitled to receive under the Plan.

III.

If there shall be any inconsistency between the provisions of this Amendment, and the provisions of the Plan, this Amendment shall control.

Date: \_\_\_\_\_, 2012.

TOWN OF ESSEX

By: \_\_\_\_\_  
Its



**AMENDMENT NO. 3  
TO THE  
TOWN OF ESSEX RETIREMENT PLAN**

The Town of Essex Retirement Plan (the "Plan") is hereby amended, pursuant to Section 11 of the Plan, effective August 1, 2012, as follows:

**I.**

Section 11.4 of the Plan is amended in its entirety to read as follows:

11.4 The Retirement Board shall have no power to add to or subtract from, or modify, any of the terms of this Plan, or to change or add to any benefit, or to waive or fail to apply any requirement of eligibility for a benefit under this Plan, except as provided by this Plan. If the Retirement Board shall find that it has no power to rule on a particular case referred to it, it shall make a determination to that effect and shall make no other ruling with respect to such case. No ruling or decision of the Retirement Board on any one case shall create a basis for any adjustment in any other case. In making any ruling or decision, the Retirement Board shall act in such a way as not to discriminate in favor of any Employee or Eligible Employees or class or classes of Eligible Employees. There shall be no appeal from any ruling by the Retirement Board which is within its authority. Each such ruling shall be final and binding on any applicant, on the Town and on the Retirement Board.

**II.**

Section 11 of the Plan is amended by adding the following new Section 11.5 at the end thereof:

11.5 If any Employee or Beneficiary shall dispute the amount of, or eligibility for, any type of benefits under the Plan and the Board of Selectmen of the Town shall recommend the settlement of such dispute and the terms of such settlement that apply to the Plan to the Retirement Board, then the Retirement Board shall have the authority to approve such proposed settlement. In no event shall the benefit payable from the Plan pursuant to such settlement exceed the maximum payment that could be made pursuant to Section 4 or 7 of the Plan, whichever is applicable, as limited by Section 8 of the Plan. If the Retirement Board approves the settlement of such dispute and there is a signed agreement between the Town and the Employee and/or Beneficiary with respect to such dispute, then the such Employee and his Beneficiary shall receive (i) benefits from the Plan in accordance with the terms of such settlement regardless of whether or not such Employee and/or Beneficiary would be entitled to a benefit from the Plan and regardless of the amount otherwise payable from the Plan to such Employee and/or Beneficiary and (ii) such Employee and his Beneficiary shall only be entitled to receive the benefits

specified in the settlement agreement in lieu of any other benefits that the Employee and his Beneficiary may be entitled to receive under the Plan.

III.

If there shall be any inconsistency between the provisions of this Amendment, and the provisions of the Plan, as amended, this Amendment shall control.

Date: \_\_\_\_\_, 2012.

TOWN OF ESSEX

By: \_\_\_\_\_  
Its