



TOWN OF MONROE

TOWN COUNCIL

MEETING MINUTES



Session # 2023-15

Regular Meeting - Monday, August 14, 2023 – 7:00 P.M.

Meeting conducted in Council Chambers of Town Hall
& Remotely via Zoom

PRESENT:

Chairperson Jonathan Formichella
Vice-Chairperson Enid Lipeles
Councilmember Dee Dee Martin
Councilmember Jason Maur (remote)
Councilmember Jessica Katuska
Councilmember Sean O'Rourke (remote)
Councilmember Kevin Reid (remote joined at 7:03 PM)
Councilmember Terry Rooney
Councilmember Dona-Lyn Wales

ABSENT:

none

ALSO PRESENT:

First Selectman Kenneth M. Kellogg

I. PLEDGE OF ALLEGIANCE

Formichella called the meeting to order at 7:00 PM and led with the Pledge of Allegiance.

II. ROLL CALL

Formichella took the roll call as noted above.

III. PUBLIC HEARING

- A. Formichella** stated that pursuant to the Town Code §470-34(B), the Town Council shall conduct a public hearing for the purposes of receiving public input on a Commercial Tax Abatement Application for 205 Monroe Turnpike, LLC.

Formichella opened the public hearing at 7:00 PM and asked if any member of the public in chambers would like to speak on this matter.

Fred Lachioma stated he is a partner in 205 Monroe Turnpike, LLC. He is representing the LLC and Panera Café. The application for the Tax Incentive Program was voted unanimously by the Committee for the 20% abatement for the next seven years and he is here tonight to reiterate all of the previously completed groundwork and to answer any questions. Mr. Lachioma offered to review cost of real estate taxes which he noted are rising dramatically due to construction costs and land acquisitions. Mr. Lachioma stated that the tax abatement will help tenants greatly and if anyone has any questions he is here to help.

Formichella noted that this is a public hearing and that Mr. Lachioma is under no obligation to answer any of Council's questions and appreciated him being open to questions. **Formichella** noted that this public

hearing is an opportunity for anyone who wants to speak in favor, speak against or who has questions to come forward.

Formichella asked once again if anyone else in chambers or online wished to speak during the public hearing. Hearing none, **Formichella** closed the public hearing at 7:05 PM.

Formichella noted Councilmember Reid joined the meeting virtually at 7:03 PM during the public hearing.

IV. CONSENT CALENDAR

- A. Approval of the minutes of the Town Council Regular Meeting held on July 10, 2023 (Session 2023-14). **Formichella** noted one change requested, page 4, item C the name should read “Samantha Spino” not “Samantha Stevens”.
- B. Approval of the Tax Collector’s Request for Refunds, dated August 8, 2023, totaling \$2,699.79.
- C. Acceptance of the donations received for the following programs:
- Bicentennial Committee: \$1,191.12
 - Community & Social Services: \$125.00
 - Edith Wheeler Memorial Library: \$1,966.51 & in kind of 41 puzzles, 14 DVDs, 29 books
 - Emergency Medical Services: \$235.00
 - Farmers’ Market: \$770.00
 - Food Pantry: \$1,707.47
 - Project Warmth: \$146.00
- D. **Resolution #23-084: RESOLVED**, that that Kenneth M. Kellogg, First Selectman of the Town of Monroe, is authorized to execute and deliver on behalf of the Town of Monroe, the Extension to Maintenance and Support Agreement # 007080-002, and any associated documents by and between Idemia Identity & Security USA LCC for the LiveScan fingerprinting systems.
- E. **Resolution #23-085: RESOLVED**, that the Town Council hereby approves the First Selectman’s reappointment of **Raymond Ganser (R)** of 96 Longview Road to the Memorial Day Parade Committee with a term ending July 1, 2024.
- F. **Resolution #23-086: RESOLVED**, that the Town Council hereby approves the First Selectman’s reappointment of **Jonathan Stone (R)** of 248 Porters Hill Road to the Memorial Day Parade Committee with a term ending July 1, 2024.
- G. **Resolution #23-087: RESOLVED**, that the Town Council hereby approves the First Selectman’s reappointment of **Vida Stone (R)** of 248 Porters Hill Road to the Memorial Day Parade Committee with a term ending July 1, 2024.
- H. **Resolution #23-088: RESOLVED**, that the Town Council hereby approves the First Selectman’s reappointment of **Bob Tranzillo (R)** of 33 Pamela Drive to the Memorial Day Parade Committee with a term ending July 1, 2024.
- I. **Resolution #23-089: RESOLVED**, that the Town Council hereby approves the First Selectman’s reappointment of **Christine Thomas Burns (D)** of 423 Fan Hill Road to the Memorial Day Parade Committee with a term ending July 1, 2024.
- J. **Resolution #23-090: RESOLVED**, that the Town Council hereby approves the First Selectman’s reappointment of **Jen Aguilar (D)** of 32 Surrey Lane to the Memorial Day Parade Committee with a term ending July 1, 2024.

V. COMMUNICATIONS

- A. Memo from the First Selectman to the Town Council Chair dated August 10, 2023, regarding various donations.
- B. Memo from the Tax Collector to the Town Council Chair dated August 8, 2023 regarding a Request for Refunds.
- C. Memo from the First Selectman to the Town Clerk dated July 25, 2023 regarding notice of a Public Hearing for a Commercial Tax Abatement Application.

- D. Memo from the First Selectman to the Town Council Chair dated August 10, 2023 for reappointments to boards and commissions.
- E. Memo from the First Selectman to the Town Council Chair dated August 10, 2023 regarding an appointment to the Parks & Recreation Commission.
- F. Memo from the First Selectman to the Town Council Chair dated August 10, 2023 regarding an appointment to the Conservation & Water Resources Commission.
- G. Memo from the First Selectman to the Town Council Chair dated August 10, 2023 regarding an appointment to the Youth Commission.
- H. Memo from the First Selectman to the Town Council Chair dated August 10, 2023 regarding the Supervisors Union Collective Bargaining Agreement.
- I. Memo from the First Selectman to the Town Council Chair dated August 10, 2023 regarding the Extension to Idemia Identity & Security USA Maintenance & Support Agreement.
- J. Letter of Opinion from the Town Attorney to the First Selectman dated August 10, 2023 regarding the Extension to Idemia Identity & Security USA Maintenance & Support Agreement.
- K. Memo from the First Selectman to the Town Council Chair dated August 10, 2023 regarding the Quick Med Claims, LLC Business Associate Agreement.
- L. Letter of Opinion from the Town Attorney to the First Selectman dated August 10, 2023 regarding the Quick Med Claims, LLC Business Associate Agreement.
- M. Memo from the First Selectman to the Town Council Chair dated August 10, 2023 regarding the Regional Hazardous Waste Collection Program Agreement with the Towns of Trumbull and Easton.
- N. Letter of Opinion from the Town Attorney to the First Selectman dated August 10, 2023 the Regional Hazardous Waste Collection Program Agreement with the Towns of Trumbull and Easton.
- O. Memo from the First Selectman to the Town Council Chair dated August 10, 2023 regarding the First Amendment to the Nagy Brothers Construction Agreement.
- P. Letter of Opinion from the Town Attorney to the First Selectman dated August 10, 2023 regarding the First Amendment to the Nagy Brothers Construction Agreement.
- Q. Memo from the First Selectman to the Town Council Chair dated August 10, 2023 regarding Cocchiola Paving Bituminous Concrete Road Paving Agreement for FY24.
- R. Letter of Opinion from the Town Attorney to the First Selectman dated August 10, 2023 regarding Cocchiola Paving Bituminous Concrete Road Paving Agreement for FY24.
- S. Memo from the First Selectman to the Town Council Chair dated August 10, 2023 regarding the Commercial Tax Abatement for 205 Monroe Turnpike, LLC.
- T. Letter of Opinion from the Town Attorney to the First Selectman dated July 4, 2023 regarding the Commercial Tax Abatement for 205 Monroe Turnpike, LLC.
- U. Memo from the First Selectman to the Town Council Chair dated August 10, 2023 regarding the State of Connecticut Department of Public Health ARPA Grant.
- V. Letter of Opinion from the Town Attorney to the First Selectman dated August 10, 2023 regarding the State of Connecticut Department of Public Health ARPA Grant.
- W. Memo from the First Selectman to the Town Council Chair dated August 10, 2023 regarding the disbanding the Monroe Police Department Renovations Building Committee.
- X. Letter of Opinion from the Town Attorney to the First Selectman dated August 10, 2023 disbanding the Monroe Police Department Renovations Building Committee.

VI. PUBLIC PARTICIPATION

Formichella asked if anyone in chambers or online wished to participate.

Steve Kirsch, 35 Applegate Lane, noted that for the record he is a member of the Board of Finance but his comments tonight are his own. Mr. Kirsch had two items of concern. One item is the paving contract on tonight's agenda. Mr. Kirsch was surprised that with the data we have, there was not a list of roads to be completed as a result of the two-million-dollar contract over the fiscal year. Mr. Kirsch inquired if a full list of roads to be paved could be created and made available online. Mr. Kirsch's second comment was regarding

Pepper Street and the lack of progress. Mr. Kirsch noted that the progress has been slow with most days only one or two crews there. He stated that the culvert has not been worked on for two week and the trail has not been worked on for two weeks. He said that today there was a crew doing some pipe work and that was the only work today. Mr. Kirsch stated that we are now a year out from the completion date and that they need to put bodies in that area to do the work or it will never be done. He stated that the jersey barriers impede visibility and that whatever you can do, needs to be done.

Formichella asked if anyone in chambers or online wished to participate. Hearing none, **Formichella** closed Public Participation.

VII. APPOINTMENTS

A. Resolution #23-091: To consider and act upon a resolution regarding the appointment of **Dan Keene (D)** of 122 Swendsen Drive to the Parks & Recreation Commission for a term ending October 21, 2024.

Motion by Lipeles to adopt **RESOLUTION #23-091: RESOLVED**, that the Monroe Town Council hereby approves the First Selectman's appointment of **Dan Keene (D)** of 122 Swendsen Drive to the Parks & Recreation Commission for a term ending October 21, 2024.

Second: Martin

Discussion: Martin stated that Dan Keene has been a Monroe resident since 2010. He has donated a significant amount of time to community service including two terms as President of the Rotary Club of Monroe, Pack Committee Chair of Cub Scout Pack 262, and, most notably, as the Chairman and CEO of the Monroe Playground Foundation, which led the design and construction of the Wolfe's Den Playground that was donated to the Town in May 2022. Professionally, Dan has served as a longtime corporate executive in Stamford. He is excited to continue serving his community as a member of the Parks and Recreation Commission. This appointment fills the vacancy created by the resignation of Angelo Lisi.

Rooney stated he does not know Dan well but that he knows he has contributed significantly to the community and he is happy to endorse him for this position.

Motion passed 9-0:

Voting Yes: **Formichella, Katuska, Lipeles, Martin, Maur, O'Rourke, Reid, Rooney, Wales**

Voting No: None

Absent: None

Mr. Keene was present at this meeting and the First Selectman administered to him the oath of office.

B. Resolution #23-092: To consider and act upon a resolution regarding the appointment of **Stephen Broer (R)** of 213 Josies Ring Road to the Conservation & Water Resources Committee for a term ending December 5, 2026.

Motion by Rooney to adopt **RESOLUTION #23-092: RESOLVED**, that the Monroe Town Council hereby approves the First Selectman's appointment of **Stephen Broer (R)** of 213 josies Ring Road to the Conservation & Water Resources Commission for a term ending December 5, 2026.

Second: Lipeles

Discussion: Rooney stated Stephen graduated from UCONN and Western New England College with a Law Degree. Stephen is a litigation attorney and owns his own firm, Broer Law, LLC. Stephen has lived in Monroe with his family since 2020. Stephen is looking forward to using his experience leading organizations to help conserve Monroe's resources for the betterment of its residents. This appointment fills a current vacancy.

Motion passed 9-0:

Voting Yes: **Formichella, Katuska, Lipeles, Martin, Maur, O'Rourke, Reid, Rooney, Wales**

Voting No: None

Absent: None

- C. **Resolution #23-093:** To consider and act upon a resolution regarding the appointment of **Jen Aguilar (D)** of 32 Surrey Lane to the Youth Commission for a term ending October 12, 2023.

Motion by Martin to adopt **RESOLUTION #23-093: RESOLVED**, that the Monroe Town Council hereby approves the First Selectman's appointment of **Jen Aguilar (D)** of 32 Surrey Lane to the Youth Commission for a term ending October 12, 2023.

Second: Katuska

Discussion: Martin stated Jen Aguilar has lived in Monroe with her family for more than twenty years. Jen served on the Town Council for two terms. She is currently employed by the Monroe Public Schools as a Paraprofessional at Fawn Hollow Elementary School. Jen also serves on the Masuk Parent Teacher Club board as co-President, her fourth consecutive term. She has also served in leadership roles on the Parent Council, Fawn Hollow Parent Teacher Club, and the Masuk Booster Club. Jen has previously served, and chaired, the Youth Commission for three years. This appointment fills the vacancy created by the resignation of Christine Fensore Martinez.

Motion passed 9-0:

Voting Yes: **Formichella, Katuska, Lipeles, Martin, Maur, O'Rourke, Reid, Rooney, Wales**
Voting No: None
Absent: None

VIII. ACTION ITEMS

- A. Town Council Committee on Finance, Education, Health & Public Safety Matters – **Lipeles** stated that they have not met since last meeting.
- B. Town Council Committee on Planning & Zoning, Public Works and Park & Recreation - **Rooney** stated that they have not met but in regards to Parks & Recreation matters, but the new fields are looking amazing. There have been challenges but they are doing a great job, and he thanked everyone involved. **Martin** added that the cement was poured on the new basketball courts, summer programs are winding down and the fields appear to be on schedule. The last concert was Friday and this is the last week for camps.
- C. Town Council Committee on Legislative & Administrative Matters - **Reid** reported that they did meet prior to council. Topics were Regional Hazardous Waste Collection Program Agreement with the Towns of Trumbull and Easton, Supervisors Union Collective Bargaining Agreement, Quick Med Claims, LLC (QMC) updated Business Associate Agreement, State of Connecticut Department of Public Health ARPA Grant, First Amendment to the Nagy Brothers Construction Agreement, Monroe Police Department Renovations Building Committee, and Cocchiola Paving Bituminous Concrete Road Paving Agreement for FY24. Those topics all reached unanimous consensus and many are before you tonight.
- D. Strategic Planning Committee - **Formichella** stated that they have not met since the last town council meeting but we will have a meeting scheduled prior to our September town council meeting. **Formichella** noted that he would be reaching out to committee members for available dates and times.
- E. EMS Building Committee – **Rooney** stated not much has changed. The building is completed but there are some minor details that will be completed in the next few weeks.
- F. Open Space Preservation and Acquisition Committee – **O'Rourke** noted that they have not met since our last meeting.
- G. First Selectman's Update – The First Selectman further reported as follows:

PEPPER ST UPDATE

Kellogg stated that despite the earlier comments, much progress was made since the last meeting, including completion of the binder course of pavement and completion of the concrete parapet walls at the culvert. The remaining activities include:

- Completion of the multi-use trail path and installation of split-rail fencing.
- Final landscaping and plantings.
- Final course of pavement, curbing, pavement markings, and signage.
- Installation of the new traffic signal at Route 25 intersection.

The contractor has continued to provide updates on the project schedule which indicates completion this fall.

PROGRESS ON WOLFE PARK IMPROVEMENTS

Great progress is being made on the two significant improvement projects at Wolfe Park:

Construction of the new athletic fields is progressing very well, despite some challenges from heavy rain events in recent weeks. The large field is 90% complete and the smaller, practice field is roughly 75% complete. Final grading, grass seeding, and completion of a pathway between the fields will be completed by this fall. The fields will be available for use once grass growth has been fully established and stabilized for the relatively intense use, which is anticipated to take at least two growing seasons.

The reconstruction of the basketball courts is well underway. New concrete has been poured and will take approximately one month to fully cure. Installation of new hoops, application of coloring, court lining, fencing, and final landscaping will be completed in the upcoming weeks. Half of the courts will be lined for use for both basketball and pickleball play. The new courts will open this fall.

Discussion: **Maur** stated that he received a constituent email regarding if Monroe has any protections for fraudulent property transfers based on the incident recently in Fairfield. **Maur** noted he directed the constituent to the First Selectman and Town Clerk with the question. **Maur** mentioned we may want to have the Town Attorney review this and provide us our options. **Kellogg** stated that he has not heard from anyone in this regard, but will check to see if anyone has reached out to the Town Clerk. **Kellogg** noted that the bulk of those protections arise from due diligence done by those parties and their council through a title search. It is a fair question and we can check to make sure we are doing all we can from the Towns position. **O'Rourke** noted that the projects under the First Selectman's leadership continue to be executed on time and on budget and we appreciate his leadership in guiding our town in the right direction.

IX. UNFINISHED BUSINESS

- A.** St. Jude School Property and Community Center Project Update – **Kellogg** noted that we did receive information from the Diocese and our own Engineering firm that we were waiting on for our own due diligence so there should be a more substantial update next month.

X. NEW BUSINESS

- A. Motion by Formichella** to accept Individual Donations of \$1,500 or greater:

Bicentennial Committee:

- \$1,500.00 from Rotary Club of Monroe

Emergency Medical Services

- \$2,500.00 from Town Fair Tire

Second: Martin

Discussion: **Kellogg** stated both of these organizations have contributed to the Town in the past, so we thank them. Specifically, Rotary wanted to help offset the cost of the Fireworks. Town Fair Tire has often supported EMS and other public safety organizations and we appreciate their generosity. **Maur** wanted to thank the Bicentennial Committee, the entire Executive Branch, everyone involved and all of our donation sponsors for the events and the fireworks. Thank you to all of those involved for making this a celebration of Monroe and all that it has to offer.

Motion passed 9-0:

Voting Yes: **Formichella, Katuska, Lipeles, Martin, Maur, O'Rourke, Reid, Rooney, Wales**

Voting No: None

Absent: None

- B. Resolution #23-081:** To consider and act upon a resolution regarding the Commercial Tax Abatement application from 205 Monroe Turnpike, LLC.

Motion by Formichella to adopt **RESOLUTION #23-081: RESOLVED**, that pursuant to the Town Code, Chapter 470, Article VIII, the Town Council hereby approves the Commercial Tax Abatement Application

for 205 Monroe Turnpike as referred and authorizes an abatement agreement as follows:

- Year 1 – 20% of increased assessment
- Year 2 – 20% of increased assessment
- Year 3 – 20% of increased assessment
- Year 4 – 20% of increased assessment
- Year 5 – 20% of increased assessment
- Year 6 – 20% of increased assessment
- Year 7 – 20% of increased assessment

Second: Lipeles

Discussion: Kellogg stated The Town received an application for a commercial tax abatement, pursuant to Town Code Chapter 470, Article VIII (“Code”). Accordingly, this was referred to the Tax Incentive Program Review Committee (“TIPRC”) which conducted three special meetings to review and consider this application. The TIPRC determined that the applicant met the eligibility requirements under the Code, and that the Costs of Improvements met the abatement schedule threshold of “\$3 million+”. On June 16, 2023 the TIPRC voted unanimously to provide the recommendation in this resolution for the 20% for the full seven years authorized under the code. During its meeting conducted on July 10, 2023, L&A voted to adopt the TIPRC’s recommendation and refer to the full Town Council for consideration.

The Town Attorney’s letter of opinion regarding this application is provided for your reference.

Pursuant to the Code, the Town Council has sole discretion after holding at least one public hearing within sixty days from the first regularly scheduled meeting at which this matter appears on the Council’s agenda.

Motion passed 9-0:

Voting Yes: **Formichella, Katuska, Lipeles, Martin, Maur, O’Rourke, Reid, Rooney, Wales**

Voting No: None

Absent: None

- C. Resolution #23-094:** To consider and act upon a resolution regarding the Regional Hazardous Waste Collection Program Agreement with the Towns of Trumbull and Easton.

Motion by Lipeles to adopt **RESOLUTION #23-094: RESOLVED**, that Kenneth M. Kellogg, First Selectman of the Town of Monroe, is authorized to execute and deliver on behalf of the Town of Monroe, the Agreement to Share Costs, Expenses and any Future Liabilities of any Type and Hold Harmless and Indemnification Agreement, and any associated documents, by and between the Town of Trumbull and the Town of Easton for the regional hazardous waste collection program.

Second: Wales

Discussion: Kellogg stated The Town has a long history of partnering with the towns of Trumbull and Easton for a regional hazardous waste collection program. Trumbull has hosted the program, including securing a hazardous waste disposal company for collection and transportation to a licensed hazardous waste facility, and utilization of an appropriate location suitable for the operation. The towns share the costs of costs equally, and the costs of disposal are prorated based upon the volume of materials collected from each town. This is a popular program that served over one hundred Monroe households in FY23. Sharing costs among the three towns has been a very cost-effective approach. Recently, Trumbull raised concerns after a lawsuit was filed by the State of Georgia against Trumbull and several other municipalities. Monroe was not included in the lawsuit, nor was the Town informed until recently. While collected materials were shipped to a facility that was represented to be proper and legal, it was later found to actually be in violation of certain law. As a result, Trumbull incurred legal expenses to settle the matter.

To continue the regional collection, Trumbull has asked that each town share in any future exposure. Our Town Attorney has negotiated an agreement, which is provided for your review and consideration, with his counterparts in Trumbull and Easton.

Formichella noted that during L&A Councilmember Maur asked if this agreement was retroactive to the legal issues presented to the Town of Trumbull and as stated prior this is not retroactive.

Martin inquired if Trumbull asked us to contribute. **Kellogg** noted they did not and we were unaware of it until they shared concerns of continuing the program and when we inquired why, is when they shared the detail.

Motion passed 9-0:

Voting Yes: **Formichella, Katuska, Lipeles, Martin, Maur, O'Rourke, Reid, Rooney, Wales**
Voting No: None
Absent: None

- D. Resolution #23-095:** To consider and act upon a resolution regarding the Supervisors Union Collective Bargaining Agreement.

Motion by Lipeles to adopt **RESOLUTION #23-095: RESOLVED**, that the Town Council hereby accepts and ratifies the Tentative Agreement dated July 11, 2023 by and between the Town of Monroe and Local 818 of Council #4 American Federation of State, County and Municipal Employees AFL-CIO, and authorizes Kenneth M. Kellogg, First Selectman of the Town of Monroe, to execute and deliver on behalf of the Town of Monroe, pursuant to such Tentative Agreement, a successor Collective Bargaining Agreement for the period of July 1, 2023 through June 30, 2026.

Second: Rooney

Discussion: Kellogg stated as you are aware from our recent discussion regarding collective bargaining matters, the Town's negotiating team has recommended a successor collective bargaining agreement for the Supervisors Union.

Motion passed 9-0:

Voting Yes: **Formichella, Katuska, Lipeles, Martin, Maur, O'Rourke, Reid, Rooney, Wales**
Voting No: None
Absent: None

- E. Resolution #23-096:** To consider and act upon a resolution regarding the Quick Med Claims, LLC (QMC) updated Business Associate Agreement.

Motion by Lipeles to adopt **RESOLUTION #23-096: RESOLVED**, that Kenneth M. Kellogg, First Selectman of the Town of Monroe, is authorized to execute and deliver on behalf of the Town of Monroe, the Business Associate Agreement with Quick Med Claims, LLC in relation to the Service Agreement for Emergency Medical Services billing and accounts receivable management services.

Second: Wales

Discussion: Kellogg stated The Town has an existing contract with Quick Med Claims, LLC ("QMC") to provide billing and collection services for our Emergency Medical Services department. QMC has advised us that they are reviewing and updating the Business Associates Agreement between their clients based upon federal guidelines and so that it may be executed by its new CEO. This agreement, which is provided for your review and consideration, has been reviewed by our Town Attorney and we aske that you adopt this resolution.

Martin inquired if there is a change in cost. **Kellogg** stated there is not.

Motion passed 6-0:

Voting Yes: **Formichella, Katuska, Lipeles, Martin, Maur, O'Rourke, Reid, Rooney, Wales**
Voting No: None
Absent: None

- F. Resolution #23-097:** To consider and act upon a resolution regarding the State of Connecticut Department of Public Health ARPA Grant.

Motion by Lipeles to adopt **RESOLUTION #23-097: RESOLVED**, that Amy Lehaney, Director of Health for the Town of Monroe is authorized to execute and deliver on behalf of the Town of Monroe, any associated documents by and between the State of Connecticut Department of Public Health, for the ARPA Grant.

Second: Rooney

Discussion: Kellogg stated Our Director of Health has advised him of the opportunity to apply for certain ARPA funding, through the Connecticut Department of Public Health ("DPH"), to support epidemiological investigations and reporting of cases of elevated lead levels in children. The funding of up to \$11,440, through December 31, 2026, would be awarded only as cases were identified.

While historically the number of cases reported in Monroe is extremely small, any funding to support this routine public health function is welcome. The DPH application, which requires the signature of the Director of Health, is very straightforward yet contains two simple terms and conditions as part of the application. This matter has been reviewed by our Town Attorney who provided his opinion letter.

Motion passed 9-0:

Voting Yes: **Formichella, Katuska, Lipeles, Martin, Maur, O'Rourke, Reid, Rooney, Wales**

Voting No: None

Absent: None

- G. Resolution #23-098:** To consider and act upon a resolution regarding the First Amendment to the Nagy Brothers Construction Agreement.

Motion by Lipeles to adopt **RESOLUTION #23-098: RESOLVED**, that Kenneth M. Kellogg, First Selectman of the Town of Monroe, is authorized to execute and deliver on behalf of the Town of Monroe, the First Amendment to the March 29, 2023 Construction Agreement, and any associated documents by and between Nagy Brothers Construction, LLC, for the Wolfe Park athletic fields project.

Second: Wales

Discussion: Kellogg stated as you know, the Town has an agreement with Nagy Brothers Construction, LLC for the construction of the new athletic fields at Wolfe Park. This agreement expires on August 15, 2023. The project is progressing very well, however unanticipated delays resulted from weather conditions and Nagy's challenges in scheduling certain subcontractors. The large field is roughly 90% complete and the practice field approximately 75% complete. Additional time is necessary to complete remaining items, which include fencing, grass planting, and completion of the pathway. Additionally, final fine grading may be required if additional, heavy rains occur between seeding and stabilization from growth. A First Amendment to the agreement is provided for your review and consideration which will extend the term of the agreement to October 31, 2023. This matter has been reviewed by our Town Attorney, who provided his opinion letter.

Motion passed 6-0:

Voting Yes: **Formichella, Katuska, Lipeles, Martin, Maur, O'Rourke, Reid, Rooney, Wales**

Voting No: None

Absent: None

- H. Resolution #23-099:** To consider and act upon a resolution disbanding the Monroe Police Department Renovations Building Committee.

Motion by Lipeles to adopt **RESOLUTION #23-099:**

WHEREAS, the Monroe Police Department Renovations Building Committee was formed on July 25, 2011 by resolution of the Town Council for the purposes of oversight of the renovations of the Police Department at Town Hall; and

WHEREAS, the Monroe Police Department Renovations Building Committee has completed its mission and the Town Council extends its gratitude to those who served on the Committee;

NOW, THEREFORE, BE IT RESOLVED THAT the Monroe Police Department Renovations Building Committee is hereby disbanded.

Second: Wales

Discussion: Kellogg stated The Monroe Police Department Renovations Building Committee was established by resolution of the Town Council on July 25, 2011. Several years ago, it was brought to his attention by then-Chief Salvatore that the Committee was never formally disbanded. **Kellogg** stated he was further informed that certain matters of concern that evolved during construction resulted in the Town's continued holding of standard retainage, which was never released as a result of the ongoing claims. He consulted with both the former and current Town Attorney, who both opined that this matter could not be considered resolved until the statute of limitations had run, which our current Town Attorney calculated to have occurred in 2022. Subsequently, a portion of the retainage was appropriately utilized to resolve outstanding items from construction. This project was originally funded through the issuance of bonds. On the advice of bond counsel, any remaining retainage is properly utilized to offset debt

service. At Kellogg's recommendation, during their July 20, 2023 meeting, the Board of Finance approved a transfer of the remaining \$40,163.85 to be applied to debt service. As this resolves all outstanding issues in regards to this project, it would appear appropriate to dissolve the Committee to formally close this project.

Motion passed 9-0:

Voting Yes: **Formichella, Katuska, Lipeles, Martin, Maur, O'Rourke, Reid, Rooney, Wales**

Voting No: None

Absent: None

- I. **Resolution #23-100:** To consider and act upon a resolution regarding the Cocchiola Paving Bituminous Concrete Road Paving Agreement for FY24.

Motion by Lipeles to adopt **RESOLUTION #23-100: RESOLVED**, that Kenneth M. Kellogg, First Selectman of the Town of Monroe, is authorized to execute and deliver on behalf of the Town of Monroe, the Bituminous Concrete Road Paving Agreement, and any associated documents and change orders, by and between the Town of Monroe and Cocchiola Paving, Inc., for road paving services during FY24.

Second: Wales

Discussion: Kellogg stated once again, we wish to utilize Cocchiola Paving, Inc. for road paving services this fiscal year. I have provided, for your review and consideration, a new bituminous concrete road paving agreement. This agreement, which is substantially the same as the agreement executed in FY23, has been drafted by our Town Attorney, and who has also provided the attached letter of opinion.

Motion passed 9-0:

Voting Yes: **Formichella, Katuska, Lipeles, Martin, Maur, O'Rourke, Reid, Rooney, Wales**

Voting No: None

Absent: None

XI. PUBLIC PARTICIPATION

Formichella asked if anyone wished to speak on unfinished items from the agenda and, hearing none, closed second Public Participation.

XII. ADJOURNMENT

Formichella adjourned the meeting at 7:49 PM