

**Pension Board
Minutes
January 5, 2016**

CALL TO ORDER

Chairman Jim Lavin called the Pension Board meeting to order at 6:30 p.m. at the Town Hall, Trumbull, Connecticut.

Members present were as follows:

PRESENT

James Lavin
Donna Pellitteri
Michael Knight
Maria Pires
Anthony Musto
James Daly
James Meisner

ABSENT

Also present: John Galiette

Attorney Galiette opened the meeting. He indicated that the Board was meeting this evening to approve Amendment 3 to the Town of Trumbull Retirement Plan, which has already been approved by the Town Council and to review the IRS required amendments that need to be filed by January 31, 2016.

Attorney Galiette indicated that Amendment 3, Resolution TC23-17, was located on the first page of Agenda No. 678 and referred to an amendment to the Town of Trumbull Retirement Plan to include Appendix B, Non-Union Employee Hires. A further explanation is located on page 3 (see pages 1 and 3 Agenda attached herewith and made a part hereof.)

The amendment was approved on August 1, 2011 by the Town Council (see pages 4-5 Minutes attached hereto and made a part hereof.)

The resolution was adopted, but there was never a formal amendment to the Plan to reflect that resolution. We are doing it now because we need to send the IRS Amendments regarding the Plan document; therefore, we need to have a formal amendment to the Plan that reflects how the Plan has been administered.

He went on to add that the second set of resolutions is IRS required. There are 5 amendments for the IRS resolutions and these are listed "A-E" on page 1 (see pages 1-2 attached hereto and made a part hereof.)

Attorney Galiette indicated that the IRS requires us to amend and restate the Plan and include all the amendments that were previously adopted into a single document and then submit that to the IRS by January 31, 2016. He then referred the Board to the 5th amendment designated by the letter "e", which is the amended and restated Plan.

Attorney Galiette indicated that two (2) resolutions need to be done. Amendment 3 does not need to go the Town Council, since it was already approved by them. It is not required by the IRS but we must send them a copy.

Mr. Meisner moved, seconded by Mr. Knight, to approve Amendment 3 to the Town of Trumbull Retirement Plan that was approved by the Town Council on August 1, 2011 and took on effect August 24, 2011.

Vote: 7-0-0 motion carried

Mr. Meisner moved, seconded by Mr. Daly, to approve resolutions A - E to the Town of Trumbull Retirement Plan.

Mr. Knight moved, seconded by Mr. Musto, to amend the motion to include the IRS deadline of January 31, 2016.

7-0-0 motion to amend carried

Mr. Meisner moved, seconded by Mr. Daly, to approve resolutions A through E to the Town of Trumbull Retirement Plan to comply with IRS Regulations due by January 31, 2016.

Vote: 7-0-0

Mr. Daly moved, seconded by Mr. Meisner, to adjourn the meeting. By unanimous consent, the meeting was adjourned at 7:25.

Respectfully submitted,

Phyllis C. Collier
Pension Board Clerk

TOWN COUNCIL
Town of Trumbull
CONNECTICUT
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TOWN HALL
Trumbull

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AGENDA No. 678

- I CALL TO ORDER
- II MOMENT OF SILENCE
- III PLEDGE OF ALLEGIANCE
- IV ROLL CALL
- V APPROVAL OF MINUTES
- VI BUSINESS

DATE: August 1, 2011
TIME: 8:00 p.m.
PLACE: Town Hall

NOTICE is hereby given that the Town Council of the Town of Trumbull, Connecticut will hold a regular meeting on Monday, Aug 1, 2011 at 8:00 p.m. at the Trumbull Town Hall, for the following purpose:

DISCUSSION ITEMS:

- Trumbull High School Building Committee Update: Chairman's Report; Owner's Rep Update; Architect's Update; Construction Manager Update.

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1. RESOLUTION TC23-176: To consider and act upon a resolution which would authorize First Selectman Timothy M. Herbst to sign on behalf of the Town of Trumbull an application and contract with the State Library for a Historic Preservation Grant. (L&A)
 2. RESOLUTION TC23-177: To consider and act upon a resolution which would appropriate \$512,056 from the Unrestricted Fund Balance to 01060000-522205 Board of Education Program Expenses. (Finance)
 3. RESOLUTION TC23-178: To consider and act upon a resolution which would amend the Town of Trumbull Retirement Plan to include Appendix B, Non-Union Employee Hires. (L&A)
 4. RESOLUTION TC23-171: To consider and act upon a resolution which would adopt as amended the proposals for a revision of the Charter of the Town, as provided and permitted by Connecticut General Statutes Section 7-191 and the Charter of the Town of Trumbull; and

RESOLUTIONS

1. RESOLUTION TC23-176: BE IT RESOLVED, That First Selectman Timothy M. Herbst is hereby authorized to sign on behalf of the Town of Trumbull an application and contract with the State Library for a Historic Preservation Grant.
2. RESOLUTION TC23-177: BE IT RESOLVED, That \$512,056 is hereby appropriated from the Unrestricted Fund Balance to 01060000-522205 Board of Education Program Expenses.
3. RESOLUTION TC23-178: BE IT RESOLVED, That a resolution amending the Town of Trumbull Retirement Plan to include Appendix B, Non-Union Employee Hires;

BE IT RESOLVED, that the Town Council amends the Town of Trumbull Retirement Plan as follows:

WHEREAS, the Town of Trumbull has a defined benefit plan known as the Town of Trumbull Retirement Plan, herein referred to as the Plan, established on July 1, 1973; and

WHEREAS, the Plan was amended and restated effective as of July 1, 2002; and

WHEREAS, the Town of Trumbull Pension Board, herein referred to as the Board, has made a recommendation to limit access of new employee hires into the Plan in their annual report to the Town Council; and

WHEREAS, the Board has made a recommendation to establish a defined contribution plan for new employees;

THEREFORE, BE IT RESOLVED, That employees not covered under the provisions of collective bargaining agreements who have not contributed to the Town of Trumbull Retirement Plan as of the effective date of Resolution TC23-178 are hereby prohibited from participating in the Plan and are hereby eligible to contribute towards a defined contribution plan.

4. RESOLUTION TC23-171: BE IT RESOLVED, That the Town Council of the Town of Trumbull hereby approves as amended proposals for a revision of the Charter of the Town, as provided and permitted by Connecticut General Statutes Section 7-191 and the Charter of the Town of Trumbull; and

BE IT FURTHER RESOLVED, That the questions of having a general Charter revision shall be submitted to the electors of the Town of Trumbull for adoption or rejection at the regular municipal election scheduled for the 8th day of November, A.D. 2011; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized and directed to give such notice as required by law of such ballot questions at the regular municipal election, and of the registration of electors entitled to participate therein.

Mr. Pescatore echoed Mr. DelVecchio's comments and spoke in favor of this resolution, but spoke against using funds from the General Fund Balance.

Moved by Mr. Altieri, seconded by Mr. DelVecchio to amend RESOLUTION TC23-177 to read as, BE IT RESOLVED, That \$477,056 is hereby appropriated from the Unrestricted Fund Balance to 01060000-522205 Board of Education Program Expenses.

Mr. Altieri stated that it was unfortunate that the list of items that make up the appropriation were the pawns of this matter in the hopes that funds would be returned and spoke in favor of the resolution no matter how it came before the Town Council.

Mr. Ciocci clarified that the Town Council does not decide where the funds would be allocated, the BoE does.

VOTE: Motion to amend CARRIED unanimously.

VOTE: ADOPTED as amended unanimously.

3. RESOLUTION TC23-178: Moved by Mr. London, seconded by Mr. DelVecchio.

BE IT RESOLVED, That a resolution amending the Town of Trumbull Retirement Plan to include Appendix B, Non-Union Employee Hires;

BE IT RESOLVED, that the Town Council amends the Town of Trumbull Retirement Plan as follows:

WHEREAS, the Town of Trumbull has a defined benefit plan known as the Town of Trumbull Retirement Plan, herein referred to as the Plan, established on July 1, 1973; and

WHEREAS, the Plan was amended and restated effective as of July 1, 2002; and

WHEREAS, the Town of Trumbull Pension Board, herein referred to as the Board, has made a recommendation to limit access of new employee hires into the Plan in their annual report to the Town Council; and

WHEREAS, the Board has made a recommendation to establish a defined contribution plan for new employees;

THEREFORE, BE IT RESOLVED, That employees not covered under the provisions of collective bargaining agreements who have not contributed to the Town of Trumbull Retirement Plan as of the effective date of Resolution TC23-178 are hereby prohibited from participating in the Plan and are hereby eligible to contribute towards a defined contribution plan.

The L&A Committee met on July 25, 2011 and voted unanimously to amend the resolution by deleting the period at the end of the resolution and adding the phrase, "*and the Pension Plan will be amended accordingly.*"; the vote on the resolution as amended carried 5-0-1 (Abstention Altieri).

The Chair committee report's amendment.

Moved by Mr. DeVecchio, seconded by Mr. Pia to amend RESOLUTION TC23-178 to read as follows: BE IT RESOLVED, That a resolution amending the Town of Trumbull Retirement Plan to include Appendix B, Non-Union Employee Hires;

BE IT RESOLVED, that the Town Council amends the Town of Trumbull Retirement Plan as follows:

WHEREAS, the Town of Trumbull has a defined benefit plan known as the Town of Trumbull Retirement Plan, herein referred to as the Plan, established on July 1, 1973; and

WHEREAS, the Plan was amended and restated effective as of July 1, 2002; and

WHEREAS, the Town of Trumbull Pension Board, herein referred to as the Board, has made a recommendation to limit access of new employee hires into the Plan in their annual report to the Town Council; and

WHEREAS, the Board has made a recommendation to establish a defined contribution plan for new employees;

THEREFORE, BE IT RESOLVED, That employees not covered under the provisions of collective bargaining agreements who have not contributed to the Town of Trumbull Retirement Plan as of the effective date of Resolution TC23-178 are hereby prohibited from participating in the Plan and are hereby eligible to contribute towards a defined contribution plan and the Pension Plan will be amended accordingly.

Mr. DeVecchio spoke in favor of the resolution and noted that it is a good start, moving forward hopes that money will be budgeted to fund the pension.

Mr. Altieri stated that he had asked Labor Counsel, Floyd Dugas in committee whether this plan would cost more on annual basis if everyone was enrolled at the 5% match, the answer was yes. This plan on a per year basis would cost more, because there is no savings for the pension in the future it must be paid in that year. This plan is a benefit for the mobile employee. Mr. Altieri has asked Labor Counsel in committee if a choice would be offered to the new hires? The answer was that the offer would not be made. Labor Counsel did note in committee that the plan would be a benefit to those that would be a short term employee, if you were a long term employee you would be better off with the traditional pension plan. A legal opinion would be necessary with regard to mandating an employee to contribute a set amount to the plan. In the private sector, at the time of enrollment, the employee may be enrolled at certain level of contribution, but the employer must make it known that the employee can opt out at any time. The good news of the traditional plan is that the employee gets the benefit of good management of the pension funds; when the employees or the general public manage their own funds and make investment choices they do not always practice the best management. There are inherent pitfalls and dangers with any plan the town shall go to. Mr. Altieri spoke against this resolution.

**RESOLUTIONS TO BE ADOPTED
BY THE PENSION BOARD
OF THE
TOWN OF TRUMBULL**

WHEREAS, the Town of Trumbull (the "Town") maintains the Town of Trumbull Retirement Plan (the "Retirement Plan") for the benefit of the eligible employees of the Town of Trumbull and the Board of Education of the Town of Trumbull; and

WHEREAS, pursuant to Section 21.1 of the Retirement Plan, the Town Council, acting upon the recommendation of the Pension Board of the Town, can amend the Retirement Plan; and

WHEREAS, it is desirable that the following amendments to the Retirement Plan be adopted:

(a) Amendment No. 1 to the Retirement Plan, which incorporates into the Retirement Plan the requirements of the Pension Protection Act of 2006 ("PPA") and the non-spouse rollover requirement of the Worker, Retiree and Employer Recovery Act of 2008 ("WRERA");

(b) Unnumbered Amendment to the Retirement Plan, which incorporates into the Retirement Plan the requirements of the Heroes Earnings Assistance and Relief Tax Act of 2008 ("HEART Act");

(c) Amendment No. 2 to the Retirement Plan, which incorporates into the Retirement Plan certain changes required by the Internal Revenue Service as a condition to its issuance of the last favorable determination letter regarding the Retirement Plan dated October 4, 2011;

(d) Unnumbered Amendment to the Retirement Plan, which incorporates into the Retirement Plan the requirements of the ruling of the Supreme Court in *U.S. v. Windsor* concerning the treatment of same-sex spouses; and

(e) Amended and restated Retirement Plan, which incorporates into a single document the prior amendments relating to PPA, the final regulations under Section 415 of the Internal Revenue Code of 1986, as amended, the HEART Act, WRERA, *Windsor* and subsequently-enacted legislation and regulations; and

WHEREAS, it is desirable that the Pension Board adopt the foregoing amendments, authorize the execution of the amendments on behalf of the Town, and recommend that the Town Council ratify and approve the adoption of the amendments by the Pension Board and their execution on behalf of the Town.

NOW, THEREFORE, BE IT

RESOLVED: That Amendment No. 1 to the Retirement Plan relating to the requirements of PPA and WRERA, the Unnumbered Amendment to the Retirement Plan relating to the requirements of the HEART Act, Amendment No. 2 to the Retirement Plan relating to the changes required by the Internal Revenue Service as a condition to its issuance of the last favorable determination letter regarding the Retirement Plan, the Unnumbered Amendment to the Retirement Plan relating to the ruling of the Supreme Court in *U.S. v. Windsor*, and the amended and restated Retirement Plan, in the forms presented to this meeting, be and hereby are approved and adopted, 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 First Selectman of the Town, and any other officer of the Town designated by him, be and hereby are authorized and empowered for and on behalf of the Town to execute the amendments presented to this meeting and to take any and all other actions which may be necessary or desirable to effectuate the intention of the foregoing resolution; and further

RESOLVED: That the Pension Board does hereby recommend that the Town Council ratify and approve the Pension Board's adoption of the amendments presented to this meeting, and the execution of such amendments on behalf of the Town by the First Selectman of the Town or any other officer of the Town designated by him; and further

RESOLVED: That the First Selectman of the Town be, and hereby is, authorized and empowered, for and on behalf of the Town, to execute such documents and to take any and all other actions which may be necessary or desirable in order to permit the Town to submit an application to the Internal Revenue Service requesting a determination regarding the continued qualification of the Retirement Plan, including the submission of the Retirement Plan to the Internal Revenue Service under the Employee Plans Compliance Resolution System.