

Background

Historically, retirement plans are required to be amended from time to time to reflect new legislation. Required plan amendments need to be adopted by the last day of the remedial amendment period applicable to the particular amendment in order to keep the plans tax-qualified. Between 2005 and 2017 individually designed plans, like Bethel's Plans, were required to be restated during cycles applicable to governmental plans pursuant to a Cumulative List indicating what legislative or regulatory changes need to be reflected in the restated plan document.

The Plan documents for both the Town Employee and Police Plans had missed multiple remedial amendment deadlines. Both plans had not been timely amended for the Heroes Earnings Assistance and Relief Tax Act of 2008 ("HEART"), the 2009 Cumulative List (Notice 2009-98) or the 2014 Cumulative List (Notice 2014-77). The Town Employee Plan technically missed the remedial amendment periods related to the Tax Reform Act of 1986 Restatement (TRA '86) and the GUST Restatement because signed copies of the plan documents covering these required amendments cannot be located. The plan documents to signed are being adopted under the IRS Employee Plans Compliance Resolution System self-correction program as expanded under the SECURE 2.0 Act of 2022. Here is a list of the documents to be signed:

Town Employee Plan

1. Amendment IV to the Town Employee Plan Document (TRA '86 Plan Document);
2. The restated plan document to comply with GUST (includes the language that was in the unsigned Fifth Amendment to the Town Employee Plan);
3. The restated plan document reflecting the requirements under Notice 2009-98 Cumulative List (includes HEART language); and
4. The restated plan document reflecting the requirements under Notice 2014-77 Cumulative List.

Police Plan

1. Amendment #1 to the 1997 Plan Document (this was a required interim plan document to the GUST restatement of the Police Plan);
2. The restated plan document reflecting the requirements under Notice 2009-98 Cumulative List (includes HEART language); and
3. The restated plan document reflecting the requirements under Notice 2014-77 Cumulative List.