



# Town of Groton, Connecticut

## Meeting Agenda

### Town Council

45 Fort Hill Road  
Groton, CT 06340-4394  
Town Clerk 860-441-6640  
Town Manager 860-441-6630

*Mayor Rita M. Schmidt, Councilors Genevieve Cerf, Joe de la Cruz, Bruce S. Flax, Bob Frink, Rich Moravsik, Deborah L. Peruzzotti, Heather Bond Somers and Harry A. Watson*

Tuesday, February 18, 2014

7:30 PM

Town Hall Annex - Community Room 1

### REGULAR MEETING

#### I. ROLL CALL

#### II. SALUTE TO THE FLAG

#### III. RECOGNITION, AWARDS & MEMORIALS

##### Recess for Public Hearing on:

2014-0038 Community Development Block Grant Application Referral

#### IV. RECEIPT OF CITIZENS' PETITIONS, COMMENTS AND CONCERNS

This is the portion of the Council Agenda where the Council welcomes comments from citizens. Each presentation should be limited to five (5) minutes or less, and citizens should, if possible, submit written comments. Presentations should be related to matters pertinent to Groton. Town Councilors will only ask questions in order to clarify the speaker's presentation and can respond during the Responses to Citizens' Petitions portion of the Town Council meeting. Citizens should make their presentations from the lectern and state their names and addresses for the record.

#### V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS

#### VI. CONSENT CALENDAR

All matters listed under Item VI (Consent Calendar) are considered to be routine and will be enacted by one motion. No separate discussion of these items will take place, unless cause is shown prior to the time Council votes on the motion to adopt.

##### a. Approval of Minutes

2014-0063 Approval of Minutes (Town Council) Resolution - Consent

##### RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council meetings of January 28, 2014 and February 4, 2014 are hereby accepted and approved.

##### b. Administrative Items

2014-0045 Special Trust Fund Contributions Resolution - Consent

##### RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS

RESOLVED, that the Town Council hereby accepts contributions to the Town as follows:

Nancy Jewett - \$200.00 - Groton Utilities Assistance Program  
Groton Utilities - \$756.34 - Groton Utilities Assistance Program  
Aimee Allaire - \$4.00 - Parks and Recreation Revolving  
Marci Casey - \$20.00 - Parks and Recreation Revolving  
Sandra Champion - \$9.00 - Parks and Recreation Revolving  
Carl Conrad - \$20.00 - Parks and Recreation Revolving  
Chinwe Erike - \$20.00 - Parks and Recreation Revolving

James Eskra - \$40.00 - Parks and Recreation Revolving  
 Larry Grundy - \$15.00 - Parks and Recreation Revolving  
 Elizabeth Hogan - \$5.00 - Parks and Recreation Revolving  
 Lauren Huck - \$10.00 - Parks and Recreation Revolving  
 Pride Kellede - \$6.00 - Parks and Recreation Revolving  
 Heather King - \$10.00 - Parks and Recreation Revolving  
 Beverly Larvallee - \$5.00 - Parks and Recreation Revolving  
 Amy Matteson - \$50.00 - Parks and Recreation Revolving  
 Emily Nelson - \$5.00 - Parks and Recreation Revolving  
 Katherine Nelson - \$10.00 - Parks and Recreation Revolving  
 Nina Nelson - \$5.00 - Parks and Recreation Revolving  
 Kathryn Roschmann - \$10.00 - Parks and Recreation Revolving  
 Lawrence Taylor - \$1.00 - Parks and Recreation Revolving  
 Merin Troutman - \$10.00 - Parks and Recreation Revolving  
 Arianna Turello - \$20.00 - Parks and Recreation Revolving  
 Katherine Wilhelm - \$40.00 - Parks and Recreation Revolving  
 Jeanne Yellow Rob - \$2.00 - Parks and Recreation Revolving  
 Marsha Zimmermann - \$10.00 - Parks and Recreation Revolving  
 Katherine Zod - \$5.00 - Parks and Recreation Revolving  
 Emily Burke - \$13.00 - Parks and Recreation Revolving  
 Patricia Carrigan - \$20.00 - Parks and Recreation Revolving  
 Eileen Cicchese - \$31.74 - Parks and Recreation Revolving  
 Karen Colgan - \$10.00 - Parks and Recreation Revolving  
 Jane Coutu - \$60.00 - Parks and Recreation Revolving  
 Diane Darling - \$12.00 - Parks and Recreation Revolving  
 Susan Decorte-McMillan - \$1,750 - Parks and Recreation Revolving  
 Kelsey Fournier - \$200.00 - Parks and Recreation Revolving  
 Mark Fournier - \$100.00 - Parks and Recreation Revolving  
 Heather Frost - \$50.00 - Parks and Recreation Revolving  
 Patricia Garcia - \$10.00 - Parks and Recreation Revolving  
 Lillian Green - \$10.00 - Parks and Recreation Revolving  
 Catherine Hoffman - \$10.00 - Parks and Recreation Revolving  
 SECADD Inc. - \$500.00 - Parks and Recreation Revolving  
 Arnold Jordan, Sr. - \$10.00 - Parks and Recreation Revolving  
 James Ledwidge - \$10.00 - Parks and Recreation Revolving  
 Janet Ledwidge - \$12.00 - Parks and Recreation Revolving  
 Eric Motin - \$10.00 - Parks and Recreation Revolving  
 Emily Nelson - \$5.00 - Parks and Recreation Revolving  
 Nina Nelson - \$5.00 - Parks and Recreation Revolving  
 Knights of Columbus - \$300.00 - Parks and Recreation Revolving  
 Daniel Pineault - \$20.00 - Parks and Recreation Revolving  
 Barbara Strother - \$105.80 - Parks and Recreation Revolving  
 Phyllis Walsh - \$190.00 - Parks and Recreation Revolving  
 Wesley Williams - \$10.00 - Parks and Recreation Revolving  
 Lillian Zabinsky - \$100.00 - Parks and Recreation Revolving  
 Neil Zabinsky - \$10.00 - Parks and Recreation Revolving  
 Kirsti Zarn - \$52.91 - Parks and Recreation Revolving  
 Raymour and Flannigan Furniture - \$900.00 - Veterans Memorial Park Fund  
 Dominion Resources Services, Inc. - \$2,500 - Veterans Memorial Park Fund  
 American Brothers in Arms, Inc - \$15.00 - Veterans Memorial Park Fund  
 Mark R. Oefinger and Barbara Nagy - \$250.00 - Veterans Memorial Park Fund

**c. Deletions from the Town Council Referral List**

2009-0124 Ethics Ordinance

Referral

2009-0166	Townwide Police Assessment	Referral
2012-0145	Permanent School Building Committee - Activity Update	Referral
2012-0178	Economic Development Commission - Potential Work Program Items	Referral
2012-0196	Mystic Streetscape Project - Update	Referral
2013-0075	Property Acquisition/Sale (2013 Standing Referral)	Referral
2013-0164	FYE 2014 Budget Follow-up	Referral
2013-0179	Planning and Zoning Issues	Referral
2013-0182	Non-Union Pay Plan for FYE14 and FYE15	Referral
2013-0207	Registrars of Voters Compensation	Referral
2013-0251	West Pleasant Valley Fire District Board Concerns	Referral
2013-0287	Town Attorney Appointment	Referral
2013-0290	Town Council Orientation	Referral
2014-0048	Tri-Town Trail (Bluff Point to Preston Trail) - Update	Referral
2014-0049	John Kelley Memorial Statue - Update	Referral
2014-0052	Appointment of John Casey to Housing Authority	Referral
2014-0053	Appointment of Katherine Brightly to Library Board	Referral
2014-0054	Appointment of Carol Connolly to Library Board	Referral
2014-0055	Appointment of Willard Welch to Library Board	Referral
2014-0056	Appointment of Other Attorneys as Recommended by the Town Attorney	Referral
2014-0058	Chipperini Property, Pleasant Valley Road South	Referral

## VII. COMMUNICATION REPORTS (Other than Committee Reports)

- a. Town Councilors
- b. Clerk of the Representative Town Meeting
- c. Clerk of the Council
- d. Town Manager
- e. Town Attorney

## VIII. COMMITTEE REPORTS

- a. Temporary Rules Committee
- b. Personnel/Appointments/Rules
- c. Committee of the Whole

## IX. UNFINISHED BUSINESS

## X. NEW BUSINESS

2014-0048	Tri-Town Trail (Bluff Point to Preston Trail) - Update	Referral
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RESOLUTION ACCEPTING THE FINAL REPORT OF THE BLUFF POINT TO PRESTON

**TRAIL COMMITTEE**

WHEREAS, the Bluff Point to Preston Trail Committee was established in April, 2008 by the towns of Groton, Ledyard and Preston to study a proposed hiking and biking trail between Bluff Point State Park and the Preston Community Park, and

WHEREAS, the Groton Town Council endorsed the Trail Committee's interim report and plan and appointed Wayne Chiapperini, June Evered, and Joan Smith to serve on the Tri-Town Trail Master Plan Committee in November, 2009, and

WHEREAS, the Committee has developed and distributed a Master Plan for a non-motorized public access trail, identifying the most desirable route and cost estimates and making recommendations on parking, security, signage, and other support needs, and

WHEREAS, over the past two years the Bluff Point to Preston Trail Committee has transformed itself from a governmental committee to a volunteer organization called the Tri Town Trail Association, now therefore be it

RESOLVED, that the Groton Town Council thanks the Groton residents and other committee members for their service, accepts the final report of the Bluff Point to Preston Trail Committee, and terminates the committee, and be it further

RESOLVED, that the Groton Town Council supports the efforts of the Tri Town Trail Association and looks forward to hearing about future successes of the group.

Legislative History

2/3/2014	Mayor	Referred	Town Council Committee of th
2/11/2014	Town Council Committee of the Whole	Discussed	
2/11/2014	Town Council Committee of the Whole	Recommended for a Resolution	
<b>2014-0049</b>	<b>John Kelley Memorial Statue - Update</b>		<b>Referral</b>

**RESOLUTION SUPPORTING THE FINAL DESIGN AND PLACEMENT OF THE JOHN KELLEY MEMORIAL STATUE**

WHEREAS, on November 7, 2012 the Town Council expressed support for locating the John Kelley memorial statue in the parklet at the corner of Route 1 and Bank Street in Mystic pending additional review of the statue's design and approval of its placement in the parklet, and

WHEREAS, the Town Council has reviewed the statue design and four potential locations for the statue within the parklet, and

WHEREAS, Mr. James Roy, Chairman of the John Kelley Memorial Fund, has expressed a preference that the statue be located in the middle of the parklet (Area #4), and

WHEREAS, the Town Council recognizes that the proposal must still receive the appropriate land use approvals, now therefore be it

RESOLVED, that the Town Council supports the final design and placement of the John Kelley memorial statue in the middle of the parklet (Area #4).

Legislative History

2/3/2014	Mayor	Referred	Town Council Committee of th
2/11/2014	Town Council Committee of the Whole	Discussed	



Raymond Baribeault  
 James Berryman  
 Michael Blanchard  
 Eric Callahan  
 Michael Carey  
 Jack Collins  
 Jeanette Dostie  
 Bryan Fiengo  
 Ryan Jaziri  
 Robert Keville  
 Hinda Kimmel  
 Brian Spring

**Legislative History**

**12/3/2013 Mayor Referred Town Council Committee of th**

**12/10/2013 Town Council Committee of Discussed  
 the Whole**

*Mayor Schmidt noted that the Council has expressed an interest in going out to bid for the Town Attorney. Councilor Somers recommended that the Town Attorney come in to talk to the Council, noting that there are a number of factors such as price, experience and knowledge. The Town Manager noted that there are a lot of pending issues that the Council should be updated on and he recommended a briefing. Searching for a Town Attorney is a serious issue and he does not want to put other firms through the process of responding to a solicitation unless the Town Council has a good reason to change firms such as being unhappy with the current service or value provided. Groton is not surrounded by a lot of law firms with the expertise that the Town needs. The Council agreed unanimously to bring the Town Attorney in for a briefing in executive session.*

**1/14/2014 Town Council Committee of Discussed  
 the Whole**

*Town Manager Oefinger noted that the Town Attorney must be appointed by March 5th. The Council can make an interim appointment if necessary.*

*A motion was made by Councilor Moravsik, seconded by Councilor Cerf, to go out for an RFP (Request for Proposal) for a Town Attorney.*

*Councilor Flax asked for the reason for the motion. Councilor Moravsik feels that after 26 years it is time to look for an attorney that will bring a healthier position to the Town and look at old issues with new ideas. He expressed no concerns with the existing Town Attorney. Councilor Watson noted that the last Town Attorney search occurred in the 1990s. A fair amount of time was spent looking at many firms and the Town ended up with the same firm. Councilor Somers expressed support for the current Town attorney citing the reasonable rates, breadth of knowledge, timely responses, established relationships, and good working relationships with staff. It was noted that the bond attorney is recommended by the Town Attorney; it is not a separate appointment. Councilor Moravsik feels that bid prices will be comparable to current rates and there are many well qualified attorneys in New London County. Councilor Watson supports the current Town Attorney. Mayor Schmidt noted that Eileen Duggan has a reputation for being an outstanding attorney for labor contracts and the Town is fortunate to have her. Councilor Frink feels it would be prudent to look at what else is available. Councilor Flax does not feel that length of service is a good enough reason to do an RFP. In response to Councilor de la Cruz, the Town Manager stated that there is no contract with the Town Attorney. If the Council is not happy with the service being provided, they can change firms.*

*A motion was made by Councilor Somers, seconded by Councilor Flax, to appoint Eileen Duggan as the Town Attorney [substitute motion].*

*Councilor Somers reiterated her support for the current Town Attorney noting that the firm has provided quality services. The Town Manager, who deals with the Town Attorney on a daily basis, has also indicated he is satisfied with the service.*

*Town Clerk Betsy Moukawsher noted that a new Council's prerogative is to hire a new Town Attorney and this Council has a duty to appoint both the Town Attorney and Bond Attorney.*

*Councilor Cerf noted a perception that when people work together for a long time, there is not enough*



of education attorneys and bond counsel). Discussion followed on appointing the Town Attorney for only one year, which would require charter revision. Councilor Somers explained that the Town does not sign a contract with the Town Attorney. If the Council is unhappy with their performance in the future, the issue can be revisited. Attorney Duggan has spoken to the Superintendent of Schools and the Board of Education about reappointing Berchem, Moses & Devlin. The Board of Education can also engage the Town Attorney on issues that do not require experts in education law. The rates are different for the Town Attorney and Board of Education attorneys. Councilor Cerf questioned why a presentation wasn't made by the Board of Education and bond attorneys. The Town Manager noted that the Council can request a presentation. By charter, the Town Attorney recommends other attorneys. Councilor Moravskik stated he would like to invite the Board of Education and bond attorneys in for a presentation

**2014-0056 Appointment of Other Attorneys as Recommended by the Town Attorney Referral**

**RESOLUTION APPOINTING OTHER ATTORNEYS AS RECOMMENDED BY THE TOWN ATTORNEY**

WHEREAS, the Town Charter, at 8.2.2, provides that the Town Attorney may, with the approval of the Town Council, appoint attorneys to perform specialized services or otherwise to assist the Town Attorney, and

WHEREAS, the Town Attorney is empowered by the Charter to recommend the terms of employment of such attorneys, now therefore be it

RESOLVED, that pursuant to the recommendation of Town Attorney Duggan, the following attorneys may be appointed and continue to serve in the assignments indicated, under terms prescribed by the Town Attorney, until such time as their replacements may be approved by the Town Council:

Board of Education Attorneys (from Berchem, Moses & Devlin, P.C.)

- Floyd J. Dugas
- Amy Dion
- Carolyn Dugas
- Alicia Fabish
- Michelle C. Laubin
- Michelle Long
- Jeff Mogan
- Marsha B. Moses
- Meagan Smith

Bond Counsel (from Day Pitney, LLP)

- Edmund See (Of Counsel)
- Judith Blank
- Linda D'Onofrio (Of counsel)
- Doug Gillette
- Adam Kasowitz
- Namita Shah
- Richard Wasserman
- Glenn Rybacki
- Emily Kagan

Legislative History

2/4/2014	Town Council Committee of the Whole	Recommended for a Resolution
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**XI. OTHER BUSINESS**

**XII. ADJOURNMENT**