



Town of Groton, Connecticut

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

Meeting Agenda

Town Council

Mayor Bruce Flax, Councilors Dean G. Antipas, Diane Barber, Joe de la Cruz, Greg Grim, Karen F. Morton, Bonnie Nault, Deb Peruzzotti, and Harry A. Watson

Tuesday, June 07, 2016

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:

2016-0088 Neighborhood Assistance Act Program Application (2016)

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

2016-0138 Approval of Minutes (Town Council)

Resolution - Consent

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council meeting of May 3, 2016 are hereby accepted and approved.

2016-0148 Approval of Minutes (Town Council)

Resolution - Consent

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council meetings of May 17, 2016 and May 24, 2016 are hereby accepted and approved.

b. Administrative Items

2016-0141 Special Trust Fund Contributions

Resolution - Consent

RESOLUTION ACCEPTING CONTRIBUTIONS TO THE SPECIAL TRUST FUNDS

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

Debra Mae Ziegler - \$100.00 - Library Miscellaneous

Thomas Norris - 25.00 - Library Miscellaneous

Harrison Morton Ward Post 115, Inc. American Legion - \$250.00 - Veterans' Memorial Park
 Phyllis and Frederick Meyer, Jr. - \$100.00 - Veterans' Memorial Park
 William and Duangduean Lewis III - \$50.00 - Veterans' Memorial Park
 Douglas and Nicole LaFontaine - \$25.00 - Veterans' Memorial Park
 Lorraine Scheetz - \$200.00 - Veterans' Memorial Park
 Dawn Renaldi - \$25.00 - Veterans' Memorial Park
 Rebecca and Adrian Haupt - \$100.00 - Veterans' Memorial Park
 Frank Winkler, Jr. - \$100.00 - Veterans' Memorial Park
 Brian and Phyllis Roche - \$75.00 - Veterans' Memorial Park
 Marian Galbraith - \$100.00 - Veterans' Memorial Park
 George and Mary Scully - \$50.00 - Veterans' Memorial Park
 Richard and Linda Mikna - \$50.00 - Veterans' Memorial Park
 James Streeter - \$250.00 - Veterans' Memorial Park
 Ronald and Paula Gaudet - \$175.00 - Veterans' Memorial Park
 Clyde and Kathy Holmes - \$100.00 - Library Renovations
 Anne-Marie Quagliaroli - 20.00 - Social Services Discretionary
 Lee Vincent - \$50.00 - Social Services Discretionary
 Pfizer United Way - \$48.35 - Library Renovations

c. Deletions from the Town Council Referral List

2016-0040	Adoption of Rules for the Thirtieth Town Council	Referral
2016-0124	Reappointment of Sarah Moriarty to Historic District Commission	Referral
2016-0125	Reappointment of Stephen Hudecek to Zoning Commission	Referral
2016-0126	Reappointment of Barbara Williams to Inland Wetlands Agency	Referral
2016-0127	Reappointment of Christine Grady to Zoning Board of Appeals	Referral
2016-0128	Appointment of Douglas Smith as a Regular Member of the Zoning Commission	Referral
2016-0129	Appointment of James Furlong to the Zoning Commission	Referral
2016-0139	Groton Public Library Neighborhood Assistance Act Program Application (2016)	Referral
2016-0140	Odd Fellows Home of Connecticut Neighborhood Assistance Act Program Application (2016)	Referral
2016-0147	Yankee Gas/Eversource Route 1 Gas Line Project	Referral

VII. COMMUNICATIONS & REPORTS (Other than Committee Reports)

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

VIII. COMMITTEE REPORTS

- a. Community Relations -
- b. Finance -

c. Personnel & Appointments - Chairman Watson

d. Rules -

e. Public Safety -

f. Committee of the Whole - Mayor Flax

IX. NEW BUSINESS

2016-0040 Adoption of Rules for the Thirtieth Town Council Referral

RESOLUTION ADOPTING RULES FOR THE THIRTIETH TOWN COUNCIL

WHEREAS, at the first convening of the Thirtieth Town Council on December 1, 2015, Mayor Bruce Flax appointed a Temporary Rules Committee comprised of Councilors Antipas, Grim, and Watson, and

WHEREAS, the recommendations of the Temporary Rules Committee have been reviewed by the Committee of the Whole, now therefore be it

RESOLVED, that the Town Council adopts the Rules of Procedure of the Thirtieth Town Council (attached), said Rules to be effective immediately.

Legislative History

2/3/2016	Mayor	Referred	Town Council Temporary Rules
4/27/2016	Town Council Committee of the Whole	Discussed	

Councilor Antipas stated that the Rules Committee needs to meet to review a draft of the rules, but a date has not yet been chosen. The Committee is considering doing away with standing committees except for Rules and Personnel and using an ad hoc committee system instead.

Councilor Watson suggested that the Rules Committee will meet before the end of May.

5/10/2016	Town Council Temporary Rules & Procedures Committee	Referred	Town Council Committee of the Whole
5/24/2016	Town Council Committee of the Whole	Discussed	

Councilors received a draft set of rules for consideration. Councilor Antipas described the Temporary Rules Committee's proposed changes including expanding the description of meetings of the Council to bring them in line with FOIA. He stated that he wants to include Unfinished Business and delete Other Business from Town Council agendas. The proposed rules expand the limits of debate and establish only three standing committees: Committee of the Whole, Rules, and Personnel and Appointments. The rules propose disallowing speakers to yield their time to another speaker and provide a caveat about recording meetings. There is new rule about Councilors not speaking on behalf of the Council unless specifically authorized to do so. Town Manager Oefinger expressed his feeling that there is value in having Other Business on Town Council agendas. Discussion followed on the need for the Council to vote on expanding debate.

Councilors decided to add Other Business (after New Business) under Rule 7.

5/24/2016	Town Council Committee of the Whole	Recommended for a Resolution	
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2016-0124 Reappointment of Sarah Moriarty to Historic District Commission Referral

RESOLUTION REAPPOINTING SARAH MORIARTY TO THE HISTORIC DISTRICT COMMISSION

RESOLVED, that Sarah D. Moriarty, 30 Fishers View Drive, is hereby reappointed to the Historic District Commission for a term ending 12/31/19.

Legislative History

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|------------------|--------------------------------------------------------------|-------------------------------------------------|------------------------------|-----------------|
| | 5/3/2016 | Town Council Personnel & Appointments Committee | Recommended for a Resolution | |
| | 5/17/2016 | Town Council | Not acted upon | |
| 2016-0125 | Reappointment of Stephen Hudecek to Zoning Commission | | | Referral |
- RESOLUTION REAPPOINTING STEPHEN HUDECEK TO THE ZONING COMMISSION
RESOLVED, that Stephen Hudecek, 33 Leeward Lane, is hereby reappointed to the Zoning Commission for a term expiring 12/31/20.

Legislative History

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|------------------|--------------------------------------------------------------------|-------------------------------------------------|------------------------------|-----------------|
| | 5/3/2016 | Town Council Personnel & Appointments Committee | Recommended for a Resolution | |
| | 5/17/2016 | Town Council | Not acted upon | |
| 2016-0126 | Reappointment of Barbara Williams to Inland Wetlands Agency | | | Referral |
- RESOLUTION REAPPOINTING BARBARA WILLIAMS TO THE INLAND WETLANDS AGENCY
RESOLVED, that Barbara Williams, 129 Elm Street, is hereby reappointed to the Inland Wetlands Agency for a term expiring 12/31/17.

Legislative History

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|------------------|--------------------------------------------------------------------|-------------------------------------------------|------------------------------|-----------------|
| | 5/3/2016 | Town Council Personnel & Appointments Committee | Recommended for a Resolution | |
| | 5/17/2016 | Town Council | Not acted upon | |
| 2016-0127 | Reappointment of Christine Grady to Zoning Board of Appeals | | | Referral |
- RESOLUTION REAPPOINTING CHRISTINE GRADY TO THE ZONING BOARD OF APPEALS
RESOLVED, that Christine Grady, 17 Palmers Cove Drive, is hereby reappointed to the Zoning Board of Appeals for a term expiring 12/31/2020.

Legislative History

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|------------------|----------------------------------------------------------------------------------|-------------------------------------------------|------------------------------|-----------------|
| | 5/3/2016 | Town Council Personnel & Appointments Committee | Recommended for a Resolution | |
| | 5/17/2016 | Town Council | Not acted upon | |
| 2016-0128 | Appointment of Douglas Smith as a Regular Member of the Zoning Commission | | | Referral |
- RESOLUTION APPOINTING DOUGLAS SMITH AS A REGULAR MEMBER (FROM AN ALTERNATE MEMBER) TO THE ZONING COMMISSION
RESOLVED, that Douglas A. Smith, 37 Island Circle South, is hereby appointed as a regular member (from an alternate member) to the Zoning Commission for a term ending 12/31/18.

Legislative History

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|------------------|--------------------------------------------------------------|-------------------------------------------------|------------------------------|-----------------|
| | 5/3/2016 | Town Council Personnel & Appointments Committee | Recommended for a Resolution | |
| | 5/17/2016 | Town Council | Not acted upon | |
| 2016-0129 | Appointment of James Furlong to the Zoning Commission | | | Referral |

ZONING COMMISSION

RESOLVED, that James C. Furlong, 57 Fishtown Lane, Mystic is hereby appointed as an alternate member to the Zoning Commission for a term ending 9/30/16.

Legislative History

5/3/2016 Town Council Personnel & Appointments Committee Recommended for a Resolution

5/17/2016 Town Council Not acted upon

2016-0139 Groton Public Library Neighborhood Assistance Act Program Application (2016) Referral

RESOLUTION APPROVING THE GROTON PUBLIC LIBRARY NEIGHBORHOOD ASSISTANCE ACT PROGRAM APPLICATION (2016)

WHEREAS, the State of Connecticut provides tax credits to businesses that make cash investments in qualifying community programs conducted by tax exempt or municipal agencies, and

WHEREAS, the Groton Public Library has proposed an energy conservation project that will replace the GMTV studio lighting with LED lights, now therefore be it

RESOLVED, that the Groton Town Council approves the Groton Public Library 2016 Neighborhood Assistance Act Program application for an energy conservation program.

Legislative History

4/27/2016 Mayor Referred Town Council Committee of th

5/24/2016 Town Council Committee of the Whole Discussed

Town Manager Oefinger provided an overview of the Neighborhood Assistance Act Program and the projects proposed by the Groton Public Library and Odd Fellows Home of Connecticut.

5/24/2016 Town Council Committee of the Whole Recommended for a Resolution

2016-0140 Odd Fellows Home of Connecticut Neighborhood Assistance Act Program Application (2016) Referral

RESOLUTION APPROVING THE ODD FELLOWS HOME OF CONNECTICUT NEIGHBORHOOD ASSISTANCE ACT PROGRAM APPLICATION (2016)

WHEREAS, the State of Connecticut provides tax credits to businesses that make cash investments in qualifying community programs conducted by tax exempt or municipal agencies, and

WHEREAS, the Odd Fellow Home of Connecticut, Inc. has proposed an energy conservation project that will replace existing packaged thermal air conditioners in its Fairview facility, now therefore be it

RESOLVED, that the Groton Town Council approves the Odd Fellows Home of Connecticut 2016 Neighborhood Assistance Act Program application for an energy conservation program.

Legislative History

4/27/2016 Mayor Referred Town Council Committee of th

5/24/2016 Town Council Committee of the Whole Recommended for a Resolution

2016-0147 Yankee Gas/Eversource Route 1 Gas Line Project Referral

RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO AGREEMENTS WITH EVERSOURCE TO SUPPLY NATURAL GAS TO MUNICIPAL BUILDINGS

WHEREAS, the Public Works Department has been investigating the change in heating fuel for

municipal buildings from oil to natural gas significantly decreasing the cost to heat Town buildings and reducing associated Green House Gas emissions by as much as 25%; and

WHEREAS, communications with Eversource indicate that they are willing to extend the existing gas main on Route 1 up Fort Hill to potentially provide service to the Town Hall Annex Complex and Fitch High School with the proviso that one of the buildings in the Annex Complex connects to the service by 2021; and

WHEREAS, by the Town committing to Eversource that it will connect a building within the five year period cited above, Eversource will not only extend the gas main, but will install the meter and service line to that building at no cost to the Town. Future service lines to other buildings will be the responsibility of the Town. The term of the agreement is 15 years during which time the Town must use natural gas exclusively or it will be subject to charges for the installed service lines; now therefore be it

RESOLVED, that the Town Manager, Mark R. Oefinger, is authorized to enter into agreements with Eversource to provide natural gas to buildings in the Town Hall Annex Complex, subject to the review of the of the Town Attorney.

Legislative History

5/19/2016	Mayor	Referred	Town Council Committee of th
5/24/2016	Town Council Committee of the Whole	Discussed	

Town Manager Oefinger and staff have had discussions with Yankee Gas/Eversource regarding extension of a natural gas line to serve the high school and potentially the new middle school, St. Mary Church, and the Town Hall Annex complex. Eversource is looking for a commitment from the Town to convert at least one building to gas within five years. As a result of a recently authorized project at Pfizer, Eversource has a rare opportunity to access funding to extend gas lines. The Town Manager is looking for authorization to sign an agreement stating the Town will tie in at least one Town building in the next five years. Groton Public Schools has already committed to converting the high school. An agreement with the Town will allow Eversource to extend the line to the Annex frontage at no cost to the Town. Gas is a cheaper, cleaner fuel that does not require underground tanks.

The state is undertaking a Route 1 paving project from South Road to the top of Fort Hill. The portion of the project from the bottom of Fort Hill to the top of Fort Hill will be undertaken in the fall to accommodate the gas line extension.

Rick Norris, Sustainability Program Project Manager, presented information on the potential annual savings from converting heating systems in Town buildings to natural gas.

Mr. Norris noted that the streetlight audit associated with the streetlight conversion project should be completed this week. The next step is a reconciliation process followed by project design.

In response to questions and comments from Councilors, Mr. Norris explained that Eversource would pipe to a meter and the internal piping would be the Town's responsibility. The Agreement has not been finalized or reviewed by the Town Attorney at this time. The Town's cost per Ccf of \$0.91 cited in Mr. Norris's analysis includes all fees. The rate of return will vary based on the costs to convert the systems in the various buildings.

5/24/2016	Town Council Committee of the Whole	Recommended for a Resolution
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X. OTHER BUSINESS

Potential Suspension of the Rules

2016-0151 Revised Description for School Facilities Initiative Ordinance

Referral

RESOLUTION APPROVING REVISED DESCRIPTION FOR SCHOOL FACILITIES INITIATIVE ORDINANCE

WHEREAS, minor modifications to the description for the School Facilities Initiative Bond Ordinance were recommended by the Town Attorney and Bond Attorney after the Town Council introduced the ordinance on May 24, 2016, now therefore be it

RESOLVED, that the Town Council approves the following revised ordinance description:

ORDINANCE APPROPRIATING \$184,500,000 FOR THE DESIGN AND CONSTRUCTION OF THE GROTON 2020 PLAN, CONSISTING OF A NEW, CONSOLIDATED MIDDLE SCHOOL AND CONVERSION OF THE EXISTING MIDDLE SCHOOLS INTO "RENOVATED LIKE NEW" ELEMENTARY SCHOOLS, AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

Section 1. That the sum of ONE HUNDRED EIGHTY-FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS (\$184,500,000) is appropriated for costs related to design and construction of (i) a new, approximately 169,000 sq. ft. consolidated middle school to be situated on the Town-owned Merritt site at 35 Groton Long Point Road, between Ella Grasso Technical High School and Robert E. Fitch High School and (ii) conversion of the existing Carl C. Cutler Middle School at 160 Fishtown Road and the existing West Side Middle School at 250 Brandegee Avenue into two "renovated like new" pre-K through grade 5 elementary schools, including the addition of approximately 11,000 sq. ft. of new space at each school. The appropriation may be spent for design and construction costs, demolition costs, equipment, furnishings, materials, land or easement acquisition, necessary utilities, parking, road and sidewalk improvements off and on the school sites, site improvements, portable classrooms, storage and moving costs, architects' fees, engineering fees, construction manager fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Town Council, or its designee, shall approve the final concept for the school project. The Town Council may reduce or modify the project and may delete portions of the project if funds are insufficient to complete the entire project.

Section 2. That the Town issue bonds or notes in an amount not to exceed ONE HUNDRED EIGHTY-FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS (\$184,500,000) to finance the appropriation for the project. The amount of bonds or notes authorized to be issued shall be reduced by the amount of grants received by the Town for the project. The bonds or notes shall be issued pursuant to Sections 7-369 and 10-289 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Groton. The Town does hereby covenant and agree with the holders of the bonds or notes and all notes issued in anticipation of the receipt of the proceeds from the sale of such bonds or notes that in each year while any such bonds or notes are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on the bonds or notes as the same become due and payable.

Section 3. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of temporary notes outstanding at any time shall not exceed ONE HUNDRED EIGHTY-FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS (\$184,500,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be secured by the irrevocable pledge of the full faith and credit of the Town, payable as provided in Section 2. The Town shall comply with the provisions of Sections 7-378a and 7-378b

of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

Section 4. The Town Manager and the Director of Finance shall determine the amount of any temporary notes authorized by Section 3 to be sold. The Town Manager and the Director of Finance of the Town shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds or notes. The Town Manager and the Director of Finance are authorized to determine the dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this resolution if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

Section 6. That the Town Manager and the Director of Finance are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

Section 7. That the Board of Education is authorized to apply for and accept state grants for the project. The Board of Education is authorized to file applications with the State Board of Education, to execute grant agreements for the project, and to file such documents as may be required by the State Board of Education to obtain grants for the costs of financing the project.

Section 8. That the Town Manager, the Director of Finance and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes to finance the aforesaid appropriation.

Section 9. This ordinance shall become effective only if it has been adopted by vote of not less than five (5) members of the Town Council and by the Representative Town Meeting, and only if the appropriation set forth in Section 1 and the issuance of bonds and notes to finance said appropriation have been approved by the voters at referendum in accordance with Sections 5.5.5.1 and 9.13 the Town Charter, and notice of passage has been published in accordance with the provisions of the Town Charter.

XI. ADJOURNMENT

**RULES OF PROCEDURE
TO GOVERN THE THIRTIETH TOWN COUNCIL
GROTON, CONNECTICUT**

Rule 1 – Incorporation of Charter Provisions

All requirements of the Charter with respect to the proceedings of the Council are to be strictly followed, and the Council shall adopt no rule in conflict with any Charter requirement respecting such proceedings.

Rule 2 – Meetings of the Council

- a) All meetings shall comply with the Connecticut Freedom of Information Act, General Statutes §§ 1-200 et seq., as amended (hereinafter “FOIA”).
- b) Regular meetings of the Council shall be determined by Resolution adopting a calendar-year schedule for the following year prior to December 31 of the current year. This schedule may be amended by Resolution.
- c) Special Meetings of the Council may be called either by (i) the Mayor or (ii) the Clerk of the Council at the request of three (3) Councilors. Notice of the time and place of a Special Meeting, as well as the business to be transacted, shall be posted not less than twenty-four (24) hours, excluding Saturdays, Sundays, legal holidays and any day on which the Town Clerk’s office is closed, before such meeting at the office of the Town Clerk and on the Town’s website. Such notice shall also be delivered to all Councilors prior to the meeting. No other business may be considered at such meeting. A Special Meeting may be held on a Saturday, Sunday, or legal holiday.
- d) Emergency Meetings of the Council may be called either by (i) the Mayor or (ii) the Clerk of the Council at the request of three (3) Councilors. An Emergency Meeting may be held without the notice required of a Special Meeting so long as a copy of the minutes of such meeting, setting forth the nature of the emergency and the business conducted, is filed with the Town Clerk within seventy two (72) hours following such meeting. An emergency meeting may be held only when an unexpected situation or sudden occurrence of such a serious and urgent nature that demands immediate action so that there is no time to post the notice required of a Special Meeting. Mistakes concerning deadlines set by law and failure to account for the possibility of inclement weather in scheduling a meeting do not constitute emergencies for purposes of this rule
- e) An Executive Session may be convened by the Council upon motion and the affirmative vote of at least two-thirds (2/3) of those Councilors present and voting to discuss any matter allowed by FOIA as a suitable basis for excluding the public. The motion shall state the reason for the executive session in conformity with FOIA. No subject not specified in such reason shall be discussed. Attendance at an Executive Session shall be limited to Councilors and persons the Council invites to present relevant testimony or opinion, provided such attendance is limited to the period for which their presence is necessary. The minutes of the Council shall disclose all those present at any Executive Session with the exception of job applicants the Council interviews.

Rule 3 – Clerk of the Council

- a) The Town Clerk is the Clerk of the Council and shall keep the minutes of the Council proceedings which shall record votes passed by the Council and such further details of the proceeding of the Council as may be approved by majority vote.

- b) In the event the Clerk is not present at the time the Mayor calls a meeting to order, the Mayor shall appoint a Clerk pro tem to keep the minutes of the meeting and to file same in the Office of the Town Clerk.

Rule 4 – Quorum and Vote

- a) In accordance with Section 5.3 of the Charter, six (6) members shall constitute a quorum, but no ordinance, resolution, or vote, except a vote to adjourn or to fix a time and place of the next meeting, shall be adopted by less than five (5) affirmative votes.
- b) A meeting may continue only in the presence of a quorum. In the absence of a quorum, the Mayor shall declare the meeting adjourned to a future date. Prior to adjourning for lack of a quorum, the Mayor may declare a recess for a period not to exceed thirty (30) minutes to obtain a quorum.
- c) In exceptional circumstances, such as the attendance of a large number of citizens, the expectation of the imminent arrival of a Councilor, or the need to address time-sensitive issues, the Mayor or presiding officer may extend the recess period to sixty (60) minutes. In no case shall the recess exceed a total time of sixty (60) minutes.

Rule 5 – Mayoral Duties and Responsibilities and Temporary Vacancy of Position

- a) The Chairman of the Council, having the title of Mayor, shall preside at all meetings of the Council, and, at the stated hour, shall call the meeting to order. The Mayor shall perform all the duties and accept all the responsibilities of a Councilor.
- b) It shall be the duty of the Mayor to preserve order and require procedure in accordance with the rules, to recognize and grant the floor to Councilors wishing to speak, and to declare all votes.
- c) The Mayor shall have the authority to make a motion, may declare any motion duly seconded, except motions made by himself or herself, and may speak from the chair upon any debatable pending question. The Mayor shall have the same right to vote on any matter as any other Councilor and is not limited to breaking tie votes.
- d) The Mayor shall have the authority to appoint himself or herself Chairman or member of any committee of the Council other than the Committee of the Whole. As an ex-officio member of such committees, the Mayor does not have the right to make motions nor to vote.
- e) The Mayor shall be Chairman of the Committee of the Whole, and shall have the right to make motions and to vote as a member of that committee.
- f) In the absence of the Mayor, the Clerk of the Council shall call the meeting to order and call for and declare the election of a Chairman pro tem who shall be Chairman during the absence of the Mayor.
- g) In the absence of the Mayor and a quorum of Councilors, the Clerk of the Council shall declare the meeting adjourned to a future date and make such a record in the minutes of the Council.
- h) The Mayor may appoint a parliamentarian whose duty shall be advising the Mayor upon request.

Rule 6 – Conflict of Interest

Councilors shall declare or make known any financial interest in subject matter under debate as required by the Rules on Conflict of Interest in Section 3.5.3 of the Charter, and it shall be so noted in the minutes.

Rule 7 – Order of Business and Agenda

- a) Unless altered by the affirmative vote of at least two-thirds (2/3) of those Councilors present and voting, the regular order of business shall be as follows:
- I. Roll Call
 - II. Salute to the Flag
 - III. Recognitions, Awards & Memorials
 - IV. Receipt of Citizens' Petitions, Comments and Concerns¹
 - V. Responses to Citizens' Petitions, Comments and Concerns
 - VI. Consent Calendar
 - a. Approval of Minutes
 - b. Administrative Items²
 - c. Deletions from the Town Council Referral List³
 - VII. Communications & Reports (Other than Committee Reports)
 - a. Town Councilors⁴
 - b. Clerk of the Representative Town Meeting
 - c. Clerk of the Council
 - d. Town Manager
 - VIII. Committee Reports
 - IX. New Business⁵
 - X. Other Business
 - XI. Adjournment
- b) Only items reported from a Committee with approval recommended by a majority of the committee members present shall appear on the agenda. Action on any other items shall require Suspension of the Rules in accordance with FOIA.

Rule 8 – Rules of Order

- a) Parliamentary Authority

The rules contained in the edition of Robert's Rules of Order Newly Revised in effect on date of adoption of these rules (hereinafter "RONR"), shall govern the Council in all cases in which they are applicable, provided they do not conflict with these Rules, the Town Charter, or applicable ordinances or statutes.

- b) Questions of Order

The Mayor may speak on and shall decide questions of order. Any Councilor may appeal a decision by the Mayor on questions of order, such appeal being referred to the Rules Committee which shall make recommendations to the Town Council for decision on the

¹ If a Public Hearing has been scheduled, it shall precede "Receipt of Citizens' Petitions".

² Administrative Items can include Tax Refunds and Special Trust Fund Donations.

³ If it is decided during the same meeting that a Deleted Referral item should remain on the Referral List, the vote to delete that particular Referral under the Consent Calendar shall be deemed null.

⁴ Communications from each Councilor shall be limited to five (5) minutes.

⁵ Under "New Business" Councilors may add items not included on the published agenda, but in accordance with FOIA, each such addition requires a 2/3 vote of those present and voting to do so.

basis of (in order of precedence): Town Charter, the Rules of the Council, and RONR. The Council may be recessed for the purposes of the appeal being discussed by the Rules Committee and no other business shall be in order until the appeal is decided.

c) Motions

1. Motions shall be reduced in writing when requested by the Mayor, any Councilor, or the Clerk of the Council. Any motion may be withdrawn by the mover before amendment or decision, upon request of the mover and consent of the Council.
2. A motion to Suspend the Rules shall be debatable.

d) Debate

1. During discussion or debate, no Councilor shall speak unless recognized by the Mayor.
2. Councilors shall confine their remarks in debate to the pending question.
3. Councilors should address their remarks to the Mayor, maintain a courteous tone, and avoid personalities or accusations of improper motives at the risk of being ruled out of order.

e) Limits of Debate

1. The Mayor shall allow the maker of a motion the opportunity to speak first.
2. Councilors shall not speak more than once upon any question until other members who wish to speak shall have relinquished the floor.
3. Councilors are limited to five (5) minutes each time they speak on a question.
4. The foregoing shall apply anew to first and second order amendments.
5. The Council may, upon a two-thirds (2/3) vote of the Councilors present, extend or limit the amount of time for debate or the number of times a Councilor may speak upon a question.

f) Yielding the Floor

1. Councilors may yield the floor to citizens or other non-Councilors wishing to speak, subject to a time limit of five (5) minutes per such speaker. The provisions of Rule 8(e) shall extend to such non-Councilor speakers.
2. A Councilor shall not recognize more than one (1) non-Councilor until all Councilors have had the opportunity to speak or recognize a non-Councilor.
3. Yielding the floor to another speaker is in place of the Councilor speaking.

g) Reconsideration

1. After a vote has been taken, whether in a meeting of the Council or in the Committee of the Whole, it shall be in order for any Councilor who was in the prevailing vote to move for a reconsideration during the meeting, or during the next succeeding regular meeting of the same body. However, any vote which has caused an action which cannot be reversed shall not be reconsidered.

2. Motions to reconsider votes to refer any matter to a Committee shall be in order only during the meeting which agreed to the referral.
 3. When a meeting is held in a series of sessions, a motion to reconsider a motion voted on in a previous session can be made in any succeeding session of the same meeting.
 4. A motion to reconsider must be seconded. The person seconding does not have to be on the prevailing side of the vote on the motion to be reconsidered.
 5. A motion to reconsider requires a majority vote.
 6. If voted on and defeated, a motion to reconsider cannot be renewed except by unanimous consent.
- h) Once a matter has been rejected, substantially the same matter may not be the subject of a referral:
1. for 12 months, or
 2. unless the Council recommends the referral with six (6) votes in favor.

Rule 9 –Committees & Referrals

- a) There shall be the following standing committees of the Council:
 1. Committee of the Whole
 2. Rules
 3. Personnel and Appointments
- b) The Mayor or Council may establish other standing and ad hoc committees as needed from time to time.
- c) The Mayor shall appoint members of the Council to such committees and shall designate the Chairman of each. The Mayor may announce adjustments in membership and chairmanship at a regular Council meeting with such changes to be effective at the next regular Council meeting.
- d) All Councilors shall be ex-officio members of the Committees to which they are not assigned, but do not have the right to make motions nor to vote.
- e) Council business requiring Committee action shall be referred to a Committee by the Mayor at each regular meeting, and between sessions of Council, if necessary, in which case said referrals shall be announced at the next regular session.
- f) Upon the request of three (3) Councilors, the Mayor shall refer matters to a standing committee. Re-referrals shall be by vote of Council.
- g) When a referral is granted by the Mayor at a Council Meeting, the requestor shall provide a brief written summary of the referral's intent to the Council and the Town Manager. The referral shall not be listed until such summary is received. The Mayor shall have the discretion to waive the written summary.

Rule 10 – Committee Procedures

- a) All committee meetings shall comply with FOIA.

- b) A majority of committee membership shall constitute a quorum.
- c) In the absence of a Committee Chairman, the remaining Committee members may designate a Chairman pro tem.
- d) Each committee shall consider matters referred to it by the Mayor and shall report to the Council in writing relative to all such matters.
- e) Committee reports shall contain the date and place of meeting, the names of members present and those absent, and the fact that a quorum was or was not present, and a record of any votes taken. A summary of discussion, where appropriate, may also be included.
- f) Only resolutions or ordinances, the substance of which has been voted on favorably by a majority of committee members present, shall be reported to the Council for action. When a committee votes to take no action on a referral, the subject of that referral shall be listed in the Consent Calendar under "Deletions from the Referral List".
- g) Any subject matter referred to a standing committee which will result in a proposed ordinance shall, after adequate discussion not to exceed sixty (60) days, be referred to the Committee of the Whole.
- h) All matters to be deleted from the referral list will be listed in the Consent Calendar. After six (6) months, any non-recurring referral that has not been acted upon shall be placed on the Consent Calendar for deletion.
- i) The Committee of the Whole shall be chaired by the Mayor, or in the Mayor's absence, by a Chairman pro tem, elected by the members for that purpose only. The Committee of the Whole shall meet to act:
 1. on items referred to it by means of tie votes in any other committee;
 2. on items which will result in a proposed ordinance;
 3. where there is agreement between committee chairmen and the Mayor on major items and/or items of importance to all Councilors.
- j) At Committee of the Whole Meetings, not later than 10:00 p.m., the Mayor shall entertain a motion to adjourn; such motion to adjourn shall require a two-thirds (2/3) vote of those present in order to pass.
- k) The Committee of the Whole has one Budget Meeting, which consists of several sessions. Each session adjourns to a definite time (*Fix the Time to which to Adjourn*).

Rule 11 – Citizen’s Petitions

- a) In accordance with Section 5.3 of the Town Charter, the Order of Business at regular Council Meetings shall provide for Citizens’ Petitions. A citizen’s comments may be presented orally or in writing. All presentations by citizens under this rule shall be limited to five (5) minutes unless otherwise indicated by a majority vote of the Council. No speaker may yield his or her time to another speaker.
- b) Citizens’ petitions shall be accepted as presented. There shall be no questions or cross-examination by members of the Council, except for questions necessary to clarify the citizen’s intent.

- c) Remarks by members of the Council concerning such petition may be addressed under the "Responses to Citizens' Petitions, Comments or Concerns" portion of the agenda.
- d) The Council shall advise citizens that, because their comments are made in public, that they may be recorded, either by the Council or others present.
- e) The Council reserves the right to adopt guidelines to ensure that any recording of its proceedings does not disrupt the conduct of its business or other citizens' right to access the Council's proceedings.

Rule 12 – The Town Manager

The Town Manager or his delegate shall be present at the Council meeting and report on all matters requiring Council action and attention.

Rule 13 – Amendments to the Rules of the Council

- a) The Rules of the Council, excepting Rule 1, may be altered, extended, or repealed by a vote of at least five (5) Councilors at a regular meeting of the Council, provided descriptive notice of the proposed changes shall have been given in writing at a preceding regular meeting.
- b) Any single rule, except Rule 1, may be suspended for the proceedings of any meeting of the Council upon a two-thirds (2/3) vote of the Councilors present, which vote shall specifically refer to the rule which is to be suspended.

Rule 14 – Conduct by Town Councilors

No Councilor may speak, or give the impression that he or she speaks, on behalf of the Council without prior Council authorization to do so.

The Rules of Procedure of the Thirtieth Council were adopted at a meeting of the Town Council held on June 7, 2016.

APPENDIX A – ORDER OF PRECEDENCE to be used by the Town Council

A majority vote means at least five (5) affirmative votes.

A two-thirds vote means the affirmative vote of at least two thirds (2/3) of those present and voting.

MOTION	DEBATABLE	AMENDABLE	SECOND	VOTE
- Privileged Motions (descending order)				
Fix the Time to which to Adjourn	No	Yes	Yes	Majority
Adjourn	No	No	Yes	Majority ⁶
Recess	No	Yes	Yes	Majority
Raise a Question of Privilege	No	No	No ⁷	Chair
Call for Orders of the Day	No	No	No	Upon one request ⁸
- Subsidiary Motions (descending order)				
Lay on the Table	No	No	Yes	Majority
Move the Question	No	No	Yes	Two-thirds
Limit or Extend Limits of Debate	No	Yes	Yes	Two-thirds
Postpone to a Certain Time	Yes	Yes	Yes	Majority
Refer to Committee	Yes ⁹	Yes	Yes	Majority
Amend ¹⁰	Yes ¹¹	Yes	Yes	Majority
Postpone Indefinitely	Yes ¹²	No	Yes	Majority
Main Motion	Yes	Yes	Yes	Majority

THESE MOTIONS may be made at any time and deal with procedure – in no order:

INCIDENTAL MOTIONS	DEBATABLE	AMENDABLE	SECOND	VOTE
Appeal ¹³	Yes	No	Yes	Majority in negative
Point of Information	No	No	No	No vote
Point of Order	No ¹⁴	No	No	Chair
Suspend the Rules	Yes ¹⁵	No	Yes	Two-thirds
BRING-BACK MOTIONS				
Reconsider	Yes ¹⁶	No	Yes	Majority ¹⁷
Take from the Table	No	No	Yes	Majority

⁶ See Rule 11 for an exception.

⁷ Unless the question of privilege thereby raised is in the form of a motion, in which case the motion must be seconded.

⁸ Except that a 2/3 vote is needed to set aside the orders of the day.

⁹ Debate on a Motion to Refer to Committee must be confined to its merits only, and cannot go into the main question except as necessary for debate of the immediately pending question.

¹⁰ Amendments of only the first and second degree are allowed, i.e., there can be no amendment to an amendment to an amendment. For example, a motion to budget \$100 for an expense may be amended to budget \$120, which may in turn be amended to budget \$90, so that a maximum of three dollar amounts can be considered.

¹¹ A Motion to Amend is debatable only if motion to be amended is debatable.

¹² Debate on a Motion to Postpone Indefinitely can go into the main question.

¹³ A decision of the Mayor may be appealed to the Council which shall immediately refer the question on whether the Mayor's ruling is to be sustained to the Rules Committee. The Rules Committee shall then make its recommendations known to the Council. The question before the Council shall be "Shall the decision of the Chair be sustained?" The Mayor's decision stands unless a majority votes "no". See Rule 9.

¹⁴ The Mayor can permit explanation.

¹⁵ Exception to RONR.

¹⁶ A Motion to Reconsider is debatable only if the motion to be reconsidered is debatable.

¹⁷ Motion must be made by a member on the prevailing side.