



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 Harry A. Watson, Councilors Peter J. Bartnik, Jr., Heather Sherman Bond, Catherine Kolnaski,
Frank O'Beirne, Jr., John F. Scott, Paulann H. Sheets, James L. Streeeter, and Elissa T. Wright.*

Tuesday, December 20, 2005

7:30 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

I. ROLL CALL

II. SALUTE TO THE FLAG

III. RECOGNITION, AWARDS & MEMORIALS

2005-0308 Proclamation Honoring Martha Hug Proclamation - TC

IV. 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 ten 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

2005-0313 Approval of Minutes (Town Council) Resolution - Consent

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council Meeting of December 6, 2005 are hereby accepted and approved.

b. Deletions from the Town Council Referral List

2005-0304 Contract Agreement between the Groton Board of Education and the Groton Education Association Referral

2005-0266 Program Supervisor for Special Needs and Inclusion Position Referral

2005-0241 Homeland Security Large City Stipend Referral

2005-0299 Town Attorney Appointment Referral

2005-0315 Job Description for Operations Supervisor - WPCF Resolution

2005-0316 Job Description for Water Pollution Control Facility Technician Resolution

c. Special Trust Fund Contributions

2005-0309

Special Trust Fund Contributions**Resolution - Consent**

RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS

Joellen Anderson - \$200.00 - Library Discretionary
Paul and Cassandra Simoncini (in memory of Mildred Hastedt) - \$50.00 - Library Discretionary
Rebecca E. Baumann (in memory of Lauren Candler) - \$100.00 - Library Discretionary
Madelene Fields - \$20.00 - Social Services Discretionary
Groton Lions Club - \$1,000.00 - Social Services Discretionary
William and Jean Murray - \$50.00 - Social Services Discretionary
Mystic River Homes Inc. - \$100.00 - Social Services Discretionary
Noank PTO - \$200.00 - Social Services Discretionary
Albert and Janiss Rudolph - \$75.00 - Social Services Discretionary
United Church of Stonington - \$140.00 - Social Services Discretionary
Jeanne Urian - \$20.00 - Social Services Discretionary
Various Donations - \$765.00 - Groton Utilities Energy Assistance Program
City of Groton Matching Funds - \$100.00 - Groton Utilities Energy Assistance Program
Various Donations - \$247.00 - Parks and Recreation Revolving
Bernard Bartick (in memory of Mildred Hastedt) - \$10.00 - Library Discretionary
James E. Mitchell (in memory of Mildred Hastedt) - \$25.00 - Library Discretionary
Alfred H. Gildersleeve - \$100.00 - Library Discretionary
Alan M. Major - \$8.00 - Library Discretionary
Susan Johnson (in memory of Mildred Hastedt) - \$10.00 - Library Discretionary
Mary Bosko - \$50.00 - Social Services Discretionary
Pfizer Inc. - \$1,000.00 - Social Services Discretionary
Richard and Glen Ross - \$30.00 - Social Services Discretionary
June Montz - \$320.00 - Social Services Discretionary
April Britt - \$10.00 - Social Services Discretionary
Rotary Club of Mystic - \$750.00 - Social Services Discretionary
Deborah Mandel - \$25.00 - Dog Pound
Joe Morris - \$5.00 - Dog Pound

VII. COMMUNICATION REPORTS (Other than Committee Reports)

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

VIII. COMMITTEE REPORTS

- a. Community & Cultural Development - Chairman Scott**
- b. Economic Development - Chairman Bond**
- c. Education/Health & Social Services - Chairman Kolnaski**
- d. Environment & Recreation - Chairman Sheets**
- e. Finance - Chairman Wright**
- f. Personnel/Appointments/Rules - Chairman O'Beirne**
- g. Public Safety - Chairman Streeter**

h. Public Works - Chairman Bartinik

i. Committee of the Whole - Mayor Watson

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

2005-0266 Program Supervisor for Special Needs and Inclusion Referral
Position

RESOLUTION APPROVING CONVERSION TO FULL TIME FOR PROGRAM SUPERVISOR FOR SPECIAL NEEDS AND INCLUSION

WHEREAS, there has been increased demand for special needs and inclusion events and activities throughout the spectrum of recreation programs, and

WHEREAS, the Groton Department of Parks and Recreation has specially qualified staff and has received awards and recognition for its special needs and inclusion, and

WHEREAS, the director of the department has requested that a currently part-time position be authorized for conversion to full-time, and

WHEREAS, the added hours can be accommodated with the funds that were already planned for this purpose in the current budget, now therefore be it

RESOLVED, that the Program Supervisor for Special Needs and Inclusion may be converted for full time incumbency.

Legislative History

9/26/2005	Mayor	Referred	Town Council Personnel/Appointr
12/13/2005	Town Council Personnel/ Appointments/Rules/ Legislation Committee	Recommended for a Resolution	

2005-0241 Homeland Security Large City Stipend Referral

RESOLUTION AUTHORIZING GROTON'S ENTITLEMENT TO REGIONAL PROJECT

WHEREAS, municipalities within the Millstone Emergency Planning Zone (EPZ) are slated to receive a total of \$118,372 to use for emergency preparedness from the FYE 04 Federal Homeland Security Grant/Large City Stipend, and

WHEREAS, Groton as a member of the EPZ would be entitled to receive \$32,465 using the authorized per capita formula, and

WHEREAS, regional planning for resources and the execution of emergency plans within the entire EPZ is desirable and necessary, and

WHEREAS, Groton is supportive of regional approaches to regional issues and problems, feels that the pooling of the available grant dollars for the purpose of purchasing mobile informational directional signs that could be pre-positioned within the EPZ to allow for their successful deployment in the event of an emergency, and

WHEREAS, it is appropriate that the Southeastern Connecticut Council of Governments (SCCOG) be the grant recipient for this Large City Stipend and act as the conduit for the expenditure of these funds, including the share amounting to \$32,465 that was allocated to Groton, now therefore be it

RESOLVED, that the Groton Town Council endorses the payment of a single grant award for the

EPZ towns to the Southeastern Connecticut Council of Governments, with the understanding that these funds will be used to purchase mobile informational directional signs that will be pre-positioned in appropriate locations so that they are readily available during emergencies, and that prior to distributing signs to member communities that a policy be developed and agreed upon indicating where the signs will be pre-positioned and when and how these signs are to be used.

Legislative History

8/30/2005	Mayor	Referred	Town Council Committee of the W
9/13/2005	Town Council Committee of the Whole	Not Discussed	
9/27/2005	Town Council Committee of the Whole	Not Discussed	

The Town Manager asked that discussion on this item be deferred as he is waiting for additional information.

11/22/2005	Town Council Committee of the Whole	Referred	Town Council Public Safety Comr
12/13/2005	Town Council Public Safety Committee	Recommended for a Resolution	

2005-0299

Town Attorney Appointment

Referral

RESOLUTION APPOINTING THE TOWN ATTORNEY

WHEREAS, the Town Council has considered the needs of the Town for legal advice, the nature of the litigation currently underway, and the cost and quality of the legal services now being provided, there be it

RESOLVED, that pursuant to Town Charter 5.1, Eileen Duggan of the firm of Suisman, Shapiro, Wool, Brennan, Gray & Greenberg, P.C. is hereby appointed Town Attorney, to exercise all powers and duties of that office until her successor shall be appointed and qualified, and that the following attorneys from Suisman Shapiro may assist Attorney Duggan carrying out her duties:

Matthew Auger
 Raymond Baribeault
 Andrew Brand
 Eric Callahan
 Harry Calmar
 Michael Carey
 John Keleher
 Robert Keville
 Hinda Kimmel

Legislative History

11/8/2005	Mayor	Referred	Town Council Committee of the W
11/22/2005	Town Council Committee of the Whole	Discussed	

Councilor Bond stated she would like to see the contract for the Town Attorney put out to bid. Councilor O'Beirne explained that to meet the charter requirements, the Council would have to appoint a temporary Town Attorney and then go through a laborious process to bid the contract. Councilor Bartnik would also like to go out to bid. He noted that the Charter does not hold the Council to action within 60 days. The Town spends a lot of money on attorney services and has buying power. Councilor Wright agreed.

Town Manager Oefinger provided a brief overview of Suisman Shapiro and the attorneys who provide services to the Town. Councilor Bartnik added that another attorney, selected by the Town Attorney, represents the Board of Education. The Town Manager noted that the last time the contract was bid was six to eight years ago. There has been a small increase in the hourly rate (\$10) since the original contract. Councilor Scott noted the hourly rate seems very reasonable and he questioned the concern since the price is so reasonable. Councilor Bartnik feels that it is a high number for the number of hours expended. Town Manager Oefinger

would like to do things differently, that discussion must include the Board of Education.

Mr. Calmar clarified that his firm charges the same rate for all municipalities and non-profits.

Councilor Bond expressed concern with the amount of time spent on issues and the lack of information in the Town Attorney's report. She asked what specialties would have to be outsourced if the Town Council appointed the firm to represent the Board of Education. Attorney Duggan responded some issues related to Special Education Law and teacher negotiations. There would be some "catch up" time from a learning curve standpoint, but in terms of capacity, there is not much work that would need to be outsourced. Councilor Bond asked how the Town Attorney is contacted for a land use appeal. Attorney Carey explained that land use appeals are transmitted to him by the Town Clerk. He then contacts the Office of Planning and Development to prepare the return of record, which is required by statutes. The lawyer writing the brief must review the transcript of the hearing and the return of record. The average cost of defending a land use appeal is \$5,000 to \$10,000. Recently, the land use appeals have been unusual and substantial. Councilor Bond asked what the Town could do differently to help reduce the hours billed. Attorney Calmar noted that there is an efficiency built in over the last five years as evidenced by the status quo in hours billed. With respect to tax appeals, Attorney Duggan noted that the firm worked effectively to resolve the last round of appeals prior to trial. There are things required for the Town to defend itself appropriately. Attorney Brand emphasized that he is a strong believer in practicality and balancing the cost of the appeal with the benefits.

With respect to reports, Attorney Carey noted that the Town Attorney works on things of a privileged nature that require discretion. He indicated a willingness to try to come up with another means to transmit information to the Council that wouldn't jeopardize matters.

Councilor Sheets suggested that avoiding tax appeals may mean keeping the public informed about the revaluation process.

Attorney Brand noted that by Charter the Town Council appoints a single person as Town Attorney, but gets the services of the whole firm. Attorney Brand recommended that the Town Council appoint Eileen Duggan.

Mayor Watson summarized that the Council would like to discuss the policy issue of Board of Education representation, discuss policy with land use boards and commissions, and request a more thorough report from the Town Attorney.

12/13/2005 Town Council Committee of Motion
the Whole

to recommend a resolution appointing Eileen Duggan the Town Attorney for the next two years.

Councilor Kolnaski expressed support for appointing Attorney Brand. Councilor Bond explained that she is not ready to vote tonight and she will vote against the appointment if forced to because she believes in looking at alternatives.

A motion was made by Councilor O'Beirne, seconded by Councilor Scott, to amend the motion to appoint Eileen Duggan the Town Attorney in accordance with charter requirements.

The motion to amend carried by the following vote:

In Favor: 7 - Councilor Bartinik, Councilor Kolnaski, Councilor O'Beirne, Councilor Scott, Councilor Sheets, Councilor Streeter, Mayor Watson

Opposed: 1 - Councilor Bond

2005-0315

Job Description for Operations Supervisor - WPCF

Resolution

RESOLUTION APPROVING AN AMENDED JOB DESCRIPTION FOR OPERATIONS SUPERVISOR - WPCF

WHEREAS, extended efforts to recruit the best qualified applicants for the vacant position of Operations Supervisor at the Water Pollution Control facility have revealed that the current job description imposes license requirements that are not consistent with the actual and immediate requirements of the job and hinder the submission of applications by highly qualified personnel, and

WHEREAS, the Department of Administrative Services has carefully analyzed the job market for the kind of position involved and recommends an amended job description, now therefore be it

RESOLVED, that the Town Council approves the Job Description of Operations Supervisor - WPCF, as amended November, 2005.

Legislative History

12/13/2005	Town Council Personnel/ Appointments/Rules/ Legislation Committee	Recommended for a Resolution
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2005-0316	Job Description for Water Pollution Control Facility Technician	Resolution
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RESOLUTION APPROVING AN UPDATED JOB DESCRIPTION FOR WATER POLLUTION CONTROL FACILITY TECHNICIAN

WHEREAS, the Department of Administrative Services periodically reviews existing position descriptions for compliance with laws and regulations and to verify that the current duties and requirements of the job are accurately stated, now therefore be it

RESOLVED, that the Town Council approves the job description for Water Pollution Control Facility Technician, at Hourly Level 16, as amended November, 2005

XI. OTHER BUSINESS

XII. ADJOURNMENT