



Town of Groton, Connecticut

Meeting Minutes - Draft

Town Council Committee of the Whole

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

Mayor James L. Streeeter, Councilors Bruce S. Flax, Bill Johnson, Catherine Kolnaski, Deborah B. Monteiro, Frank O'Beirne, Jr., Deborah L. Peruzzotti, Paulann H. Sheets, and Harry A. Watson

Tuesday, March 8, 2011

7:00 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

1. CALL TO ORDER

Mayor Streeeter called the meeting to order at 7:10 p.m.

2. ROLL CALL

Members Present: Mayor Streeeter, Councilor Flax, Councilor Johnson, Councilor Kolnaski, Councilor O'Beirne, Jr., Councilor Peruzzotti and Councilor Sheets

Members Absent: Councilor Monteiro and Councilor Watson

Also present were Town Manager Mark Oefinger and Executive Assistant Nicki Bresnyan.

3. Calendar and Communications

Councilor Flax attended a United Way dinner and noted that Town Manager Mark Oefinger was recognized as part of the United Way leadership team.

Mayor Streeeter distributed a letter he received from Linda Schneider requesting tax abatements for widows of police officers. The item was referred to the Committee of the Whole for the next meeting.

4. Approval of Minutes - None

5. UNFINISHED BUSINESS

None.

6. NEW BUSINESS

2010-0236 Credit Card Usage in Town Departments

Recommended for a Resolution

Director of Finance Sal Pandolfo and Town Treasurer Cindy Landry addressed the Council regarding the use of credit cards in the Town. The Town started accepting credit cards in 1991, but the fees became excessive. In 1993, the Town Council directed that no fees be paid and the Tax Collector started to accept only Discover or third party credit card payments. Mr. Pandolfo recommends continuing the current policy so that the Town does not have to absorb the fees imposed by credit card companies.

Ms. Landry looked at Town revenues, estimated what might be paid by credit cards, and provided an analysis of possible fees. Unlike other town operations, Parks and Recreation could pay credit card fees out of their Special Revenue Fund and recoup the costs by charging more for programs.

Councilor Peruzzotti questioned the current availability of funds in the Parks and Recreation Special Revenue Fund. Councilor Flax asked why Parks and Recreation could not pass the fee on to the customer directly and Mr. Pandolfo noted that Parks and Recreation does not want to do that.

Councilor Johnson asked if there was any analysis of the potential benefits of accepting credit cards such as avoiding returned checks and receiving payments that might not otherwise be made.

Councilor Peruzzotti noted that Parks and Recreation's goal in accepting credit cards is to increase revenues.

A motion was made by Mayor Streeter, seconded by Councilor Kolnaski, to permit Parks and Recreation to accept credit cards, and to continue the current policy for all other town departments.

The Town Manager explained that the Parks and Recreation Special Revenue Fund comes from user fees and does not impact the General Fund budget. Councilor Flax stated he would still like to explore collecting the credit card fees directly from users and Director of Parks and Recreation John Silsby stated they would consider that option.

The motion carried unanimously

2011-0059

**Task Force for Climate Change and Sustainable Community Final Report
Recommended for a Resolution**

Zell Steever, Chairman of the Task Force for Climate Change and Sustainable Community, distributed a summary of the slide presentation that he made at the Committee of the Whole meeting on February 22nd. He reviewed the Task Force's recommendations.

Councilor O'Beirne suggested resolving to "seriously consider" rather than "support" climate change mitigation. With respect to establishing an Office of Climate Change, he would like more information from a permanent task force including a job description and layout of authority, discussion of expected interaction with staff and various commissions, etc. Councilor O'Beirne would also like to see a portion of the dollars saved returned to the Town, not just put back into a revolving fund.

Councilor Johnson does not feel that having a staff person will make that much of an impact. Mr. Steever stated there are grants available to maximize opportunities and a staff person would help take advantage of those opportunities.

Councilor Peruzzotti expressed a willingness to accept the report. She also prefers the "seriously consider" verbiage and would like to develop a plan of action before grabbing at grants. She stated these are very tough times right now and she can not support hiring someone for this specific issue when the Town is losing people in other areas. In addition, she is not sure what a permanent task force could accomplish without a staff person. Mr. Steever stated that the current Task Force has hit a wall and they have been frustrated by the lack of response from Town Planning staff. Councilor Peruzzotti noted that Planning is very busy with other projects including Mystic Streetscape and they are working with a reduced budget. Now may not be the time to undertake this effort.

Councilor Flax also expressed concern with the wording of the recommendations. He is concerned that identified strategies may cost the Town money that it is not able to spend. Mr. Steever suggested that the recommendations are a starting point. Councilor Flax suggested regionalizing the effort. Mr. Steever stated that would be difficult under the current setup.

Mayor Streeter agreed with the concerns about the wording of Recommendation 1. He also does not feel that an Office of Climate Change and Sustainable Community and a staff position are feasible at this time. He noted that the temporary Task Force did a great job and now efforts must be directed at smaller "chunks."

Mr. Steever reiterated that the Task Force is asking for the Town Council's support and political commitment.

Mayor Streeter objected to statements in the Final Report, and noted that not everyone agrees with the science of climate change.

Councilor Sheets thanked Mr. Steever and the Task Force members for their efforts.

Councilor Johnson asked for four separate referrals on the recommendations. Mayor Streeter feels the Council should review the recommendations first.

A motion was made by Councilor Peruzzotti, seconded by Councilor Sheets, to recommend a resolution accepting the final report, thanking the Task Force, and indicating that the Council will continue to deliberate on the recommendations of the report.

Discussion followed on establishing a permanent task force. The Town Manager suggested that the Town Council may want to deliberate on a permanent task force's duties before appointing a task force. Councilor Peruzzotti suggested that the recommendations of the Climate Change Task Force be referred to Group II. Mayor Streeter made the referral.

The motion carried unanimously

The Committee of the Whole recessed at 8:25 p.m. and returned at 8:35 p.m.

2010-0215

Community Access Television Application to DPUC

Discussed

Town Attorney Mike Carey, Library Director Betty Anne Reiter, and Video Specialist Shawn Greeley were present to update the Council on the Town's application. Attorney Carey provided a history of the issue. In 2005 there was a docket at DPUC to designate SEC-TV as a third party provider for community access television. The application was withdrawn in 2006 and the docket was closed without prejudice. In March 2009, SEC-TV asked that the docket be reopened and DPUC reopened it in April. An August 5, 2010 letter from Mike Carey to DPUC provides a complete history. Mediators were appointed for meetings between TVCC, Comcast, SEC-TV and possibly the Cable TV Advisory Board. Legal issues arose between the closing and reopening of the docket. A statutory change allowed DPUC to designate non-profit third party providers for cable franchises, but there was a question because the cable providers are not franchisees. Although there was a recognized gap in the statutes, a decision was made by DPUC to continue with the process. Mr. Greeley then expressed concerns with how the proceedings might impact the Town of Groton and its ongoing provision of education and government access. As a result, the Town sought permission to participate in the mediation proceedings. As an alternative, the Town asked to be designated as a third party provider for government and education access within the Town of Groton and that it receive community access funding based on the number of subscribers. At an August 6, 2010 mediation meeting, Comcast and TVCC representatives asked if the Town would be willing to take over ALL community access. The proposal was brought to the Town Council and authorization granted to file an application.

Mr. Carey stated he is not sure how DPUC will handle the multiple applications at this point. The application submitted by the Town was very impressive in terms of content and comprehensiveness. The Town of Groton has facilities and could jump in and be up and running if designated as the provider. SEC-TV can not.

Councilor Sheets asked for clarification of the dispute and the potential effect on the Town. Mr. Greeley noted one concern is Groton's access. Channels 2 and 19 have for many years been run by the Town. The Town has invested in plant, equipment and programming. SEC-TV proposes cutting the Town's operation to provide access for other towns rather than pushing the cable companies to provide additional public access channels. If SEC-TV's application is approved, they will control Channels 2 and 19.

Councilor O'Beirne expressed concern with the lack of a public record for the Town proceedings and questions why the discussion was in executive session. He questions the benefit to the Town.

Mr. Greeley noted that the Library started video production in 1976 providing the origin of community access interest. Mr. Greeley and Ms. Reiter reviewed highlights of the Town's

application.

Mr. Greeley explained that if the Town's application is approved, Comcast's equipment would be moved to this operation. Start up costs would be negotiated with the cable companies.

Councilor Johnson does not believe that SEC-TV is interested in taking over Channel 2. He expressed concern with free speech issues. Ms. Reiter noted that the Library is based on the idea of free speech and would follow all federal broadcasting laws. If there were any censorship concerns, they could be brought to the Cable TV Advisory Committee. All shows would be taped in a non-public area. Councilor Johnson stated he would like to see the Town work with SEC-TV and consider renting space to them.

Mr. Greeley reiterated some of his concerns with SEC-TV taking over community access. Councilor Flax expressed support for the Town's submission. He is insulted that people think the Town can not run a fair community access operation. Both groups have a right to submit an application and it is up to DPUC to decide.

Councilor Sheets asked if the Town can successfully discharge its responsibility to provide public access to other communities. Mr. Greeley stated that the Town will provide equipment and training, but it is up to the groups themselves to do the programming. There are currently three community access channels available and there is an abundance of time on Channel 12. If the three existing channels fill up, the Town could petition for additional channels. The Town's proposal is also supported by the Superintendent of Schools.

Councilor Johnson noted that it is not a fair process for the Town to go up against a small non-profit. Attorney Carey stated that the Town is not putting SEC-TV "out of business" since they are not "in business". He noted that a question has been raised about whether a municipality has the right to be a cable access provider and the statutes are unclear since there is no expressed authority or prohibition.

A motion was made by Councilor Johnson, seconded by Councilor O'Beirne, Jr., to withdraw the Town's application to be a third party provider if SEC-TV agrees to allow the Town to keep the rights to Channel 2 (but not Channel 19).

Councilor O'Beirne feels that if SEC-TV gets the franchise, there should be mediation about how Channels 2 and 19 would be handled in the future. Councilor Kolnaski feels that DPUC should decide the matter.

The motion failed by the following vote:

Votes: In Favor: 1 - Councilor Johnson
Opposed: 6 - Mayor Streeter, Councilor Flax, Councilor Kolnaski, Councilor O'Beirne, Jr., Councilor Peruzzotti and Councilor Sheets

2010-0124 Review of Town Council Goals

Discussed

Mayor Streeter noted that the Thames Street and Phase II School projects are going to the RTM tomorrow night. Councilor Peruzzotti reported that the Town-wide Property Maintenance Code is under consideration by Group II. Councilor Sheets noted that the Climate Change Task Force final report has been completed and accepted. Councilors Watson and Monteiro, both absent, will provide an update on the Parks and Recreation Master Plan in the future. Councilor Johnson noted that the Economic Development Commission is looking at tools to promote growth. The School Reuse Task Forces continue to meet diligently, chaired by Councilors Kolnaski and Flax.

2011-0064 Public Hearing on FYE 2012 Proposed Budget

Discussed

The Town Manager reviewed potential public hearing dates and changes to the draft budget

review schedule. The consensus of the Council was to hold the budget public hearing on March 28th at 7:30 p.m., based on the availability of the Senior Center.

A motion was made by Councilor Peruzzotti, seconded by Mayor Streeter, that this matter be Recommended for a Resolution.

The motion carried unanimously

2010-0172 FYE 2012 Budget

Discussed

The Town Manager will be distributing the budget on March 15th. The Town received a legal opinion from Attorney Bates regarding the City and Groton Long Point's budget submissions, which has been passed on to the Town Attorney. The Town Manager proposed a special meeting of the Committee of the Whole on March 15th at 6:30 p.m. to meet with the Town Attorney to discuss the issue. Mayor Streeter asked that the City provide narrative descriptions for their budget request.

7. Consideration of Committee Referral Items as per Town Council Referral List

Recommended for Deletion:

2010-0210 New London's Request to Use Groton Animal Shelter

Recommended for Deletion

2011-0037 Mystic and Noank Library Study Committee - Update

Recommended for Deletion

8. OTHER BUSINESS

Councilor Sheets reported that on March 24th at 6:30 p.m. at the Groton Public Library a group of concerned citizens will meet regarding CL&P power outages.

9. ADJOURNMENT

A motion was made by Councilor Kolnaski, seconded by Councilor Peruzzotti, to adjourn the meeting at 10:28 p.m.

The motion carried unanimously.