



Town of Groton, Connecticut

Meeting Minutes

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 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, January 5, 2016

6:00 PM

Town Hall Annex - Community Room 1

SPECIAL MEETING

1. CALL TO ORDER

Mayor Flax called the meeting to order at 6:04 p.m.

2. ROLL CALL

Members Present: Mayor Flax, Councilor Barber, Councilor Grim, Councilor Antipas, Councilor Morton, Councilor Nault, Councilor Peruzzotti and Councilor Watson
Members Absent: Councilor de la Cruz

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

3. NEW BUSINESS

2015-0285 Town Council Orientation

Discussed

Town Manager Oefinger stated this item is on the agenda to schedule a time to go over the orientation binder prepared by staff. The Council also needs to schedule a goal setting session. Potential special meeting dates include January 14th and January 16th. The Council decided to return to the discussion later in the meeting. (See additional discussion under #2015-0298 Establishment of a Charter Revision Commission in 1/5/16 Committee of the Whole minutes.)

2015-0005 Pending Litigation (2015 Standing Referral)

Discussed

Town Attorneys Eileen Duggan, Matt Auger, Mike Carey, Bryan Fiengo, and Eric Callahan were present to provide the Council with an update on a variety of lawsuits and claims brought against the Town.

A motion was made by Councilor Barber, seconded by Councilor Morton, that the Town Council, Town Manager Mark Oefinger, and Town Attorneys Eileen Duggan, Matt Auger, Mike Carey, Bryan Fiengo, and Eric Callahan go into executive session at 6:10 p.m. to discuss matters of pending claims and/or pending litigation, and for the purposes of discussing Pettini, to invite Rick Norris to attend.

The motion carried unanimously

Discussed

Councilor de la Cruz arrived during the executive session and joined the Council. The executive session concluded at 7:45 p.m.

The Committee of the Whole meeting recessed at 7:45 p.m. to conduct a Town Council meeting and reconvened at 8:22 p.m.

Roll Call: Members Present: Mayor Flax, Councilor Barber, Councilor Grim, Councilor Antipas, Councilor Morton, Councilor Nault, Councilor de la Cruz, Councilor Peruzzotti and Councilor Watson

2015-0288 Town Attorney Appointment

Recommended for a Resolution

Town Attorneys Eileen Duggan, Eric Callahan, Bryan Fiengo, Matt Auger and Mike Carey were present. Ms. Duggan distributed a basic outline of services and biographies of staff and primary

attorneys at Suisman Shapiro. The firm has been the Town's legal representative since 1984 and serves the Town in a number of capacities. Ms. Duggan noted that principals are directly involved in litigation and are cost conscious. She distributed the hourly billing history noting that fees have increased \$25 over the course of 16 years and only \$5 over the last 12 years. Ms. Duggan emphasized her firm's commitment to and investment in Groton. By virtue of a long history with the Town, the firm brings a tremendous amount of knowledge about the Town's history to the table and provides a sense of continuity; there is no need to reinvent the wheel. The attorneys are accessible and have developed good relationships with department heads.

Councilor Grim asked for the number of hours per year. Although Ms. Duggan did not have the figures, she noted the number of hours has definitely increased due to the complexity of the work. The amount of time spent is driven by the issues.

Councilor de la Cruz noted it is difficult for a new Council to choose a Town Attorney and suggested that the Charter should be changed so that the Council works with the firm for a year to get perspective.

Councilors expressed their individual thoughts about the Town Attorney. Councilor Watson noted that changing firms would be a big expense. The current firm does a great job at a significantly lower hourly rate than the Board of Education's attorney and the Town Manager works well with the firm. Councilor Watson cited the firm's decision to end its relationship with the City of Groton and retain the Town of Groton. Councilor Peruzzotti stated she has never been disappointed with the firm. The attorneys are open, honest, and seek Town Council guidance when necessary. Councilor Peruzzotti also cited the firm's demonstrated commitment to the Town as evidenced by the release of the City. Councilor Barber believes that Town residents want to see change and to see the Town Council do its due diligence so she supports going out to bid. Councilor Morton cited the public perception of a lack of transparency. However, changing Town Attorneys is disruptive. Councilor Morton stated she is very comfortable with the current firm and feels they are the best municipal law firm in Southeastern Connecticut, so she can defend a decision not to issue a Request for Proposals (RFP). Councilor Antipas noted that an RFP would be an exercise in transparency, but as a practical matter, the Council would need to put together a competent RFP and there is not a lot of time to do that. He suggested reappointing the current firm and developing a comprehensive RFP for the future if needed.

A motion was made by Councilor Watson, seconded by Councilor de la Cruz, to reappoint Eileen Duggan as the Town Attorney.

Mayor Flax expressed his support for reappointing the firm, but he would also support the majority if an RFP were desired. Councilor Nault also expressed her support for the firm, having changed her mind about going out to bid from before she was elected. Councilor de la Cruz noted that large corporations do not change their attorneys unless something happens. Discussion followed on the Board of Education's attorneys. Ms. Duggan stated she has worked with Attorney Floyd Dugas for many years and he is a very good attorney. The Board's law firm is comparable to the Town Attorney for education issues; they are involved in many issues, not just negotiations. Ms. Duggan stated that her firm's expertise in board of education work is not comparable so Suisman Shapiro is not equipped to assist on education issues. Councilor Antipas, who has observed Board of Education contract negotiations in the past, expressed support for Attorney Dugas.

The motion carried by the following vote:

Votes: In Favor: 8 - Mayor Flax, Councilor Grim, Councilor Antipas, Councilor Morton, Councilor Nault, Councilor de la Cruz, Councilor Peruzzotti and Councilor Watson
Opposed: 1 - Councilor Barber

2015-0219

FYE 2017 Budget Discussion

Discussed

Town Manager Oefinger stated that the Town is well into budget development at the staff level. Department requests are due in a couple of weeks and the Town Manager will meet with individual

departments in February. Department requests represent what departments think they need. The delta between the requests and the Town Manager's recommendations is based on the discussions with the departments. The Town Manager reminded the Council that he has control over only 30% of the budget; he has no control over the Board of Education, the subdivisions, or debt service. The proposed budget is issued by March 15th and the Council holds a public hearing around April 1st. The bulk of April is spent on Town Council budget review with an additional six to eight meetings worked around school vacation.

The Town Manager reviewed changes to the budget. He noted it is impossible to know revenues before the budget is developed, but he has historically been very conservative in estimating.

The Town will be in a deficit position in current year due to a problem with revenue projections and state rescissions. The shortfall equates to 3.3% of the budget and all departments have been asked to make 3.3% cuts. Mayor Flax noted the need to have a discussion with the Board of Education about how they will address the shortfall.

2015-0298

Establishment of a Charter Revision Commission**Discussed**

Mayor Flax noted that there are many steps involved in establishing a Charter Revision Commission (CRC) and the Council needs to solicit potential members. Discussion followed on advertising for candidates before establishing the CRC since appointments must be made within 30 days of the formation of the Commission. The Town Manager reminded Councilors that they will be very busy with the budget in the upcoming months. He also encouraged the Council to review the Charter and have a discussion about what areas the Council is particularly concerned about.

Councilor Antipas, who is also Chairman of the Republican Town Committee, noted that the political parties do not have to be involved in the process, but in the past they have vetted applicants and submitted names to the Committee of the Whole. If they are going to be involved, the Town Committees will need time to prepare.

Discussion followed on the Council's upcoming schedule and timing to address issues including orientation, goals, and charter revision.

A special meeting was scheduled for January 14th at 6:00 p.m. for one hour of Town Council orientation, followed by a goal setting session. As part of goal setting, the Mayor asked Councilors to review the current charter and come up with initial comments/concerns.

With respect to goal setting, the Town Manager suggested that the Council think in terms of finding common ground among the nine members.

The consensus was to proceed with a solicitation of people interested in serving on a future CRC through the Town's web site, GMTV, and an ad in the newspaper.

4. ADJOURNMENT

A motion was made by Councilor Watson, seconded by Councilor Peruzzotti, to adjourn the meeting at 9:55 p.m.

The motion carried unanimously.