



# Town of Groton, Connecticut

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## Meeting Minutes

### Town Council Committee of the Whole

*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 4, 2014

6:00 PM

Town Hall Annex - Community Room 1

#### SPECIAL MEETING

#### 1. CALL TO ORDER

*Mayor Schmidt called the meeting to order at 6:02 p.m.*

#### 2. ROLL CALL

Members Present: Mayor Schmidt, Councilor Cerf, Councilor Flax, Councilor Frink, Councilor Moravsik, Councilor Peruzzotti, Councilor Somers and Councilor Watson

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

#### 3. NEW BUSINESS

2013-0287

##### Town Attorney Appointment

##### Recommended for a Resolution

*Councilor Moravsik reiterated his desire to issue a Request for Proposals (RFP) for the Town Attorney.*

*A motion was made to issue an RFP for the Town Attorney.*

**Councilor Moravsik read a statement in support of his motion. He cited figures from CCM regarding appointment of town attorneys in various towns and cities. Councilor Cerf was contacted by people who support an RFP to make sure the Town Attorney is competitive. Councilor Flax feels that 26 years with no issues and with no concerns raised by the Town Manager, staff, or outside interests is not sufficient reason to change the Town Attorney. Councilor Peruzzotti stated she is completely happy and comfortable with the current Town Attorney. Councilor Watson agreed they are doing a great job citing their expertise and reasonable rates. Councilor Moravsik suggested that being comfortable with the Town Attorney is not necessarily a good thing; the relationship should be professional not friendly.**

**Discussion followed on the effort to find a new Town Attorney and the Town Manager estimated it is a three month process that would require the Council's involvement to identify desired areas of expertise and other issues. Councilor Somers suggested that new Councilors take some time to work with the current Town Attorney. She reiterated that they have a good reputation and many of the associates live in the community. Councilor Cerf stated that she has heard glowing reports about the Town Attorney, but using the same firm for 26 years without an RFP is not right. Councilor Watson noted that there has been an RFP issued for the Town Attorney in the past and the same firm was chosen. Councilor de la Cruz would support appointing the Town Attorney one year into a new Council's term and every two years thereafter.**

**A motion was made by Councilor Somers, seconded by Councilor Flax, to move the question.**

**The motion carried by the following vote:**

**In Favor: 6 - Councilor de la Cruz, Councilor Flax, Councilor Peruzzotti, Mayor Schmidt, Councilor Somers, Councilor Watson**

**Opposed: 3 - Councilor Cerf, Councilor Frink, Councilor Moravsik.**

**The motion failed by the following vote:**

**Votes:** In Favor: 3 - Councilor Cerf, Councilor Frink and Councilor Moravsik  
Opposed: 5 - Mayor Schmidt, Councilor Flax, Councilor Peruzzotti, Councilor Somers and Councilor Watson

A motion was made by Councilor Somers, seconded by Councilor Peruzzotti, to appoint Eileen Duggan as the Town Attorney, with assistance from other attorneys at the firm of Suisman, Shapiro, Wool Brennan, Gray & Greenberg, P.C., board of education attorneys from Berchem, Moses & Devlin, P.C., and bond counsel from Day Pitney, LLP.

The Town Manager explained that the Council must also appoint other attorneys, and special attorneys (board 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 Moravsik stated he would like to invite the Board of Education and bond attorneys in for a presentation.

The motion carried by the following vote:

**Votes:** In Favor: 5 - Mayor Schmidt, Councilor Flax, Councilor Peruzzotti, Councilor Somers and Councilor Watson  
Opposed: 3 - Councilor Cerf, Councilor Frink and Councilor Moravsik

**2013-0286 Town Council Goals**

**Discussed**

*The only Councilors who had a chance to meet on their goal section are Councilors Flax and Frink. Councilor Frink provided details about suggestions for charter revision. He was asked to provide copies to the entire Council. Although Councilors Moravsik and Peruzzotti have not met, Councilor Moravsik sent information to the Mayor and Town Manager for distribution. He provided an overview of his suggestions. Councilor Peruzzotti stated that she had absolutely no input into the information presented by Councilor Moravsik.*

*Councilors were unable to identify a next meeting date and asked that the item be placed on the February 11th Committee of the Whole meeting agenda to identify another meeting date.*

**2012-0050 Potential Disposition of William Seely School Property**

A motion was made by Councilor Somers, seconded by Councilor Flax, to enter executive session at 6:58 p.m. to discuss 2012-0050 Potential Disposition of William Seely School.

The motion carried unanimously

**Discussed**

*The executive session concluded at 7:30 p.m.*

**4. ADJOURNMENT**

*The meeting adjourned at 7:33 p.m.*