



Town of Groton, Connecticut

Meeting Minutes

Town Council Committee of the Whole

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Town Clerk 860-441-6640
Town Manager
860-441-6630

Mayor Heather Bond Somers, Councilors Dean G. Antipas, Bruce S. Flax, Bill Johnson, Karen F. Morton, Deborah L. Peruzzotti, Rita M. Schmidt, James L. Streeter, and Harry A. Watson

Tuesday, February 12, 2013

6:00 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

1. CALL TO ORDER

Mayor Somers called the meeting to order at 6:05 p.m.

2. ROLL CALL

Members Present: Mayor Somers, Councilor Antipas, Councilor Flax, Councilor Johnson, Councilor Morton, Councilor Peruzzotti and Councilor Streeter
Members Absent: Councilor Schmidt and Councilor Watson

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

3. Calendar and Communications

Councilor Antipas received communications regarding plow damage to a mailbox and an elderly person trapped in their home during the snow storm. Mayor Somers asked Councilor Antipas to give the contact information to the Town Manager for follow up.

Mayor Somers thanked the Police, Public Works Department, Parks and Recreation Department, and Emergency Management staff for their efforts during the snowstorm, which were above and beyond the call of duty.

Councilor Schmidt arrived at 6:08 p.m.

Members Present: Mayor Somers, Councilor Antipas, Councilor Flax, Councilor Johnson, Councilor Morton, Councilor Peruzzotti, Councilor Schmidt and Councilor Streeter
Members Absent: Councilor Watson

4. Approval of Minutes

2013-0051 Approval of Minutes (Committee of the Whole)

RESOLUTION ACCEPTING COMMITTEE OF THE WHOLE MINUTES

RESOLVED, that the minutes of the Town Council Committee of the Whole meetings of January 8, 2013 and January 22, 2013 are hereby accepted and approved.

A motion was made by Councilor Morton, seconded by Councilor Johnson, to adopt.

The motion carried unanimously

Councilor Watson arrived at 6:09 p.m.

Members Present: Mayor Somers, Councilor Antipas, Councilor Flax, Councilor Johnson, Councilor Morton, Councilor Peruzzotti, Councilor Schmidt, Councilor Streeter and Councilor Watson

5. UNFINISHED BUSINESS

None.

6. NEW BUSINESS

2013-0004 Joint Meeting with City of Groton (2013 Standing Referral)

Discussed

Hillsberg, and Timothy Umrysz were present to meet with the Council on the City's FYE 2014 budget request as outlined in the charter. Mayor Galbraith distributed a summary of the City's highway budget, which shows a decrease of 6.4%. She also provided a breakout by five cost centers; a financing plan; personnel and operating expenses; a full time employee analysis; and FTE salaries and wages.

Mayor Galbraith noted that the information is available earlier than it has been in previous years because of a charter revision in the City. The budget has been approved by the City Council.

Mayor Galbraith provided a list of the City's highway equipment.

Councilor Flax asked how much the operating budget was reduced as a result of the road bond. Mayor Galbraith noted that material costs were removed from the operating budget and stated that she will bring the specific information to the budget review session.

Mr. Umrysz described the vehicles identified for replacement.

Councilor Antipas questioned what the City's understanding is of the Town's responsibility for the roads. Mayor Galbraith stated that the Town is responsible to provide the money necessary to maintain, repair, and construct roads and streets. By charter, the City has the authority to maintain and repair its own roads. The question of who could do it cheaper is a moot point.

Mayor Galbraith responded to specific questions noting that snow and ice includes overtime and materials. Street lighting costs are separate and appear in the Town's budget. The Town Manager explained that the decision was made in the mid- to late-1970s that the Town should pay all street lighting expenses rather than the individual fire districts. Mayor Galbraith explained butside charges under the financing plan.

Mayor Somers stated that she has reviewed the Town and City charters and the definition of maintenance and repair of sidewalks is vague. She feels it is important to have a definition so that the Town's specific obligation is known. The Town Manager explained that a number of opinions have been generated over the years, but what do the words in the charter mean today versus when they were written. Roads are maintained differently now than in the past. The Town Council has three options with respect to funding the City highway budget -- propose new clarifying legislation; go the arbitration route; or enter into a memorandum of understanding. Reasonable people need to come to a reasonable understanding.

Councilor Flax stated that the Town and City have an obligation to figure out how best to work together. He feels that the Town tries to get information from the City, but there are walls up. He has the same issue with the multiple police departments. Mayor Galbraith suggested that she has bent over backwards to answer every question that has been asked of her including trying to come up with an apples to apples comparison. Neither the Town nor the City is in a position to take over maintenance of the entire road system. Discussion followed on looking at efficiencies.

Councilor Morton asked about sharing resources (vehicles and equipment for example). Mayor Galbraith noted that the Town and City tend to use the same type of equipment at the same time.

Councilor Watson asked for a better explanation of "engineering." Mr. Umrysz explained that the engineering group is responsible for sight lines, surveying, reporting, monitoring the storm water prevention program, and preparing plans in-house. Mayor Somers asked how those tasks apply to roads. Mr. Umrysz noted that engineering also conducts inspections and the funding is for two people. Mayor Somers asked if the two people spend 100% of their time on maintenance of roads and streets and Mr. Umrysz replied that they spend 100% of their time on highway."

Councilor Streeter asked for an update on the Thames Street project. Mayor Galbraith noted that the project will be out to bid by the end of February and begin in the spring. The plans were modified in front of the property where the City could not obtain an easement. The project will be done in sections (north and south sections and then the middle).

2013-0005

Joint Meeting with Board of Education (2013 Standing Referral)**Discussed**

Board of Education Chairman Kirsten Hoyt, Interim Superintendent John Ramos, and Business Manager Carolyn Dickey were present.

Town Councilors received a draft of the Superintendent's budget which is based on level service, and a handout showing areas that have increased and areas of potential savings. The Board of Education will be discussing the budget and its implications over the next few weeks.

Councilor Schmidt asked about the costs for social security and Medicare, which she thought were paid for by the state. Ms. Dickey noted those figures are associated with substitutes, other support staff, and some teachers.

Ms. Hoyt explained that the list of potential savings (including specific positions) represents talking points for the Board of Education budget review.

Councilor Watson noted that a missed filing date for a Federal Impact Aid Grant has resulted in a significant penalty of \$234,000. He asked if there is any evidence that the document was faxed by staff. Ms. Dickey noted that school officials have reached out to various persons for relief from the penalty to no avail.

In response to Councilor Johnson, Ms. Hoyt noted that the increases in legal fees are based on past experience; the increase in tuitions is associated with students outplaced to magnet schools; and increased in transportation are associated with redistricting.

Councilor Streeter asked where the funds have come from to pay two superintendents and legal fees. Ms. Hoyt noted that the costs have impacted the children but it had to be done.

Councilor Flax questioned the increased revenues from the state. Mayor Somers noted that the funds may not impact the Minimum Budget Requirement (MBR). Only other sources of revenues would be grants. Councilor Flax questioned enrollment projections and the proposal to cut language. Ms. Hoyt stated these are brainstorming ideas only; the Board has had no discussions on impact.

Councilor Flax suggested that everything on the table is designed to tug at the heart strings and there are no administrators on the list. Dr. Ramos stated his approach has been to stay away from lightning rod issues. He worked with administration at every level, solicited input from the unions, and conferred with Central Office staff. The increases are associated with the loss of ARRA funding and Ed Jobs funding. Councilor Flax was under the impression that the federal money was to be spent on non-recurring items. Dr. Ramos stated that the Ed Jobs funding was used for positions. Another issue is structuring special education so as not to be over-reliant on paraprofessionals.

Councilor Peruzzotti asked if VNA costs have been discussed. Ms. Dickey explained that those costs are outside of the Board's operating budget and the decrease associated with the middle school consolidation was reflected last year.

Dr. Ramos noted that the Board must also consider the issue of security under possible increases.

Mayor Somers noted that the increase in the cost for teacher evaluations is the result of a state mandate. There is also an increase in transportation costs because of state-mandated redistricting. Mayor Somers noted that this will be an extremely difficult budget. The Governor's budget proposes the elimination of taxes on motor vehicles valued under \$28,000 which equates to \$192,000,000 in the Grand List. Not only is there an increase in expenses, there is a decrease in revenues resulting in difficult choices that no one takes lightly.

With respect to the Federal Impact Aid penalty, Ms. Dickey explained that she has contacted the Board's liaison/advocate in Washington. The data was filed electronically, but the signature page was not faxed and the Town must live with the consequences. Mayor Somers stated she would like to see preventative action to make sure that this does not happen again. Mayor Somers asked for a summary with back up data to take to the NLC conference.

Ms. Hoyt reviewed the Town's pre-K (not required) versus the pre-school (required) programs.

The Committee of the Whole recessed at 7:30 p.m. The meeting resumed at 7:40 p.m.

2012-0228

Noank Fire District Response on Noank School Reuse

Discussed

Paul Bates introduced members of Noank's Noank School Reuse Committee (Mike Noel, Dexter Holaday, Katherine Rathbun, Ray Johnson, and Brian Burdick).

Mr. Burdick reviewed a PowerPoint presentation designed to provide an overview of the full presentation binders provided to Councilors.

The Committee's goal is to provide adequate information to allow the Town to decide about entering into a lease with the fire district for the Noank School. Mr. Burdick reviewed the background of the effort.

The Committee's efforts involved reconfirming their vision, re-reviewing the site analysis and confirming the conditions, developing a phased approach to refurbishment, investigating funding sources, and drafting a detailed plan.

Mr. Burdick reviewed phasing, noting three sections of the building (north, mid-section, and south). There are exterior issues that warrant immediate correction. Mr. Burdick reviewed the Committee's recommendations which include refurbishing the interior of the south section for initial use of the building. The electrical system is adequate with heating, ventilation, and air conditioning representing the biggest interior issue. The water and sewer systems are adequate. Rooms and corridors would be cleaned and painted. Potential uses for the site are storage and display space for historical societies; a music school; office/studio space; and public gatherings, shows, and celebrations in the auditorium.

The Committee's rough order of magnitude estimate for initial refurbishment is \$300,000 to \$440,000. The group has engaged a state representative about possible grant funds, but they need a formal agreement with the Town to proceed. The group may petition fire district residents for an increase in district taxes.

Mr. Burdick stated that the Committee is requesting a lease agreement with the Town. With the agreement in place, the group would refurbish and open the building for public use. The Committee would then provide a plan for further refurbishment based on public acceptance and enthusiasm. If residents choose not to fund the project, the Committee would cease its efforts.

Councilor Streeter asked if the building would revert to the Town if the fire district ceases its efforts, thereby making the Town responsible for demolition and Mr. Burdick stated yes. Mr.

Burdick stated that Noank residents voted to proceed with the project at a public meeting. Liability insurance would be provided by the fire district. In response to Councilor Peruzzotti, Mr. Burdick noted that there are 1600 to 1800 residents in the Noank fire district. The vote on the project was 46 to 9 in favor.

In response to Councilor Flax, Mr. Bates stated there would be contingency funds in the budget for the project. Councilor Flax asked if Public Works personnel can assess the information that has been provided by Noank, but the two entities have already met and come to an understanding that the difference in renovation numbers is the result of different approaches. Councilor Flax questioned building safety and securing the portions of the building not being used. Mr. Bates explained that the group will install locked partitions for environmental and access control.

Discussion followed on issues such as payment of prevailing wage, and lead and asbestos abatement issues. Councilor Johnson asked if the building would be rented out and Mr. Bates stated that they would ask for contributions to defray operating expenses. Operating and maintenance costs were discussed. The entire exterior will be repaired and maintained and there will be no heat or water in unused spaces.

Councilor Antipas expressed concern with the Town's position if Noank's project fails. Additionally, he would like to have a better feel for what the rest of the fire district thinks about the proposal. Mr. Bates feels that people are aware that the school has been closed, has been used for other uses, and will be used in the future. More people attended the meeting on the Noank School than have attended district meetings in the past and Mr. Bates feels this is a worthwhile effort for Noank. Mr. Holaday explained that the group has promised Noank residents transparency throughout the process. If the lease is granted, the group will explain the proposal to the fire district and seek their support.

Mayor Somers questioned if the fire district is seeking a grant or bond money and Mr. Bates indicated that it would be a grant through the state bond process. The Mayor stated she would like a vote of the fire district on the proposal before a lease is signed. She questioned what will happen if the money from the state is not received. Mr. Bates explained that they must first be in a position to ask the state for money before they can explain to the fire district how much the project will cost district taxpayers. Discussion followed on gauging the support of the district and determining if the land and building will be leased together or separately.

Councilor Flax suggested wording the lease such that it becomes null and void if the project is not supported by the Noank fire district voters.

Town Manager Oefinger agreed that the Council needs to discuss lease of the building versus the land. Instead of a lease, there could be a Memorandum of Understanding for a certain period of time to give the fire district time to secure a grant and/or get authorization from the fire district to bond/borrow money. The Council must decide how much of a guarantee it wants that the Town will not end up with the building again in the near future. Ms. Rathbun noted that the group is looking for a Memorandum of Understanding first.

Councilor Schmidt questioned who will manage the project and programs. Mr. Bates explained that they will create an administrative process similar to other programs like the LaGrua Center or Pawcatuck Neighborhood Center.

In response to Councilor Streeter, Mr. Bates noted that Representative Wright mentioned a \$300,000 grant, but no timing or guarantees were offered. The Town Manager suggested that the Council could establish a time limit such as the end of the legislative cycle. There is no money in the Town's proposed CIP to demolish the building. It is currently a low maintenance operation, but the maintenance cannot be open ended. The Council needs to formulate under what

conditions they can move forward.

A motion was made by Councilor Schmidt, seconded by Councilor Flax, to enter into a Memorandum of Understanding (MOU) with the Noank Fire District regarding the reuse of the former Noank School.

Town Manager Oefinger stated he needs to know what the content of the MOU will be and the Council must identify what it wants in the agreement. Mayor Somers suggested that Councilors read through the information and forward questions/comments to her. Councilor Johnson feels the discussion should precede the vote on the MOU. The motion and second were withdrawn.

2010-0215 Community Access Television Application to DPUC

Discussed

Discussion of this item was tabled to a future date to be determined.

2013-0023 Town Police Presence/Jurisdiction in Schools

Discussed

Councilor Watson asked for this referral for the safety of children. He noted that with West Side in the City and Cutler in the Town, the Director of Buildings and Grounds for Groton Public Schools must deal with two different police chiefs on security issues. Councilor Watson has had discussions with the City Mayor and Chief of Police, as well as the Town's Police Chief, and Councilor Watson is concerned with issues that may affect response times. For nine schools, the Town is in command and for one, the City is in command, although all units would respond in an active shooter scenario. Discussion followed on the police presence at West Side Middle School. Councilor Watson stated he will have further discussions with the police about protocols.

2013-0049 Department of Agriculture Aquaculture Division Interaction with Shellfish Commission and Noank Hatchery

Discussed

Councilor Watson has requested a meeting with the Commissioner of the Department of Agriculture about some issues of concern to the Noank Hatchery. The meeting is scheduled for February 21st at 9:30 a.m. at the Noank Hatchery.

2013-0052 Non-Resident Taxpayer Voting Authorization

Discussed

Mayor Somers requested this referral because some people were unable to vote in the road bond referendum. This issue has been discussed by the Council in the past. Mayor Somers provided an overview of the issue and supported allowing non-resident taxpayers to vote. Councilor Morton asked if both non-resident owners and their resident renters would be allowed to vote, which would result in two votes for one property. Councilor Schmidt asked about the voting rights of business owners. She also noted that the Town would need separate voting machines and separate ballots making the process very complicated. Councilor Schmidt questioned the percentage of people actually affected by this restriction.

Councilor Antipas provided the following statistics: 32 voters in 2007, 0 in 2005, 121 in 2004, 107 in 2003, and 242 in 2002. The practice was not allowed in 1997. Councilor Antipas noted this is a matter of state law. He disagreed with the 2000 memo suggesting that the Town may not have had the ability to allow non-resident taxpayers to vote. The Town Attorney's opinion is that under the new charter, non-resident taxpayer voting is not allowed. Discussion followed on the history of the practice and how it was affected by charter revision.

In response to Mayor Somers, the Town Manager indicated he would check on the ability of the Town to conduct a limited charter revision effort.

2013-0053 National League of Cities (NLC) Conference

Discussed

Councilor Watsons, Peruzzotti, Antipas, and Flax and Mayor Somers expressed an interest in attending the conference. Federal impact aid and military housing tax exemption were noted as topics to discuss with legislators at the event.

2013-0048**FYE 2014 Budget****Discussed**

The Town Manager provided an overview of the governor's budget and impact on the Town. One major element is the proposed elimination of the ability to tax automobiles valued below \$28,000, which would be a local option the first year and law the second year. In Groton, the motor vehicle grand list is \$192 million, with only \$15 million above the \$28,000 value level. This proposal would result in \$3.2 million in lost revenue for Groton, and the shortfall would have to be made up by property and business owners.

Mayor Somers suggested, and the Council concurred, that the Council send a formal letter expressing extreme aversion to the proposal. The Town Manager asked if the Council would like to meet with local legislators.

The text of the governor's budget address as well as the OPM and CCM assessments of the impact on Groton were provided to the Council. The Council also received information on the Grand List which is down 1.3%, primarily in personal property.

The Town Manager noted the need to establish the FYE 2014 budget review schedule.

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

None.

8. OTHER BUSINESS

The Council tentatively cancelled its regular meeting scheduled for February 19th, provided that the Mystic Little League Junior Softball All-Stars are available to receive their proclamations on another Town Council meeting night.

9. ADJOURNMENT

A motion was made by Councilor Watson, seconded by Councilor Flax, to adjourn the meeting at 10:45 p.m.

The motion carried unanimously.