



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, March 11, 2014

6:00 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

1. **CALL TO ORDER**

Mayor Schmidt called the meeting to order at 6:03 p.m.

2. **ROLL CALL**

Members Present: Mayor Schmidt, Councilor de la Cruz, Councilor Flax, Councilor Frink, Councilor Moravsik, Councilor Peruzzotti and Councilor Watson
Members Absent: Councilor Cerf and Councilor Somers

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

3. **Calendar and Communications**

None.

4. **Approval of Minutes**

2014-0079 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 February 11, 2014, February 18, 2014, February 25, 2014, and March 1, 2014 are hereby accepted and approved.

A motion was made by Councilor Watson, seconded by Councilor Moravsik, to adopt.

The motion carried unanimously

5. **UNFINISHED BUSINESS**

None.

6. **NEW BUSINESS**

2014-0080 North Stonington Road Bridge - Update

A motion was made by Councilor Watson, seconded by Councilor Peruzzotti, that members of the Town Council Committee of the Whole, Town Manager Mark R. Oefinger, Director of the Town's Department of Public Works Gary Schneider and Town Attorney Eric Callahan go into executive session at 6:05 p.m. pursuant to General Statutes Section 1-200(6)(B) for the purpose of discussing strategy and negotiations, including but not limited to possible settlement discussions, related to pending litigation and/or pending claims concerning the North Stonington Road Bridge, James P. Purcell Associates, Inc. (now known as Alfred Benesch and Company) and issues with civil engineering services performed in relation to said bridge.

The motion carried unanimously

Discussed

Councilor Cerf arrived at 6:07 p.m. and joined the executive session.

The executive session concluded at 6:35 p.m.

Roll Call: Members Present: Mayor Schmidt, Councilor Cerf, Councilor de la Cruz, Councilor Flax, Councilor Frink, Councilor Moravsik, Councilor Peruzzotti and Councilor Watson
Members Absent: Councilor Somers

A motion was made by Councilor Watson, seconded by Councilor Moravsik, that this matter be Recommended for a Resolution.

RESOLUTION AUTHORIZING NEGOTIATION AND SETTLEMENT REGARDING NORTH STONINGTON ROAD BRIDGE

WHEREAS, on March 11, 2014, the Town Council Committee of the Whole, during its regular meeting, met in executive session with the Town Manager, Director of the Department of Public Works and Town Attorney to discuss strategy and negotiations, including but not limited to possible settlement discussions, related to pending litigation and/or pending claims concerning the North Stonington Road Bridge, James P. Purcell Associates, Inc. (now known as Alfred Benesch and Company) (Benesch) and issues with consulting engineering services performed in relation to said bridge, now therefore be it

RESOLVED, that:

1. The Town Attorney, Director of the Town's Department of Public Works and Town Manager are hereby authorized to negotiate a settlement agreement between the Town of Groton and Benesch pertaining to the North Stonington Road Bridge, based on parameters discussed during said Executive Session; and

2. If such a settlement is negotiated, the Town Manager is hereby authorized to accept and execute the settlement agreement on behalf of the Town of Groton once approved by the Town Attorney, and to perform all acts ancillary thereto.

The motion carried unanimously

2013-0125 City of Groton FYE 2014 Highway Budget - Request for Mediation

A motion was made by Councilor Flax, seconded by Councilor Frink, that the members of the Town Council Committee of the Whole, Town Manager Mark R Oefinger, and Town Attorney Matt Auger enter into executive session at 6:37 p.m. pursuant to General Statutes Section 1-200(6)(B) for the purpose of discussing strategy concerning the upcoming budget negotiations with the City of Groton and to receive an update on the recently concluded Committee hearing related to the FYE 2013 City Highway Budget.

The motion carried unanimously

Discussed

The executive session concluded at 7:25 p.m.

2014-0024 Connecticut Open Space and Watershed Land Acquisition Program Funding - GOSA Request for Application Endorsement Recommended for a Resolution

Joan Smith, president of GOSA, was present to address the Council. Ms. Smith distributed information on the Tilcon property and asked for the Council's endorsement of GOSA's Open Space and Watershed Land Acquisition grant application. Ms. Smith reviewed the location of the property and the physical constraints, noting that a connection with the Downes-Patterson parcel would be extremely difficult. The parcel is zoned industrial, residential, and commercial. An appraiser hired by GOSA feels the highest and best use for the property is six house lots. Ms. Smith stated the property, which contains a pitch pine forest, has high conservation value. The property has also been identified as an alternate location or the tri-town trail.

John Sutherland, who has worked with GOSA, noted Councilors' previous concerns with the development potential of this site. GOSA has revised the program so that the grant application will include only three (instead of five) parcels. The residential parcels (available for six potential

building lots cited by the appraiser) are no longer part of the application. The industrially zoned property has no development potential due to access, topography, and wetlands. Open space would be conducive to a certain lifestyle that people like. Mr. Sutherland stated the Planning and Conservation Commissions have supported GOSA's application.

Councilor de la Cruz questioned the need to designate the property as open space if it is undevelopable. Ms. Smith feels it is an important aspect of stewardship and will better protect and manage the property. Mr. Sutherland added that Tilcon wants to get rid of the property, but no one has expressed any interest in it. He reiterated that realistically the property is not developable.

Councilor Frink noted a number of open space parcels in the Town that are tax-exempt and subsidized by taxpayers. He does not feel that now is the time to take the property off the tax rolls, especially when it is not likely to be developed.

Ms. Smith noted that this parcel will help complete a greenbelt of GOSA properties in an overall plan for conservation.

Councilor Cerf stated that she and Councilor Moravsik walked the property today and they do not feel there is much development potential. She asked GOSA to provide more parking at the properties it acquires.

Mr. Smith stated that Tilcon is asking \$1,025,000, for the parcel, but GOSA will negotiate that price. GOSA has not done a boundary survey, but the grant application includes a list of parcel identification numbers. Despite the topography, there is a network of trails that makes the property accessible by foot. Discussion followed on which parcels are included in the application.

Councilor Flax stated he does not support the application. He suggested that there are few pieces of developable land in the Town and the parcels not included in the application have the greatest slopes. He asked if there are other parcels identified by GOSA for acquisition. Councilor Flax also asked if GOSA would be willing to include a caveat not to fight any development on the remaining land if the Town Council endorses the grant application. Ms. Smith stated that she would rather have a discussion with the Town about the disposition of the remaining parcels. Discussion followed on the possible scenarios for disposition of the remaining parcels. Councilor Flax suggested that the Council obtain additional information on the property's potential from a development professional. Ms. Smith noted the deadline for the grant application is March 31st.

In response to Councilor Peruzzotti Ms. Smith stated that GOSA owns the Merritt property, the Sheep Farm, and Candlewood Ridge. The state restricts motorized vehicle access but any further rules would be developed by GOSA.

Councilor Moravsik feels that only a portion of the property is developable and the quarry pit is dangerous and a liability. Councilor de la Cruz noted a potential use of the property could be for ATV and snowmobile enthusiasts.

A number of Councilors indicated that they were not ready to vote and they would like additional information. Town Manager Oefinger asked if Councilors would like to tour the property.

A motion was made by Councilor Peruzzotti, seconded by Councilor de la Cruz, to not support an endorsement of GOSA's application at this point based on the Council's discussion and to discuss the parcel's development potential with a consultant at a later date.

Flax stated he will attempt to visit the property before the end of the month.

The motion carried by the following vote:

Votes: In Favor: 5 - Mayor Schmidt, Councilor de la Cruz, Councilor Frink, Councilor Peruzzotti and Councilor Watson

Opposed: 3 - Councilor Cerf, Councilor Flax and Councilor Moravsik

2014-0081

Application for State Financial Assistance - Fusconi Property

Discussed

Last year the Town acquired the former Fusconi Drycleaner's property on Crystal Lake Road. There has been significant testing and clean-up of the site and the building has been demolished. The state indicated its willingness to provide additional funding if the clean-up of the site was more expensive than estimated, thus the application for funding through the State Department of Economic and Community Development (DECD). Town Manager Oefinger provided an overview of the project's benefits.

Gary Schneider, Director of Public Works, noted that staff time counts toward the 10% match for the grant.

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

Councilor Cerf asked how much material must be removed. Mr. Schneider stated 400 cubic yards of soil will be tested as it is removed. Contamination will be removed to meet applicable thresholds. Although the Town cannot guarantee the amount of material to be removed, significant testing has been done and the state has committed additional funding if necessary.

The motion carried unanimously

2014-0084

Chelsea Groton Bank Foundation Grant - Trail Brochure

Discussed

Mark Berry, Director of Parks and Recreation, described his request to apply for a \$1,500 grant from the Chelsea Groton Foundation to print 1,000 trail brochures that will highlight the numerous trails throughout Groton. Maps will be produced in-house. No matching funds are required.

A motion was made by Councilor Flax, seconded by Councilor Watson, that this matter be Recommended for a Resolution.

The motion carried unanimously

2014-0059

Policy on Assignment of Playing Fields

Discussed and Recommended no action taken

Mark Berry, Director of Parks and Recreation, was present to address how fields are allocated to the numerous user groups in the Town. He reviewed the priority list and percentage of time that fields are used by various groups. Maintenance of Poquonnock Plains occurs after or between seasons. Parks and Recreation also works closely with the Board of Education and youth groups. The problem is the result of insufficient field space, youth sports that are now multi-seasonal, children playing multiple sports at the same time, and multi-layered programs. Councilor Watson asked if Title 9 affects field scheduling and Mr. Berry indicated it is not a consideration when scheduling fields.

Councilor Flax asked if there is room to improve such as addressing overscheduling of the field. Mr. Berry noted there is not enough staff to check the fields. Councilor Flax also suggested charging for use of the field by adult groups or outside groups. Programs should be combined when groups are competing with Parks and Recreation programs. He also suggested that Board of Education and Parks and Recreation fields be combined from a scheduling and coordination standpoint.

Councilor Frink asked if field shortages have been quantified. Mr. Berry explained that funds were approved in last year's CIP for development of fields on the Merritt property. The

consultants, Kent and Frost, have gathered data from youth leagues and are developing an analysis of exact needs.

Councilor de la Cruz noted that Grasso Tech uses other fields because their field is "water damaged." He suggested that they be approached to turn them over to the Town. Jerry Lokken noted a recent request from Grasso Tech for space for their baseball team. The Kent and Frost plan looks at opportunities for the Town to work with Grasso Tech. The Town Manager noted extensive negotiations with Grasso Tech about taking the fields over in the past, but they were never concluded on the state's end.

Councilor Cerf questioned the use of pesticides on the fields. Mr. Berry stated that the fields are closed during pesticide application and all guidelines are followed. Staff has been attending sessions on treating the fields organically, but the success is not as great and it is more expensive. Councilor Cerf strongly recommended that the money be spent on organic management.

2014-0083

Senior Center/William Seely School Room Rental Policy**Discussed**

Mark Berry, Director of Parks and Recreation, is requesting a change in the policy for room rental at the Senior Center and William Seely School. The department is receiving an increasing number of requests from the community for meeting rooms. Renting the rooms would be a revenue generator and cover expenses for the building monitor. Funds would be deposited into the special revenue fund so there would be no impact on taxes.

Mary Jo Riley, Director of the Senior Center, noted room requests from a local horticultural group in town and groups that conduct business seminars. All requests are from Groton residents. The policy has been reviewed by the Parks and Recreation Commission and the Town Attorney.

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

Councilor Frink expressed concern with the Town competing with the private sector. Ms. Riley stated the kitchen will not be rented out. Mr. Berry stated the Town's fees are competitive, not deeply discounted. Councilor de la Cruz agreed with the competition concern and supported restricting the use to non-profits. Councilor Cerf asked about liability issues. Councilor Flax noted that the Library rents out rooms and this is a potential revenue source. Councilor Peruzzotti expressed support for the policy.

The motion carried unanimously

Councilor Watson left the meeting.

Members Present: Mayor Schmidt, Councilor Cerf, Councilor de la Cruz, Councilor Flax, Councilor Frink, Councilor Moravsik and Councilor Peruzzotti

Members Absent: Councilor Somers and Councilor Watson

2014-0085

Annual RTM Budget Meeting**Discussed**

The RTM annual budget meeting is recommended to be scheduled for Wednesday, April 30, 2014 at 7:00 p.m. at the Groton Senior Center.

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

The motion carried unanimously

2013-0291

Adoption of Rules for Twenty-Ninth Town Council**Discussed**

Councilor Frink provided an overview of the most recent changes to the document.

Councilor Watson returned to the meeting.

Roll Call: Members Present: Mayor Schmidt, Councilor Cerf, Councilor de la Cruz, Councilor Flax, Councilor Frink, Councilor Moravsik, Councilor Peruzzotti and Councilor Watson
Members Absent: Councilor Somers

Discussed

As noted in the minutes, the issue of electronic participation in meetings was discussed and the Committee agreed that such a rule should be developed and proposed for a future revision to the Town Council rules.

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

The motion carried unanimously

2013-0286 Town Council Goals

Discussed

Councilor Cerf would like to see a greater emphasis on information technology and she is disappointed that more of her goals are not included in the final draft. Councilor Frink suggested a minor revision to the second goal on charter revision. Councilor Flax noted that the Council did discuss Councilor's Cerf's goals and she has valid points, but even if her goals are not included she can still focus on her areas of interest.

A motion was made by Councilor de la Cruz, seconded by Councilor Peruzzotti, that this matter be Recommended for a Resolution.

The motion carried unanimously

2014-0071 Historic Documents Preservation Grant (2015)

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

The motion carried unanimously

2014-0076 Groton Rotary Grant - Groton Sailing Program

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

The motion carried unanimously

2014-0009 Joint Meeting with Board of Education (2014 Standing Referral)

Discussed

A joint meeting with the Board of Education has been scheduled for March 18th at 6:00 p.m. Potential topics of discussion identified are the FYE 2015 budget, the status of Fitch Middle School, an update on School Facilities issues, and school security funding. Councilor Frink suggested shared services and Councilor Peruzzotti suggested new mandates.

The Town Manager provided an overview of the Board of Education's discussion on the School Facilities Initiative the previous evening. The Board will be meeting on March 31st with a consultant, which will hopefully lead to the updating/verification of their educational specifications. The Vision Statement and educational specifications from the Board of Education are essential for the School Facilities Task Force to continue its work.

2014-0075 Request for Financial Incentive - LBI, Inc.

Discussed

This item will be on the March 25th Committee of the Whole meeting agenda. A tour of the facility for Town Councilors was scheduled for Monday, March 24th at 4:30 p.m.

Cerf requested a walk-through of Fitch Middle School and Noank School for interested Councilors. A tour of Noank School was scheduled for Monday, March 24th at 1:00 p.m. Councilors attending will be Frink, Moravsik, and Cerf, and Mayor Schmidt.

2012-0050 Potential Disposition of William Seely School Property

Not Discussed

2014-0089 Presentation by Goman and York Property Advisors, LLC

A motion was made by Councilor Moravsik, seconded by Councilor Frink, to invite Jay Fisher of Goman and York to make a presentation to the Committee of the Whole on March 25th.

Town Manager Oefinger asked how and why this firm was selected and if they expect to be paid. Councilor Moravsik stated the presentation is free..

The motion carried unanimously

2014-0090 Heritage Park Proposal - Request for Letter of Endorsement

Discussed

Mayor Schmidt noted a request for the Town Council to endorse the Thames River Heritage Park concept. Councilors also received additional information from local legislators by e-mail. In response to Councilor Frink, the Town Manager explained this is not a zoning program, but a marketing program. Town Manager Oefinger provided an overview of the project's history. The Council indicated its desire to endorse the project and provide a letter of support.

A motion was made by Councilor Watson, seconded by Councilor Moravsik, that this matter be Recommended for a Resolution.

The motion carried unanimously

2014-0065 Police Chief Appointment

Discussed and Recommended no action taken

Town Manager Oefinger stated that he needs to identify an acting Police Chief, but he has not done that because he is not sure what the Town Council's concerns are. He noted that discussions about the Police Chief appointment cannot be held in executive session. The Deputy Chief is filling the role of Chief, but the Town Manager wants to officially appoint an Acting Chief. The Police Chief position will be filled through an outside solicitation, which also allows current employees to apply. A full-blown solicitation will take three to four months. There are policies and practices in place for advertising the position, and the Town will probably involve the law enforcement council and ask other chiefs to serve on the interview panel.

Councilor Flax addressed the overall environment of the Police Department stating that something isn't right. He would like to see an outside search because there has been a chain laid out up to a new chief and many people in the department have expressed dissatisfaction. Groton police officers are passionate about their work and they want to see a successful department. There has not been enough recognition of officers.

Councilor Frink stated he would like to see someone who will be successful in moving the recommendations of the police study forward and who will embrace the study.

The Town Manager expressed his utmost faith in Deputy Chief Steve Smith who has been functioning as Acting Chief since the beginning of December. The Town Manager also supports an outside recruitment process and noted that the Town almost always does an open solicitation unless restricted by labor contract.

Councilor Watson noted it is the Town Manager's job to appoint an Acting Chief and hire a new Chief by the Charter, and he supports the process outlined by the Town Manager.

Councilor Cerf asked if there is a way for the Town Council to collaborate with the Town Manager on the appointment noting that having some input would make the Town Council more comfortable. Town Manager Oefinger stated that he appreciates and welcomes input from Councilors similar to what Councilor Frink conveyed. An interview panel determines the certified

list and the hiring process is the job of the Human Resources Department. The Town Manager makes the ultimate decision. If the Council does not have confidence in the Town Manager's ability to make the appointment, Councilors' concerns should be discussed as part of the Town Manager's evaluation which has not been done. Town Manager Oefinger continued noting that if the Council doesn't like the job that the Town Manager is doing, the Council owes it to him to have a discussion as a Council of nine.

Councilor Frink asked that if other Councilors give the Town Manager input it be shared with the rest of the Council.

Councilor Peruzzotti has spoken to the Town Manager about staff and he is very open to listening to Councilors. She is appalled that the Manager's evaluation has not been completed and she apologized. Town Manager Oefinger noted discussions last June about the Manager's role in conveying the Council's budget message to the RTM, but there was never any follow up discussion. She feels that getting involved with the hiring process is not the Council's business and Councilor Cerf has overstepped her bounds. Councilor Peruzzotti feels it is unfair to question the Town Manager's ability. Councilor Peruzzotti has received telephone calls and like Councilor Flax, she wanted to make sure that it would an outside application process to make sure all bases are covered. She asked that the Town Manager evaluation be placed on an agenda as soon as possible.

Flax noted that hiring from within is healthy for business, but sometimes there is a longstanding culture that exists that is not conducive to hiring from within. He agreed that the Town Council should not be looking at resumes, and should have confidence in the Town Manager that he will choose the best person. The Council's input is important though.

Mayor Schmidt expressed complete confidence in the Town Manager's abilities and she looks forward to his appointment of an Acting Chief and proceeding as outlined, following the Town's policies and procedures.

Councilor Watson stated that the Council needs to make an effort to finish meetings by 10:00 p.m. He expressed support for and complete confidence the Town Manager making hiring decisions.

Mayor Schmidt concluded by adding that Mark Oefinger is well-respected and well-known, and the Town is very fortunate to have him as the Town Manager.

2014-0069

Complete Review of Office of Planning and Development Services with Hiring Freeze until Review Complete

Discussed and Recommended no action taken

Town Manager Oefinger stated he is not sure what the Council is looking for with this referral. If the Town Council wants to pull the economic development function out of Planning, it is the Council's decision, but the Town needs a Director of Planning no matter where economic development is located. The department has been decimated over the years due to unsubstantiated budget cuts. It will take three to four months to fill the position. The Town Manager noted that there has been a lot of misinformation spread in the last few weeks and he is not sure that anyone in the department would want to be Acting Director given the current atmosphere. Similar to the Police Chief position, there will be an outside search with applications initially reviewed by Human Resources staff, followed by an interview panel, then appointment by the Town Manager from a certified list. Councilor de la Cruz expressed support for a candidate with experience in downtown development and distressed communities. The Town Manager encouraged a larger discussion if the Town Council desires it.

Councilor Moravsik made a motion to adjourn, but there was no second.

Councilor Cerf stated there have been too many complaints about the Planning Department. She

expressed her respect for the Town Manager, but feels that there have been mistakes and the Town Council should have input. Councilor Frink stated he is not in favor of a hiring freeze for the Planning Department.

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

None.

8. OTHER BUSINESS

There will be a special meeting of the Personnel Committee at 5:45 p.m. on March 18th to interview an applicant for the Housing Authority.

9. ADJOURNMENT

A motion was made by Councilor Frink, seconded by Councilor Watson, to adjourn the meeting at 10:43 p.m.

The motion carried unanimously.