



# 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 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*

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Tuesday, May 27, 2014

6:00 PM

Town Hall Annex - Community Room 1

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#### REGULAR MEETING

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1. **CALL TO ORDER**

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

2. **ROLL CALL**

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

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

3. **Calendar and Communications**

*None.*

4. **Approval of Minutes**

**2014-0166 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 May 12, 2014 and May 13, 2014 are hereby accepted and approved.

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

**The motion carried unanimously**

5. **UNFINISHED BUSINESS**

*None.*

6. **NEW BUSINESS**

**2009-0124 Ethics Ordinance**

**Discussed**

*Former Town Councilor Dean Antipas and Town Attorney Mike Carey were present to discuss the draft ethics ordinance with the Council.*

*Mr. Antipas provided an overview of the ethics ordinance effort, which was initiated pursuant to the 2009 charter that requires the Council to adopt an ethics code. A subcommittee was formed to prepare an ordinance. The effort started with a survey of ethics codes from other towns to provide a comprehensive framework to consider the issues. Ultimately, a draft ordinance was reviewed by the Ethics Task Force and the Town Council resulting in some revisions. The previous Town Council did not move forward with the effort. Mr. Antipas noted that just because the ordinance has been drafted does not mean it has to be adopted. The decision for the current Council is whether or not to proceed with this code or begin a different effort.*

*Councilor Watson arrived at 6:10 p.m.*

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

**Discussed**

*Councilor Moravsik asked if the code includes provisions for revision and Mr. Antipas stated it is an ordinance like any other with the amendment procedure outlined in the Town Charter. Mr. Antipas compared this effort to instituting the blight code. Once it is instituted, the Council must monitor its impact and revisit the code as necessary.*

*In response to Councilor Flax, Mr. Antipas explained that the Task Force initially took a very broad approach and looked at many ethics issues that are not usually seen around the state. It is up to the Council whether to include certain provisions or not. Another issue that requires Town Council review is how an ethics commission would be composed. The ordinance outlines some suggested strictures.*

*Councilor Somers asked about the status of the Council of Governments' (COG) proposal to establish a regional ethics commission. Attorney Carey provided an opinion that the COG did not have the authority to create a regional ethics commission. Some effort was made to approach legislators to amend the statutes to give the COG the authority, but nothing has come of it. COG's proposal was a fall back in case municipalities had difficulties with certain complaints.*

*Councilor Cerf asked why the process was not finished and Councilor Antipas stated this was a volunteer effort, it was not a high priority, and no schedule was imposed.*

*Town Attorney Carey noted that most of his questions and comments have been addressed, but there are a few remaining. It is a policy matter whether or not the Council wants to adopt the ordinance. Mr. Antipas added that there has been a reluctance to undertake such a large project, noting that a code like this is a solution looking for a problem in many ways. He cautioned the Council to be careful that the ethics code doesn't become a tool for political purposes.*

*Councilor Frink asked about the difference between a code of ethics and a conflict of interest. Mr. Antipas explained that the differences cannot be quantified, but if a conflict arose, it would likely be a conflict of interest (self-dealing). Mr. Carey explained that the Town Charter does not spell out a process for investigating and acting on a conflict, which the ethics code would do. The charter is silent on an enforcement agency for conflicts of interest.*

*Mr. Antipas noted that there was a question about whether the ethics code would apply to the political subdivisions and Board of Education. It was determined that the code would not apply to the City, Groton Long Point, or the fire districts as a policy matter. Mr. Carey explained that the primary statute differentiates between entities for purposes of establishing an ethics code for employees.*

*Councilor Cerf stated that the charter obliges adoption of an ethics ordinance and she feels this one should be finished. Mr. Antipas stated there are no impediments to finishing the draft, if the Council wants to. He would like the draft to be circulated among the boards, commissions, and Board of Education to which it would apply. Mr. Carey agreed with Mr. Antipas' assessment and stated he will forward his final comments to the Town Manager.*

*Councilor Peruzzotti noted that he Council when with a light version of the blight ordinance and she asked if there have been any issues with it. The Town Manager stated there have been no major issues, but the ordinance has been used by staff to prod people along. Councilor Peruzzotti state she is comfortable with the Town Council reviewing a final draft and moving it along.*

*Councilor Flax stated this is a very thorough document, and he is mildly concerned that the Town is creating something that will cause problems and additional costs, but he feels the Council should move forward with the next step.*

*In response to Councilor Cerf, Councilor Somers suggest that Councilor Cerf confer with Mr. Antipas on her questions. Councilor Somers feels that any egregious parts of the ordinance can be revisited. The Town Manager shared the concern that the ethics ordinance could be used as a tool to take other actions. Councilor Somers noted the issue of requiring an ethics code can be reviewed by the Charter Revision Commission.*

*Councilor Moravsik expressed support for finishing the existing code and distributing it for Council review at the next Committee of the Whole meeting.*

*Mr. Antipas reiterated that it is critical for the Council to look at how the ethics commission is created and whether or not it is feasible with the strictures proposed.*

*Mayor Schmidt summarized by asking Councilors to forward their questions to the Town Manager so that Mr. Antipas can finalize the draft ordinance and forward it to the Town Council for review. Councilors agreed with the plan by consensus.*

2013-0248

**Presentation by Town's Actuary**

**A motion was made by Councilor Somers, seconded by Councilor Watson, that the members of the Town Council Committee of the Whole, together with Town Manager Mark Oefinger, Assistant Town Manager Doug Ackerman, Human Resources Director Robert Zagami, Pension Actuary Timothy Ryor, and Town Attorneys Ryan Jaziri and Eileen Duggan go into executive session at 6:38 p.m. The purpose of the executive session is to discuss strategy and/or negotiations with respect to upcoming pension and retiree health collective bargaining negotiations with multiple units. This action is taken without prejudice to the Committee's right to discuss these matters in a private meeting pursuant to Connecticut General Statutes §1-200 (2).**

**The motion carried unanimously**

**Discussed**

*The executive session concluded at 7:57 p.m. The Committee recessed until 8:03 p.m.*

2014-0142

**Establishment of Tax Rate for General Fund (FYE 15)**

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

*Councilor Flax asked if changing the amount of money committed for future tax relief would affect this resolution setting the mill rate and Sal Pandolfo, Director of Finance, stated yes.*

*A motion was made by Councilor Flax, seconded by Councilor Moravsik, to amend the motion to set aside \$1.8 million in FYE 2016 and \$900,000 in FYE 2017 and use \$900,000 to reduce the mill rate for FYE 2015.*

*Councilor Watson noted that the proposal equates to a quarter mill decrease. Councilor de la Cruz stated that the Town knows the decrease in the grand list is coming, and it is responsible to put the money aside.*

*Mr. Pandolfo reviewed the allocation of fund balance in the FYE 2015 Adopted Budget. He noted that using \$2,345,000 of fund balance for the FYE 2015 budget already puts the Town behind in the next budget year.*

*Councilor Frink agreed with Councilor de la Cruz. Councilor Moravsik feels the money should go back to the taxpayer and the Town needs to hold back and cut staff.*

*Councilor Flax noted that the mill rate has decreased since the start of the budget. The Town has increased spending by \$3 million and there is no impact. He feels it is wrong to continually put money away and spend it.*

*Councilor Cerf noted that the Pfizer buildings will not come back, but the Town is using the extra*

money to increase spending. She noted that some Councilors are trying to cut positions that are not really needed and she feels that spending the money is the wrong approach.

Councilor de la Cruz noted that realistically the budget will not be cut \$1.8 million dollars. There are certain things that the Town needs.

A motion was made by Councilor Watson, seconded by Councilor Frink, to move the question.

The motion failed by the following vote:

In favor: 5 - Councilors de la Cruz, Frink, Moravsik, Watson, and Mayor Schmidt

Opposed: 4 - Councilors Somers, Flax, Cerf, and Peruzzotti

(Although the Mayor declared that the motion passed, adoption by two-thirds vote is required.)

The motion to amend the motion carried by the following vote:

In favor: 6 - Councilors Moravsik, Somers, Flax, Cerf, Peruzzotti, and Mayor Schmidt

Opposed: 3 - Councilors de la Cruz, Frink, and Watson

Councilor Peruzzotti noted that she was confused about the motion under consideration and her vote was not cast correctly.

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

**Votes:** In Favor: 6 - Mayor Schmidt, Councilor Cerf, Councilor de la Cruz, Councilor Flax, Councilor Moravsik and Councilor Somers

Opposed: 2 - Councilor Frink and Councilor Watson

Abstain: 1 - Councilor Peruzzotti

**2014-0143 Establishment of Tax Rate for Mumford Cove District Fund (FYE 15)**

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

The motion carried unanimously

**2014-0144 Establishment of Tax Rate for Groton Sewer District Fund (FYE 15)**

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

The motion carried unanimously

**2014-0147 Resolution Committing \$2.7 Million for Future Tax Relief**

Discussed

The resolution will be modified to reflect \$2.7 million rather than \$3.6 million as per the discussion under referral #2014-0142 Establishment of Tax Rate for General Fund.

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

The motion carried by the following vote:

**Votes:** In Favor: 6 - Mayor Schmidt, Councilor Cerf, Councilor de la Cruz, Councilor Flax, Councilor Moravsik and Councilor Somers

Opposed: 3 - Councilor Frink, Councilor Peruzzotti and Councilor Watson

**2014-0153 Appointment to Zoning Commission**

Discussed and Recommended no action taken

Councilor Flax stated he had a statement he wanted to read. Councilor Cerf raised a point of order noting that this item failed in committee and the rules should be suspended to add it to the agenda for discussion. Discussion followed. Councilor Watson noted that because both

*applicants' appointments failed in committee, members of the Personnel Committee could ask for reconsideration at their next meeting or someone else should be found to fill the position. Councilor Moravsik suggested that the three alternates on the Zoning Commission be interviewed.*

*Mayor Schmidt suggested the issue could be referred to the Rules Committee if necessary.*

*A number of Councilors expressed support for allowing Councilor Flax to make a statement. Councilor Somers then asked that Councilors be recognized by the Mayor before speaking.*

*A motion made by Councilor Somers, seconded by Councilor Watson, to suspend the rules to allow Councilor Flax to make a statement regarding the appointment to the Zoning Commission.*

*Councilor Flax stated he would not make a statement and suggested that the Council move on.*

*The motion and second were withdrawn.*

2014-0112

### **Request for Proposals to Review Zoning Regulations and Plan of Conservation and Development**

#### **Recommended for a Resolution**

*Councilor Frink noted that funds were approved in the FYE 2015 budget under Legislative Policy. One proposed effort is to review the Zoning Regulations from the viewpoint of an applicant. Councilor Frink worked with Councilor Moravsik and reviewed with Sue Sutherland a proposal for a Request for Qualifications (RFQ). Distributed and reviewed an amendment to the Request for Proposal detail sheet that was distributed in the agenda packet along with an example from the Zoning Regulations that could be clearer. Councilor Frink does not feel the POCD needs to be reviewed at this time.*

**A motion was made by Councilor Frink, seconded by Councilor Moravsik, to authorize the Town Manager to initiate and issue a Request for Qualifications to perform a review of the Groton Zoning Regulations as outlined on the draft RFQ detail sheet, Attachment 3 to the May 27, 2014 agenda for the Committee of the Whole, as amended, and to take all necessary steps to obtain qualifications for the review no later than August 1, 2014.**

**Councilor Somers stated she supports an effort to make the regulations more clear, but she questioned the cost. She also would like to see the process more efficient and streamlined. Councilor Frink explained that the RFQ is just to get an outsider's review at this point and he estimates it will cost \$5,000 to \$10,000 and take two to three days.**

**The motion carried unanimously**

2014-0164

### **Police Chief Recruitment**

#### **Discussed**

*This issue was discussed at the last Committee of the Whole and the PERF proposal was subsequently distributed to the Council. As the Town Manager noted and Councilor Flax confirmed, there are free services available to assist with recruitment. The intent of using a firm like PERF is to help with a community profile and to work with stakeholders to identify desirable attributes in a police chief, which the Town Manager does not believe the other groups offer. If the Council does not feel that those two steps are important, the Town's Human Resources Department can work with the Connecticut Police Chiefs Association on the recruitment.*

*Councilor Moravsik stated that he cannot support spending money on PERF and the community profile is not a big deal. Councilor Somers asked if there is an opportunity to create a Superintendent of Police to oversee all three departments in Town, and Councilor Moravsik pointed out that the existing charters would not allow that. Councilor Somers expressed support for hiring an Interim Chief to see how the person fits with the community. Councilor Frink suggested that Human Resources develop a schedule to have the position filled by January 1, 2015 and that they provide recommendations on the process.*

*The Town Manager reiterated that he worked with Human Resources and they feel there would be value in bringing someone in from the outside to write community and position profiles. However, Human Resources staff is perfectly capable of conducting the recruitment just like any other recruitment with no problems.*

*Councilor Flax expressed support for using the Connecticut Police Chiefs Association. Councilor Cerf would like to conduct a search similar to the one conducted for the Superintendent of Schools that involved various stakeholders. Councilor Watson stated it is the Town Manager's job to hire the Police Chief. Councilor Somers stated that councilors can send specific requests or suggestions about the appointment to the Town Manager. Councilor Moravsik stated the job description should be reviewed by the Council.*

*Councilor Cerf noted that she had something to say, but it would require the council to go into executive session. The Town Manager explained that there must be a stated subject for an executive session. If the discussion involves an individual, that individual must be notified. Councilor Moravsik stated the subject involves allegations about how the previous police chief was hired, which is a personnel matter. It was decided that the matter would be discussed during the executive session on the Town Manager annual evaluation.*

**2013-0156 Town Manager Annual Evaluation (2013)**

**A motion was made by Councilor Somers, seconded by Councilor Flax, to enter executive session at 9:13 p.m. to discuss referral 2013-0156 Town Manager Annual Evaluation (2013).**

**The motion carried unanimously**

**Discussed**

*Councilor Watson left the executive session at 9:25 p.m. The executive session concluded at 10:10 p.m.*

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

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

*None.*

**8. OTHER BUSINESS**

*It was noted that a request for a referral to meet with state legislators regarding the Minimum Budget Requirement and education funding can be handled under the standing referral 2014-0012 Meeting with State Legislators.*

*Councilor Frink stated he would determine councilors' availability for a tour of Crystal Lake Road and get back to the Town Manager.*

**9. ADJOURNMENT**

*The meeting adjourned at 10:15 p.m.*