



Town of Groton, Connecticut

Meeting Minutes

Town Council Committee of the Whole

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Groton, CT 06340-4394
Town Clerk 860-441-6640
Town Manager
860-441-6630

Mayor James L. Streeter, Councilors Bruce S. Flax, Bill Johnson, Catherine Kolnaski, Deborah B. Monteiro, Frank O'Beirne, Jr., Deborah L. Peruzzotti, Paulann H. Sheets, and Harry A. Watson

Tuesday, October 11, 2011

7:00 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

1. CALL TO ORDER

Mayor Streeter called the meeting to order at 7:02 p.m.

2. ROLL CALL

Members Present: Mayor Streeter, Councilor Flax, Councilor Johnson, Councilor Kolnaski, Councilor Monteiro, Councilor O'Beirne, Jr., Councilor Sheets and Councilor Watson
Members Absent: Councilor Peruzzotti

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

3. Calendar and Communications

None.

4. Approval of Minutes

2011-0190 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 meeting of September 27, 2011 are hereby accepted and approved.

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

The motion carried by the following vote:

Votes: In Favor: 6 - Councilor Flax, Councilor Johnson, Councilor Kolnaski, Councilor Monteiro, Councilor O'Beirne, Jr. and Councilor Watson
Abstain: 2 - Mayor Streeter and Councilor Sheets

5. UNFINISHED BUSINESS

None.

6. NEW BUSINESS

2011-0009 Labor Negotiations (2011 Standing Referral)

A motion was made by Mayor Streeter, seconded by Councilor Sheets, that the members of the Town Council, together with Town Manager Mark Oefinger, Manager of Labor Relations Joyce Sauchuk, Town Attorney Eileen Duggan, and Board of Education Attorney Floyd Dugas go into executive session at 7:38 p.m. for the purpose of discussing strategy and/or negotiations with respect to collective bargaining between the Board of Education and the Custodial bargaining unit. This action is taken without prejudice to the Council'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 ended at 7:56 p.m.

A motion was made by Councilor Watson, seconded by Councilor Monteiro, to approve the pension provisions of the Board of Education Custodians Agreement as presented in executive session.

The motion carried unanimously

A motion was made by Mayor Streeter, seconded by Councilor Watson, that the members of the Town Council, together with Town Manager Mark Oefinger, Manager of Labor Relations Joyce Sauchuk and Town Attorney Eileen Duggan go into executive session at 7:57 p.m. for the purpose of discussing strategy and/or negotiations with respect to current and pending collective bargaining with multiple bargaining units. This action is taken without prejudice to the Council'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 ended at 8:22 p.m.

A motion was made by Mayor Streeter, seconded by Councilor Watson, to recess the Committee of the Whole meeting at 8:23 p.m. to conduct a special meeting of the Town Council.

The motion carried unanimously.

2011-0175

October 2011 Revaluation - Update

Discussed

Director of Finance Sal Pandolfo, Assessor Mary Gardner, and Debra Christy from Tyler/CLT were present to address the Council. Mr. Pandolfo reviewed a PowerPoint presentation noting that the Town's mission with the revaluation is to assess all property at a uniform rate of 70% of the present and actual value. Mr. Pandolfo reviewed the revaluation process and the timetable leading to the budget process in March 2012. Tax bills will be due and payable July 1, 2012. Both new and old assessments will be publicized on the Town's web site.

Ms. Christy explained that the law requires revaluation every five years, and it was last done in the Town of Groton in 2006. Not every property is affected equally by revaluation. Ms. Christy described the process to collect data and value properties. Notices of new assessments will be mailed to taxpayers in November. Ms. Christy described residential versus commercial valuation, and the differences between fee and mass appraisal. Mass appraisal includes statistical tests to prove accuracy. Ms. Christy reviewed the dangers associated with on-line Automated Valuation Models (AVM). Appointments with Tyler/CLT regarding assessments will be held in November. Finally, Ms. Christy reviewed a variety of properties showing the prior year appraised value, assessed value, and recent sales price.

Councilor Watson asked about the value of cars. Ms. Gardner noted they may have increased slightly. Tyler/CLT appointments will be held at the Town Hall Annex and the calendar is being finalized. Ms. Gardner reviewed the appeals process.

2010-0215

Community Access Television Application to DPUC

Discussed

Town Attorney Mike Carey, Betty Anne Reiter, and Shawn Greeley were present to provide an update for the Council on the Town's application pending before DPUC. Mr. Carey provided a history of the issues and a timeline of the filings with DPUC by SECTV, and then the Town in 2010, to become a third party public access provider for Comcast and Thames Valley Cable Communications. There are ongoing questions about DPUC's jurisdiction in designating a cable access provider (CAP) due to 2007 statutory changes. Mr. Carey described the Town's initial communication raising jurisdictional issues; requesting that the Town be allowed to participate in mediation among the various parties; that the Town be designated the third party provider for education and government access within Groton if the process continued; and that the Town receive any community access funding due to it under state and federal regulations. Mr. Carey reiterated that the purpose of the Town's more active involvement in the process was to protect its interest in operations and facilities and providing high quality services.

Early in 2011, the Town applied on its own to be designated a cable access provider. A comprehensive application was prepared by Town staff and submitted to DPUC. In subsequent communications from and with DPUC, Comcast now maintains that the local franchisee has inherent authority to appoint a cable access provider and have DPUC bless the memorandum of understanding. Comcast has also indicated that SECTV has some sort of confidential, written agreement with Comcast which has been sealed by DPUC. Over the summer, Comcast submitted a request for dismissal to DPUC (denied) or to appoint SECTV the cable access provider (status unknown). Both applications remain pending at DPUC and the Town awaits further information from DPUC.

Mayor Streeter asked if the Council wanted to discuss the issue further in executive session. Councilor O'Beirne objected to having any discussion in executive session. He noted the Town was willing to have both applications before DPUC closed out, but not just the Town's. He questioned how much has been spent on the issue by the Town Attorney. Mr. Carey responded that to date, 106 hours have been billed at \$15,355. There are an additional 2.8 hours unbilled, plus today's time. Mr. Carey stated that the Town would not object if both dockets were closed, but he does have a problem with the idea that the Town's application should be closed, but not SECTV's application. Again, Attorney Carey suggested that any further strategy discussions should be conducted in executive session. The Town's application is public information.

Councilor O'Beirne asked if there has been any discussion about the Town being the cable access provider/contractor for Comcast, and Attorney Carey stated no. Comcast has only identified SECTV. Mr. Carey finds no statutory authority for such a process and DPUC has not taken a position at this point with respect to any statutory issues. Mr. Carey reviewed the problems with the legislation.

Councilor Flax agreed that the Committee of the Whole should try to stay out of executive session if possible. He does not feel the Town should withdraw its application and noted there would be an imbalance if the Town withdraws and SECTV does not.

Councilor Sheets feels the public has been misled about the role of government in broadcasting. Mr. Carey noted the issue of censorship is dealt with in the Town's application, which includes a detailed appeal process if anyone feels they have been discriminated against in broadcasting.

Councilor Monteiro expressed concern with the predetermination in SECTV's statement that Comcast supports SECTV's application. She feels the Town was encouraged by Comcast to apply to be a third party provider. Now circumstances have changed and she feels like games are being played.

Councilor Johnson noted that as a private company, SECTV does not have to disclose information, but the Town does. SECTV has indicated that they will give the Town the government channel. Councilor Johnson feels it would be best to submit a joint application to maintain the status quo. Mr. Carey stated that would not be an unreasonable outcome. The Town's primary interest is in protecting what it has rather than becoming a cable access provider.

Mayor Streeter expressed offense at the suggestion that the Town would participate in censorship. He questioned the impact on the Town's channels if the SECTV application is approved. Mr. Greeley explained that if the SECTV application is approved, the two channels for education and government would be shared by all towns. Comcast has denied all requests by the Cable TV Advisory Council for additional channels since 1991. Providing additional channels in digital format would be very easy and all towns would be able to have their own channels. It would not be fair to any town to have to share the time, and the Town's programming would be cut.

Councilor O'Beirne is not concerned that the Town would censor programming. He is concerned

about the perception of government control of the local access channel. Councilor O'Beirne does not feel that the Town has the right to more than its fair share of public access time just because we have been doing it for years and other towns have not.

Mr. Greeley explained that under the previous legislation, cable franchises had to provide education/government access to each town if there was a proven need. Towns had to provide a certain amount of programming to qualify. After many years of petitioning Comcast and providing programming for Channel 12, Comcast provided the education and government channels. The Town had to pay for some of the infrastructure. The Cable TV Advisory Council was supportive and provided a grant. If the two channels are divided other services will be lost such as emergency services' ability to provide information to residents during hurricanes, for example. The simple solution in the digital world is to provide channels for each town.

Town Manager Oefinger feels the issue is whether to continue with the application before DPUC or not. He would recommend continuing with the application because the Town must be at the table to be able to negotiate. The Town entered the process to protect the Town's investment. As Councilor Monteiro stated, the Town was encouraged to enter into the process and recent developments raise serious concerns about Comcast's motivations. There is a lot of misinformation being generated. The Town is perfectly happy running Channel 2 and Channel 19, and collecting the fees that should be coming to the Town. Those fees have never been provided to the Town and there is a question as to where the fees have been going. The Town wants to protect its interests and keep the discussion on track.

Mayor Streeter polled the Committee about whether or not they want to continue with the application before DPUC. The consensus was to continue with the application.

2010-0232 Acquisition of Spicer Property, Thomas Road

A motion was made by Mayor Streeter, seconded by Councilor Monteiro, that members of the Town Council, along with Town Manager Mark Oefinger, Director of Planning and Development Mike Murphy, and Town Attorney Mike Carey, go into executive session at 9:40 p.m. for the purposes of discussion of the potential acquisition of certain real estate on Thomas Road pursuant to General Statutes Sec. 1-200(6)(D).

The motion carried unanimously

Discussed

The executive session concluded at 10:06 p.m.

2011-0189 Groton Education Foundation Grant - Senior Center

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

The motion carried unanimously

2011-0193 Thames Street - State Financial Assistance

Discussed

Town Manager Oefinger explained that the State has awarded the Town a \$500,000 grant for design of the Thames Street project. The Town Manager asked for the Council's authorization to sign the letter of acceptance.

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

The motion carried unanimously

2011-0188 Town Manager Annual Evaluation

Not Discussed

This item will be discussed at the next Committee of the Whole meeting.

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

None.

8. **OTHER BUSINESS**

Mayor Streeter noted that the Committee of the Whole will be discussing goals at the next meeting.

9. **ADJOURNMENT**

A motion was made by Councilor Kolnaski, seconded by Councilor Monteiro, to adjourn the meeting at 10:10 p.m.

The motion carried unanimously.