Town of Groton, Connecticut

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Meeting Minutes - Draft

Town Council Committee of the Whole

Mayor Rita M. Schmidt, Councilors Genevieve Cerf, Joe delaCruz, Bruce S. Flax, Bob Frink, Rich Moravsik, Deborah L. Peruzzotti, Heather Bond Somers and Harry A. Watson

Tuesday, December 10, 2013 | **6:00 PM** | **Town Hall Annex - Community Room 1**

REGULAR MEETING

1. CALL TO ORDER

Mayor Schmidt called the meeting to order at 6:00 p.m.

2. ROLL CALL

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

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

3. Calendar and Communications

Councilor Cerf received a call about the proposed cell tower.

4. Approval of Minutes - None

5. UNFINISHED BUSINESS

None.

6. NEW BUSINESS

2013-0179 Planning and Zoning Issues

Discussed

Sue Sutherland, Susan Marquardt, and Bill Middleton from the Zoning Commission were present to address the Council. Ms. Sutherland distributed and read a prepared statement.

Councilor de la Cruz arrived at 6:10 p.m.

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

Discussed

Ms. Sutherland's statement included a list of open items for consideration by the Zoning Commission and items that have been completed.

Councilor Watson asked if other commissioners had input into the document or had any comments. Ms. Sutherland noted that she prepared the statement and it was not reviewed by the Commission.

Councilor Somers recalled a conversation about the Zoning Commission establishing goals. Mr. Sutherland explained that Planning staff is busy and all Zoning Commissioners have things they are working on. Discussion followed on the Zoning Regulations. Councilor Somers asked Town staff is supportive of the Commission and Ms. Sutherland said that staff is supportive and brings the Commission new ideas and expertise. There is a good collaborative relationship. With respect to combining the Planning and Zoning Commissions to stream line the development process, Ms. Sutherland suggested that the first step is to streamline the zoning regulations. She also noted that the Planning Commission is extremely busy and the Zoning Commission has a legal role to fulfill.

Susan Sayer, a member of the Commission who arrived during the discussion, suggested that the fact that Diane staffs both the Planning and Zoning Commissions may be positive and assist applicants in the process. Ms. Sutherland does not feel that any hold ups are occurring at the Zoning Commission. She noted that there are time limits established by statutes.

Councilor Frink asked for metrics of time so that application flow can be understood. He suggested that all efforts should be synchronized to creating a business-friendly environment. Ms. Sutherland suggested that it would helpful for the Commission to know the Town Council's goals.

Councilor Flax stated he would like other Zoning Commissioners to review and comment on Ms. Sutherland's prepared statement. He feels it is unfair to attack staff without staff being present to comment. Ms. Marquardt noted the Zoning Commission minutes are very generic. Over time, the Commission has been very rude to staff and consultants who come before the Commission. She feels the situation may be better with Diane Glemboski as staff. Councilor Flax noted the contentious times with Town Attorney Carey. Ms. Sutherland expressed a concern that the Town Attorney can dominate the meeting and she noted personal attacks on Commissioners including FOI requests.

Councilor Cerf noted she was involved with the process of rewriting the regulations when it first started and she noted an attempt to remove discretionary powers of the commissions. She expressed understanding for commissioners' defensiveness.

Councilor Watson expressed concern that Ms. Sutherland's statement was not received by the rest of the Zoning Commission.

Ms. Sutherland reiterated that receiving the Council's goals would be helpful and she invited Councilors to attend Zoning Commission meetings on the first Wednesday of the month at 7:00 p.m.

Councilor Peruzzotti, who has been on the Appointments Committee for some time, noted that the Zoning Commission has been very disruptive. Attempts have been made to mend relationships. Although the Commission may use Robert's Rules well, how people are treated is something completely different. She suggested that everyone move forward and treat each other with respect.

Mr. Middleton recently went through the development process. He explained that he is comments were not as a commissioner, but as a developer. He suggested that the Council look at the whole process and how difficult it is to navigate. He personally was involved in renovating an existing building and a process driven by compliance with modern codes. Mr. Middleton feels it is more expensive to develop in Groton than other towns and there are road blocks getting through the staff process. Councilor Frink asked Mr. Middleton to document the process.

Councilor de la Cruz agreed there are a lot of hurdles and he suggested comparing the Town's process to other towns. Mr. Middleton noted that there problem is not the commissions, it is getting to the commissions.

Councilor Flax noted complaints he is aware of and asked that Planning staff be invited in to talk about the development process.

Councilor Somers recognized Rod Desmarais. Mr. Desmarais who is developing the Central Hall building agreed with Mr. Middleton and noted some of the difficulties with his project. He has not had many problems with the commissions, but staff comments present additional hurdles. He does not feel the program works in Groton and combined commissions may help.

Mayor Schmidt thanked everyone for coming and noted that economic development is a top priority. The Zoning Commission was asked to come back in a month or two to give the Council a chance to review Ms. Sutherland's statement.

Ms. Marquardt asked how commissioners' associations with other boards and commissions affect their decisions on the Zoning Commission and economic development.

Councilor Peruzzotti clarified that the Appointments Committee strives for balanced and objective boards. If the Appointments Committee asks about a commissioner's affiliation with another group, it is to create a balanced Town board. Ms. Sayer stated it is not clear to her how that is a conflict or how it affects someone's decision making.

2013-0274 Cell Tower at Former Noank School Property

Discussed

Town Manager Oefinger explained that the Town recently received a proposal from a cell tower contractor asking if the Town would consider installation of a cell tower on the former Noank School property. Two alternatives were proposed: 1) a straight 25 year lease, which includes an upfront $10,000 bonus; and 2) a 22½ year lease with an upfront $50,000 payment which could be used to demolish a portion of the building. The second option is not recommended by staff.

If the Town Council is interested in the proposal, any lease negotiation strategy should be discussed in executive session. The project will require a CGS 8-24 referral to the Planning Commission and a public hearing. The Council may want to refer the project to Noank, but the plan would be approved by the Siting Council not the Noank Zoning Commission.

Councilor Peruzzotti noted the proposal for a public garden and that the group was given six months to develop their ideas. She asked how the tower would impact their potential use of the building. The Town Manager noted that the preliminary plan did show some activity in the area of the cell tower.

Councilor Moravsik expressed opposition to the tower. He cited applications pending before the Siting Council for Groton. He feels this is a directional tower for Fishers Island to the south and that Noank already has cell phone coverage. Councilor Moravsik suggested that if the Noank School property were developed, lots would sell for roughly $250,000. Installing a cell tower would eliminate development opportunities and decrease house values.

Councilor Cerf agreed and noted that Mr. Palm was given six months to develop a plan for a community garden.

Councilor Watson noted this is only the beginning of a process. He noted that he has no cell phone service at the fire house in Noank so there is a problem. This proposal is a revenue generator.

Councilor Flax noted that as a member of the Noank School Reuse Task Force, he is sure that residents would not want the property developed residentially. The Council is constantly looking for revenue sources and he would support looking at this proposal.

Councilor Frink is opposed and would not want a cell tower in his backyard. He feels there are a lot of people who would welcome residential development on the Noank School property.

Town Manager provided a brief history of the property including the efforts of the Reuse Task Force, the two Task Force recommendations supported by the Town Council, and the Council's ultimate rejection of the Noank Fire District proposal. Funds included in the FYE 2014 budget to demolish the building were not approved by the RTM.

Councilor Somers suggested that it is natural for new Councilors to question everything that was done in the past. The previous Council committed to giving Mr. Palm's group six months to present a plan for the property. She would support delaying action on the tower until after a plan is presented. It was very clear during the Reuse Task Force meetings that the majority of people want to keep the property in public trust.

Councilor Schmidt stated that a majority of the Council is opposed to proceeding at this time. Town Manager Oefinger stated he will notify the cell tower company.

Councilor de la Cruz noted that residents near the tower may ask for a reduction in their assessments which would impact revenue. The Town Manager stated there are many towers in Town and he is not aware of one instance where property values have been decreased as a result of a cell tower on Town property.

2013-0282 Local Prevention Council Grant for Ledge Light Health District

Discussed

Town Manager Oefinger noted this is a request by Ledge Light Health District for authorization to submit a grant in the amount of $5,675 to support ongoing GASP programming, specific to Groton. No match by the Town is required.

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

The motion carried unanimously

2013-0285 Connecticut Open Space and Watershed Land Acquisition Program Funding

Discussed

Town Manager Oefinger explained that this is the same program that was used to obtain grant funding for purchase of the Spicer property. The purpose of this item is to determine whether or not the Council wants staff to prepare an application. Planning staff working with the Conservation Commission have developed a list of potential sites, all of which are privately owned. If the Council is interested, discussion should take place in executive session.

Under this program, the state provides 75% funding and the Town would have to come up with 25%. Funds have been set aside for purchase of open space and in lieu of open space through the subdivision process, but they were depleted with the Spicer property purchase. The current balance is approximately $20,000, which means a supplemental appropriation or appropriation in the FYE 2015 budget would be required for a Town match.

Staff distributed a packet of information received by Groton Open Space Association (GOSA) requesting a letter of support from the Town Council for an application they will be submitting.

A motion was made by Councilor Moravsik, seconded by Councilor Cerf, to enter executive session at 8:42 p.m. to discuss 2013-0285 Connecticut Open Space and Watershed Land Acquisition Program Funding and to invite the Town Manager to attend.

Councilor Flax does not feel the need to go into executive session because he does not feel the match funds will be available so there is no need to apply. Councilor Frink cited existing open space figures. Councilor Somers clarified the intent of executive session. The Town Manager noted that it would be good for the Council to understand long term plans according to the Town's conservation and open space plans. The Town Manager cautioned that when percentages of open space are cited they do not reflect the different definitions of open space. Councilor Cerf commended GOSA for its acquisition of properties and she would like to support them in their next application, but on the Town side, she would not want to put cash into buying open space.

The motion carried by the following vote:

Votes: In Favor: 6 - Mayor Schmidt, Councilor Cerf, Councilor delaCruz, Councilor Moravsik, Councilor Somers and Councilor Watson
Opposed: 3 - Councilor Flax, Councilor Frink and Councilor Peruzzotti

Discussed

The executive session concluded at 8:16 a.m.

2013-0286 Town Council Goals

Discussed

A goal setting session was tentatively scheduled for January 11th from 9:00 a.m. to 12:00 noon.

2013-0287 Town Attorney Appointment

Discussed

Mayor Schmidt noted that the Council has expressed an interest in going out to bid for the Town Attorney. Councilor Somers recommended that the Town Attorney come in to talk to the Council, noting that there are a number of factors such as price, experience and knowledge. The Town Manager noted that there are a lot of pending issues that the Council should be updated on and he recommended a briefing. Searching for a Town Attorney is a serious issue and he does not want to put other firms through the process of responding to a solicitation unless the Town Council has a good reason to change firms such as being unhappy with the current service or value provided. Groton is not surrounded by a lot of law firms with the expertise that the Town needs. The Council agreed unanimously to bring the Town Attorney in for a briefing in executive session.

2013-0232 FYE 2015 Budget

Discussed

The Town Manager reminded Councilors that the previous Council met with the RTM on September 30th and a follow up meeting was scheduled for Monday, December 16th at 7:00 p.m. Councilor Cerf asked for a history of providing guidance to the Town Manager on the budget. Town Manager Oefinger stated that he prefers not to have guidance, but for the Town Council to allow him to do his job. Guidance comes from the Council at every meeting and drawing a line in the sand in November is not very useful. Over the Town Manager's 11 years in the job, the Town Operations portion of the budget has grown a little over 11%. Guidance in the form of what programs to stop doing is more useful. In the past, when the Council cuts the budget, the RTM restores it and vice versa. He hopes that the two groups can get on the same page so that it can be a more productive and useful discussion. The Town Manager, department heads, and Town Council each have a role in the budget, and the ultimate authority is the RTM. Staff's job is to present to the electorate what needs to be done and the ramifications of not doing it.

Councilor Frink feels that guidance would be premature since Councilors are not all on the same page. Discussion followed on revenue projections and how they are estimated. Councilor Moravsik asked for the state of revenue and expenditures for the fiscal year. The FYE 2012 audit is on the Town's web site and the FYE 2013 audit will be presented on January 14th. The Town Manager noted that the Town estimates revenues conservatively. He provided background on some of the revenue issues facing the Town.

Councilor Somers noted that the reason for meeting with the RTM is to open lines of communication. It was suggested that the budget be presented to the Town Council at the Senior Center so the RTM can attend too and both bodies will hear the same information. The joint meeting is to continue discussion of the process. As for guidance, if there are suggestions about services that Councilors can live without, it is much more helpful. She stated that the Council is elected to make the difficult decisions.

Mayor Schmidt feels it is too soon to meet with the RTM and the meeting should be postponed.

Further discussion on the purpose of the joint meeting ensued.

7. Consideration of Committee Referral Items as per Town Council Referral List - None

8. OTHER BUSINESS

Councilor Somers requested a referral to set up a Charter Revision Commission. She also asked the Town Manager to provide information on the police asset forfeiture account. Finally, Councilor Somers asked for a list of Town labor contracts.

The Town Manager stated there is an entity that would like to meet with the Town Council in executive session next Tuesday. A special meeting of the Committee of the Whole was scheduled for 6:00 p.m.

Mayor Schmidt appointed Councilors Flax (Chairman), Peruzzotti, Frink, and Moravsik to the Personnel, Rules and Appointments Committee.

Councilors Somers, Watson, Flax, and Peruzzotti left the meeting.

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

2013-0290 Town Council Orientation

Discussed

The Town Manager reviewed the contents of the Town Council Orientation Binder with the new Councilors. The review will continue at the special meeting of the Committee of the Whole on December 17th.

9. ADJOURNMENT

A motion was made by Councilor de la Cruz, seconded by Councilor Frink, to adjourn the meeting at 10:20 p.m.

The motion carried unanimously.