



# 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 Heather Bond Somers, Councilors Dean G. Antipas, Bruce S. Flax, Bill Johnson, Frank O'Beirne, Jr., Deborah L. Peruzzotti, Rita M. Schmidt, James L. Streeter, and Harry A. Watson**

Tuesday, December 13, 2011

7:00 PM

Town Hall Annex - Community Room 1

#### REGULAR MEETING

#### 1. CALL TO ORDER

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

#### 2. ROLL CALL

Members Present: Mayor Somers, Councilor Antipas, Councilor Flax, Councilor Johnson, Councilor O'Beirne, Jr., Councilor Peruzzotti, Councilor Schmidt, Councilor Streeter and Councilor Watson

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

#### 3. Calendar and Communications

*Town Manager Oefinger received a letter from Bob Congdon of the Groton Long Point Association requesting a \$82,800 supplemental appropriation for damages as a result of Tropical Storm Irene.*

*Mayor Somers referred this item to the Committee of the Whole and asked that it be placed on the next agenda.*

#### 4. Approval of Minutes

##### 2011-0215 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 October 25, 2011 are hereby accepted and approved.

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

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

**Votes:** In Favor: 8 - Mayor Somers, Councilor Flax, Councilor Johnson, Councilor O'Beirne, Jr., Councilor Peruzzotti, Councilor Schmidt, Councilor Streeter and Councilor Watson

Abstain: 1 - Councilor Antipas

#### 5. UNFINISHED BUSINESS

*None.*

#### 6. NEW BUSINESS

##### 2011-0231 Town Council Orientation

##### Discussed

*- FOI Presentation by Tom Hennick*

*Tom Hennick, Public Education Officer for the Freedom of Information Commission, stated that his condensed presentation was designed to provide a general idea of obligations and rights related to the Freedom of Information Act. He emphasized that he is not an attorney. Mr. Hennick encouraged questions and stated he would be willing to come back again.*

Mr. Hennick explained that FOI is about access to meetings and records. He noted that the public has the right to attend a meeting, but not the right to speak. That privilege is established by the agency's rules.

Mr. Hennick defined the different types of meetings. Non-meetings include an executive session, which must be called from a properly noticed open meeting. The stated purpose for an executive session must be specific, and it is for discussion purposes only, not action. The agency can invite other persons into the session, but must ask them to leave during deliberations. Mr. Hennick reviewed the five acceptable reasons for calling an executive session. Non-meetings also include executive level search committees, collective bargaining sessions, and caucuses. In a caucus, only members of the same board and of the same party can meet. If anyone else joins in, it is no longer a caucus.

Subcommittees and task forces also have to follow FOI. A meeting includes in person or by electronic device (telephone, voice mail, e-mail.) Agency members cannot deliberate via any of those vehicles or it is considered a meeting. For a workshop, for example, Mr. Hennick suggested noticing the meeting with the following statement: A quorum of (Public Agency) will be present at a meeting on (Date/Time) and no business will be conducted. Mr. Hennick further added that at subcommittee meetings, non-subcommittee members of the full body should not get involved in the discussion.

Mr. Hennick reviewed requirements for minutes and noted they should be clear, crisp, and concise, with votes recorded.

With respect to e-mail, Mr. Hennick suggested starting with the concept that every record or document created by a public agency is a public record. Mr. Hennick strongly advised that Councilors have Town e-mails. If the subject of a communication is public business, then it is a public record even if it is generated from home or a place of work. If Town Councilors' e-mail accounts are centrally located, it will be easier to fulfill FOI requests.

Mayor Somers thanked Mr. Hennick for his presentation.

2011-0229

#### **Presentation by Children First Groton**

##### **Discussed and Recommended no action taken**

Kimberly Dole, Executive Director of Riverfront Children's Center, and Paul Vivian, a consultant working on Groton's community plan, were present to address the Council. Mr. Vivian explained that Groton was one of 22 communities that received a competitive grant to produce a community plan with more funds available for implementation in the future (\$120,000 with a \$60,000 match). The effort is to identify issues facing young children in the community and strategies to address them. The Community Plan will be completed by June 30, 2012. Mr. Vivian reviewed the figures for Groton children abused and neglected (119 in FYE 2011). He noted there are unique issues in this community such as the military population associated with the naval base. (40% of abuse cases are military related). A Safety Committee is looking at various strategies to address the issue. Other safety concerns include dog bites, bicycle safety, and neighborhood speeding. Mr. Vivian reviewed the percentage of third graders reading at goal, children with preschool experience, and students eligible for free/reduced lunch, and possible strategies to address the issues. The physical health indicator is the percentage of 4th graders with a healthy BMI. The mental health indicator is the number of young children with behavioral issues. Next steps are continuing work on the Community Plan, with a presentation in the spring. Children First Groton is looking for continued community involvement in the effort.

Ms. Dole noted that Groton is unique in the state because of its community/neighborhood groups. Mayor Somers asked how the group fits in with other providers. Ms. Dole explained that this grant partnered the Town, City and school system. The data used in the plan was obtained from

the schools (without the children's names). Ms. Dole indicated she would like to meet with the Mayor to provide an overview of the effort which currently involves 300 residents. The group's web site is through Groton Public Schools.

**2011-0240 Potential Sale of Town-Owned Land**

**Discussed**

Town Manager Oefinger noted that the Town has received a number of inquiries over the years regarding the Town-owned William Seely School site. A potential developer of an adjacent parcel would like to address the Town Council. Town Manager Oefinger read a memo from the Town Attorney noting that Tom Hennick of the FOIC advised that executive session would be appropriate for this discussion under certain conditions. The executive session is to allow the developers to make a presentation; any discussion by the Council should not include the developers.

A motion was made by Mayor Somers, seconded by Councilor Peruzzotti, that the Town Council, along with Town Manager Mark Oefinger, and developers Gary Donovan, Don Smith, and Gary Leahy go into executive session at 8:21 p.m. pursuant to General Statutes Section 1-200(6)(D) for the purpose of discussing the potential sale of Town-owned property located at the former William Seely School site.

The motion carried unanimously

**Discussed**

The executive session concluded at 9:12 p.m.

**2011-0232 Contract Agreement Between the Groton Board of Education and the Association of Groton School Administrators**

**Discussed**

Rita Volkmann of the Board of Education was present to address the Council. In accordance with state statutes, this contract was forwarded to the Council because it involves certified employees. Ms. Volkmann summarized highlights of the three year contract. Increases are 0% in year 1, 1% in year 2, and 2% in year 3 of the contract. Changes to the health plan design include increases in co-pays and contributions (19% in year 1, 20% in year 2, and 21% in year 3). The work year will increase for some positions. A section concerning sabbaticals was deleted. Administrators on Leave of Absence can return to the same position in the same school year. Ms. Volkmann feels this contract is as good as or better than what could be expected at arbitration. Ms. Volkmann reviewed the number of individuals associated with each position for Councilor Peruzzotti.

Councilor O'Beirne suggested that administrators have been highly paid for the last few years when others have received 0% increases. He stated he is appalled at the size of some of the salaries. Councilor O'Beirne suggested that the Council consider going to arbitration. Ms. Volkmann noted that the cost of arbitration would be borne by the Town.

Mayor Somers questioned the longevity payments. Ms. Volkmann explained that they are being phased out and they are not offered to employees hired after 2008. Councilor Antipas stated that the salaries are not the whole picture. He questioned the cost of the contract to the Town by year.

Councilor Flax also expressed concern with the longevity payments as well as the cost of arbitration.

Ms. Volkmann noted that the contract went to mediation and there are significant savings in the area of health insurance.

Councilor Watson described the arbitration process.

The Town Manager recommended that Town Councilors forward their questions to Ms. Volkmann. Councilor Johnson stated he would like to delay voting. Discussion followed on discussion this at a joint or special meeting. The consensus of the Council was to hold a special meeting on

*December 20th at 6:00 p.m.*

**2011-0230 Establishment of Town Council Committees and Regular Meeting Schedules**

**Recommended for a Resolution**

*Mayor Somers noted that she and the Town Manager discussed the challenges of the committee structure, which has not been used effectively in the past. Mayor Somers reviewed her suggested committee assignments and the breakdown between Groups I and II, if the Council decides to continue with the committee structure. She would recommend alternating group meetings on Committee of the Whole nights. The Town Manager agreed noting that the Committee structure has not worked properly for 10 years. The Town Council is not a rubber stamp, but there should be more of a reliance on the Committees' recommendations. There is also a staffing issue in that the Town Manager can only attend one group meeting at a time.*

**A motion was made by Councilor Flax, seconded by Councilor Streeter, to establish the committees and groups as outlined by Mayor Somers.**

**Councilor Johnson suggested assigning committees (other than personnel) on an as-needed basis. Councilor Peruzzotti noted that she likes the concept of committees, but all Councilors must be confident in the committees' actions.**

**A motion was made by Councilor Watson, seconded by Councilor Schmidt to amend the motion to include meeting on alternate weeks prior to the Committee of the Whole meetings.**

**The vote on the amendment to the motion carried unanimously.**

**The motion carried unanimously**

**Discussed**

*Discussion followed on future meeting dates and the consensus of the Council was to cancel the December 27th Group and Committee of the Whole meetings.*

*Mayor Somers indicated that she would like to appoint Councilors Peruzzotti, Watson, and Flax to the RTM Liaison Committee.*

**A motion was made by Councilor Watson, seconded by Councilor Peruzzotti, to endorse the Mayor's appointments to the Board of Education/Town Council/RTM Liaison Committee.**

**The motion carried unanimously**

**2011-0165 Status of Mystic Education Center**

**Discussed**

*Town Manager Oefinger noted that Town staff has had an extensive tour of the facility and he expects a written report by the first Committee of the Whole meeting in January. The mechanical rooms at the facility are immaculate for the most part. With respect to the Pratt building, there are a couple of significant concerns that must be followed up on including pool leaks and significant structural damage throughout the building from chlorine fumes. Another building appears to be useable space with access to a decent field.*

*The State has notified the Town that they issued a Request for Proposals on Sunday, December 11th. There will be a tour for interested parties on December 22nd and proposals are due by January 6th. The Old Mystic Fire District will be approaching the state to transfer 8 acres to the fire district.*

**2011-0220 Regional Performance Incentive Program Grant**

**Discussed**

*Town Manager Oefinger explained that the state made funding available to Councils of Government to do regional projects. The Southeastern Connecticut Council of Governments (SCCOG) was previously awarded funds for a regional GIS system. The grant application requires resolutions by all member towns. Three projects are proposed for this round of funding: 1)*

preparation of a comprehensive plan for shared services for the 20 SCCOG municipalities; 2) creation of a digital index of Town maps in SCCOG municipalities; and 3) an online permitting system. The Town Manager recommended that the Council support the grant application.

Councilor Antipas questioned who accesses the type of information being made available on line. He believes it is more people in commerce than in the general public. The Town Manager noted everyone uses the information including title searchers, developers, and individual property owners. He noted that when GIS was instituted in the Town, there was a fee structure, but no one pays for this type of information. Although allowing access to the information for free may result in lost revenue, is offset by not having to answer questions. Councilor Peruzzotti asked what the subscription cost would be if the Town chose to continue with the permitting software after the three years covered by the grant. The cost is \$28,000 to \$50,000, but it is probably less than what the Town currently pays for the Hansen software in use now. The Town would not pay for both.

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

**The motion carried unanimously**

**2011-0226 Local Prevention Council Grant for Ledge Light Health District**

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

**The motion carried unanimously**

**2011-0227 Amended Resolution for Connecticut Dial-a-Ride Grant**

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

**The motion carried unanimously**

**2011-0239 Flanders Road Landfill Solar Opportunity Discussion**

**Discussed and Recommended no action taken**

*Town Manager Oefinger noted that the Town Council previously authorized him to sign a letter of intent to explore the installation of solar panels at the landfill. The letter of intent has been reviewed and revised by the Town Attorney, but has not been signed pending resolution of these discussions. There are only two programs available in the state. The first is through CL&P (10 megawatts throughout the state) and applications are due in mid-January. There is a sister program through the State (10 megawatts) and applications are due on December 16th. If the Council wants to move ahead with the project, it must be with Borrego. There is no time to seek another entity.*

*Councilor Flax wants to make sure the Town's revenues are maximized. He asked when Borrego approached the Town and stated in the future, he would like to know about such a proposal earlier. He expressed frustration that the Town is now under a time constraint. Councilor Schmidt asked if reduced rates could be negotiated. The Town Manager explained that there are different types of programs and that is not how this program is structured. Mayor Somers explained that this is a very broad letter of intent only. Terms can be negotiated later. If the terms are not favorable, the Town can choose not to go forward.*

*Councilor Flax noted that in many cases he found that the lessee leaves the equipment with the lessor at the end of the lease which may be a negotiable point. The Town Manager explained that this proposal is based on tax credits. The state is requiring that CL&P generate a certain amount of electricity using this system. Borrego is dealing with federal tax credits. The proposal was made only recently. Discussion followed on the Town entering into leases and found revenue sources.*

*Councilor Peruzzotti noted that the Letter of Intent states it is not a final contract. There was no*

*further discussion.*

**2010-0232 Acquisition of Spicer Property, Thomas Road**

**Discussed**

*The Town Manager provided background information on this issue. He anticipates recommending formal acquisition at the next Committee of the Whole meeting.*

**2011-0205 Acquisition of Fusconi Property, Crystal Lake Road**

**Discussed**

*The Town Manager provided background information on this issue and information on state funds available. DECD has notified the Town that it is eligible to access funds in the dry cleaning clean-up fund and the issue will be placed on the State Bond Commission agenda in January.*

**2011-0005 Joint Meeting with City of Groton (2011 Standing Referral)**

**Discussed**

*Councilor Watson suggested, and other Councilors concurred, that the Council meet with the City of Groton after the first of the year and then quarterly.*

**2011-0006 Joint Meeting with Board of Education (2011 Standing Referral)**

**Discussed**

*A joint meeting is scheduled for December 19th at 6:00 p.m. A joint meeting schedule can be discussed with the Board at that time. The Town Manager asked that Councilors forward suggested agenda items to him by December 14th. Topics for discussion mentioned were shared services; Liaison Committee appointees; the middle school update; budget; the baseball field; a joint meeting schedule; and three school issues previously identified by Brian Shirvell.*

**2011-0007 Joint Meeting with Groton Long Point Board of Directors (2011 Standing Referral)**

**Discussed**

*The consensus of the Council was to meeting with Groton Long Point after the first of the year and quarterly thereafter.*

**2011-0065 Meeting with State Legislators**

**Discussed**

*The Council indicated they would like to meet with State Legislators after the first of the year.*

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

*None.*

**8. OTHER BUSINESS**

*None.*

**9. ADJOURNMENT**

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

*The motion carried unanimously.*