



# 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 delaCruz, Bruce S. Flax, Bob Frink, Rich Moravsik, Deborah L. Peruzzotti, Heather Bond Somers and Harry A. Watson*

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Monday, December 23, 2013

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 6:02 p.m.*

2. **ROLL CALL**

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

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

3. **Calendar and Communications**

*Councilors Frink and Moravsik visited West Hartford Town Hall where they received a civics lesson on how West Hartford conducts business.*

4. **Approval of Minutes**

**2013-0280 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 November 7, 2013, November 12, 2013 and December 10, 2013 are hereby accepted and approved.

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

**The motion carried unanimously**

5. **UNFINISHED BUSINESS**

*None.*

6. **NEW BUSINESS**

**2013-0298 Professional Services for Recent Bond Authorization Referenda**

**Discussed**

*Director of Finance Sal Pandolfo described the request for a transfer of \$14,650 from Contingency to Debt Service to cover costs associated with the November referenda that failed. RTM approval will be necessary.*

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

**The motion carried unanimously**

*Councilor Cerf arrived at 6:07 p.m.*

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

**2013-0290 Town Council Orientation**

**Discussed**

*present to provide an overview of the more significant legal issues the Town has been involved in for the Council.*

*Attorney Duggan reviewed the topics in which the Town Attorney is involved such as land use, labor issues, tax issues, and construction bidding and contracts. There are a number of people in the firm that cover many different areas of the law including workers compensation which is important because the Town is self-insured. In addition, Suisman Shapiro has institutional history that the firm can draw on. Ms. Duggan provided a list of the firm's attorneys and their biographies.*

*Councilor Frink asked what work elements are not covered by the firm. Ms. Duggan replied that the firm recommends outside bond counsel and special attorneys for the Board of Education work. Ms. Duggan has reached out to the Superintendent about the Board's satisfaction with Bercham, Devlin and Moses, the firm that they have been using for some time. If there were ever anything unusual, Suisman Shapiro would look for appropriate counsel to represent the Town's interests.*

*Councilor Moravsik asked what would happen with pending cases if the Town Attorney contract were awarded to another law firm. Ms. Duggan stated that would be a decision for the Town Council and Town staff to make.*

*Councilor Cerf asked how Town Attorney requests are received. Ms. Duggan noted that not all requests go through the Town Manager. For example, there are issues that may come directly from the Tax Collector, Director of Human Resources, or Director of Planning and the Town Manager is notified as appropriate. Many issues are not so unusual in nature that they would have to go through the Town Manager. Communication may initially be through a telephone call, but there is always written communication back and forth. The Town Attorney's monthly billings separate charges by group.*

*Councilor Peruzzotti believes that requests for legal opinions by the Town Council should be directed through the Town Manager before any funds are expended on the Town Attorney. The Town Manager agreed and noted that has been the standard operating procedure. Councilors have the right to go to the Town Attorney, but it is more beneficial to go through the Town Manager because many issues have already been ruled on by the Town Attorney.*

**A motion was made by Councilor Watson, seconded by Councilor Peruzzotti, that the members of the Committee of the Whole, along with Town Manager Mark Oefinger and Town Attorneys Matthew Auger and Eileen Duggan go into executive session at 6:22 p.m. for the following reason and/or reasons: discussion of strategy with respect to miscellaneous pending claims and/or litigation pursuant to General Statutes 1-200 (6) (B); and/or discussion of strategy and negotiations with respect to collective bargaining, without prejudice to the Committee's right to discuss the same in private pursuant General Statutes 1-200 (2)**

**Councilor Somers suggested that if litigation with Groton Long Point is to be discussed, Councilors who are members of the class action lawsuit should recuse themselves and Ms. Duggan agreed. Councilor Moravsik stated he is a member of the class action. Attorney Auger noted that the class should be certified by sometime in January. Councilor Cerf stated she has not made up her mind yet whether to join the class action.**

**Mr. Auger addressed Councilor Moravsik noting he is in a difficult position. The recusal is to protect the Town as well as Councilor Moravsik so he is not put in a difficult position with other members of the class. For Councilor Cerf, there is no present status that disqualifies her; however this is an adversarial process. Mr. Auger stated he could tailor his remarks so that Councilor Cerf would not be put in a situation similar to Councilor Moravsik.**

**Mayor Schmidt asked postponing discussion on that item until after the class is certified. Councilor Moravsik suggested that residents who do not respond to Attorney Bates are automatically in the class. Councilor Somers suggested recusal as the more ethical course, and stated that she does not want to have the conversation until Councilor Cerf has decided if she will join the suit.**

To obtain more information on the lawsuit, Councilor Cerf was advised to contact Attorney Bates or access it on the Connecticut Judicial System website by searching the first named plaintiff (John P. Touhy) in the New Britain judicial district.

Councilor Cerf has asked for an explanation of the issues from Groton Long Point representatives, but she has had no success. As a property owner, she has an interest, but she feels a duty as a Town Councilor. Attorney Auger noted that when class action status was requested, the Town filed pleadings accompanied by affidavits from the revaluation company and the Town Assessor which will detail the procedure used by the Town to arrive at the adjustment factor.

Councilor de la Cruz agreed with recusal or not discussing the issue.

A motion was made by Councilor Watson, seconded by Councilor Somers, to amend the motion to exclude discussion of the Groton Long Point class action lawsuit in executive session.

The motion to amend carried unanimously.

Councilor Flax questioned the ramifications of sharing discussions that occur in executive session and how to stop it. Attorney Duggan stated there are no particular legal ramifications, but the impact may be a breach of attorney-client privilege that can be used adversely against the Town. There is no corresponding punishment. The Town Council could develop rules and procedures to address the issue. Mayor Watson noted that Attorney Brennan issued an opinion on this subject and it is a matter of a Town Councilor's honor. Councilor Somers noted it has not been a problem in the past, but Councilors suspected of leaking information could be excluded from executive session.

(Note: The executive session did not begin until 6:40 p.m. as a result of discussion after the motion was made.)

The motion carried unanimously

**Discussed**

*The executive session concluded at 7:48 p.m.*

- *Miscellaneous and Ad Hoc Committee Appointments*

*The Council reviewed miscellaneous and ad hoc committee appointments, with Councilors volunteering to fill certain positions. Mayor Schmidt stated she would fill all of the positions calling for the mayor to serve, except that Councilor Somers will continue to serve as an ex-officio member on the School Facilities Initiative Task Force. The Council asked that Kathy Cruise be interviewed by the Personnel Committee regarding her appointment to the Eastern Regional Catchment Area Council.*

**2013-0286**

**Town Council Goals**

**Discussed**

*A meeting to discuss Town Council goals has been scheduled for January 11th at 9:00 a.m. Discussion followed on the need/desire for a facilitator or formal goal setting process, and the consensus was that there is no need. Councilors were asked to submit their suggestions for goals to the Town Manager by January 7th.*

**2013-0285**

**Connecticut Open Space and Watershed Land Acquisition Program Funding**

**Discussed and Recommended no action taken**

*The Town Manager explained that this item was previously discussed in executive session, but no action was taken in open session. In executive session, the Council reviewed a number of potential sites for open space preservation, but the Council was not interested in having staff prepare an application for grant funding. The Council also received a packet of information from GOSA asking for a letter of support for an application they will be making.*

*A motion was made by Councilor Cerf to support GOSA's proposed acquisition. There was no second.*

**A motion was made by Councilor Frink, seconded by Councilor Moravsik, to not support GOSA's request for a letter of support for a grant application to acquire the 201 acre Tilcon parcel south of Gold Star Highway.**

**Councilor Frink stated it is not in the best interest of the Town to support GOSA's application. The property in question is residentially zoned and next to industrially zoned property. There is potential for positive development for the Town and he cannot justify putting the land into tax exempt status.**

**Councilor Cerf stated that one advantage of GOSA purchasing the property is dedication for environmental conservation which is the key to survival of the human species. She feels that only the GOSA and state-owned properties support wildlife.**

**Councilor Flax noted that the referendum on extension of water and sewer on Flanders Road failed and because opponents believe that there is already a lot of developable land. Those people who voted against the referendum cannot then make developable land open space.**

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

**Votes:** In Favor: 8 - Mayor Schmidt, Councilor delaCruz, Councilor Flax, Councilor Frink, Councilor Moravsik, Councilor Peruzzotti, Councilor Somers and Councilor Watson  
Opposed: 1 - Councilor Cerf

**2013-0295 Connecticut Humanities Grant**

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

**The motion carried unanimously**

**2013-0297 Road Reconstruction Bond - Year 2 Projects**

**Discussed**

*As a condition of the five year road bond, the Town, City, and Groton Long Point are required to report to the Town Council about accomplishments during the current calendar year and anticipated projects for the next calendar year by December 31st. Reports have been received from City Mayor Galbraith and Director of Public Works Gary Schneider for the Town. The Town Manager has reached out to Groton Long Point and hopes to have their report before the next meeting.*

*The Town Manager reviewed the benefits of bonding for the roads. He asked if the Council would like a presentation from the three entities. He also encouraged the Council to have regular meetings with the City and Groton Long Point. Additional information on Town costs will be available by the January 14th Committee of the Whole meeting. Councilor Somers suggested reviewing the information prior to meeting with the City and Groton Long Point.*

*Discussion followed on the bonding process.*

*Councilor Flax asked for more detailed information including lengths of roads. He also questioned why there is such a large margin of error in the Town's estimates. The Town Manager offered possible explanations including significant savings on asphalt. Councilor Flax then questioned the level of coordination between the three entities. Councilor Moravsik noted that all three entities do the work differently. Discussion followed on the purchase of asphalt as an example. Councilor Moravsik noted that the City and Groton Long Point have hired the same contractor to do their roads.*

*Councilor Cerf noted an article about money allocated by the state for local road improvements. Town Manager Oefinger explained that the Town is receiving funds for the reconstruction of Crystal Lake Road. The decision on how to spend regional money is being pushed to the regional*

*level through the Council of Governments.*

**2013-0075 Property Acquisition/Sale (2013 Standing Referral)**

**Discussed**

*Town Manager Oefinger explained that this item was scheduled for the special meeting that was cancelled due to weather. There is an individual who would like to speak to the Town Council about his interest in a piece of Town property. The Town Manager indicated he could provide additional background in executive session.*

**A motion was made by Councilor delaCruz, seconded by Councilor Moravsik, that members of the Town Council Committee of the Whole and Town Manager Mark Oefinger go into executive session at 8:55 p.m. pursuant to Connecticut General Statutes Section 1-200(6)(D) for the purpose of discussing the possible sale of the William Seely property.**

**The motion carried unanimously**

**Discussed**

*The executive session concluded at 9:15 p.m.*

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

*The Council discussed items under consideration for deletion, but took no action.*

**8. OTHER BUSINESS**

*None.*

**9. ADJOURNMENT**

*The meeting adjourned at 9:32 p.m.*