



Town of Groton, Connecticut

Meeting Minutes

Town Council Committee of the Whole

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(860)441-6630

Mayor Harry A. Watson, Councilors Heather Sherman Bond, Kathryn M. Brown-Tracy, Catherine Kolnaski, Deborah B. Monteiro, Frank O'Beirne, Jr., Rita M. Schmidt, Paulann H. Sheets, and James L. Streeter

Tuesday, July 22, 2008

7:00 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

1. CALL TO ORDER

Town Manager Oefinger called the meeting to order at 7:07 p.m. He noted that Mayor Watson and Councilor Bond would be absent.

A motion was made by Councilor Sheets, seconded by Councilor Schmidt, to appoint Councilor Kolnaski Chairman pro tem.

The motion carried unanimously.

2. ROLL CALL

Members Present: Councilor Brown-Tracy, Councilor Kolnaski, Councilor Monteiro, Councilor O'Beirne, Jr., Councilor Schmidt, Councilor Sheets and Councilor Streeter
Members Absent: Mayor Watson and Councilor Bond

Also present were Town Manager Mark Oefinger, Assistant to the Town Manager Lee Vincent and Executive Assistant Nicki Bresnyan.

3. Calendar and Communications

Town Manager Oefinger noted that at the request of the individual involved, consideration of 2008-0006 Property Acquisition/Sale will be tabled to the next Committee of the Whole meeting.

Councilor O'Beirne noted a vacancy on the Ledge Light Health District Board and he solicited suggestions for an appointment.

Councilor Brown-Tracy visited the Tercentennial Legacy Playground and she stated it is a wonderful facility and the community should be proud. Sadly, the equipment has already been damaged with graffiti. Town Manager Oefinger has received complaints of late night loitering and the police have been notified and will step up patrols. The Town is also considering installing ornamental fencing.

Chairman Streeter attended the New London Ledge Light House Board of Directors meeting last night. When the Board was originally organized 13 years ago, the by-laws provided for appointed representatives from both the Groton Town and New London City Councils. Councilor Streeter and Councilor Schmidt are both current members of the board, but they do not act as appointees of the Council. Chairman pro tem Kolnaski made a referral on the appointment to the Committee of the Whole.

4. Approval of Minutes

2008-0181 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 June 17, 2008, June 25, 2008 and July 8, 2008 are hereby accepted and approved.

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

The motion carried by the following vote:

Votes: In Favor: 6 - Councilor Brown-Tracy, Councilor Kolnaski, Councilor Monteiro, Councilor O'Beirne, Jr., Councilor Schmidt and Councilor Streeter
Abstain: 1 - Councilor Sheets

5. UNFINISHED BUSINESS

None.

6. NEW BUSINESS**2008-0180 Proposed Charter Revision****Discussed**

Councilor O'Beirne explained that the Charter Revision Commission was established in June 2007 with nine appointees. Councilor O'Beirne introduced the members of the Commission present. The Commission was asked to provide a report to the Town Council by July 22, 2008. The Commission held an initial public hearing to solicit ideas and met approximately 20 times. A public hearing on the draft charter was held on July 14th. After this formal presentation to the Council, the next step is scheduling of a public hearing by the Town Council on August 5th which is critical for the time line. After the hearing, Town Council comments are referred back to the Commission which can accept or reject the Council's recommendations. Any revisions are then forwarded to the Council which decides whether or not to send the revised Charter it to referendum.

Councilor O'Beirne noted that are five items that will require action by the Town Council if the revised Charter is approved.

The Commission had a big discussion on budget referendum. A minority position paper was previously distributed. Assistant to the Town Manager Lee Vincent distributed a majority position on the issue.

Councilor Sheets thanked the Commission for their efforts. She asked about the discussions surrounding a Code of Ethics and establishment of an Ethics Commission. Councilor O'Beirne noted that it is not required by the State, but there are a number of communities that have them. Commissioner Ray Munn stated the proposal is designed to address a situation that has not occurred in Groton and to get ahead of what may be required by the State. Discussion followed on the revisions associated with conflict of interest and the lack of definition of conflict of interest. Commissioner Rich Moravsik explained that the proposed Charter recommends an ordinance and the Ethics Commission would set up the guidelines. Discussion followed on a specific situation involving Councilor Sheets' vote to phase in the revaluation. Councilor O'Beirne stated that the language in the Charter can be clarified to note that it is generally accepted where a situation such as taxation affects a Councilor in the same way it affects other taxpayers, it is not considered a conflict of interest.

Councilor Sheets asked about the budget referendum. Commissioner John Wirzbicki stated that the majority of the Commission did not support a budget referendum so there was no discussion on presenting the issue as a separate question on the November ballot. Councilor O'Beirne noted that Groton has a different governmental structure than surrounding towns, which was also a topic of discussion relative to budget referendum. Mr. Munn, who supported a budget referendum, felt that a budget referendum would address a potential outlandish situation. He would support establishing criteria and a threshold, not a discretionary referendum like surrounding towns.

Councilor Sheets noted that the Charter restricts the Town Manager from commenting on the Board of Education budget. Since the Council can not pass on individual line items in the Board of Education budget, Councilor Sheets feels that the Council and RTM should have the benefit of

the Town Manager's expertise. Councilor O'Beirne noted that education is a specialized area and not necessarily within a Town Manager's expertise. There are areas of cooperation between the Town and Groton Public Schools, but that is very different from asking the Town Manager to review the Board of Education budget line by line.

Councilor Monteiro questioned the thinking on Section 8.4.4 regarding failure to adopt the budget by the Council and RTM. Councilor O'Beirne noted that the current Charter is a disincentive for some groups of people to adopt a budget since it would revert to the budget submitted by the Town Manager, including the original submission by the Board of Education. The Commission felt that reverting to the previous year's budget which is usually less would create an incentive to pass the budget.

Councilor Monteiro questioned the changes to Section 4.8 dealing with prohibitions on the Town Council and RTM giving direction to Town staff. Councilor O'Beirne noted this section was used in the past to squelch direct contact between Councilors and staff. The Commission wanted to make it clear that instructions can not be given to staff, but elected officials need to have the ability to speak to staff directly. Councilor Monteiro questioned the potential for abuse of this section. Commissioner Wirzbicki noted that if staff is uncomfortable speaking with elected officials, staff can address it with the Town Manager. Councilor Kolnaski asked if the Commission considered requiring notification of the Town Manager before contacting staff. Councilor O'Beirne stated it is assumed that an elected official would do that or the employee would notify the Town Manager. Councilor Kolnaski suggested the wording be modified.

Councilor Streeter noted the section dealing with non-resident tax voting ability and he asked for the Commission's thoughts on the issue. He asked if non-resident voters would have the ability to vote on the revised Charter. Councilor O'Beirne explained that non-residents, i.e. non-electors, have been able to vote on bond referenda in the past. State statutes give the municipal legislative body the ability to determine what non-resident voters can vote on. Councilor Wirzbicki noted there were no changes made to the Charter with respect to this issue, but the Town is now aware of this provision and it should be addressed by Town Council ordinance.

In response to a question from Councilor Streeter, Councilor O'Beirne stated that the recommendation the Town Manager comment on the City and Groton Long Point budgets was his suggestion. Councilor Streeter expressed concern with the provision noting that if the Town Manager does not concur with the budget, the Town Council may take that as a recommendation.

Councilor Streeter expressed support for the ability to contact staff, but agrees that there should be a provision to notify the Town Manager. Commissioner Wirzbicki stated the Town Manager could make that a policy as opposed to including it in the Charter.

Councilor Sheets feels the proposed language regarding Council and staff contact is in direct conflict and should be clarified.

Councilor Kolnaski expressed concern with the language that states the Council is "responsible" for the proper function and operation of boards and commission because she believes the word implies liability. Councilor O'Beirne stated the language comes from the current Charter and the Town Council is responsible for boards and commissions, but not for individual actions.

Councilor O'Beirne directed attention to Enclosure 3, items requiring action by the Town Council. Item 1, non-resident taxpayer voting ability, was already discussed. With respect to Item 2, boards and commission, the proposed Charter eliminates all discussion of specific boards and commissions. Instead, to formalize the bodies, the Council would adopt the Guidebook to Boards and Commissions. Item 3 regarding an ethics ordinance was already discussed. Item 4 deals with the Library Board which is an advisory board that does not operate in accordance with the

current Charter or Connecticut General Statutes. The Council must identify specific duties of the Library Board and also the Parks and Recreation Board, another advisory board. Item 5 deals with the proposed Charter's elimination of descriptions of the Town's departmental structure. Instead, it is recommended that the Town Council authorize departmental structure by super-majority vote.

Councilor O'Beirne noted the Commission received great staff support from Town Clerk Barbara Tarbox, Office Assistant Lori Watrous, and the Town Attorney.

Commissioner Nancy Moffat feels that the last Charter failed because of the inclusion of a budget referendum provision. Early on this Commission decided that a budget referendum would be a separate question if it was proposed. The Commission also discussed a different governmental structure and the viability of the RTM, however they could not come up with anything that would maintain equity and fairness in the Town of Groton.

A motion was made by Councilor Sheets, seconded by Councilor Monteiro, to recommend a resolution setting a public hearing on the proposed Charter revision on August 5, 2008.

The motion carried unanimously

2008-0008 Pending Litigation (2008 Standing Referral)

A motion was made by Councilor Schmidt, seconded by Councilor Sheets, that members of the Committee of the Whole, along with Town Manager Mark Oefinger, Director of Public Works Gary Schneider and Attorney Matthew Auger go into executive session at 8:21 p.m. pursuant to Connecticut General Statutes Section 1-200(6)(B) for the purpose of discussing strategy and negotiations with respect to pending claims or pending litigation regarding the construction of an addition to the Police Department building.

The motion carried unanimously

Discussed

The executive session concluded at 8:58 p.m.

Discussion followed on appropriating funds for this repair project so that the work can be done as soon as possible.

A motion was made by Councilor Sheets, seconded by Councilor Schmidt, to refer this item to the Committee of the Whole and recommend a resolution authorizing the Town Manager to prepare a CIP narrative and budget for proposed remediation work at the Police Department building.

The motion carried unanimously

2008-0006 Property Acquisition/Sale (2008 Standing Referral)

Tabled

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

None.

8. OTHER BUSINESS

Town Clerk Barbara Tarbox informed the Councilors that the annual Citizenship Day is scheduled for Monday, September 15. She announced that the celebration would be combined with the 100th Anniversary of the Dedication of Town Hall which occurred on September 17, 1908. "Morton F. Plant" is expected to attend and be part of the celebration at Citizenship Day. There are also plans to have a commemoration at Town Hall on the dedication date.

9. ADJOURNMENT

A motion was made by Councilor Schmidt, seconded by Councilor Monteiro, to adjourn the meeting at 9:10 p.m.

The motion carried unanimously.