



# Town of Groton, Connecticut

## Town Council

### Regular Meeting Minutes *Draft*

45 Fort Hill Road  
Groton, CT 06340

Town Manager: 860-441-6630

Town Clerk: 860-441-6640

**Mayor Patrice Granatosky, Councilor David Atwater, Councilor André Bumgardner, Councilor Rachael Franco, Councilor Conrad Heede, Councilor Lian Obrey, Councilor Juliette Parker, Councilor Rita Schmidt, and Councilor Joe Zeppieri**

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**Tuesday, August 07, 2018**

**6:30 PM**

**Town Hall Annex - Community Room 1**

134 Groton Long Point Road, Groton

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#### I. CALL TO ORDER/ROLL CALL/DECLARE QUORUM

I.a. Call to Order/Roll Call/Declare Quorum

Mayor Granatosky called the meeting to order at 6:30 p.m. All Town Councilors were present except for Councilor Obrey and Councilor Zeppieri. A quorum was declared.

#### II. SALUTE TO FLAG

II.a. Salute to Flag

The Salute to the Flag was led by the U. S. Navy Silver Dolphins.

#### III. RECOGNITIONS, AWARDS AND MEMORIALS

III.a. Recognitions, Awards and Memorials

Manager Recreation Services Jerry Lokken, and Mayor Granatosky presented the 2018 Fourth of July Parade Awards as follows:

U.S. Navy Silver Dolphins for Most Patriotic  
City of Groton Parks and Recreation for Best Costumes  
Stars and Stripes Blues Band for Best Music  
Groton Mystic Falcons for Best Youth Participation  
Seaport Community Church MPact Gils Club for Judge's Choice

III.3. 2018-123 Proclamation Honoring Nicki Bresnyan

This Proclamation was read by Councilor Parker.  
READ

#### IV. PUBLIC HEARINGS

IV.a. Public Hearings

None.

## V. RECEIPT OF CITIZENS' PETITIONS, COMMENTS AND CONCERNS

## V.a. Receipt of Citizens' Petitions, Comments and Concerns

Thomas Potter, 154 Walker Hill Road, addressed the Town Council on the subject of the possible sale of the William Seely School. Mr. Potter's comments are on file in the Town Clerk's office.

Sue Palmer, 35 Sandra Drice, Westerly, Rhode Island, read a prepared statement regarding the support of the Cost of Living Adjustments (COLA) for retired Town employees. Ms. Palmer's statement is on file in the Town Clerk's office.

Donald Williams, 255 Rt. 12 Suite 23, Groton, spoke against the Ordinance to Establish Hours of Operations for B.Y.O.B Establishments. He stated that this ordinance would put the Midnight Hookah Lounge out of business. He urged the Town Council to reconsider adopting this ordinance.

Hossam Abudawood, 302 Thames Street, stated that he is the owner of the Midnight Hookah Lounge. He stated that he fears that the Ordinance to Establish Hours of Operations for B.Y.O.B Establishments will jeopardize his business. He urged the Town Council not to adopt this ordinance.

Kahalid Habbeb, 33 Fort Street, stated that he was against the Ordinance to Establish Hours of Operations for B.Y.O.B Establishments. He urged the Town Council not to adopt this ordinance.

Tim Bresnah, School House Road, Lisbon CT, stated that he is employed at the Midnight Hookah Lounge. He stated that the business is a safe environment, the owners are responsible, and that he doesn't see the need to limit the alcohol consumption.

Carolyn Wilson, 1140 Ocean Avenue, New London, Groton Ms. Wilson introduced herself as the Coordinator for the Groton Alliance for Substance Abuse Prevention. She spoke in favor of the BYOB Ordinance. She stated that GASAP is please to see this commitment toward prevention, health, and safety for the community. Ms. Wilson's statement is on file with the Town Clerk's office.

Portia Bordelon, 159 Shennecossett Parkway, spoke in favor of the BYOB Ordinance, but stated that the hours are prohibitive. She suggested that the Town Council alter the hours of operations in the ordinance.

Frاند del Campo, Groton Long Point Road, stated his approval of the Town Council as being proactive in approving this Ordinance.

## VI. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS

## VI.a. Responses to Citizens' Petitions, Comments and Concerns

Councilor Obrey responded to Mr. Potter, stating that the proposal that the Town is working on with the City of Groton will benefit the entire Town.

## VII. CONSENT CALENDAR

## VII.a. Consent Calendar

Moved by: Franco, Rachael		Seconded by: Heede, Conrad		
Committee Members	YES	NO	ABSTAIN	RECUSE
David Atwater	X			
Rachael Franco	X			
Patrice Granatosky	X			
Conrad Heede	X			
Lian Obrey	X			
Juliette Parker	X			
Rita Schmidt	X			
PASSED				

## VII.2. 2018-70 Approval of the Town Council Minutes of June 26, 2018

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES, RESOLVED that the minutes of the Town Council meeting of June 26, 2018 are hereby accepted and approved.

Moved by: Franco, Rachael		Seconded by: Heede, Conrad		
Committee Members	YES	NO	ABSTAIN	RECUSE
David Atwater	X			
Rachael Franco	X			
Patrice Granatosky	X			
Conrad Heede	X			
Lian Obrey	X			
Juliette Parker	X			
Rita Schmidt	X			
PASSED				

## VII.3. 2018-71 Approval of the Town Council Minutes of July 3, 2018

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES, RESOLVED that the minutes of the Town Council meeting of July 3, 2018 are hereby accepted and approved.

Moved by: Franco, Rachael		Seconded by: Heede, Conrad		
Committee Members	YES	NO	ABSTAIN	RECUSE
David Atwater	X			
Rachael Franco	X			
Patrice Granatosky	X			
Conrad Heede	X			
Lian Obrey	X			
Juliette Parker	X			
Rita Schmidt	X			
PASSED				

## VII.4. 2018-69 Special Trust Fund Contributions

## RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS

Moved by: Franco, Rachael		Seconded by: Heede, Conrad		
Committee Members	YES	NO	ABSTAIN	RECUSE
David Atwater	X			
Rachael Franco	X			
Patrice Granatosky	X			
Conrad Heede	X			
Lian Obrey	X			
Juliette Parker	X			
Rita Schmidt	X			
PASSED				

## VIII. COMMUNICATIONS AND REPORTS (Other than Committee Reports)

## VIII.a. Town Councilors

Councilors reported on events and meetings that they attended. Councilor Parker noted that Town Manager Burt is working with Mrs. Foley on a few issues.

## VIII.b. Clerk of the Representative Town Meeting

Town Clerk Moukawsher reported that the RTM canceled their August 8<sup>th</sup> meeting. She stated that their next meeting is scheduled for September 12, 2018 at 7:30pm in the Groton Senior Center. She reported that there are two vacancies in District 1 and that any Democrats in that district who are interested in serving should contact the Town Clerk. She provided information regarding the August 14<sup>th</sup> Primary.

## VIII.c. Clerk of the Council

Town Clerk Moukawsher reported on a communication from Mr. Fitzgerald regarding coastal access signs for the public that had been removed, which she had forwarded to the Council. She reported that she submitted the November 6, 2018 ballot question to the Secretary of the State. She reported on receiving many calls and one email with complaints about the lack of information on the Town website for Town Council Committee of the Whole and Town Council agendas and minutes. She stated that this matter is in regard to the new Legislative software. She requested a committee review of the software. She stated that there are vacancies on some of our Boards and Commissions. She encouraged anyone interested to apply.

Mayor Granatosky noted that the Planning Department is working to repost the Public Access Signs for the Coastal Waterway.

## VIII.d. Town Manager

Town Manager Burt reported on the events and meetings that he had attended. He stated that the Conservation Commission is working on an initiative to curb the use of plastic

straws and plastic bags, etc. He stated that the Schools and Public Works will be providing a water testing update; the Blight Ordinance will be on the next COW agendas, and that the Planning and Zoning Commission may need to extend the timeline for merging the two committees

VIII.e. Department Heads, Superintendent of Schools and Board of Education

No report.

IX. COMMITTEE REPORTS

IX.a. Committee of the Whole - Mayor Granatosky

No report.

IX.b. Personnel and Appointments - Chairman Heede

No meeting, no report.

IX.c. Temporary Rules - Chairman Heede

No meeting, no report.

IX.d. Rules

No meeting, no report.

IX.e. Public Safety

No meeting, no report.

X. NEW BUSINESS

X.1. 7/2018 - 2 Adoption of An Ordinance to Establish Hours of Operations for B.Y.O.B. Establishments

ADOPTION OF AN ORDINANCE TO ESTABLISH HOURS OF OPERATIONS FOR B.Y.O.B. ESTABLISHMENTS

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

1. *Findings.* In recognition of the growing practice of allowing patrons to bring alcoholic beverages to restaurants, clubs, meeting spaces, lounges and the like in the Town of Groton which establishments are not otherwise licensed by the State of Connecticut Liquor Control Division; the Town seeks to preserve and promote the health, safety, welfare, and quality of life of its residents by defining, clarifying and regulating this practice at such establishments.

2. *Purpose.* The purpose of this ordinance is to regulate the practice of allowing patrons to bring their own alcohol to commercial establishments within the Town.

3. *Definitions.*

*Alcoholic liquor* shall have the same meaning as the same term defined in C.G.S. § 30-1, as amended from time to time.

*B.Y.O.B. Establishment* often referred to as "Bring Your Own Bottle" means any business

facility, such as a dance hall, club, restaurant, lounge, meeting room or association, not licensed by the State of Connecticut Liquor Control Division, wherein patrons twenty-one (21) years of age or older are allowed to bring their own alcoholic liquor to the facility and to consume thereon. This designation includes any such facility regardless of whether such facility requires an entry fee, cover charge, membership fee or allows the practice only when associated with making a purchase at the facility.

4. *Operation of B.Y.O.B. Establishments within the Town of Groton.*

- a. No alcoholic liquor may be consumed on the premises of such B.Y.O.B. Establishments as follows:
    - i. Monday through Friday, between the hours of Midnight and 10:00 a.m. between the hours of 12:00 a.m. and 10:00 a.m.
    - ii. Saturday and Sunday, between the hours of 1:00 a.m. and 10:00 a.m.
  - b. The consumption of alcoholic liquor by visibly intoxicated persons shall be prohibited at B.Y.O.B. Establishments.
  - c. The consumption of alcoholic liquor by persons under the age of twenty-one (21) shall be prohibited at B.Y.O.B. Establishments.
  - d. Alcoholic liquor shall not be offered as a prize for any activity conducted at the B.Y.O.B. Establishment.
5. *Penalties.* Any person violating any provision of this section shall be subject to a fine of \$250.00.

Moved by: Heede, Conrad		Seconded by: Parker, Juliette		
Committee Members	YES	NO	ABSTAIN	RECUSE
David Atwater	X			
Rachael Franco	X			
Patrice Granatosky	X			
Conrad Heede	X			
Lian Obrey	X			
Juliette Parker	X			
Rita Schmidt	X			
ADOPTED AS AMENDED				

X.2. 2/2018 - 2 Cost of Living Adjustments for Retirees

Resolution Approving an Increase of 2% for All Qualified Retirees Having Been Retired for at least Five Years, Effective July 1, 2018, or as Authorized by Collective Bargaining Agreements

Resolution Approving an Increase of 2% for All Qualified Retirees Having Been Retired for at least Five Years, Effective July 1, 2018, or as Authorized by Collective Bargaining Agreements

RESOLUTION APPROVING ADJUSTMENTS TO RETIREE PENSION BENEFITS

WHEREAS, the pension agreements/retirement plan for Town of Groton employees in the Non-Union Police, Police, AFSCME, GMEA, Non-Union, USWA, and GTA labor groups provide for a review of retirement benefits periodically, and

WHEREAS, the last adjustments were effective July 1, 2006 for Non-Union; July 1, 2007 for AFSCME Police and USWA; July 1, 2016 for Non-Union Police, and July 1, 2008 for

AFSCME Supervisors, GMEA, and GTA, and

WHEREAS, the Town Council has considered information for all groups relative to the effect of a 2% increase on annual benefits, unfunded actuarial accrued liability, and Town funding cost, now therefore be it

RESOLVED, that the Town Council approves an increase of 2% for all qualified retirees having been retired for at least five years, effective July 1, 2018, or as authorized by collective bargaining agreements, and, be it

FURTHER RESOLVED, that the Town Manager is authorized to sign necessary Collective Bargaining Agreements/Plan Documents to enact the 2% increase.

Moved by: Obrey, Lian		Seconded by: Heede, Conrad		
Committee Members	YES	NO	ABSTAIN	RECUSE
David Atwater	X			
Rachael Franco	X			
Patrice Granatosky	X			
Conrad Heede	X			
Lian Obrey	X			
Juliette Parker	X			
Rita Schmidt	X			
PASSED				

X.3. 83/2018 - 1 Beautification Committee

Resolution Establishing a Beautification Committee

RESOLUTION ESTABLISHING A BEAUTIFICATION COMMITTEE

WHEREAS, Town of Groton finds the aesthetic enhancement of our community to be an important part of economic growth, and

WHEREAS, the Town has determined a Beautification Committee is the best instrument for pursuing targeted improvements in the Town, now therefore be it

RESOLVED, that the Town Council approves the creation of the Beautification Committee, and be it further

RESOLVED, that the Committee will be made up of five voting members appointed by the Mayor, including the Chair, to 2 year terms, and be it further

RESOLVED, that no Town staff will be assigned to the Committee, and be it further

RESOLVED, that the Committee shall appoint a Secretary among their members to take and file minutes in compliance with the Freedom of Information Act, and be it further

RESOLVED, that the Committee shall be authorized to utilize volunteers and work through appropriate processes to solicit donations.

Moved by: Atwater, David		Seconded by: Franco, Rachael		
Committee Members	YES	NO	ABSTAIN	RECUSE
David Atwater	X			
Rachael Franco	X			
Patrice Granatosky	X			
Conrad Heede	X			
Lian Obrey	X			
Juliette Parker	X			
Rita Schmidt	X			
PASSED				

X.4. 55/2018 - 1 Economic Development Assistance Fund Grant - 90 Leonard Drive, CrossFit Inguz

**RESOLUTION APPROVING A GRANT OF ECONOMIC ASSISTANCE FUNDS TO CROSSFIT INGUZ**

WHEREAS, the Town has received an application from CrossFit Inguz for a grant from the Town of Groton Economic Assistance Fund to help defray infrastructure costs associated with constructing a new fitness facility and related health offices at 90 Leonard Drive, and

WHEREAS, documented infrastructure cost estimates total over \$32,000 for utility installation and roadway repair, and

WHEREAS, it has been estimated that taxes to the Town would increase from approximately \$5,800 pre-improvements to approximately \$13,000 post-improvements, and

WHEREAS, the Town of Groton Economic Development Commission has recommended approval of awarding an amount of \$10,625 towards the infrastructure costs and an additional \$5,000 for pre-development costs for a total award of \$15,625, now therefore be it

RESOLVED, that the Town Council approves an Economic Assistance Fund grant award of \$15,625.00 to CrossFit Inguz for pre-development costs, gas and electrical connection and roadway repair infrastructure costs at 90 Leonard Drive to be paid on a reimbursement basis after posting a sign indicating the project was supported by the Town of Groton Economic Assistance Fund, satisfying utility and road specifications, and providing proof of payment to the contractor.

Moved by: Schmidt, Rita		Seconded by: Parker, Juliette		
Committee Members	YES	NO	ABSTAIN	RECUSE
David Atwater	X			
Rachael Franco	X			
Patrice Granatosky	X			
Conrad Heede	X			
Lian Obrey	X			
Juliette Parker	X			
Rita Schmidt	X			
PASSED				



X.5. 32/2018 - 1 Filling Vacant Positions

Resolution Adopting the Re-establishment of the Hiring Justification Policy

RESOLUTION REQUIRING JUSTIFICATION FOR FILLING VACANT POSITIONS

WHEREAS, the Town Council adopted Resolution 2017-0193, which establishes a hiring freeze for certain departments, and

WHEREAS, this resolution requires the Town Council to give consent to the Town Manger to authorize any change in employment, and

WHEREAS, Resolution 2017-0193 expired on June 30, 2018, and

WHEREAS, the Council finds it fiscally prudent to continue reviewing the need to fill vacant positions, now therefore be it

RESOLVED, that all vacant positions will continue to be frozen and may not be filled until reviewed by Human Resources for evaluation of pressing need, and without the express written authorization of the Town Manager and consent of the Town Council, and be it further

RESOLVED, that the hiring justification requirement shall continue in full force and effect until the end of FY 2018/2019 or a subsequent resolution reversing this resolution is adopted by the Town Council.

Moved by: Obrey, Lian		Seconded by: Schmidt, Rita		
Committee Members	YES	NO	ABSTAIN	RECUSE
David Atwater	X			
Rachael Franco	X			
Patrice Granatosky	X			
Conrad Heede	X			
Lian Obrey	X			
Juliette Parker	X			
Rita Schmidt	X			
PASSED				

X.6. 41/2018 - 1 Miscellaneous and Ad Hoc Committee Appointment - SEAT

RESOLUTION APPOINTING AUNDRÉ BUMGARDNER TO THE SOUTHEAST AREA TRANSIT (SEAT) BOARD MISCELLANEOUS AND AD HOC COMMITTEES APPOINTMENT

RESOLVED, that the Town Council appoints Councilor André Bumgardner to the Southeast Area Transit (SEAT) Board

Moved by: Atwater, David		Seconded by: Heede, Conrad		
Committee Members	YES	NO	ABSTAIN	RECUSE
David Atwater	X			
Rachael Franco	X			
Patrice Granatosky	X			
Conrad Heede	X			
Lian Obrey	X			
Juliette Parker	X			
Rita Schmidt	X			
PASSED				

X.7. 74/2018 - 1 Miscellaneous and Ad Hoc Committee Appointment - CATV Advisory Council

RESOLUTION APPOINTING JAMES LOUGHLIN TO THE CABLE TELEVISION ADVISORY COUNCIL

RESOLVED, that the Town Council hereby appoints James Loughlin, 205 Elm Street, Apt. 270, Noank, to the Cable Television Advisory Council.

Moved by: Schmidt, Rita		Seconded by: Atwater, David		
Committee Members	YES	NO	ABSTAIN	RECUSE
David Atwater	X			
Rachael Franco	X			
Patrice Granatosky	X			
Conrad Heede	X			
Lian Obrey	X			
Juliette Parker	X			
Rita Schmidt	X			
PASSED				

X.8. 81/2018 - 1 Seely Easement from City of Groton

Town Manager Burt thanked Mayor Hedrick and Groton Utilities.

RESOLUTION TO ACCEPT AN ACCESS AND UTILITY EASEMENT FROM THE CITY OF GROTON

WHEREAS, the Town of Groton has completed a town-wide market analysis indicating that the Town of Groton should increase the marketing of available properties, and

WHEREAS, the Town of Groton Department of Planning and Development Services is in the process of marketing excess municipal properties for redevelopment, and

WHEREAS, the Town of Groton Department of Planning and Development Services is in the process of marketing the former Seely School for redevelopment, and

WHEREAS, the Town of Groton requested a 50' wide access and utility easement from the City of Groton/Groton Utilities adjacent to the former Seely School over the Groton Utilities water tower property, and

WHEREAS, the City of Groton has written and approved the easement and at this time the Town needs to formally accept this easement, and

WHEREAS, a secondary access option to the Seely School site from Walker Hill Road will greatly increase the usability, the marketability, and most importantly, reduce traffic impacts to the neighborhood along Seely School Drive, and now therefore be it

RESOLVED, that the Town Council hereby authorizes the Town Manager to sign and accept the 50' wide access and utility easement from the City of Groton for the use of the Seely School future redevelopment.

Moved by: Parker, Juliette		Seconded by: Obrey, Lian		
Committee Members	YES	NO	ABSTAIN	RECUSE
David Atwater	X			
Rachael Franco	X			
Patrice Granatosky	X			
Conrad Heede	X			
Lian Obrey	X			
Juliette Parker	X			
Rita Schmidt	X			
PASSED				

- X.9. 89/2018 - 1 Memorandum of Understanding between Town of Groton and State of Connecticut regarding the Connecticut Land Mobile Radio Network

RESOLUTION AUTHORIZING THE TOWN MANAGER AND POLICE CHIEF TO SIGN A MEMORANDUM OF UNDERSTANDING WITH THE STATE OF CONNECTICUT, DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTIONS, FOR USE OF THE LAND MOBILE RADIO SYSTEM

WHEREAS, the Town of Groton Police Department is seeking to join the State of Connecticut, Department of Emergency Services and Public Protection, Division of Statewide Emergency Telecommunications "Connecticut Land Mobile Radio Network" (CLMRN), and

WHEREAS, This Memorandum of Agreement ("MOU") is intended to set forth the parties' agreement with respect to use of the Connecticut Land Mobile Radio Network by the Town and use by DESPP of a Town-owned tower/antenna site for incorporation into the CLMRN, and

WHEREAS, the Town utilizes a tower/antenna site as part of its existing radio system, and

WHEREAS, the Town wishes to share in use of the CLMRN, as well as make the tower/antenna site available for incorporation into the CLMRN, and

WHEREAS, both DESPP and the Town believe that shared use of the CLMRN will improve public safety communications and enhance the interests of public safety within the Town's borders, while it provides such improved service at a greater value to taxpayers, now therefore be it

RESOLVED, that the Groton Town Manager and Police Chief are authorized to enter into and sign a memorandum of understanding with the State of Connecticut, Department of Emergency Services and Public Protection for use of the Connecticut Land Mobile Radio System.

Moved by: Parker, Juliette		Seconded by: Heede, Conrad		
Committee Members	YES	NO	ABSTAIN	RECUSE
David Atwater	X			
Rachael Franco	X			
Patrice Granatosky	X			
Conrad Heede	X			
Lian Obrey	X			
Juliette Parker	X			
Rita Schmidt	X			
PASSED				

X.10. 35/2018 - 1 Nuclear Safety Grant

RESOLUTION AUTHORIZING A NUCLEAR SAFETY EMERGENCY PROGRAM GRANT

WHEREAS, the Groton Town Police Department has applied for and received \$63,246 in pool funding from the State of Connecticut Nuclear Safety Emergency Program (NSEP), and

WHEREAS, this funding will be used to purchase an Avtec Console interface, a component to our existing radio consoles that will allow the equipment to be interfaced with new communications equipment necessary to join the State 800 MHz radio system, and

WHEREAS, this enhancement would not only allow for interoperability to the State of Connecticut 7/800 System, but also allow telecommunications staff and Groton Police officers to have the ability to directly communicate with State Police, Stonington Police, Waterford Police, New London Police, and Environmental Conservation Police, among others, now therefore be it

RESOLVED, that the Groton Town Police may accept the \$63,246 in pool funding from the State of Connecticut Nuclear Safety Emergency Program (NSEP).

Moved by: Franco, Rachael		Seconded by: Parker, Juliette		
Committee Members	YES	NO	ABSTAIN	RECUSE
David Atwater	X			
Rachael Franco	X			
Patrice Granatosky	X			
Conrad Heede	X			
Lian Obrey	X			
Juliette Parker	X			
Rita Schmidt	X			
PASSED				

X.11. 36/2018 - 1 Part-Time Seasonal Pay Plan Modification

RESOLUTION AUTHORIZING A MODIFICATION TO THE PART TIME SEASONAL PAY PLAN TO INCLUDE A TELECOMMUNICATOR POSITION AND TO MODIFY THE PAY RANGE FOR SUPERNUMERARIES

WHEREAS, there are currently twelve full-time Tele-communicators covering the 24/7 Emergency Communications Center in varying shifts, and

WHEREAS, in order to better cover vacancies that occur throughout the year, the Police Department wishes to establish a pay plan for part-time dispatchers that will allow expanded use of part-time personnel to staff the Emergency Communications Center when shift vacancies occur, and

WHEREAS, an increase to the Supernumerary pay plan will entice individuals to work regularly by offering a fair and competitive wage, now therefore be it

RESOLVED, Human Resources is authorized to modify the Part Time Seasonal Pay Plan to include a Tele-communicator position and to modify the pay range for Supernumeraries.

Moved by: Heede, Conrad		Seconded by: Franco, Rachael		
Committee Members	YES	NO	ABSTAIN	RECUSE
David Atwater	X			
Rachael Franco	X			
Patrice Granatosky	X			
Conrad Heede	X			
Lian Obrey	X			
Juliette Parker	X			
Rita Schmidt	X			
PASSED				

X.12. 82/2018 - 1 Department Reorganization

RESOLUTION REPLACING THE TOWN MANAGER ADMINSTRATIVE ASSISTANT POSITION WITH AN EXECUTIVE ASSISTANT POSITION

WHEREAS, the Assistant to the Town Manager position was recently vacated, and

WHEREAS, the Town Manager proposes to not fill the vacated position; and

WHEREAS, many of the duties formerly performed by the Assistant to the Manager, will be taken over by the person currently in the Administrative Secretary position, requiring the position to be upgraded to a higher classification, now therefore be it

RESOLVED, that the Town Council approves the replacement of the Administrative Secretary position with an Executive Assistant position in the Town Manager's Office.

Moved by: Franco, Rachael		Seconded by: Parker, Juliette		
Committee Members	YES	NO	ABSTAIN	RECUSE
David Atwater	X			
Rachael Franco	X			
Patrice Granatosky	X			
Conrad Heede	X			
Lian Obrey	X			
Juliette Parker	X			
Rita Schmidt	X			
PASSED				

X.13. 80/2018 - 1 Ethics Ordinance Introduction

To adopt a Resolution Scheduling a Public Hearing for the Ethics Ordinance on September 4, 2018.

**INTRODUCTION OF AN ORDINANCE TO ESTABLISH AN ETHICS ORDINANCE AND EHTICS COMMISSION**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

**Section I-Declaration of Policy and Purpose**

Public office is a public trust. The trust of the public is essential for government to function effectively. Therefore, herewith is an established Code of Ethics for all Town officials, officers and employees. The purpose of this code is to establish suitable ethical standards for all such officials, officers and employees by prohibiting acts related to financial gain or financial interests which are not in the best interests of the Town of Groton.

**Section II-Applicability**

1. This Code shall apply to all Town officials, officers and employees, whether elected and/or appointed, paid or unpaid.
2. All of the above shall be referred to hereinafter as "persons governed by this Code."
3. This Ordinance shall not be applicable if it conflicts in whole or in part with the Charter, any labor agreement, employment contract and/or state statute.

**Section III-Definitions**

"Business" means any entity through which activity for profit or not for profit is conducted including, but not limited to a corporation, limited liability company, partnership, proprietorship, firm, enterprise, franchise, association, organization, or self-employed individual. "Complainant" means any person who signed a complaint under penalties of false statement alleging a violation of this Code. "Confidential Information" means information, whether transmitted orally or in writing, which is obtained by reason of the public position or office held, that is not, at the time of transmission, a matter of public record or public knowledge. "Confidential Investigation" means the examination, prior to the finding of probable cause, of both written and oral evidence, that is not to be disclosed to any third party by anyone connected with the investigation, except upon the written request of the respondent.

"Financial Interest" means pecuniary or material benefit accruing to a person governed by this Code as a result of a contract, transaction, zoning decision or other matter which is, or may be, the subject of an official act or action by or with the Town of Groton except for such contracts or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all persons and/or property similarly situated.

"Gift" means anything of economic value in excess of one hundred dollars (\$100.00) for any one (1) occasion. A gift does not include:

1. A political contribution, reported as required by law or a donation or payment as described in subdivision (9) or (11) of subsection (b) of 9-601a.
2. Services provided by persons volunteering their time.
3. A commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business.
4. A gift received from a member of a person's immediate family or significant other living at the same residence..
5. Goods or services which are provided to the municipality and facilitate government actions or functions.
6. A certificate, plaque or other ceremonial award.
7. A rebate or discount on the price of anything of value made in the ordinary course of business, without regard to that person's status.
8. Printed or recorded information germane to government action or functions.
9. An honorary degree bestowed upon a public official or public employee by a public or private university.
10. A meal provided at an event or business meeting and/or the registration or entrance fee to attend such an event, in which a person(s) governed by this Code participates in his/her official capacity.

"Immediate family" means spouse, child, parent, grandchild, brother, sister, grandparent, daughter-in-law, son-in-law, mother-in-law, father-in-law, sister-in-law, brother-in-law, and significant other living at the same residence.

"On The Record" means in writing, signed and dated or a directive to the secretary taking the minutes of a meeting to note in the minutes of the meeting a special disclosure or statement.

"Probable Cause" Probable cause is defined by determining whether the facts would warrant a reasonable person to believe that a town official, officer or employee violated this Code; the belief should be more than a mere suspicion, but less than proof beyond a reasonable doubt.

"Respondent" means any person accused of violating this Code.

"Town Official, Officer or Employee" means an individual whether elected or appointed, whether paid or unpaid, full or part time, including members of boards, commissions and committees in the service of the Town of Groton.

**Section IV-Conflict of Interest**

1. Persons governed by this Code shall not be financially interested in any contract or purchase order for any supplies, materials, equipment or contractual services furnished to or used by the board, agency or commission of which that person or persons is or are a member, or of which that person or persons is or are an employee(s). It is further provided, notwithstanding the above, that no member of the Town Council shall be financially interested, either directly or indirectly, in any contract or purchase order for any supplies, materials equipment or contractual services furnished to or used by any board, agency, or commission of the Town of Groton

2. a) A Town official, officer or employee shall refrain from voting upon or otherwise participating in any matter on behalf of the municipality if he/she, or a member of his/her immediate family, has a financial interest in the transaction or contract, including but not limited to the sale of real estate, material, supplies or services to or by the municipality.

b) Notwithstanding the prohibition in subsection 3(a) a Town official, officer or employee may vote or otherwise participate in a matter if it involves a determination of general policy and the interest is shared with a substantial segment of the population of the Town of Groton.

3. Persons governed by this Code shall not accept or receive, directly or indirectly, from any person or business to which any contract or purchase order may be awarded by the Town of Groton or any of its boards, agencies or commissions any money, rebate or gifts, or any promise, obligation, or contract for future reward or compensation.

4. Persons governed by this Code who have a financial interest in any transactions or contract with the Town, including but not limited to the sale of real estate, materials, supplies or services to the Town, on which that person or persons may be called upon to act in that person's official capacity shall not vote or otherwise participate in the transaction on behalf of the Town. That person (or persons) shall declare on the record that person (or persons) has or have a conflict of interest.

5. Persons governed by this Code shall not request or permit the use of Town owned vehicles, equipment, facilities, materials, or property for personal convenience or profit, except when such are available to the public generally, or as provided pursuant to a municipal policy, collective bargaining agreement and/or authorization by the Town Manager.



**Section V-Municipal Ethics Commission. Members; Appointment; Qualifications; Compensation**

1. There shall be a Municipal Ethics Commission consisting of five regular members and three alternates. Members shall be appointed by the Town Council to two-year terms.
  
2. All members shall be electors of the municipality. No member shall (1) hold or campaign for any public office; (2) hold office in any political party; or (3) serve as a member of any other municipal agency, Commission or Board. A person will not be disqualified from serving on the commission if he/she has a member of his/her immediate family employed by the Town or the Groton Board of Education.
  
3. The commission shall elect a chairperson who shall preside at meetings of the commission, a vice-chairperson to preside in the absence of the chairperson and a secretary. Three members shall constitute a quorum. At least three (3) votes of the commission shall be required for action of the commission except as otherwise specifically provided for herein.
  
4. Members will serve without compensation except for authorized expenses in conjunction with their duties.

**Section VI-Duties of Town Attorney/Commission re: Reports, Advisory Opinions, Memoranda, and Regulations, Staff**

1. The Town Attorney shall: (1) Compile and maintain a record with the Town Clerk of all reports, advisory opinions, statements, and memoranda filed by and with the commission to facilitate public access to such reports and statements; (2) issue advisory opinions with regard to the requirements of this code upon the request of any person, provided there is no pending complaint before the Commission on this issue. Advisory opinions rendered by the Town Attorney, until amended or revoked by the Town Attorney at any time, shall be binding and shall be deemed to be final decisions. Any advisory opinion concerning the person who requested the opinion and who acted in reliance thereon, in good faith, shall be an absolute defense in any matter brought under the provisions of this code; (3) report annually on or before February 1 to the Town Council summarizing the activities of the commission; (4) receive complaints and determine whether or not the Ethics Commission has jurisdiction.
  
2. The Commission will use the Town Attorney or an attorney specially appointed by the Town Attorney for assistance, as needed, in carrying out his/her duties.

## **Section VII-Complaints, Procedures, Time limits, Investigation; Notice; Hearings**

### **1. Complaints.**

The Ethics Commission shall receive written complaints of any violation of the Code of Ethics only upon referral by the Town Attorney. The Commission shall have the power and duty to investigate and hear complaints concerning allegations of violations of this Code as set forth herein. The time period for filing a complaint shall be the later of 180 days of the event(s) giving rise to the complaint or 180 days from the date on which the complainant actually knew or had access to sufficient information to have constructive knowledge of the event(s) giving rise to the complaint. In no event, however, will the Commission have jurisdiction to hear complaints where the event(s) giving rise to the complaint actually occurred more than one (1) year prior to the filing date. Complaints of violation of the Code of Ethics must relate to financial gain or financial interests which are not in the best interests of the Town of Groton. The complaint may be made by any person but must be in writing on a form prescribed by the Town Attorney and signed under penalty of false statement. Included in a complaint shall be the name of the person accused (respondent), and also specific acts alleged to constitute the violation of Section IV of this code, when they occurred, and when the complainant claims to have obtained knowledge of them. It shall also state whether or not these allegations have been presented to other administrative or judicial authorities. All information supplied to or received from the Town Attorney and/or Commission during evaluation or investigation shall remain confidential, as specified by provisions of the Connecticut General Statutes, section 1-82a, in relation to operations of an Ethics Commission unless the Commission makes a finding of probable cause for a hearing, or unless the respondent requests in writing that the entire record and any hearings be open to the public.

### **2. Evaluation and acknowledgment.**

A. If the Town Attorney determines that the complaint is not timely filed, is not in proper form, the allegations, even if true, would not constitute a violation of this Code, the complaint relates to an issue or incident adjudicated (or in the process of adjudication) as part of a previously filed complaint (whether or not filed by the same complainant and/or the matter otherwise may be more appropriately addressed through the investigation and disciplinary processes for union and/or non-union employees, then the Town Attorney shall dismiss the complaint and duly notify the complainant of said fact and the reasons therefore by registered or certified mail. The Town Attorney will refer allegations applicable to other administrative, or judicial authority to the proper authority.

B. If the Town Attorney determines that the complaint is in proper form and the allegations if true would constitute a violation of this Code then the Town Attorney shall, not later than ten business days after said determination, provide a copy of the complaint by registered or certified mail to all respondents against whom such complaint is filed and shall provide notice of the receipt of such complaint to the complainant. The respondent(s) shall have ten business days to submit any response to the Commission.

#### C. Investigation of Probable Cause-Confidential Investigation

The Commission shall make or cause an investigation to be made sufficient to decide whether there is probable cause to believe a violation of this Code has occurred. The investigation shall be concluded within ninety days. In the conduct of this stage of its investigation, the Commission shall have the power to hold hearings administer oaths, examine witnesses, receive oral and documentary evidence, subpoena witnesses, and to require the production for examination by the Commission of any books and papers as permitted by law which are relevant in any manner under investigation or in question; the Commission may, but is not required to, conduct hearing at this stage of its investigation. During this stage of the investigation, the respondent(s) shall have the right to offer any information which may tend to clear the respondent of probable cause to believe that the respondent has violated any provision of the Code of Ethics. This investigation shall be confidential pursuant to Connecticut General Statutes, Section 1-82a.

#### D. No Probable Cause

If the Commission finds no probable cause it shall within five business days advise the complainant and the respondent in writing of its finding and a summary of the reasons therefore and the complaint and the record of investigation shall remain confidential.

#### E. Probable Cause

If the Commission finds probable cause by the concurring vote of four out of five voting members, it shall within three business days after the termination of its investigation and its decision, advise the complainant and the respondent of its findings in writing and a summary of the reasons therefore. If there is found such probable cause, the Commission shall make public its finding within five business days after the termination of its investigation and decision thereon and the entire record of the investigation shall become public with the exception for postponement of the release of said record for a period not to exceed fourteen days during negotiations for the resolution of the matter by stipulation, agreed settlement, or consent order and/or as provided for in Section 4-177 of the Connecticut General Statutes as referenced in Section 1-82a(e). It shall also, unless resolved as stated above, fix a date for a hearing on a complaint. It shall give notice of that date to the complainant and respondent. Such date shall be not less than thirty days following notice, nor more than ninety days after the finding of probable cause.

#### F. Hearings

Following a determination of probable cause, all hearings shall be opened to the public and recorded in a manner to be determined by the Town Attorney. Hearings shall not be subject to rules of court. The Rules of Evidence and all applicable rights under the United States and Connecticut Constitutions, including, without limitation, the rights (i) of an accused to confront and cross-examine his/her accuser, (ii) of every witness or party to be represented by an attorney at law of his/her choice, and (iii) of every witness to decline to answer questions in accordance with the Fifth Amendment to the Constitution of the United States apply. The Commission Chairperson, or in his/her absence, another Commission member designated by the

Commission to act as Chairperson, shall preside at such hearings, which shall be conducted by the Commission, with the advice and assistance of the Town Attorney, in order to facilitate the prompt and fair disposition of the proceedings. While conducting a hearing under this section G, the Commission shall have the authority to administer oaths, examine witnesses, and receive oral and documentary evidence. The commission shall have the authority to issue subpoenas or subpoenas duces tecum enforceable upon application to the Superior Court for the State of Connecticut, to compel attendance of persons at hearings and the production of books, documents, records and papers, pursuant to Sections 7-148(c)(10)(B) of the Connecticut General Statutes, subject to the inherent power of the Commission to decline or limit such request where it is merely duplicative or is unnecessarily burdensome or harassing and not likely to lead to evidence which will aid the Commission in its determination.

**G. Finding/Sanctions**

No finding of violation of this Code shall be made except upon concurring vote of five out of five members of the Commission. The Chairperson shall render the finding of the Commission in writing within thirty days after conclusion of the hearing. A copy of the finding shall be sent at the same time to the complainant, respondent, Town Attorney, and the Town Manager of the Town of Groton. Upon finding of a violation of any provision of the Code, the Commission will refer the matter to the appropriate appointing or supervisory authority. The authority affected will report within thirty days to the Commission the action taken, if any.

**Section VIII- Validity**

If any part of this Code is determined to be invalid, such determination shall not affect the validity of any other part and the remainder shall remain in full force and effect. All ordinances or parts thereof inconsistent with this Ordinance are hereby repealed.

**Section IX-Date of Effect.**

This Ordinance shall be effective 45 days after enactment by the Council unless vetoed by the RTM. and be it further

RESOLVED, that the Town Council will hold a public hearing on Ethics Ordinance on September 4, 2018 at 6:30 p.m. in Town Hall Annex, Community Room 1.

Moved by: Heede, Conrad		Seconded by: Atwater, David		
Committee Members	YES	NO	ABSTAIN	RECUSE
David Atwater	X			
Rachael Franco	X			
Patrice Granatosky	X			
Conrad Heede	X			
Lian Obrey	X			
Juliette Parker	X			
Rita Schmidt	X			
PASSED				

XII. ADJOURNMENT

- XII.a. Councilor Obrey made a motion to adjourn, seconded by Councilor Schmidt and so voted unanimously. Mayor Granatosky adjourned the meeting at 8:19 pm.

Attest:

Betsy Moukawsher  
Groton Town Clerk  
Clerk of the Council