



Town of Groton, Connecticut

45 Fort Hill Road
Groton, CT 06340-4394
Town Clerk (860)441-6640
Town Manager
(860)441-6630

Meeting Minutes

Town Council Committee of the Whole

Mayor Harry A. Watson, Councilors Peter J. Bartinik, Jr., Natalie Burfoot Billing, Heather Sherman Bond, Catherine Kolnaski, Frank O'Beirne, Jr., Paulann H. Sheets, Thomas J. Skrmetti, and Elissa T. Wright.

Tuesday, February 8, 2005

7:00 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

1. CALL TO ORDER

Mayor Watson called the meeting to order at 7:05 p.m.

2. ROLL CALL

Members Present: Mayor Watson, Councilor Bartinik, Jr., Councilor Billing, Councilor Kolnaski, Councilor O'Beirne, Jr., Councilor Sheets and Councilor Wright
Members Absent: Councilor Bond and Councilor Skrmetti

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

3. Calendar and Communications

4. UNFINISHED BUSINESS

None.

5. NEW BUSINESS

2003-0177 Renovations & Additions to Groton School Facilities - Phase I

Discussed

A handout prepared by Director of Public Works Gary Schneider on the process used to hire the construction manager consultant was distributed to the Council. Mr. Schneider reviewed the handout. A Request for Proposal was advertised and one contact person in Public Works was designated. A mandatory pre-proposal meeting was held and a walk through of the high school was conducted. All packages were submitted on time and 13 firms responded. Staff reviewed the packages and short-listed seven firms. Panel interviews were conducted and two firms (O&G and Gilbane) were selected for a second interview. The two firms submitted fee proposals prior to the interview. Next the interview panel looked at reference checks and a meeting was conducted with the firms to address the findings and other topics of interest.

Town Manager Oefinger noted there are two newspaper articles approximately a year old that are circulating, and have raised concerns about these consultants. Staff discussed the issue with the Town Attorney. The Town Manager expressed concern with the allegations about the firms that have been made and how they were raised. He assured the Council Town staff is doing its due diligence, and has followed the normal process that is always followed. At this point, the Town has not uncovered anything that would prevent either of these two contractors from being chosen. A decision has not yet been made.

Town Attorney Mike Carey referenced the article about Gilbane citing fines imposed by the EPA for PCB contamination. Mr. Carey went to the EPA website and found the press release on the incident. The amount of the fine was not remarkable and the fine was paid pursuant to a settlement agreement where Gilbane did not admit any liability, and in fact a subcontractor may have been liable. Mr. Carey reviewed projects that Gilbane has been involved with including construction of an EPA facility in North Carolina, the deconstruction plan for September 11th, and numerous landmarks. Gilbane is a \$2 billion per year, family business. Mr. Carey explained

that he did not perform an extensive search on this company. He did look at the State of Connecticut Judicial Department website that allows users to search by name parties to lawsuits. There were nine citations for Gilbane. As a point of comparison, there were four and half pages of citations for the Town of Groton.

Mr. Carey looked at the same information for O&G. The company does \$300 million in sales and is listed in the country's top 400 contractors. O&G does heavy civil construction. Mr. Carey noted their accomplishments and stated the list of lawsuits involving O&G is about a page and a half long, although in many of them, O&G is the plaintiff. Mr. Carey emphasized that he was not advocating for either of the companies.

Mayor Watson noted that the Town is following the procedures it should be following. Councilor Sheets asked if the interview panel asked about the most recent school projects the two firms have been involved in, and if they were on budget and on time. Mr. Schneider stated yes that's how the firms were short-listed. The Town received glowing reports on Gilbane and O&G and their involvement in local projects.

Councilor Wright asked for clarification on the chain of command and scope of delegation of the Town Manager to enter into contracts, noting a resolution approved by the Council in May granting authority to the Town Manager to contract for design consultant services. The Town Manager explained that the authorization to proceed with the project is tied directly to the approval of the voters and the ordinance. The Charter is clear that when buildings are built, the Director of Public Works is in charge of oversight. Councilor Wright expressed concern that the Town Council did not specify the duties and responsibilities of the Permanent School Building Committee when it was appointed as the building committee for the school projects. She wondered if there was a need to provide clarification and define their responsibilities. Councilor Kolnaski suggested that these questions should have been raised earlier in the process.

Councilor Billing thanked the Permanent School Building Committee and staff, and noted that she does not feel it is appropriate for the Council to be involved in the process. She expressed appreciation that the Town did reference checks and investigated the firms' local experience.

Councilor Sheets noted that her expressions of concern are not meant to delay the project. She feels it is the Town Council's responsibility to establish policy and procedures, and noted it is also reassuring for the public to hear an explanation of the procedures.

With respect to the appointment of Rick Norris, Town Manager Oefinger distributed information from Doug Ackerman, Director of Administrative Services, and Mr. Schneider regarding the process of selecting a project manager for the school project. Again, the Town followed the same process for filling this position as for any other authorized job position. Town Manager Oefinger reviewed the summary of the recruitment process for the position of Project Manager, School Construction. The Town Council approved a job description and a request to fill the position was approved by the Town Manager. A notice of the job opening was posted and the position was advertised. Fifty-one applications were received and reviewed by Human Resources; eight candidates were selected for a panel interview. An eligibility list of seven candidates scoring above 70 was established, which led to a certified list of the top five scoring candidates. Gary Schneider is the appointing authority for this position. Mr. Schneider and Wes Greenleaf interviewed four candidates (one accepted another position with the Town), and both chose Mr. Norris as the top candidate. Mr. Norris did not participate in writing the job description or the hiring process. The Town Manager suggested that any discussion of Mr. Norris' credentials should take place in executive session.

Mr. Schneider then reviewed the process used to select the environmental engineering services consultant. Mr. Schneider has notified URS Corporation of their selection.

2005-0033 Potential Land Acquisition**Recommended for a Resolution**

Dr. Burrows addressed the Council about a 28-acre parcel on Military Highway owned by the Copp and Burrows families. The owners decided to sell the property and it was put on the market. A number of developers were interested in the parcel, but the owners agreed to put the process on hold until the property could be offered to the Town for purchase as open space. Dr. Burrows stated he was looking for feedback from the Council on whether the Town might be interested in the property or not. He explained that the property is identified in the 2002 Plan of Conservation and Development as desirable open space. The parcel is on the market for \$2 million. Dr. Burrows noted there are several organizations willing to help municipalities patch together funding sources to make competitive bids on property, such as the Trust for Public Land.

Alicia Betty from the Trust for Public Land (TPL) explained that TPL helps towns acquire open space. They do not own or maintain land, but they facilitate transactions. TPL becomes involved in land negotiations, oftentimes negotiating the contract with the owner and presenting it to the Town. TPL will also work with towns to obtain grants.

Town Manager Oefinger noted that if the project were bonded, it would require a referendum in November, and a commitment from the Council by April. He acknowledged that there may be other funding sources, but they can take a long time and their availability is somewhat uncertain. Councilor Wright noted the Council recently established an open space acquisition fund and discussion is pending on putting excess conveyance tax revenues into that fund.

Councilor Sheets questioned the time line for applying for NOAA grants. Ms. Betty noted that the request must be made by the end of February. It requires a contract for purchase or at least a letter of intent.

Councilor Billing noted her support for this proposal hinges on finances.

A motion was made by Councilor Billing, seconded by Mayor Watson, to direct staff to return as soon as possible with information on potential funding sources and a schedule for referendum, and refer this item to the Planning and Conservation Commissions.

A motion was made by Councilor O'Beirne, seconded by Councilor Kolnaski, to amend the motion to state the Town Council expresses its strong interest in pursuing protection of this property, and directs staff to return as soon as possible with information on potential funding sources and a schedule for referendum, and refers this item to the Planning and Conservation Commissions.

Councilor Wright encouraged the Council to take advantage of the Trust for Public Land's offer of assistance to expedite the paperwork for the NOAA grant, for example. Ms. Betty explained that the Trust can take on the project fully and become a party to the transaction, which would require a letter from the Town requesting the Trust's assistance. The other option is for TPL to simply provide technical assistance and offer advice. TPL is a private non-profit organization and the Town would not be charged a fee for its services.

Town Manager Oefinger asked for clarification about pursuing the NOAA grant and discussion followed.

A motion was made by Councilor Sheets, seconded by Councilor Wright, to invite the Trust for Public Land to be a partner in the Town's determination regarding the property.

Councilor O'Beirne expressed concern with inviting too many people into the process and discussing money matters until more information is available. After some discussion, the second motion was withdrawn.

The motion to amend carried unanimously.

The motion carried unanimously.

Councilor Sheets indicated she would provide whatever additional information the Council might need on the Trust for Public Land. Discussion followed on the NOAA grant and the role of TPL. Dr. Burrows invited the Council to walk the property.

2005-0005 Labor Negotiations (2005 Standing Referral)

Discussed

A motion was made by Councilor Bartinik, Jr., seconded by Councilor Sheets, to enter executive session at 8:37 p.m. to discuss 2005-0005 Labor Negotiations, and to invite the Town Manager, Doug Ackerman, and Joyce Sauchuk to attend.

The motion carried unanimously.

The executive session concluded at 10:35 p.m. Due to the late hour, the remaining items on the agenda were tabled to a future meeting.

2004-0312 FYE 2006 Budget

Not Discussed

2004-0048 Groton Code of Ethics

Not Discussed

2005-0007 Legislative Policy (2005 Standing Referral)

Not Discussed

2003-0198 Public Water & Sewer on Flanders Road/Industrial area

Not Discussed

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

None.

7. OTHER BUSINESS

None.

8. ADJOURNMENT

A motion was made by Councilor Billing, seconded by Councilor Bartinik, to adjourn at 10:37 p.m.

The motion carried unanimously.