



Town of Groton, Connecticut

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

Meeting Minutes

Representative Town Meeting

Moderator Rita Schmidt

Representatives Joe Baril, Tom Barnhart, Lori Bartinik, Alicia Bauer, Genevieve Cerf, Michael Collins, Syma Ebbin, George Edwards Jr, Peter Fairbank, Robert Garcia, Patrice Granatosky, Dolores Harrell, Debra Jenkins, Carole McCarthy, Kevin McMahon, Richard Metayer, David Miner, Deborah Monteiro, James Moulding, Scott Newsome, Nora Patterson, Deborah Peruzzotti, Joy Plunket, Robert Post, Kevin Power, Don Pratt, Mary-Ellen Schefers, Eleanor Scussel, Jack Sebastian, Jennifer Smuts, Eleanor Steere, Fritz Stein, Joan Steinfeld, Irma Streeter, Mark Svencer, Patti Thunberg, Cheryl Tilney, Tom Vivirito, Robert Walker Sr, and John Wheeler.

Wednesday, March 8, 2006

7:30 PM

Senior Center

Regular Meeting

A. ROLL CALL

*Moderator Rita Schmidt called the meeting to order at 7:32 p.m.
33 members were present and a quorum was declared.*

Members Present: Moderator Schmidt, Rep. Baril, Rep. Bartinik, Rep. Cerf, Rep. Collins, Rep. Ebbin, Rep. Fairbank, Rep. Garcia, Rep. Granatosky, Rep. Jenkins, Rep. McCarthy, Rep. McMahon, Rep. Metayer, Rep. Miner, Rep. Monteiro, Rep. Moulding, Rep. Patterson, Rep. Peruzzotti, Rep. Plunket, Rep. Post, Rep. Power, Rep. Schefers, Rep. Sebastian, Rep. Smuts, Rep. Steere, Rep. Stein, Rep. Steinfeld, Rep. Streeter, Rep. Svencer, Rep. Thunberg, Rep. Tilney, Rep. Vivirito and Rep. Walker, Sr.
Members Absent: Rep. Barnhart, Rep. Bauer, Rep. Edwards, Jr., Rep. Harrell, Rep. Newsome, Rep. Pratt, Rep. Scussel and Rep. Wheeler, Jr.

Also present were Town Manager Mark Oefinger, Assistant to the Town Manager Lee Vincent, Mayor Harry Watson, City Mayor Dennis Popp, Councilors Mick O'Beirne and Jim Streeter, Town Clerk Barbara Tarbox and Assistant Town Clerk Sally Whitney.

B. MOMENT OF SILENCE AND SALUTE TO THE FLAG

The members observed a moment of silence followed by the Salute to the Flag led by Mayor Watson.

C. APPROVAL OF MINUTES

1. Regular Meeting February 8, 2006

A motion that the minutes be adopted was made by Rep. Smuts, seconded by Rep. Miner and so voted unanimously.

2. Special Joint Meeting with Town Council February 21, 2006

A motion that the minutes be adopted was made by Rep. Garcia, seconded by Rep. Miner and so voted unanimously.

D. CITIZENS' PETITIONS

None

E. RECEPTION OF COMMUNICATIONS

The Moderator reported that Reps. Edwards, Pratt, Barnhart and Harrell were unable to attend. A "get-well soon" card was circulated for Rep. Edwards.

2006-0050 Road Acceptance

This matter was Referred to the RTM Public Works Committee, due back on April 12, 2006. The motion carried.

2005-0238 State Grant for Purchase of Hybrid Vehicles

This matter was Referred to the RTM Public Works Committee, due back on April 12, 2006. The motion carried.

2006-0061 Road Acceptance

This matter was Referred to the RTM Public Works Committee, due back on April 12, 2006. The motion carried.

F. REPORT OF THE TOWN MANAGER:**1. Financial report**

Mr. Vincent reported that the Unreserved & Undesignated Fund balance as of July 1, 2005 is approximately \$8.6 million; the General Contingency balance is \$38,560; the Capital Reserve balance is \$3,367,696.

Mr. Vincent stated that no new transfers were forthcoming.

He requested that members read the report on the completed Grand List in the Town Manager's News. He provided a brief explanation of the changes and attachments concerning the Grand List.

2. Monthly briefing

The Town Manager stated that the budget books should arrive from the printer on March 16, 2006. He reported that an overview budget presentation to the Council by the Board of Education and the Manager will take place on March 25, 2006. He stated that this session will provide the Council with a preview of what will be presented at the public hearing. The Council has set the Town Budget public hearing for March 29, 2006 and a tentative schedule for budget review sessions. By the Town Charter the Council must complete their actions on the budget by April 28, 2006.

Moderator Schmidt encouraged members to attend the Council review sessions in order to gain first hand knowledge of Council and staff comments. She stated that some of the RTM committees may want to schedule their budget meetings immediately after the Council deliberations since Town staff would already be present.

G. LIAISON REPORTS**1. Town Council - Rep. Monteiro**

Rep. Monteiro reported on the meetings of the Council and Committee of the Whole held February 14, 21, and 28 and March 7, 2006. She reported that lengthy discussions on budget guidance to the Town Manager took place at meetings of the Committee of the Whole and at a special joint meeting of the RTM and Committee of the Whole. She reported that at the special meeting a majority of RTM members present expressed their disapproval of the Council's proposal to direct the Town Manager to provide a zero dollar budget increase for Town Departments.

Rep. Monteiro enumerated the actions taken by the Council.

2. Economic Development Commission - Rep. Cerf

Rep. Cerf reported she was out of town and unable to attend the meeting.

3. Town Council/Board of Education Liaison Committee - Rep. Patterson

Rep. Patterson reported the meeting was cancelled.

4. Permanent School Building Committee - Rep. Miner

Rep. Miner reported that the meeting was cancelled due to a snowstorm.

5. P.B.F.D. Consolidation Review Committee - Reps. Baril & Steinfeld

Rep. Baril reported that no meeting had taken place and expressed confusion on the status of this Committee based on the Council's not approving a fire district assessment study.

The Town Manager stated he feels the Committee should meet to render a final report. He reported that currently the Committee has no Council representative or chairperson.

6. Economic Development Strategic Planning Steering Ctee - Reps. Fairbank and Peruzzotti

Rep. Fairbank read the minutes from the February 26, 2006 meeting. The objective of this meeting was a review of comments and concerns that were received during the last month in response to the proposed strategic plan. The consultant identified areas within the plan where most of the comments could be incorporated. Comments received included streamlining the plan, adding further cost estimates for projects, exploring the establishment of a special services district, developing opportunities for "Eco-Tourism" (e.g. sport fishing, sailing). Rep. Fairbank stated that a local weekly paper will be writing a series of articles on the different components of the plan over the next few weeks. He reported that one additional project was added to the draft plan for a Submarine Base Gateway project at an estimated cost of \$50,000. The next public hearing will be on March 30, 2006.

7. Shellfish Task Force - Rep. Ebbin

No meeting, no report.

Rep. Bartinik left at this point during the meeting.

Members Present: Moderator Schmidt, Rep. Baril, Rep. Cerf, Rep. Collins, Rep. Ebbin, Rep. Fairbank, Rep. Garcia, Rep. Granatosky, Rep. Jenkins, Rep. McCarthy, Rep. McMahon, Rep. Metayer, Rep. Miner, Rep. Monteiro, Rep. Moulding, Rep. Patterson, Rep. Peruzzotti, Rep. Plunket, Rep. Post, Rep. Power, Rep. Schefers, Rep. Sebastian, Rep. Smuts, Rep. Steere, Rep. Stein, Rep. Steinfeld, Rep. Streeter, Rep. Svencer, Rep. Thunberg, Rep. Tilney, Rep. Vivirito and Rep. Walker, Sr.
Members Absent: Rep. Barnhart, Rep. Bartinik, Rep. Bauer, Rep. Edwards, Jr., Rep. Harrell, Rep. Newsome, Rep. Pratt, Rep. Scussel and Rep. Wheeler, Jr.

H. COMMITTEE REPORTS

1. FINANCE

a. Chairman's notes of the business of the Town - Chairman Granatosky

No meeting, no report.

2. COMMUNITY & ECONOMIC DEVELOPMENT

a. Chairman's notes of the business of the Town - Chairman Vivirito

Chairman Vivirito read the minutes of the meeting held on February 27, 2006. (See attached minutes).

A motion to accept the minutes was made by Rep. Vivirito, seconded by Rep. Smuts and so voted unanimously.

2005-0307 Acceptance of Open Space at Fleet Bank Subdivision

RESOLUTION ACCEPTING OPEN SPACE AT FLEET BANK SUBDIVISION

WHEREAS, the Fleet Bank Subdivision, Winding Hollow Road, was approved on June 13, 1995, and

WHEREAS, the Groton Planning Commission on July 8, 2003 recommended acceptance of an open space parcel in the Fleet Bank Subdivision for park, open space, and recreational purposes, now therefore be it

RESOLVED, that the Town of Groton accepts the parcel of open space designated on the Fleet Bank Subdivision plan, and that this matter be referred to the Representative Town Meeting.

A motion was made by Rep. Vivirito, seconded by Rep. Smuts, that this matter be Adopted.

The motion carried unanimously

3. EDUCATION

a. Chairman's notes of the business of the Town - Chairman Patterson

Chairman Patterson reported no meeting but encouraged all the RTM Education Committee members to attend the March 25, 2006 budget overview session involving the Board of Education,

Town Manager and Town Council.

4. HEALTH & SOCIAL SERVICES

a. Chairman's notes of the business of the Town - Chairman Wheeler

No meeting, no report.

5. RECREATION

a. Chairman's notes of the business of the Town- Chairman Power

No meeting, no report.

6. PUBLIC SAFETY

a. Chairman's notes of the business of the Town - Chairman Pratt

No meeting, no report.

7. PUBLIC WORKS

a. Chairman's notes of the business of the Town - Chairman Collins

No meeting, no report.

8. RULES & PROCEDURES

a. Chairman's notes of the business of the Town - Chairman Stein

Chairman Stein read the minutes from the meeting held on February 28, 2006. (See attached minutes).

A motion to accept the minutes was made by Rep. Stein, seconded by Rep. Baril and so voted unanimously.

2006-0062

RTM and Council Budget Procedures

RESOLUTION CONCERNING THE TOWN COUNCIL'S GUIDANCE TO THE TOWN MANAGER

WHEREAS, the Town Council has violated the spirit of the Town Charter by limiting the powers, scope, and responsibility of the Town Manager and ultimately the Representative Town Meeting by its budget resolution passed on February 21, 2006, now therefore be it

RESOLVED, that the RTM requests that the Town Council take budgetary action to maintain level services in Town Operations.

A motion was made by Rep. Granatosky, seconded by Rep. Stein, that this matter be Adopted as Amended.

MOTION TO ADOPT the Resolution on the agenda was made by Rep. Stein, seconded by Rep. Miner.

MOTION TO AMEND

A Motion to Amend by striking the words "may have" and replace with the word "has" in the "whereas" clause was made by Rep. Granatosky, seconded by Rep. Miner.

Rep. Cerf stated she was away and unable to attend the special joint meeting or the RTM Rules and Procedures Committee meeting. She has attended numerous Council meetings and it is her opinion that the Council has the right to give budget guidance to the Town Manager as it has done over the last 12 years. She feels that the Council did not use any coercion to the Town Manager and she objects to the Resolution. She opposes this type of criticism of the Council and questions if it was correct under the Town Charter for the Rules and Procedures Committee to consider and propose the Resolution. She requested a Point of Order, in that the Resolution should not have been on the agenda and should be removed from the floor. It is also her belief that the Council guidance was done in good faith, for better or worse, and that the Council has the right to do this. This disagreement is preventing the Town from looking at the real issues facing the Town, such as efficiency, problems of global competition and business investments going abroad to India and

China.

Rep. Vivirito agreed wholeheartedly with Rep. Cerf's comments. He stated that the concentration of the RTM, the Manager and the Council should be on the town budget and what is best for the taxpayers of the Town. He stated that the Town pays the Manager to do a job and that the Manager should be given the opportunity to do so. The Council should then do its job to reflect on the budget and then the RTM can review the actions of the Manager and Council to evaluate whether they did their job. He does not want to be a part of the fighting over who has the power.

Rep. Steere agrees with the comments of Reps. Cerf and Vivirito.

A MOTION to remove the motion on the floor was made by Rep. Steere; she believes that the Town Charter does not give this type of power to the Committee. The motion was seconded by Rep. Vivirito.

The Moderator stated that there was already a second motion on the floor.

Rep. Granatosky and the Town Clerk requested clarification of Rep. Steere's motion. The Moderator stated that they want to eliminate the main motion on the floor.

The Town Clerk stated it is her understanding that the main motion and a motion to amend are on the floor.

The Moderator responded to Rep. Cerf that it was the Moderator's prerogative to assign items to committee.

The Moderator stated that Rep. Steere's motion was to withdraw the main motion from the floor, and is out of order.

Rep. Sebastian questioned the ability to explain "spirit" and asked how the RTM could make a judgment of the "spirit" of the Town Council.

Councilor O'Beirne was recognized by the Moderator. He stated that this Resolution is unprecedented and he questions the meaning of the Resolution. He questioned who could define "spirit of the charter."

Rep. Smuts stated that in her opinion, guidance is one thing, but a specific dollar amount and the zero percent is very specific. She stated that in her tenure she could not recall guidance for a zero increase budget, but she does recall guidance for a level service budget.

VOTE ON THE AMENDMENT

The Motion to Amend by striking the words "may have" and replace with the word "has" in the "whereas" clause carried 23 in favor, 9 opposed. (Opposed: Reps. Cerf, Peruzzotti, Plunkett, Power, Sebastian, Steere, Steinford, Thunberg, Vivirito.)

MOTION TO AMEND

A Motion to Amend by striking the words "fiscal responsibility" and inserting the words "level services" in the "Resolved" was made by Rep. Granatosky, seconded by Rep. Stein.

Rep. Power is opposed to the amendment, noting that the RTM is now doing exactly what the Council has done by giving the Council a directive or guidance and specific number concerning the budget.

Rep. Steinford disagrees with the action of the Council toward the Manager. She believes the action of this Resolution by the RTM is too late in the budget process and is opposed to the Resolution in its entirety.

Rep. Sebastian does not know what the Resolution means the way it was originally worded. He

feels it is useless and that to insert the words "level services" now is way too late in the budget process. This type of action should be done in November. He is opposed to this revision of the basic motion.

Rep. Miner said that the confusion started when the Council decided to present its budget guidance to the Town Manager in a resolution. He stated in the past the guidance of the Council was never so formal. He believes the Manager is hired to do a job and that past job performance reviews reflect that he does his job well.

Rep. Collins stated that the Council was late in its action to pass a resolution concerning guidance at this point in the budget process. The Council was asked months ago to give guidance but that it waited until 10 days before the printer's deadline to pass a resolution. He feels the RTM is voicing its opinion now by this Resolution.

Councilor O'Beirne reported that a member of the RTM requested a report on the past actions of Council regarding budget guidance to the Manager. He reported that for the years 1999, 2000 and 2001, the former Town Manager requested guidance from the Council. The Council provided guidance for these years by consensus. In 2002 the Manager sent a memo for guidance to increase the budget and the Council passed a motion for a 3.5% increase in the budget. In 2003 the Manager recommended a level service budget and the Council agreed by consensus. In 2004 the records reflect discussion that no cap be placed on the budget but no official action. In 2005 the Manager requested guidance and the Council provided guidance in the form of a motion for a zero dollar increase. He stated that 2005 was the year that Town Operations returned 3.5 % of the budget. Councilor O'Beirne reported in 2006 a Resolution was passed by the Council to maintain current and necessary programs.

VOTE ON THE AMENDMENT

The Motion to Amend by striking the words "fiscal responsibility" and inserting the words "level services" in the "Resolved" carried 23 in favor, 9 opposed. (Opposed: Reps. Cerf, Peruzzotti, Plunkett, Power, Sebastian, Steere, Steinfeld, Thunberg, Vivirito).

VOTE ON THE RESOLUTION AS AMENDED:

The motion carried by the following vote:

Votes: In Favor: 23 - Moderator Schmidt, Rep. Baril, Rep. Collins, Rep. Ebbin, Rep. Fairbank, Rep. Garcia, Rep. Granatosky, Rep. Jenkins, Rep. McCarthy, Rep. McMahon, Rep. Metayer, Rep. Miner, Rep. Monteiro, Rep. Moulding, Rep. Patterson, Rep. Post, Rep. Schefers, Rep. Smuts, Rep. Stein, Rep. Streeter, Rep. Svencer, Rep. Tilney and Rep. Walker, Sr.
Opposed: 9 - Rep. Cerf, Rep. Peruzzotti, Rep. Plunket, Rep. Power, Rep. Sebastian, Rep. Steere, Rep. Steinfeld, Rep. Thunberg and Rep. Vivirito

I. OTHER BUSINESS

Town Clerk Tarbox commented on the Moderator's letter on the budget that was distributed prior to the meeting. She stated that the dates are tentative and that changes will be e-mailed and mailed as necessary. She stated that the budget books should be available in the Clerk's office on March 17th, but members should call first to be sure all have been received.

Rep. Sebastian stated his opinion that the 23 members voting in favor of the Resolution equaled 70% of the RTM and that they voted to spend more money on the budget. He commented that he would like to see what the residents would vote on the budget if the Town had a referendum and he has requested the Manager to provide results of other town referendums. He stated he would share this information with anyone when it is received.

Rep. Miner replied to Rep. Sebastian by stating that the RTM represents the residents of the various districts of the town and he is speaking for his district constituents as their representative

when he votes.

Rep. Ebbin clarified that the vote tonight was not a vote to raise the budget but a vote to respect the process as outlined in the Charter. She stated that the resolution approved tonight did not make any mention of the budget but dealt with preserving the spirit of the Town Charter.

J. ADJOURNMENT

A motion to adjourn at 8:38 p.m. was made by Rep. Garcia, seconded by Rep. Miner and so voted unanimously.

Attest:

*Barbara Tarbox, Town Clerk
Clerk of the RTM*

Sally A. Whitney, Assistant Town Clerk