Town of Groton, Connecticut

Meeting Agenda

Town Council

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

Mayor Bruce Flax, Councilors Dean G. Antipas, Diane Barber, Joe de la Cruz, Greg Grim, Karen F. Morton, Bonnie Nault, Deb Peruzzotti, and Harry A. Watson

Tuesday, December 06, 2016 **7:30 PM** **Town Hall Annex - Community Room 1**

REGULAR MEETING

I. ROLL CALL

II. SALUTE TO THE FLAG

III. RECOGNITION, AWARDS & MEMORIALS

Recess for:

2016-0285 **Public Hearing on an Ordinance Amending Ordinance #229 (Enterprise Zone Ordinance)** **Referral**

PUBLIC HEARING ON AN ORDINANCE TO AMEND THE ENTERPRISE ZONE ORDINANCE (#229)
BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON THAT:

1. Ordinance # 229, adopted July 18, 1995 and codified at § 14.5-3 of the Code of Ordinances, shall be amended by adding the following thereto:

a. (e)(1). Per Connecticut General Statutes § 32-71(e), the Town of Groton, acting through its Town Council, in its complete discretion, may approve additional tax abatements or deferrals of real property taxes for properties within the enterprise zone created by subsection (a) of Ordinance #229, on such terms and subject to such conditions that the Town Council deems necessary to achieve the purposes of the enterprise zone as manifested in Ordinance # 229 and in General Statutes Chapter 585, including § 32-71(a) through (e).

b. (e)(2). An applicant for additional tax abatements or deferrals pursuant to this subsection (e) shall comply with all Town of Groton requirements for applications for tax abatements and deferrals under subsection (b) of this Ordinance and under the Town's Enterprise Zone Description of Tax Benefits for Residential Properties and/or Enterprise Zone Guidelines, and shall provide the Town Council such other information in such forms as the Town Council requests in support of its application.

c. (e)(3). No such additional abatement or deferral shall be effective unless it is set out in a written agreement between the Town and the taxpayer that is approved by the Town Council upon the recommendation of the Town Manager, the Assessor, and the Director of the Office of Planning and Development Services, and is approved as to form and legal sufficiency by the Town Attorney. Any such agreement, whether for an abatement and/or for a deferral, shall be expressly subject to all requirements of §§ (b)(2-8), inclusive, of Ordinance #229, and all requirements of General Statutes §§ 32-71(b) through (e), inclusive. Any such written agreement shall include provisions requiring the taxpayer to provide the Town with written reports at least annually containing information necessary for the Town to determine whether the taxpayer has continued to meet all eligibility requirements hereunder. No such agreement shall have a term longer than twenty (20) years from the date of the issuance of a certificate of occupancy for the improvements upon which it is based, inclusive of any period during which the assessments and/or deferrals provided by subsection (b) of this Ordinance are in effect.

d. Any agreement entered into between the Town and a taxpayer pursuant to § (e)(3) hereof shall be recorded on the Land Records of the Town of Groton.

e. This Ordinance Amendment shall be effective forty-five (45) days after its enactment by the Town Council, unless vetoed by the RTM.

Legislative History

11/15/2016	**Town Council**	**Scheduled for Public Hearing**

IV. RECEIPT OF CITIZENS' PETITIONS, COMMENTS AND CONCERNS

This is the portion of the Council Agenda where the Council welcomes comments from citizens. Each presentation should be limited to five (5) minutes or less, and citizens should, if possible, submit written comments. Presentations should be related to matters pertinent to Groton. Town Councilors will only ask questions in order to clarify the speaker's presentation and can respond during the Responses to Citizens' Petitions portion of the Town Council meeting. Citizens should make their presentations from the lectern and state their names and addresses for the record.

V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS

VI. CONSENT CALENDAR

All matters listed under Item VI (Consent Calendar) are considered to be routine and will be enacted by one motion. No separate discussion of these items will take place, unless cause is shown prior to the time Council votes on the motion to adopt.

a. Approval of Minutes

2016-0284 Approval of Minutes (Town Council) **Resolution - Consent**

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council meeting of November 15, 2016 are hereby accepted and approved.

b. Administrative Items

2016-0275 Special Trust Fund Contributions **Resolution - Consent**

RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS

RESOLVED, that the Town Council hereby accepts contributions to the Town as follows:
Groton Landing Condominium Association - $200.00 - Library Miscellaneous
Joan DeAngelis - $25.00 - Library Miscellaneous
Pfizer Foundation Matching Gifts Program - $275.00 - Library Renovation
Mystic Photography Group - $25.00 - Library Miscellaneous
Robert Ashwort - $100.00 - Social Services Discretionary
Diane & Robert Barber - $400.00 - Social Services Discretionary
Adele Barclay - $50.00 - Social Services Discretionary
Cardinal Honda - $125.00 - Social Services Discretionary
Groton Rotary/Liberty Bank/Groton Lions - $5,322.85 - Social Services Discretionary
Mystic Rotary/Liberty Bank - $1,547.47 - Social Services Discretionary
Ronna Pollard - $50.00 - Social Services Discretionary
Anonymous - $67.43 - Groton Utilities Energy Assistance Program

c. Deletions from the Town Council Referral List

2015-0217 Subase Centennial Anniversary **Referral**

2016-0041 Sub Century Events **Referral**

2016-0180	Groton Long Point Road Ownership Issue	Referral
2016-0279	Great Blue Survey Presentation	Referral
2016-0280	Economic Development Update	Referral
2009-0124	Ethics Ordinance	Referral
2016-0189	Tax Increment Financing	Referral
2016-0276	Appointment of Town Auditor	Referral
2016-0281	Adoption of 2017 Town Council Regular Meeting Schedule	Referral
2016-0282	Adoption of 2017 Committee of the Whole Regular Meeting Schedule	Referral
2016-0283	Adoption of 2017 Personnel and Appointments Committee Regular Meeting Schedule	Referral

VII. COMMUNICATIONS & REPORTS (Other than Committee Reports)

a. Town Councilors

b. Clerk of the Representative Town Meeting

c. Clerk of the Council

d. Town Manager

VIII. COMMITTEE REPORTS

a. Personnel & Appointments - Chairman Watson

b. Rules - Chairman Antipas

c. Committee of the Whole - Mayor Flax

IX. NEW BUSINESS

2009-0124 Ethics Ordinance **Referral**

RESOLUTION RESCINDING PAST RESOLUTION AUTHORIZING PREPARATION OF A LEGISLATIVE ORDINANCE ESTABLISHING A CODE OF ETHICS AND AN ETHICS COMMISSION

WHEREAS, the Groton Town Council by resolution dated November 4, 2015 (#2015-0269) authorized Town staff and the Town Attorney to prepare a legislative ordinance establishing a Code of Ethics and an Ethics Commission to be introduced by the Town Council, and

WHEREAS, the Council has reviewed a draft Code of Ethics prepared by the Code of Ethics Task Force, along with comments from Town Attorney Michael Carey, and

WHEREAS, the Council finds that prohibited conduct and mechanisms for enforcement are addressed in various Town Charter provisions, the Town's Personnel Policy Manual, labor agreements, and Connecticut General Statutes, now therefore be it

RESOLVED, that the Town Council rescinds resolution #2015-0269 dated November 4, 2015 authorizing Town staff and the Town Attorney to prepare a legislative ordinance establishing a Code of Ethics and an Ethics Commission to be introduced by the Town Council, and be it further

RESOLVED, that this referral is deleted.

Legislative History

5/4/2009	**Mayor**	**Referred**	**Town Council Committee of th**
5/12/2009	**Town Council Committee of the Whole**	**Discussed**	

Councilors noted previous efforts to establish an ethics ordinance. Assistant to the Town Manager Lee Vincent objected to involving lawyers in an ethics process. He noted that the Town has been following the state's efforts and he will provide an update on that effort. Councilor Sheets suggested that the Town can proceed with its own effort; the state was developing something for towns that do not have an ordinance. Mr. Vincent's suggested seeking university or academic consultation.

5/26/2009	**Town Council Committee of the Whole**	**Discussed**

Assistant to the Town Manager Lee Vincent noted that any Code of Ethics should be reviewed by the Town Attorney. He has reviewed the model code pending in the legislature and CCM's current position on the code is favorable. Mr. Vincent indicated he could reformat the code into a form that could be used by the Town for consideration. Any Town code must meet the state's model code at a minimum. Mr. Vincent does not expect the state code to be approved this year so Groton will be ahead of the state. He suggested that the Council tackle one subject area at a time at its Committee of the Whole meetings. The Town must also determine how to constitute Groton's Ethics Commission. Mr. Vincent suggested that this process requires a high degree of public input and may require soliciting outside advice or consultation.

7/14/2009	**Town Council Committee of the Whole**	**Discussed**

Assistant to the Town Manager Lee Vincent noted that establishing a Code of Ethics and setting up an Ethics Commission will take some time. He asked Councilors to review the packet of information that was distributed.

7/28/2009	**Town Council Committee of the Whole**	**Discussed**

Mayor Watson asked the Council to identify dates for special work sessions on an ethics ordinance. Councilor O'Beirne suggested a subcommittee of three Councilors to develop a draft document for discussion purposes. Councilors Antipas and Sheets volunteered and Councilor Flax indicated he would be an alternate. Mayor Watson suggested Councilor Kolnaski as the third member of the subcommittee and asked that a report be made available for review by the end of September.

9/22/2009	**Town Council Committee of the Whole**	**Discussed**

Councilor Antipas is working on a draft ordinance for the subcommittee to review at a future meeting.

5/25/2010	**Town Council Committee of the Whole**	**Discussed**

Councilor Flax noted that the Task Force has met a number of times and reviewed an all-inclusive document. The Task Force needs about two meetings to complete the Code.

9/14/2010	**Town Council Committee of the Whole**	**Discussed**

Dean Antipas, Chairman of the Ethics Task Force, provided a brief history of the group's activities and development of a draft Code of Ethics. The Task Force surveyed model codes and issues that should be included in a comprehensive code. A draft Code was reviewed by the Task Force over the course of a year and revised. The Code covers the description of unethical and inappropriate behavior and the composition of an Ethics Commission. Mr. Antipas explained an inquiry process that turns into a complaint if there is probable cause. Standards of conduct are not included in the Code of Ethics. Authorized boards and commissions of the Town were surveyed for their comments and suggestions. Mr. Antipas recommended that the Code be reviewed by the Town Attorney. He solicited comments from the Town Council.

Councilor Kolnaski questioned applying the Code to the Board of Education. Mr. Antipas expressed the opinion that they should be subject to the Code. He noted that the Code of Ethics is not meant to trump any state provisions or collective bargaining unit agreements. The Board of Education's existing Code of Ethics deals simply with educational issues.

Councilor O'Beirne noted a number of areas of concerns. Councilors were encouraged to forward their comments to the Task Force. Councilor Peruzzotti questioned how the Code would impact the City of Groton and Groton Long Point. The Town Manager noted this would be an ordinance, and Town ordinances do apply to those areas of Town, but it is a question for the Town Attorney. Mayor Streeter asked if there would be a mechanism for amending the ordinance. Mr. Antipas stated he would expect amendments, so that issue should

be addressed by the Town Attorney.

The consensus of the Council was to review their comments to date on the draft with Mr. Antipas.

Councilor O'Beirne noted his questions and concerns as follows:

- Page 6 - Disclosure and Disqualification. The person who is most knowledgeable about a situation may have a conflict of interest and not be allowed to vote, but they can participate in discussion.
- Page 8 - Gifts. There should be some minimum level identified.
- Page 9 - Confidential Information.. Information is shared in executive sessions and caucuses.. Revealing information from these sessions was previously reviewed by the Town Attorney and found not to be illegal. Shall"not disclose should be changed to Should"not disclose. Also, under Ex Parte Communications, this subject should be address for non-public hearing issues.
- Page 10 - Favoritism. Special consideration should be clarified.
- Page 12 - Ethics Commission. There are many. This section should be clarified with respect to PACs that may not have anything to do with Town operations and members of political parties. This section precludes letters to the editor and other free speech. Mr. Antipas noted that the provisions in the Code of Ethics are designed to eliminate an appearance of conflict as well as an actual conflict.
- Page 13 - Ethics Commission. Assure that the voting requirements are consistent throughout the document.
- Page 17 - Ethics Commission. Is the section about meeting in closed session compliant with FOIA?
- Page 18 - Ethics Commission. Is the section regarding confidential records compliant with FOIA?
- Page 20 - Ethics Commission. Define Respect the 'rules of evidence'."
- Page 21 - Penalties. What is the authorization for imposing civil penalties and is there a basis in State Statutes? How does this section relate to personnel rules and collective bargaining agreements? What are the anticipated legal expenses and is the Town responsible for reimbursement?

Councilor Peruzzotti had the following questions/concerns:

- Page 4 - Definitions. How is the definition of gift interpreted?
- Page 6 - typo (any)'
- Page 10 - Misuse of Town Property and Reimbursement. Will this section impact employees who take Town vehicles home?

Councilor Kolnaski had the following concern:
- Page 21 - Penalty for Violations. Eliminate public censure.

Councilor Monteiro agreed with Councilor Kolnaski about public censure and Councilor Peruzzotti about the definition of gift. Mr. Antipas noted the provision is designed to stop the person considering an inappropriate gift, not to call into a question a particular gift between friends.

Discussion followed on the process for referrals in the case of necessary legal action.

Mayor Streeter thanked the Task Force for its efforts. Discussion followed on referring the document to the Town Attorney and forwarding it to boards and commissions for review. Mr. Antipas was asked to provide a marked-up document addressing Councilors' comments..

Councilor Watson asked that the Code be sent to the Board of Education also. Discussion followed on applicability of the Code to the City of Groton and Groton Long Point.

9/28/2010 Town Council Committee of the Whole Discussed

The Town Manager asked that any additional comments on the draft ethics ordinance be forwarded to Dean Antipas, Chairman of the Ethics Task Force. The Town Manager feels there is value in referring the draft to the Town Attorney sooner rather than later, and before the document is referred to boards and commissions. The Council concurred.

9/27/2011 Town Council Committee of the Whole Discussed

Staff distributed the draft Ethics Code to the Council last week. Committee Chairman Dean Antipas wants to meet with the Council on October 25th. Councilors were asked to review the document and forward comments or questions to the Town Manager prior to October 25th meeting.

Councilor O'Beirne indicated he had e-mailed comments to the Town Manager. Councilor Johnson asked if the

Board of Education is aware of this effort and it was unknown. Councilor Flax suggested that the Council should review the code first, before bringing in any department affected by it. The Town Manager feels the Council should review the Code first and raise and any questions. Everyone in local government would be affected if an ordinance were to be adopted. This is the first step in the process.

10/25/2011 Town Council Committee of the Whole Discussed

Dean Antipas, Chairman of the Ethics Task Force, noted that Councilors received the latest draft of the Code of Ethics with notated edits. The Ethics Task Force consisted of Mr. Antipas, Councilors Flax and Sheets, and Councilor Kolnaski as alternate. The Task Force also submitted a supplemental report to the Council addressing three major areas raised in a previous review of the draft code. Mr. Antipas stated he would like the Council to approve a draft that can be sent to boards, commissions, staff and the Board of Education for a 60 day review period.

Mr. Antipas addressed comments submitted by Councilor O'Beirne. The first area deals with giving a speech at a political event or endorsing a candidate. Mr. Antipas noted this does not have to be in the code, but there is an expectation that that there should be some distance between an Ethics Commission and political parties. With respect to the composition of the Commission, Mr. Antipas explained that the Ethics Commission is meant to be a non-political group, but its makeup can be whatever the Council desires. Councilor O'Beirne feels the wording is more restrictive than state statutes regarding minority representation. The next issue is the requirement for a super-majority vote, which Mr. Antipas explained is designed to emphasize the seriousness of the process. With respect to comments on civil penalties, Commission only makes recommendations for fines and penalties. Mr. O'Beirne is concerned that it may not be possible with absences, recusals, or vacancies on the Commission. Next Mr. Antipas addressed civil penalties explaining that only fines allowed under existing laws can be levied. The Code is not meant to supersede any existing laws. Councilor O'Beirne asked that the wording be clarified.

Mayor Streeter questioned the conflict if a person is representing a company doing business with the Town, rather than employed by that company. He also questioned the restriction on membership at a state or national political committee. Mr. Antipas noted that these restrictions do not have to be in the code and discretion can be left to the Council if desired. He noted that the Council is not bound by this draft and can develop a totally different Code of Ethics if desired. Councilor Sheets explained that the concepts in the document are for discussion purposes.

Mayor Streeter noted that this was a comprehensive process and the Council has reviewed drafts previously, but he would like to see it moved along. Councilor Flax feels it is time to move the document along to the boards and commissions to try to achieve a final draft.

10/25/2011 Town Council Committee of the Whole Motion

to forward the draft Code of Ethics to boards, commissions, and other affected parties for review

10/9/2012 Town Council Committee of the Whole Discussed

Councilors received a draft ordinance and memo from Town Attorney Mike Carey providing an initial review of the document. Mr. Carey stated that the draft code is well done and comprehensive. He has a few questions about legal authorities and general concerns about the nature of the entity. It was discovered that the Council did not received Mr. Carey's marked up code and therefore could not discuss it.

The Town Manager provided a brief history of the issue. He explained the Council did not provide much direction to the Ethics Task Force and the document is very comprehensive as a result. Since this effort began, a number of other towns have had ethics issues and the Town may want to research how their ethics codes are working for them. The Town Manager fears this may be another venue for aggrieved parties rather than actually dealing with ethics.

Councilor Antipas agrees that a comprehensive code of ethics can be used as a weapon. He explained that the effort stems from the new Charter provision that requires an ethics commission and an ethics code. The task Force did its work in a vacuum and not in response to some issue. Councilor Antipas noted that the Town could adopt something much shorter. Councilor Flax noted that the Committee spent a lot of time on the document and he feels this is a good working draft.

The Town Manager noted that the idea of a regional ethics commission has been raised at the Council of Governments.

Further discussion was tabled to the next meeting. The Town Attorney's marked up version of the code will be provided to Councilors.

10/16/2012 Town Council Committee of the Whole Discussed

Councilors received the Town Attorney's comments on the draft ethics ordinance. Discussion followed on meeting with the Town Attorney and deciding if this is the direction that the Town Council wants to take. Town Manager Oefinger noted that the Ethics Task Force was not given much direction by the Town Council. It would be helpful to discuss what the Town Council is trying to accomplish. Councilor Morton asked who would administer the code.

Councilor Antipas agreed that the Town Council must decide if this is what they want in an ethics code. Mike Carey will be able to give legal advice, but not policy advice.

The consensus was to have a briefing meeting with the Town Attorney, followed by a special meeting of the Council to focus on the ethics ordinance and policy discussion.

The Town Manager clarified that the Council of Governments is discussing a regional Ethics Commission that would adjudicate individual town's ordinances.

Discussion followed on potential problems associated with an ethics code.

11/20/2012 Town Council Committee of the Whole Discussed

Town Manager Oefinger noted that Councilors received information on the COG regional ethics commission proposal, the Norwich ethics program, and Griswold ethics issues for review and consideration. The Town Attorney will be present at the November 27th meeting to discuss the Town's draft ethics ordinance.

11/27/2012 Town Council Committee of the Whole Discussed

Councilor Antipas noted that up until recently, there was only one option available to the Town, which was to draft an ordinance and adopt it in accordance with the Charter. Now there is the possibility of a regional approach and Councilor Antipas feels the Council should discuss the approach before reviewing the draft ordinance. Councilor Schmidt noted that individual municipalities would still have their own ethics ordinances under the regional proposal. Mayor Somers explained that discussions have suggested that a Regional Ethics Commission could adopt an ethics code or use individual towns' codes.

Town Manager Oefinger suggested that going through the committee's draft ordinance would be valuable for the Council to understand the issue. A regional board has been talked about a number of times and there appears to be more support this time. He noted that a regional board's decisions would be purely advisory.

Town Attorney Mike Carey suggested that he meet with the Ethics Task Force (Councilors Antipas and Flax) to address his questions on the draft ordinance.

Mr. Carey offered his opinion on the regional board noting that there is a principle that government decisions should be made at the most local level as possible. Some people believe that a regional board would provide a less-biased review, but those subjected to the process may feel that they are being judged by a distant group. A regional process could cause delays if conflicts arise in functions such as purchasing.

Councilor Antipas has looked at the Norwich information and it is a different setup than Groton's draft. In Norwich, the Commission would set up their own guidelines, which is why their ordinance appears smaller than Groton's. Councilor Antipas suggested that the group making the decision should be as removed from the setup as possible.

Town Manager Oefinger noted that the Ethics Task Force was originally comprised of three people including former Councilor Sheets. Rita Schmidt volunteered to take her place. A meeting of the Ethics Task Force will be scheduled in the near future.

2/11/2014 Town Council Committee of the Whole Recommended for Deletion

2/18/2014 Town Council Re-referred Town Council Committee of th

3/25/2014 **Town Council Committee of the Whole** **Discussed**

Councilors were provided with the legislative history and the latest draft of the ethics ordinance. Councilor Flax and former Councilors Dean Antipas and Paulann Sheets developed the draft. Councilor Cerf expressed concern that there is no ethics code as required by the Charter. Councilor Flax explained that the draft code covered absolutely everything. He suggested inviting Mr. Antipas in to review the document after the new Councilors have read it. When the completed document was submitted to the Council, several points and challenges were brought up. Additionally, there was some discussion at the Council of Governments about establishing a regional ethics board, which would have addressed many of the issues raised. The Town Manager explained that it was determined that the Council of Governments may not have the authority to establish a regional board under state statute. There was an attempt to get legislation introduced to allow it, but it never happened.

Councilor Cerf stated that she, Councilor Moravsik, and Councilor Frink attended the CCM course on ethics and accountability. She feels it is a complicated issue, but it is important to start. Councilor Moravsik would like to review the Town's draft code and suggested dedicating the month of May to the ethics code effort. Councilor Frink suggested establishing a committee. Councilor Flax reiterated his suggestion that Mr. Antipas make a presentation before starting a new committee. Town Manager Oefinger agreed, noting that the Town Attorney could also provide a review. He suggested that the Council as a whole identify what is to be accomplished, what ethical issues are a concern, and have a discussion before setting up another committee.

The consensus of the Council was to invite Mr. Antipas to make a presentation in May.

5/13/2014 **Town Council Committee of the Whole** **Discussed**

Former Town Councilor Dean Antipas will be at the Committee of the Whole meeting on May 27th to review the draft Ethics Ordinance.

5/27/2014 **Town Council Committee of the Whole** **Discussed**

Former Town Councilor Dean Antipas and Town Attorney Mike Carey were present to discuss the draft ethics ordinance with the Council.

Mr. Antipas provided an overview of the ethics ordinance effort, which was initiated pursuant to the 2009 charter that requires the Council to adopt an ethics code. A subcommittee was formed to prepare an ordinance. The effort started with a survey of ethics codes from other towns to provide a comprehensive framework to consider the issues. Ultimately, a draft ordinance was reviewed by the Ethics Task Force and the Town Council resulting in some revisions. The previous Town Council did not move forward with the effort. Mr. Antipas noted that just because the ordinance has been drafted does not mean it has to be adopted. The decision for the current Council is whether or not to proceed with this code or begin a different effort.

Councilor Watson arrived at 6:10 p.m.

5/27/2014 **Town Council Committee of the Whole** **Discussed**

Councilor Moravsik asked if the code includes provisions for revision and Mr. Antipas stated it is an ordinance like any other with the amendment procedure outlined in the Town Charter. Mr. Antipas compared this effort to instituting the blight code. Once it is instituted, the Council must monitor its impact and revisit the code as necessary.

In response to Councilor Flax, Mr. Antipas explained that the Task Force initially took a very broad approach and looked at many ethics issues that are not usually seen around the state. It is up to the Council whether to include certain provisions or not. Another issue that requires Town Council review is how an ethics commission would be composed. The ordinance outlines some suggested strictures.

Councilor Somers asked about the status of the Council of Governments' (COG) proposal to establish a regional ethics commission. Attorney Carey provided an opinion that the COG did not have the authority to create a regional ethics commission. Some effort was made to approach legislators to amend the statutes to give the COG the authority, but nothing has come of it. COG's proposal was a fall back in case municipalities had difficulties with certain complaints.

Councilor Cerf asked why the process was not finished and Councilor Antipas stated this was a volunteer effort, it was not a high priority, and no schedule was imposed.

Town Attorney Carey noted that most of his questions and comments have been addressed, but there are a few remaining. It is a policy matter whether or not the Council wants to adopt the ordinance. Mr. Antipas added that there has been a reluctance to undertake such a large project, noting that a code like this is a solution looking for a problem in many ways. He cautioned the Council to be careful that the ethics code doesn't become a tool for political purposes.

Councilor Frink asked about the difference between a code of ethics and a conflict of interest. Mr. Antipas explained that the differences cannot be quantified, but if a conflict arose, it would likely be a conflict of interest (self-dealing). Mr. Carey explained that the Town Charter does not spell out a process for investigating and acting on a conflict, which the ethics code would do. The charter is silent on an enforcement agency for conflicts of interest.

Mr. Antipas noted that there was a question about whether the ethics code would apply to the political subdivisions and Board of Education. It was determined that the code would not apply to the City, Groton Long Point, or the fire districts as a policy matter. Mr. Carey explained that the primary statute differentiates between entities for purposes of establishing an ethics code for employees.

Councilor Cerf stated that the charter obliges adoption of an ethics ordinance and she feels this one should be finished. Mr. Antipas stated there are no impediments to finishing the draft, if the Council wants to. He would like the draft to be circulated among the boards, commissions, and Board of Education to which it would apply. Mr. Carey agreed with Mr. Antipas' assessment and stated he will forward his final comments to the Town Manager.

Councilor Peruzzotti noted that he Council when with a light version of the blight ordinance and she asked if there have been any issues with it. The Town Manager stated there have been no major issues, but the ordinance has been used by staff to prod people along. Councilor Peruzzotti state she is comfortable with the Town Council reviewing a final draft and moving it along.

Councilor Flax stated this is a very thorough document, and he is mildly concerned that the Town is creating something that will cause problems and additional costs, but he feels the Council should move forward with the next step.

In response to Councilor Cerf, Councilor Somers suggest that Councilor Cerf confer with Mr. Antipas on her questions. Councilor Somers feels that any egregious parts of the ordinance can be revisited. The Town Manager shared the concern that the ethics ordinance could be used as a tool to take other actions. Councilor Somers noted the issue of requiring an ethics code can be reviewed by the Charter Revision Commission.

Councilor Moravsik expressed support for finishing the existing code and distributing it for Council review at the next Committee of the Whole meeting.

Mr. Antipas reiterated that it is critical for the Council to look at how the ethics commission is created and whether or not it is feasible with the strictures proposed.

Mayor Schmidt summarized by asking Councilors to forward their questions to the Town Manager so that Mr. Antipas can finalize the draft ordinance and forward it to the Town Council for review. Councilors agreed with the plan by consensus.

6/9/2015	**Town Council**	**Not acted upon**
6/9/2015	**Town Council Committee of the Whole**	**Discussed**

Councilor Antipas asked for 30 days to produce a revised draft of the ordinance and he suggested that the Board of Education be allowed an opportunity to review it since it will apply to them.

9/22/2015	**Town Council Committee of the Whole**	**Discussed**

Councilor Antipas noted that he emailed the draft ethics code and report to the Town Council and Town Manager. Human Resources should review the document at the recommendation of the Town Attorney. The code would also apply to the Board of Education as Town officials so Councilor Antipas will circulate the draft document to the Board of Education as well.

10/13/2015	**Town Council Committee of the Whole**	**Discussed**

charter revision required the Council to adopt an ethics ordinance. A subcommittee was formed consisting of Councilors Antipas and Flax and former Councilors Sheets and Kolnaski. The Town currently has a code of conduct, but not a code of ethics. The code would not apply to the subdivisions, but is it would apply to the Board of Education because they are considered municipal officials. The draft code outlines the establishment of an Ethics Commission, appointed by the Town Council, and its duties. The code addresses a variety of ethics violations including things that Groton may never encounter and differentiates between inquiries and complaints to avoid the use of the ethics code for revenge or political purposes. Councilor Antipas reviewed the possible penalties that could be recommended by the Commission, noting that it would up to an employee's supervisor or the supervisory body whether or not to carry out the recommendations.

Town Manager Oefinger noted that the code is currently under review by the Director of Human Services to make sure that all methods of discipline are in sync.

Discussion followed on the code and the makeup of the commission. The Town Manager noted a previous initiative to form a regional Ethics Commission, but it was determined that there was no authority under state statutes. A regional commission combined with a Town adopted ordinance would satisfy the Charter requirement. Discussion followed on the pros and cons of a regional commission versus a Groton commission.

The draft code has been reviewed and approved by the Town Attorney.

Councilor Antipas stated he will forward the draft code to the Board of Education with an explanation of why he believes it applies to them. Councilor Peruzzotti questioned the consequences of ignoring the provision in the charter and the Town Manager noted that nothing has happened since 2008. He added that the Council should be on board with the ethics ordinance collectively before it is forwarded to the Board of Education. The consensus was for the Council to consider and review the code and forward any comments to Councilor Antipas.

10/13/2015 Town Council Committee of the Whole Motion

to table

10/27/2015 Town Council Committee of the Whole Discussed

Councilor Antipas noted that he met with Councilor Frink to review Councilor Frink's comments. It was noted that a committee has been formed by SCCOG to look at the regional ethics commission issue again. Town Manager Oefinger noted that if it is ultimately determined that a regional ethics commission cannot be formed, there is nothing stopping individual communities from joining with other communities to create a commission. Discussion followed on how to proceed.

10/27/2015 Town Council Committee of the Whole Motion

to take what Councilor Antipas has written [draft Code of Ethics] and move it forward for development as per the Charter.

Discussion followed on the draft code and the ordinance process. Councilor Antipas provided a history of the charter change which was prompted by the potential imposition of an ethics code by the state.

A motion was made by Councilor Frink, seconded by Councilor Granatosky, to amend the motion to form an Ethics Commission first and have the Commission finalize the code for the Town Council's review and approval.

Councilor Antipas noted that the document is already complete and it was developed by a Task Force. Discussion followed on the two different processes proposed by the motions on the floor and clarification of the motions. Councilor Antipas explained his desire for the Council to finalize its recommended code and then send it to the Board of Education for their input before moving forward. Councilor Watson suggested that a public hearing would provide the opportunity for input. Discussion followed on the need for training and application of the code to Town employees. Councilor Antipas reiterated his desire to have the Board of Education review the document prior to beginning the formal ordinance process.

Councilor Peruzzotti summarized the discussion as forwarding the document to the Board of Education, having a public hearing sometime around January, and beginning the process of setting up a commission. There was further discussion about the intent of the original motion. Town Manager noted that if there is a desire to give people a chance to comment, a January public hearing might not work given the election and other priorities in

January and February.

The motion to amend the motion failed by the following vote:

In favor: 4 - Councilor de la Cruz, Councilor Frink, Councilor Granatosky, Councilor Moravsik
Opposed: 5 - Mayor Schmidt, Councilor Watson, Councilor Flax, Councilor Peruzzotti, Councilor Antipas

11/22/2016 Town Council Committee of the Whole Recommended for a Resolution

Town Manager Oefinger provided a brief history of the ethics ordinance. Councilors received the most recent draft, along with comments from Town Attorney Mike Carey and a memo from Mr. Carey with his thoughts on the code. Mr. Carey noted it is striking how many ethics provisions already exist in the charter, personnel rules, etc. He explained that there are two types of ethics codes - general pronouncements and a long list of definitions of ethical and unethical conduct, which is what the Task Force proposed. The type of code is a policy question for the Town Council. Mr. Carey believes that the Charter provision stating that the Town Council shall enact a code of ethics is intended to be mandatory, but there is no penalty.

Mr. Carey reviewed his thoughts and observations about municipal ethics codes. The draft document is legally satisfactory and his comments are meant for additional clarity. He suggested that the current Charter Revision Commission may want to repeal the mandate and noted there can be unintended consequences that result from an ethics code.

Mayor Flax noted that draft code is a very thorough document, but it may not be what the Town needs. He suggested setting up an Ethics Commission and having it develop the code.

Councilor Antipas provided a history of the development of the code, which was originally proposed to preempt the possibility that the state would impose a code adopted by the state. He expressed concern that some people are looking for a code to complain about issues that are not about unethical behavior.

Attorney Carey noted that neither he nor Attorney Duggan is aware of any incidents since they have represented the Town that would be in violation of this code. Any issues were dealt with through the discipline process.

11/22/2016 Town Council Committee of the Whole Motion

to rescind the Town Council's previous action to introduce an ethics ordinance and to delete this referral

2016-0189 Tax Increment Financing Referral

RESOLUTION TO ENDORSE UTILIZATION OF FUNDS FOR TAX INCREMENT FINANCING STUDY AND ANALYSIS

WHEREAS, the Town of Groton has completed a Town-wide market analysis with a recommendation to research and implement Tax Increment Financing in Groton; and

WHEREAS, the Office of Planning and Development Services (OPDS) has received a scope of work from Camoin Associates for $51,563 for Tax Increment Financing plan development, policy development, and financial analysis; and

WHEREAS, OPDS proposes to defer some proposed planning and economic development projects for fiscal year 2017 in order to use that funding for the research, planning, and analysis of Tax Increment Financing; and

WHEREAS, OPDS proposes to utilize the following sources of funding for this Tax Increment Financing project: $15,000 from salary savings; $20,000 from 10460 5290 by deferring the proposed Poquonnock Bridge design standards and planning project; $11,000 from 10466 5290 that was proposed to complete additional LEAN analysis and process streamlining in OPDS; and $5,563 from 10465 5290 from the economic development public relations line item; and

WHEREAS, the Tax Increment Financing project will be a new economic development tool to encourage development and redevelopment in planned targeted areas in Groton, now therefore be it

RESOLVED, that the Town Council hereby endorses OPDS staff to utilize OPDS funding for said Tax Increment Financing project.

Legislative History

7/18/2016	**Mayor**	**Referred**	**Town Council Committee of th**
9/27/2016	**Town Council Committee of the Whole**	**Discussed**	

Director of Planning and Development Services Jon Reiner provided a brief overview of economic development activities in Town including a proposed mixed used development at Route 117/Route 184. Tax Increment Financing (TIF) is a financing tool used nationally. If desired by the Town Council, efforts would be focused on the Route 1/downtown Groton area, Poquonnock Bridge, Thames Street, and the Route 117/Route 184 intersection area.

Michael Andreana from Pullman and Compley, LLC reviewed his background and hi role in crafting the TIF legislation in Connecticut. He reviewed a PowerPoint presentation explaining what TIF is. A TIF district is established by the Town Council and there is no state involvement. The basic procedure for creating a TIF district is to develop a TIF master plan, conduct a public hearing, obtain an advisory opinion from the Planning Commission, and obtain Town Council approval. Mr. Andreana reviewed permitted costs that can be financed with TIF revenue; components of the TIF master plan' TIF district financing by municipalities; and TIF district financing by developers. Mr. Andreana responded to questions from Town Councilors.

Mario DiLoreto of Readco, LLC, the developer interested in the Route 117/Route 184 parcel, provided background on his firm and the partnership. He noted his firm helped develop the mixed use zoning in the Town. Mr. DiLoreto feels that TIF is a secure investment that fills in financing gaps. He provided examples of developments and use of TIF. Mr. DiLoreto showed a conceptual plan for the Route 117/Route 184 property which would be a mixed use development of apartments, townhouses, retail and office.

Councilors expressed their support for the concept. The next step will be to develop a TIF master plan and Mr. Reiner noted that staff will concentrate on this area of Town first.

11/22/2016	**Town Council Committee of the Whole**	**Discussed**

Jon Reiner, Director of Planning and Development, noted discussions with developers about moving forward with Tax Increment Financing (TIF) in the Town. Mr. Reiner is proposing to hire Camoin and Associates and will pay for it with $15,000 in salary savings and by not doing other projects that were budgeted for including $20,000 for a design study for Poquonnock Bridge and some minor projects in economic development. TIF was identified as a high priority in the market study and is desired by developers.

Mr. Reiner and Paige Bronk, Manager of Economic and Community Development, answered questions and addressed comments from Town Councilors. The Town's bond counsel was concerned that the Town would have exposure if it bonded the projects, but staff is proposing a different method where the Town's risk is zero, which satisfied bond counsel. The cost to implement the plan is $50,000, and a big part of the project is outreach and education.

Discussion followed on the concept behind TIF.

11/22/2016	**Town Council Committee of the Whole**	**Recommended for a Resolution**

2016-0276 **Appointment of Town Auditor** **Referral**

RESOLUTION APPOINTING THE TOWN AUDITOR

WHEREAS, Connecticut state law requires municipalities to appoint an independent auditor to account, verify and correct the Town's accounting records, and

WHEREAS, the Town's contract with the current auditing firm, Blum Shapiro of West Hartford, will expire upon completion of the FYE 2016 Comprehensive Annual Financial Report, and

WHEREAS, staff is satisfied with the work that Blum Shapiro has performed for the Town for the last 12 years and feels their knowledge of the Town of Groton and its financial practices is desirable,

now therefore be it

RESOLVED, that the firm of Blum Shapiro & Company, P.C. is hereby appointed as the Auditor to the Town of Groton for the three fiscal years, FYE 2017 through FYE 2019, with the Town to have the option of extending that selection and contract for an additional two fiscal years.

Legislative History

11/16/2016	**Mayor**	**Referred**	**Town Council Committee of th**
11/22/2016	**Town Council Committee of the Whole**	**Discussed**	

Cindy Landry, Director of Finance, explained that the Town is required to appoint an independent auditor to audit the Town's records each year. Blum Shapiro has been engaged by the Town since 2005. The firm is currently finalizing the FYE 2016 audit at which time their contract will expire. The Town Council can direct staff to re-contract with Blum Shapiro or go out with a Request for Proposals. Ms. Landry stated she is very happy with Blum Shapiro and they understand the oddities of Groton. She reviewed Blum Shapiro's pricing for three years ($83,900; $84,500, and $84,900), which is partially paid by the Board of Education and other funds. Discussion followed on putting the contract out to bid versus retaining Blum Shapiro again.

11/22/2016	**Town Council Committee of the Whole**	**Recommended for a Resolution**

(Note: While it was announced at the meeting that the vote had failed because 5 affirmative votes were required, a subsequent review of the Town Council rules confirmed that the original motion was approved by a valid majority.)

A motion was made by Councilor Nault, seconded by Councilor de la Cruz, to reconsider the motion.

The motion carried by the following vote:

In favor: 5 - Mayor Flax, Councilors Antipas, de la Cruz, Nault, Peruzzotti
Opposed: 1 - Councilor Barber

A motion was made by Councilor Flax, seconded by Councilor Peruzzotti, that this item be Recommended for Resolution.

The motion carried by the following vote:

In favor: 5 - Mayor Flax, Councilors Antipas, de la Cruz, Nault, Peruzzotti
Opposed: 1 - Councilor Barber

The Council asked for information on which auditors that may respond to an RFP and information on what other municipalities pay for their audits.

The Committee recessed for five minutes.

2016-0281 **Adoption of 2017 Town Council Regular Meeting Schedule** **Referral**

RESOLUTION APPROVING 2017 TOWN COUNCIL REGULAR MEETING SCHEDULE

BE IT RESOLVED, that the Town Council hereby approves the Town Council regular meeting schedule for 2017 as follows:

Tuesday, January 3, 2017
Tuesday, January 17, 2017
Tuesday, February 7, 2017
Tuesday, February 21, 2017
Tuesday, March 7, 2017
Tuesday, March 21, 2017
Tuesday April 4, 2017
Tuesday, April 18, 2017
Tuesday, May 2, 2017

Tuesday, May 16, 2017
Tuesday, June 6, 2017
Tuesday, June 20, 2017
Tuesday, July 18, 2017
Tuesday, August 1, 2017
Tuesday, August 15, 2017
Tuesday, September 5, 2017
Tuesday, September 19, 2017
Tuesday, October 3, 2017
Tuesday, October 17, 2017
Wednesday, November 8, 2017*
Tuesday, November 21, 2017
Tuesday, December 5, 2017
Tuesday, December 19, 2017

All meetings begin at 7:30 p.m. in Community Room 1, Town Hall Annex, 134 Groton Long Point Road, on the first and third Tuesdays of each month, except as noted.

*Moved to Wednesday, November 8, 2017 because of Election Day on November 7, 2017.

Legislative History

11/16/2016	**Mayor**	**Referred**	**Town Council Committee of th**
11/22/2016	**Town Council Committee of the Whole**	**Recommended for a Resolution**	

Discussion followed on the draft schedules and the Council decided to eliminate the July 3rd Town Council and Personnel and Appointments Committee meetings and to change the Personnel and Appointments Committee meeting time to 6:30 p.m.

2016-0282 **Adoption of 2017 Committee of the Whole Regular Meeting Schedule** **Referral**

RESOLUTION APPROVING 2017 COMMITTEE OF THE WHOLE REGULAR MEETING SCHEDULE

BE IT RESOLVED, that the Town Council hereby approves the Committee of the Whole regular meeting schedule for 2017 as follows:

Tuesday, January 10, 2017
Tuesday, January 24, 2017
Tuesday, February 14, 2017
Tuesday, February 28, 2017
Tuesday, March 14, 2017
Tuesday, March 28, 2017
Tuesday, April 11, 2017
Tuesday, April 25, 2017
Tuesday, May 9, 2017
Tuesday, May 23, 2017
Tuesday, June 13, 2017
Tuesday, June 27, 2017
Tuesday, July 11, 2017
Tuesday, July 25, 2017
Tuesday, August 8, 2017
Tuesday, August 22, 2017
Tuesday, September 12, 2017
Tuesday, September 26, 2017
Tuesday, October 10, 2017
Tuesday, October 24, 2017

Wednesday, November 14, 2017
Tuesday, November 28, 2017
Tuesday, December 12, 2017
Tuesday, December 26, 2017

All meetings begin at 6:00 p.m. in Community Room 1, Town Hall Annex, 134 Groton Long Point Road, on the second and fourth Tuesdays of each month.

Legislative History

11/16/2016	**Mayor**	**Referred**	**Town Council Committee of th**
11/22/2016	**Town Council Committee of the Whole**	**Recommended for a Resolution**	

2016-0283 **Adoption of 2017 Personnel and Appointments Committee Regular Meeting Schedule** **Referral**

RESOLUTION APPROVING 2017 TOWN COUNCIL PERSONNEL AND APPOINTMENTS COMMITTEE REGULAR MEETING SCHEDULE

BE IT RESOLVED, that the Town Council hereby approves the Town Council Personnel and Appointments Committee regular meeting schedule for 2017 as follows:

Tuesday, January 3, 2017
Tuesday, February 7, 2017
Tuesday, March 7, 2017
Tuesday April 4, 2017
Tuesday, May 2, 2017
Tuesday, June 6, 2017
Tuesday, August 1, 2017
Tuesday, September 5, 2017
Tuesday, October 3, 2017
Wednesday, November 8, 2017*
Tuesday, December 5, 2017

All meetings begin at 6:30 p.m. in Community Room 1, Town Hall Annex, 134 Groton Long Point Road, on the first Tuesday of each month, except as noted.

*Moved to Wednesday, November 8, 2017 because of Election Day on November 7, 2017.

Legislative History

11/16/2016	**Mayor**	**Referred**	**Town Council Committee of th**
11/22/2016	**Town Council Committee of the Whole**	**Recommended for a Resolution**	

X. ADJOURNMENT