



Town of Groton, Connecticut

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Meeting Minutes Town Council

Mayor James L. Streeter, Councilors Bruce S. Flax, Bill Johnson, Catherine Kolnaski, Deborah B. Monteiro, Frank O'Beirne, Jr., Deborah L. Peruzzotti, Paulann H. Sheets, and Harry A. Watson

Tuesday, November 15, 2011

7:30 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

I. ROLL CALL

Mayor Streeter called the meeting to order at 7:31 p.m.

Members Present: Mayor Streeter, Councilor Flax, Councilor Johnson, Councilor Kolnaski, Councilor Monteiro, Councilor O'Beirne, Jr., Councilor Sheets and Councilor Watson

Members Absent: Councilor Peruzzotti

Also present were Town Manager Mark Oefinger, Superintendent of Schools Paul Kadri, Town Attorney Eileen Duggan, Public Works Director Gary Schneider, Superintendent of Buildings and Grounds Wes Greenleaf, RTM members, Board of Education Chairman Brian Shirvell, Board of Education members, Zoning Commission Chairman Stephen Hudecek, Zoning Commission members, Town staff, Town Clerk Betsy Moukawsher and Office Assistant Lori Watrous.

II. SALUTE TO THE FLAG

The Salute to the Flag was led by Andrew Parrella.

III. RECOGNITION, AWARDS & MEMORIALS

None.

IV. RECEIPT OF CITIZENS' PETITIONS, COMMENTS AND CONCERNS

None.

V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS

None.

VI. CONSENT CALENDAR

a. Approval of Minutes

2011-0216 Approval of Minutes (Town Council)

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council meeting of November 1, 2011 are hereby accepted and approved.

This Matter was Adopted on the Consent Calendar.

b. Administrative Items

2011-0211 Special Trust Fund Contributions

RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS

RESOLVED, that the Town Council hereby accepts contributions to the Town as follows:

Various Donations - \$1145.00 - Groton Utilities Energy Assistance Program
City of Groton - \$138.33 - Groton Utilities Energy Assistance Program
Barbara Servidio - \$500.00 - Social Services Discretionary
Constance Stoddard - \$25.00 - Library Miscellaneous

CSEA Chapter 416 - \$200.00 - Library Miscellaenous

This Matter was Adopted on the Consent Calendar.

Passed The Consent Calendar

A motion was made by Councilor Kolnaski, seconded by Councilor Monteiro, to adopt the Consent Calendar, including all the preceding items marked as having been adopted on the Consent Calendar.

The motion carried unanimously

VII. COMMUNICATION REPORTS (Other than Committee Reports)

a. Town Councilors

Councilor Kolnaski attended the Groton Heights School Reuse Task Force meeting, the Ledge Light Health District Board of Directors meeting, and a Veterans Recognition Ceremony at West Side Middle School.

Councilor Watson attended the middle school consolidation feedback session at West Side Middle school.

Mayor Streeter received emails regarding the baseball field at Fitch Senior High School.

b. Clerk of the Representative Town Meeting

The Town Clerk stated that the first meeting of the newly-elected RTM will be on December 14, 2011. She noted that election recounts were done for RTM Districts 1, 2, 3, and 6. The recount in District 1 resulted in a tie between Rep. Baril and Rep. Parfitt. Per the Town Charter, the other newly-elected members of District 1 will vote at their first meeting to determine a winner. Election results from Districts 2, 3, and 6 remained the same.

c. Clerk of the Council

No report.

d. Town Manager

The Town Manager stated that the "Click it or Ticket" campaign will be from November 14-27, 2011. He also noted that the Connecticut Commissioner of Economic and Community Development will be at Groton Inn and Suites on December 5, 2011 to give an update on Connecticut's economic development initiatives.

e. Town Attorney

No report.

VIII. COMMITTEE REPORTS

a. Community & Cultural Development - Chairman Peruzzotti

No meeting, no report.

b. Economic Development - Chairman Johnson

No meeting, no report.

c. Education/Health & Social Services - Chairman Kolnaski

No meeting, no report.

d. Environment/Energy - Chairman Sheets

No meeting, no report.

e. Finance - Chairman O'Beirne

No meeting, no report.

f. Personnel/Appointments/Rules - Chairman Flax

No meeting, no report.

g. Public Safety - Chairman Monteiro

No meeting, no report.

h. Public Works/Recreation - Chairman Watson

No meeting, no report.

i. Committee of the Whole - Mayor Streeter

No meeting, no report.

IX. UNFINISHED BUSINESS

None.

X. NEW BUSINESS

Mayor Streeter remarked that the Special Meeting of the Committee of the Whole scheduled for 6:00 p.m. this evening was cancelled.

The Town Manager explained that the agenda for the November 15, 2011, Special Meeting of the Committee of the Whole was sent to Councilors, posted in the Town Clerk's office, and believed to be posted on the Town website on November 10, 2011. An email was received by the Town Manager's Office from the IT Department on November 10, 2011, which indicated that the agenda had been posted. It was brought to the Town Manager's attention early this afternoon that the agenda was not on the Town website. Freedom of Information (FOI) requirements state that special meetings must be posted on the Town website; therefore, after conferring with FOI officials, the Town Attorney, and the Mayor, the special meeting was cancelled. It is unclear why the posting did not happen, but to avoid this problem in the future, the website will be checked to make sure that the item has indeed been posted.

The Town Manager apologized for any inconvenience this may have caused.

Suspension of the Rules

A motion to suspend the rules to add resolutions 2011-0218 Fitch High School Baseball Field - Update, 2011-0214 Zoning Commission Meeting Procedure Inquiry, 2011-0009 Labor Negotiations (2011 Standing Referral) (Potential Executive Session), 2011-0212 Flanders Road Landfill Solar Opportunity, 2011-0206 Year Round Expanded DUI Enforcement Grant, 2011-0217 Community Foundation of Eastern Connecticut Technology Center Grant, and 2011-0188 Town Manager Annual Evaluation (Potential Executive Session) to tonight's agenda was made by Mayor Streeter, seconded by Councilor Kolnaski and so voted unanimously.

2011-0218 Fitch High School Baseball Field - Update

FITCH HIGH SCHOOL BASEBALL FIELD - UPDATE

Discussed

Mayor Streeter stated that the purpose of this discussion is to gather information regarding the circumstances and issues surrounding the upgrades to the Fitch Senior High School baseball field.

Superintendent of Schools Paul Kadri distributed a spreadsheet which reflects the chronology of events regarding the costs associated with the upgrade to the Fitch Senior High School baseball field. Mr. Kadri began by explaining the school district's approach to student test results and its plans to continue to keep Groton's schools ahead of their peers in Connecticut, even though funding has been at the legal minimum for years.

Councilor O'Beirne raised a Point of Order stating that discussion should be limited to the baseball field. Mayor Streeter concurred to keep the subject matter limited to the baseball field.

Superintendent Kadri gave a summary of the costs of improvements to the Fitch Senior High School baseball field to enable it to be utilized by a collegiate team. He noted that an anonymous

donor donated \$500,000 for the upgrades; initial cost projections were \$838,100; the project went to bid twice with the accepted bid of \$523,000; project costs are now estimated at \$653,000 (including engineering and lights); the team was to pay for lighting and there was a communication glitch when the team paid for the lighting out of the money designated for construction costs; the original donor gave an additional \$75,000 toward construction costs; loan arrangements were made with the team for the shortfall (guaranteed by the original donor); the total amount paid by the team to date is \$514,000; the team no longer feels it has the revenue to pay back the loan; the balance remaining unpaid is \$139,000.

Brian Shirvell, Chairman of the Board of Education, believes that this issue should have been treated as a contractual dispute and addressed informally with the Town Attorney, Board of Education Attorney, the parties involved, the Town Manager, and the Superintendent.

Councilor O'Beirne remarked that the Board of Education is asking to use \$139,000 worth of educational funds for something that has nothing to do with the education of Groton's children. He is concerned that the resolution authorizing the Town Manager to sign the agreement with the Superintendent and the representative of the team was made December 21, 2010, but the agreement was not actually signed until July 1, 2011, after construction was complete. That means that the day the contract was signed, it was already in default. Councilor O'Beirne asked the Superintendent what authority he had for performing the project without a signed contract.

Superintendent Kadri stated that it was an innovative, creative project that brought \$500,000 in to the Town. He stated that there were negotiation delays and changes to the language of the contract by the Town Attorney, the Board of Education Attorney, and the team's attorney. He noted that if they had waited for the contract to be finalized, the project would have died.

Councilor O'Beirne noted that the Town Attorney was in agreement with the contract in December. He asked Mr. Kadri again what authority he had to proceed with this project without a signed contract in place.

Mr. Kadri said it was either move forward or give up the \$500,000 donation. He stated that the shortfall was the result of a contract default.

Councilor O'Beirne remarked that the improvements made to the field are nice to have, but not necessary. Students do not need a press box, dugouts, or lights, as there are no night games.

Mr. Kadri added that the improvements benefit families and he believes that everyone wants the team to stay here.

Councilor Flax noted that there should be more communication between the Town Council, the Board of Education, and the community. The deal was done with handshakes and the Town does not conduct business that way.

Superintendent Kadri stated that after the baseball season he became aware that the money from the team was not available, adding that the Town deals with contract defaults all the time.

Councilor Flax remarked that the \$500,000 was to improve the baseball field and if the price was more than that, there should have been further discussion.

Superintendent Kadri stated that there is a risk involved with opportunities like this, but there was no risk to the taxpayers. He said that the area is a soccer field, baseball field, and an enhancement to the school district.

In answer to Councilor Sheets, the Town Manager stated that the understanding on July 1, 2011,

was that costs exceeded the initial estimates and the weekly discussions with the project team had stopped. Mr. Greenleaf contacted him and made him aware that the bids came in considerably over the initial estimates and solicited any ideas that the Town Manager might have.

Councilor Johnson noted that when he voted on the project he was under the impression that \$500,000 was for a completed project, and the Council should have been informed if that was not the case.

Councilor Monteiro noted that unless the money can be collected from the team, taxpayer dollars will be used for the shortfall, noting that federal grants are taxpayer money as well. She added that the public was upset that the project, proposed to cost \$500,000 with no additional cost to the Town, now has a \$140,000 shortfall. Councilor Monteiro stated that the Town did not need the improvements to the field and it is hard to swallow in an economy where people can barely put food on the table.

Councilor Watson thanked the anonymous donor and remarked that the project was a good deal. He has watched some of the baseball games this summer. He added that the Town Council and the Board of Education need to communicate with each other more frequently.

Mr. Kadri stated that he would like to approach the team to renegotiate the contract to have more flexibility to do other things with the field. It could become a revenue generator.

In answer to Councilor O'Beirne's question about whether DOD impact aid will be used for the shortfall, Mayor Streeter stated that payments are in negotiation.

Town Attorney Eileen Duggan stated that discussion of payment, negotiations, and pending claims may involve executive sessions.

2011-0214 Zoning Commission Meeting Procedure Inquiry

ZONING COMMISSION MEETING PROCEDURE INQUIRY

Discussed

Mayor Streeter stated that the purpose of this item is to discuss why the tape recorder was turned off during a Zoning Commission meeting on September 7, 2011.

Zoning Commission Chairman Stephen Hudecek stated that he was about to discuss the health of a commissioner and thought it best that the information not be made public. The minutes from that meeting have been revised to state the reason for the recorder being turned off. Chairman Hudecek noted that, in the future, the tape recorder will not be shut off during a meeting.

2011-0009 Labor Negotiations (2011 Standing Referral)

LABOR NEGOTIATIONS (2011 STANDING REFERRAL)

A motion was made by Mayor Streeter, seconded by Councilor Monteiro, that the members of the Town Council, together with Town Manager Mark Oefinger, Manager of Labor Relations Joyce Sauchuk and Town Attorney Eileen Duggan go into executive session at 9:10 p.m. for the purpose of discussing strategy and/or negotiations with respect to collective bargaining with multiple bargaining units. This action is taken without prejudice to the Council's right to discuss these matters in a private meeting pursuant to Connecticut General Statutes Sec. 1-200(2).

The motion carried unanimously

The executive session concluded at 9:29 p.m.

2011-0212 Flanders Road Landfill Solar Opportunity

Discussed

Director of Public Works Gary Schneider stated that the Flanders Road landfill site has over 70

acres of green space. The Town has been looking for a use for this site. Previously, there was a pilot fuel cell project to utilize gas coming off the landfill. Even when cleaned, the gas was too dirty to be viable. Mr. Schneider feels that the installation of photovoltaic cells would be a good use for the property.

Amy McDonough, Project Developer at Borrego Solar Systems, Inc., and David Murphy, Vice President of Tighe & Bond, gave a presentation introducing Borrego Solar Systems, Inc. and the work that they do with renewable energy. The company is interested in working with the Town to install a ground-mounted solar facility at the Flanders Road landfill. The project would have a low impact on the landfill. Racks would be placed on the cap to hold the solar panels and the energy would be uploaded to the circuit on the street. As a host, the Town of Groton would receive an annual leasing fee of \$20,000 - \$25,000 per mega watt. A letter of intent from the Town of Groton is needed to proceed with the application and begin discussions with Connecticut Light & Power (CL&P). Lease payments would begin when the project is on-line, roughly June 2013.

In answer to Councilors' questions, Ms. McDonough stated that school curriculum has been developed for learning about renewable energy and there is no reflection from the panels, so they do not present a problem for aircraft. Borrego Solar Systems, Inc. will mow the site and make sure that it is operational, and there will be local job opportunities for electricians and site engineers during the project. Ms. McDonough stated that there is a risk from a regulatory standpoint, and if there is any damage done to the cap it will be the responsibility of the contractor.

Before signing a letter of intent, Councilors Johnson and Flax would like to see what other solar energy companies there are and what they have to offer.

Gary Schneider noted that Borrego Solar Systems, Inc. has experience with landfills and it will maintain the cap if its solar panels are installed there.

The Town Manager noted that Borrego Solar Systems, Inc. approached the Town, and Ms. McDonough stated that the letter of intent is not exclusive. Mr. Oefinger remarked that this is not a final contract and it would be subject to the Town Attorney's opinion.

2011-0212 **Flanders Road Landfill Solar Opportunity**

RESOLUTION AUTHORIZING THE TOWN MANAGER TO SIGN A LETTER OF INTENT FOR PHOTOVOLTAIC SYSTEM AT THE FLANDERS ROAD LANDFILL

RESOLVED that Town Manager Mark R. Oefinger is authorized to sign the Letter of Intent for Photovoltaic System at the Flanders Road Landfill to Borrego Solar Systems, Inc. dated November 1, 2011.

A motion was made by Councilor Watson, seconded by Councilor Sheets, that this matter be Adopted.

The motion carried by the following vote:

Votes: In Favor: 6 - Mayor Streeter, Councilor Kolnaski, Councilor Monteiro, Councilor O'Beirne, Jr., Councilor Sheets and Councilor Watson

Opposed: 2 - Councilor Flax and Councilor Johnson

2011-0206 **Year Round Expanded DUI Enforcement Grant**

RESOLUTION AUTHORIZING A GRANT APPLICATION FOR THE CONNECTICUT DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAY SAFETY 2012 DUI GRANT

WHEREAS, the Groton Town Police plans to utilize The Connecticut Department of Transportation's Division of Highway Safety 2012 DUI grant funding to support their DUI enforcement operations that go beyond normal police patrols, and

WHEREAS, the grant provides for a concerted year-round effort to enforce DUI laws and consists

of both Field Sobriety checkpoints as well as Vehicular Detection Patrols, and

WHEREAS, the goal of the grant is to increase law enforcement presence above and beyond normal police patrols in order to address the increased incidence of drinking and driving around the grant period, which runs until September 12, 2012, now therefore be it

RESOLVED, that the Town Manager, Mark R. Oefinger, may apply for the Connecticut Department of Transportation's Division of Highway Safety 2012 DUI grant with an anticipated total state grant funding portion of \$75,000 and the additional police department match (75/25) amount of \$18,750 as provided under the grant provisions.

A motion was made by Councilor Sheets, seconded by Councilor Kolnaski, that this matter be Adopted.

The Town Manager stated that the money from this grant would augment normal police patrolling.

The motion carried unanimously

2011-0217

Community Foundation of Eastern Connecticut Technology Center Grant

RESOLUTION AUTHORIZING THE TOWN MANAGER TO SIGN A GRANT APPLICATION TO THE COMMUNITY FOUNDATION OF EASTERN CONNECTICUT FOR A LIBRARY TECHNOLOGY CENTER

WHEREAS, the Community Foundation of Eastern Connecticut offers competitive grants for programs that reinforce best practices or show innovative approaches, and

WHEREAS, the Groton Public Library is proposing that grant funds be used to develop the existing "Public Computer Learning Center" into a technology center by investing in technology devices that will be used for education and training purposes, now therefore be it

RESOLVED, that Town Manager Mark R. Oefinger is authorized to sign an application for a Community Foundation of Eastern Connecticut grant in the amount of \$7,132.00 to develop a technology center at the Groton Public Library.

A motion was made by Councilor Monteiro, seconded by Councilor Sheets, that this matter be Adopted.

The Town Manager stated that this grant money would be used to update the technology center at the Groton Public Library.

The motion carried unanimously

2011-0188

Town Manager Annual Evaluation

A motion was made by Mayor Streeter, seconded by Councilor Monteiro, that the members of the Town Council, together with Town Manager Mark Oefinger and Town Attorney Eileen Duggan, go into executive session at 10:20 p.m. for the purpose of discussing the performance and/or evaluation of the Town Manager pursuant to Connecticut General Statutes Sec. 1-200 (6) (A).

The motion carried unanimously

The executive session concluded at 10:30 p.m.

2011-0188

Town Manager Annual Evaluation

RESOLUTION REGARDING THE TOWN MANAGER'S ANNUAL EVALUATION

WHEREAS, the Town Council has reviewed the performance of the Town Manager and rates his performance as between exceeds expectations and outstanding, now therefore be it

RESOLVED, that despite the Town Manager's outstanding performance in all categories of review, the Council has decided that there will be no salary increase for the Town Manager at this time.

A motion was made by Mayor Streeter, seconded by Councilor Monteiro, that this matter be Adopted.

The motion carried unanimously

XI. OTHER BUSINESS

Mayor Streeter expressed his appreciation for Councilors' service during this term, and stated that Councilor Sheets, Councilor Monteiro and Councilor Kolnaski will be missed.

XII. ADJOURNMENT

A motion to adjourn at 10:32 p.m. was made by Councilor Kolnaski, seconded by Councilor Monteiro and so voted unanimously.

Attest:

*Betsy Moukawsher, Town Clerk
Clerk of the Council*

Lori Watrous, Office Assistant