



# 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 Harry A. Watson, Councilors Dean Antipas, Kathryn M. Brown-Tracy, Bruce S. Flax, Catherine Kolnaski, Deborah B. Monteiro, Frank O'Beirne, Jr., Rita M. Schmidt, and Paulann H. Sheets*

Tuesday, August 04, 2009

7:30 PM

Town Hall Annex - Community Room 1

### REGULAR MEETING

#### I. ROLL CALL

#### II. SALUTE TO THE FLAG

#### III. RECOGNITION, AWARDS & MEMORIALS

Groton 4th of July Parade Awards

#### 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

2009-0188 Approval of Minutes (Town Council) Resolution - Consent

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council meeting of July 21, 2009 are hereby accepted and approved.

##### b. Administrative Items

2009-0186 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:

Marlene Terry Ziegler - \$100.00 - Library Discretionary

George Marshall - \$100.00 - Social Services Discretionary

Various Donations - \$57.85 - Groton Utilities Energy Assistance Program

City of Groton Matching Funds (June) - \$12.50 - Groton Utilities Energy Assistance Program

##### c. Deletions from the Town Council Referral List

2008-0282 Town Departmental Structure Referral

2009-0159	Sandy Hollow Road Alterations - Leuba Property	Referral
2009-0179	Supportive Housing Program Grant	Referral
2009-0189	Establishment of Code of Ethics Subcommittee	Referral

## VII. COMMUNICATION REPORTS (Other than Committee Reports)

- a. Town Councilors
- b. Clerk of the Representative Town Meeting
- c. Clerk of the Council
- d. Town Manager
- e. Town Attorney

## VIII. COMMITTEE REPORTS

- a. Community & Cultural Development - Chairman Brown-Tracy
- b. Economic Development - Chairman Flax
- c. Education/Health & Social Services - Chairman Kolnaski
- d. Environment/Energy - Chairman Sheets
- e. Finance - Chairman Schmidt
- f. Personnel/Appointments/Rules - Chairman O'Beirne
- g. Public Safety - Chairman Monteiro
- h. Public Works/Recreation - Chairman Antipas
- i. Committee of the Whole - Mayor Watson

## IX. UNFINISHED BUSINESS

## X. NEW BUSINESS

2008-0282	Town Departmental Structure	Referral
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RESOLUTION APPROVING CHARTS AND TEXTS SHOWING THE TOWN OF GROTON ORGANIZATIONAL STRUCTURE

WHEREAS, organization charts and accompanying narrative descriptions have been prepared to show the structure of all Town departments, as an informational supplement to Chapter VII of the Town Charter, and

WHEREAS, it is anticipated that a copy of the pertinent departmental or divisional organization chart will be attached to new or revised job descriptions when a job description that would change the organization chart is recommended for approval by the Town Council, and

WHEREAS, it is anticipated that organization charts will be updated to reflect the budget and other organizational changes approved by the Town Council, now therefore be it

RESOLVED, that the Town Council approves the Town of Groton organization charts and accompanying texts dated August 4, 2009.

Legislative History

<b>11/5/2008</b>	<b>Mayor</b>	<b>Referred</b>	<b>Town Council Personnel/App</b>
<b>5/4/2009</b>	<b>Mayor</b>	<b>Referred</b>	<b>Town Council Committee of th</b>
<b>5/12/2009</b>	<b>Town Council Committee of the Whole</b>	<b>Discussed</b>	

*Town Manager Oefinger explained that when the new Charter was adopted, there were a number of follow up items identified by the Charter Revision Committee. Since the Charter no longer addresses departmental structure, departmental structure will be identified, and modified when necessary, outside of the Charter. Councilors received organizational charts showing the structure as proposed in the FYE 2010 budget. There has been no attempt to propose any major reorganization. The purpose of distributing the charts is to solicit comments from the Council.*

*Councilor O'Beirne asked Councilors to consider separating the Economic Development Specialist position, and function, from the Office of Planning and Development and Services, and having it report directly to the Town Manager.*

*Councilors were happy with the overall approach. Councilor O'Beirne noted that the charts are exactly what the Charter Revision Committee had in mind when the Charter was revised. Discussion followed on creating a booklet including a brief narrative for each department, such as what is in the Official Statement.*

<b>7/28/2009</b>	<b>Town Council Committee of the Whole</b>	<b>Discussed</b>	
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*The Town Manager noted the purpose of the document, which has been developed as a result of the recent Town Charter revision. Councilor O'Beirne asked the Town Clerk what the proper vehicle is to adopt this document, which is designed to allow the Council flexibility in revising the organizational structure. She suggested that the document be adopted, but noted that further resolutions would not be necessary if revisions are adopted as part of the formal budget process. Councilor O'Beirne feels this should be a formal document that the Town Council approves all changes to. Councilor Sheets asked if the merger of Planning and Economic Development in 1993 could be revisited by the Council.*

*The Town Manager noted that he would seek Town Council adoption of any revisions and he added that organizational changes can be made outside of the budget process. Councilor O'Beirne requested that the FTE (Full Time Equivalent) boxes be eliminated. The Town Manager explained that the FTE reflects the same figure that appears in the budget.*

<b>7/28/2009</b>	<b>Town Council Committee of the Whole</b>	<b>Recommended for a Resolution</b>	
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**2009-0159 Sandy Hollow Road Alterations - Leuba Property Referral**

RESOLUTION CONCERNING PROPERTY ALTERATIONS ON A SCENIC TOWN ROAD  
WHEREAS, on January 19, 1999, by resolution, the Town Council designated Sandy Hollow Road as a Scenic Road according to Town Ordinance #200, Town Code Sec. 13.5-121 to 13.5-124, and

WHEREAS, logging activity on land with frontage on Sandy Hollow Road was performed without authorization and has caused a disturbance to a portion of the scenic road, and

WHEREAS, the Town Council held a public hearing on said disturbance and related activity on Tuesday, July 21, 2009, and

WHEREAS, the owner and the forester have represented that they anticipate having access to the property once a year or less in the foreseeable future, now therefore be it

RESOLVED, that the owner or owner's agent shall take the following steps forthwith:

- 1) Reduce the existing entrance to a width not to exceed 18 feet, and build corner terminals to the stone walls at both sides of the entrance, consistent in style with the adjacent wall and similar structures nearby on the same road.
- 2) Establish an entry barrier across the entrance which incorporates minimum 4"x4" wood posts with cast iron bolts, and a closure consisting of either black chain with clips or a wood rail supported by brackets affixed to the wood posts.

AND BE IT FURTHER RESOLVED, that in the event of any future logging, excavation or other disturbance to the property, the owner or the owner's agents, successors, and assigns shall promptly complete all necessary restorative measures in accord with the general standards for scenic roads and the specific setting of Sandy Hollow Road.

AND BE IT FURTHER RESOLVED, in the event that access by motorized vehicles and/or forestry and excavating machinery occurs more than once a year, the owner or the owner's agents, successors, and assigns shall obtain an Excavation Permit from the Town Department of Public Works, the plan for which shall include a minimal bituminous apron, not to exceed 15 feet in width at the property boundary, in accord with Town of Groton standards

Legislative History

**6/11/2009 Mayor Referred Town Council Committee of t**  
**6/23/2009 Town Council Committee of Discussed**  
**the Whole**

*Town Manager Oefinger explained that modifications were made to property on Sandy Hollow Road to create an access for a forestry operation (removal of diseased trees). A portion of stone wall was removed. Although the forester intends to replace the wall, a public hearing is still required. Mr. Chris Casadei, the forester, described the temporary alterations and indicated that the job has been completed. In response to a question, Mr. Casadei stated that he was aware that Sandy Hollow is a scenic road, but he did not know the stipulations. Mr. Casadei noted that he removed stones within what was an historic accessway. It would be in the property owners' best interests to leave the access open, but Mr. Casadei is willing to make improvements if necessary.*

*Town Manager Oefinger explained that the Town Council will have to determine if it is acceptable to leave the property the day that it is or some other form, if that is what the property owners are proposing. The Town Manager asked Mr. Casadei to provide a sketch if the owners would like to leave the access in place and he added that the Town can not preclude access to the property. As a result of this situation, the staff may be proposing some modifications to the ordinance in the future to improve it.*

**7/21/2009 Town Council Heard at Public Hearing**

*Chairman Pro Tem Kolnaski called a recess for the Public Hearing at 7:33 p.m.*

*The Notice of Public Hearing pursuant to a resolution passed by the Town Council was read by Town Clerk Barbara Tarbox.*

*Chris Casadei, 297 North Stonington Road, Stonington, is the forester from Forest Products, LLC, in charge of the Leuba property. He briefly addressed the plans to remediate the violation regarding the stone wall and property frontage, stating that the property is currently stabilized with no apparent erosion. Mr. Casadei is unsure of the number of trees removed. He stated that the trees cut down were not just sick but dead. Healthy trees were left standing, and the tops of the trees left on the ground will help to speed decomposition and regeneration of the soil.*

*Frank Wellersdieck, 482 Pequot Avenue, suggested that a representative of the Town should meet with the property owner and Forest Products, LLC to discuss a replanting plan for this area. He reminded the Town of its interest, since Sandy Hollow Road is a scenic road.*

*The Town Manager stated that the Town Code dealing with the scenic road being discussed is "Section 13.5-124 Alteration, improvement restricted". He noted that the Committee of the Whole will have this item on its agenda next week, and believes that the Town is seeking to have the stone wall put back with an appropriate opening for access to the property of 16-18 feet wide. He remarked that the Town wants to protect the right of way area and correct the damage along the frontage of the road, not the private land beyond that point.*

*There being no further comments, Chairman Pro Tem Kolnaski closed the Public Hearing at 7:48 p.m.*

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

*Town Manager Oefinger provided a brief history of the issue and the scenic road ordinance requirements. Discussion followed on the specifics of the ordinance which impact the road and road right-of-way. Mayor Watson noted that if the proper procedure had been followed, he would have recommended a smaller sized opening in the stone wall, so that would be his recommendation now. Councilor Antipas noted the discrepancy between the forester's characterization of how wide the opening was originally and the Town's evidence. He*

suggested the Town do a visual inventory of the two scenic roads in Town to avoid future disagreements. Councilor Sheets asked how this situation can be prevented in the future. The Town Manager suggested that the lessons learned here are that there are no penalties associated with the ordinance; the Town should have some idea how to stop activity that occurs outside of the scenic road ordinance parameters; and there may be a need to send periodic notices to property owners about the scenic road ordinance implications.

The Town Manager suggested two items to rectify this situation. First, the opening in the wall is appropriate, but a width of 15' to 18' is probably sufficient, even for turning radius purposes. Second, the ends of the wall should be "finished" where they meet the accessway. The tracking pad that was installed for the forestry operation has been removed from the Town right-of-way and the area restored. Councilor Antipas noted that a lumber span would be more scenic than a chain to block the access. Councilor Monteiro noted that if a notice was filed in Land Records for the scenic roads, it may be a way to notify future owners so that recurring notices would not have to be sent.

Town Clerk Barbara Tarbox stated that the intersection of Sandy Hollow Road and Pequot Road is unsightly and she appreciates Councilor Antipas' suggestion.

Discussion followed on preparing a resolution outlining the restoration of the right-of-way.

7/28/2009 Town Council Committee of the Whole Recommended for a Resolution

2009-0179 Supportive Housing Program Grant Referral

RESOLUTION APPROVING TVCCA/HUD SUPPORTIVE HOUSING PROGRAM GRANT

WHEREAS, homelessness is being addressed on several fronts by numerous programs but remains an ongoing problem for Groton and neighboring communities, and

WHEREAS, homeless persons with disabilities and homeless families in which at least one member is disabled require extensive counseling, support and case management services, and

WHEREAS, the Supportive Housing Program, operated by TVCCA as the grantee of record with the Federal Department of Housing and Urban Development, provides funding to enable agencies and municipalities to provide counseling, support and case management services via participation in the Housing Collaborative Network, therefore be it

RESOLVED, that the Town Council authorizes the Town Manager, Mark R. Oefinger, to enter into an agreement with Thames Valley Council for Community Action, Inc. to accept grant funding in the amount of \$9000 to conduct a Supportive Housing Program in Groton for the period of February 1, 2009 through January 31, 2010 and to utilize said funding to supplant a portion of the salaries and related fringe benefits of selected Groton Human Services staff, who shall provide counseling, support and case management services to the specified Groton client population via participation in the Housing Collaborative Network.

Legislative History

7/14/2009 Mayor Referred Town Council Committee of th

7/28/2009 Town Council Committee of the Whole Recommended for a Resolution

2009-0189 Establishment of Code of Ethics Subcommittee Referral

RESOLUTION APPOINTING A SUBCOMMITTEE ON TOWN CODE OF ETHICS

WHEREAS, the Town Charter, at Section 3.5.3, Conflict of Interest, calls for the Town Council to establish by ordinance a code of ethics and an ethics commission, and

WHEREAS, the Town Council has received a substantial amount of foundation material for use in complying with the Charter's ethics mandate, and

WHEREAS, the formation of a code of ethics and an ethics commission will be a complex effort that

requires special attention, now therefore be it

RESOLVED, that the Town Council hereby establishes a Subcommittee on Ethics to prepare and present to the Committee of the Whole a draft municipal code of ethics and a proposed policy and structure for a Town Ethics Commission, with its first report to be made to the Committee of the Whole by September 30, 2009, and be it

FURTHER RESOLVED, that the Subcommittee on Ethics will consist of Town Council members Catherine Kolnaski, Paulann Sheets and Dean Antipas, with Bruce Flax as Alternate Member.

Legislative History

7/28/2009	Town Council Committee of the Whole	Recommended for a Resolution
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**XI. OTHER BUSINESS**

**XII. ADJOURNMENT**