



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 Heather Sherman Bond, Kathryn M. Brown-Tracy, Catherine Kolnaski, Deborah B. Monteiro, Frank O'Beirne, Jr., Rita M. Schmidt, Paulann H. Sheets, and James L. Streeter

Tuesday, June 03, 2008

7:30 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

I. ROLL CALL

II. SALUTE TO THE FLAG

III. RECOGNITION, AWARDS & MEMORIALS

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

2008-0158 Approval of Minutes (Town Council)

Resolution - Consent

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council meeting of May 20, 2008 are hereby accepted and approved.

b. Administrative Items

2008-0149 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:

Jane W. Francis - \$25.00 - Tercentennial Miscellaneous

Melissa Ramsey - \$5.00 - Animal Shelter Miscellaneous

Todd Douton and Judy Williamson - \$5.00 - Animal Shelter Miscellaneous

Robert Allen - \$5.00 - Animal Shelter Miscellaneous

Joel and Heidi Douglas - \$75.00 - Animal Shelter - Memorials

Anne Harrison - \$25.00 - Animal Shelter - Memorials

Mr and Mrs. Jeffrey Witherwax - \$100.00 - Animal Shelter - Memorials

Mr. and Mrs. Donald Neubert - \$100.00 - Animal Shelter - Memorials

Mr. and Mrs. Henry Chamberlain - \$50.00 - Animal Shelter - Memorials

Mr. and Mrs. Thomas Lunney - \$80.00 - Animal Shelter - Memorials

Erica Lupo - \$25.00 - Tercentennial Miscellaneous
 Richard Gunnell - \$66.44 - Parks and Recreation Revolving
 Susan Decorte - \$249.86 - Parks and Recreation Revolving
 Marci Lyn Casey - \$100.00 - Tercentennial Miscellaneous
 Peter J and Patricia A. Halvordson - \$40.00 - Tercentennial Miscellaneous
 Faustino and Marilou Barlan - \$5.00 - Tercentennial Miscellaneous
 Dan and Heather Gaccione - \$50.00 - Animal Shelter - Memorials
 Mr. and Mrs. Wallace MacPeck - \$25.00 - Animal Shelter - Memorials
 Mr. and Mrs. Arthur Shaw - \$15.00 - Animal Shelter - Memorials
 Mr. and Mrs. Stephen Pearson - \$50.00 - Animal Shelter Miscellaneous
 Sarene Byrne - \$50.00 - Tercentennial Miscellaneous
 Groton Regional Theatre - \$500.00 - Tercentennial Miscellaneous
 Mary Ellen Kench in Memory of David Stockwell - \$30.00 - Animal Shelter - Memorials
 Marianne Grube in Memory of David Stockwell - \$100.00 - Animal Shelter - Memorials
 Dr. and Mrs. Ernesto Soriano in Memory of David Stockwell - \$25.00 - Animal Shelter - Memorials
 Bruce and Dale Guthrie in Memory of David Stockwell - \$50.00 - Animal Shelter - Memorials
 Janine Verno - \$50.00 - Animal Shelter Miscellaneous

c. Deletions from the Town Council Referral List

2006-0126	Police Department Staffing	Referral
2007-0027	Burnett's Corners	Referral
2007-0169	Groton Ambulance Building Expansion Proposal	Referral
2008-0075	Gravel Street Pump Station Lease - Update	Referral
2008-0124	Potential Amendments to the Non-Union Retirement Program	Referral
2008-0127	Moratorium on Planning and Zoning Applications Affecting Watershed Lands	Referral
2008-0151	Establishment of Tax Rate for General Fund (FYE 09)	Referral
2008-0152	Establishment of Tax Rate for Mumford Cove District Fund (FYE 09)	Referral
2008-0153	Establishment of Tax Rate for Groton Sewer District Fund (FYE 09)	Referral
2008-0155	Appointment to Southeastern Connecticut Water Authority Advisory Board	Referral
2008-0157	Reappointment to the Zoning Commission	Referral
2008-0159	Public Hearing on Exchange of Land at Godfrey/Packer Roads Intersection	Resolution

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 Bond**
- 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 Streeter**
- h. Public Works/Recreation - Chairman Monteiro**
- i. Committee of the Whole - Mayor Watson**

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

2008-0075 Gravel Street Pump Station Lease - Update

Referral

RESOLUTION AUTHORIZING LEASE WITH HISTORIC MYSTIC, LLC (CENTRAL HALL BUILDING) FOR PARKING SPACES AT GRAVEL STREET PUMP STATION

WHEREAS, a substantial portion of a block on West Main Street, Mystic, was destroyed by fire in March, 2000, and

WHEREAS, intense public interest has been expressed in favor of the visual and commercial development of the property that was vacated by fire, and

WHEREAS, a developer has submitted a redevelopment plan that includes retail spaces and residential units, and

WHEREAS, the several permits needed for the development have been approved or are soon likely to be re-approved, and

WHEREAS, it is anticipated by the Town Council that any such development that is approved will include increased public access to the river side of the West Main Street property that is to be redeveloped, and

WHEREAS, the developer has argued that the development can not go forward without the provision of adequate parking spaces for the residential units, and

WHEREAS, the Town of Groton owns a sewer pumping station on Gravel Street that abuts the property that is to be redeveloped, and

WHEREAS, the developer has asked for the Town Council's permission to lease a portion of the sewer pump station property for parking spaces, and

WHEREAS, the lease will allow the Town to recover a portion of the leased property if it comes to be needed in the future for expanded sewer capacity, and

WHEREAS, the Groton Planning Commission reviewed the proposed lease of Town property as provided in CGS Section 8-24, and on March 4, 2004 and May 13, 2008, recommended approval of the lease with certain additional provisions which have been incorporated in the lease, and

WHEREAS, the lessee will provide that appropriate approvals have been and/or will be received

from all concerned Town of Groton land use agencies and other government entities having any jurisdiction, and that terms and conditions of such approvals will be complied with throughout the term of the lease and any extensions thereof, and

WHEREAS, the Town Council as per recently enacted State Statutes held a public hearing on April 15, 2008 concerning the potential leasing of a portion of the Gravel Street Pump Station site and has considered the comments received at the public hearing, and

WHEREAS, the Town Council Committee-of-the-Whole, at its meeting of April 22, 2008, reviewed the final version of a proposed lease between the Town of Groton and Historic Mystic, LLC, now therefore be it

RESOLVED, that the Town Council authorizes the Town Manager to lease to the developer, Historic Mystic, LLC, a portion of the Gravel Street sewer pump station lot for the purposes stated above, for a period of ten years, renewable for up to four extension terms of ten years each, and the Town Council authorizes the Town Manager to negotiate and sign any appropriate auxiliary provisions related to the approved lease, and be it further

RESOLVED, that this resolution supercedes the resolution associated with Legislative File 2007-0138, which was approved by the Town Council on August 21, 2007.

Legislative History

3/17/2008 Mayor Referred Town Council Committee of tt

**3/25/2008 Town Council Committee of Discussed
the Whole**

Town Manager Oefinger explained that last year the legislation passed a law requiring the Town to conduct a public hearing on leases (with some exceptions). A written analysis of the legislation was provided to the Council by Town Attorney Baribeault. Councilor Sheets asked that the Town Attorney re-review the issue of whether or not an appeal of the decision can be taken.

**3/25/2008 Town Council Committee of Motion
the Whole**

to schedule a public hearing on the Gravel Street Pump Station Lease on April 15th

4/15/2008 Town Council Heard at Public Hearing

Mayor Watson received a letter from Stephanie Marshall, Owner of Tidal River Clothing at 8 West Main Street, in support of the West Main Street project.

The Mayor received a letter from Eric Janney, Executive Board Greater Mystic Chamber of Commerce, 14 Holmes Street, in support of the lease of the parking area connected to the Gravel Street Pump Station.

Mayor Watson also received an email from Charles Stevens, 12 Stony Hill Drive, stating his opposition to the Gravel Street Pump Station lease.

Paul Bates, 47 Church Street, asked if the general public would be allowed access to this area, and if there is anything in the lease that would limit its use.

The Town Manager responded that the parking spaces would be used exclusively by the condo owners, but it would not be fenced off. He also stated that the leased property does not go up to the water, and there would still be a walkway near the water for Town use.

Bob Cooper, Owner of Cooper Shoppe at 23 West Main Street, stated that when this initially came before the Council, there was a strong email campaign from downtown merchants, and a majority of the merchants are still in support of this project as it is important to tourism.

Frank McLaughlin, 14 Pearl Street, declared that the time delays have been frustrating, and that we need a better atmosphere for shopping in the downtown area. He is in support of the project.

Christine Cooney, owner of Puritan & Genesta Natural Foods in downtown Mystic, stated that everyone has

acted in good faith and it is time to proceed with this project.

Rod Desmarais, the developer, gave an update on the current status of the project. He is anxious to move forward and hopefully get pilings in the ground and a concrete base in before winter and to start the construction of the building itself in spring 2009.

Councilor O'Beirne requested that Mr. Desmarais be invited to give a further update at a Committee of the Whole meeting so that Councilors can ask questions about the project.

There being no further comments, Mayor Watson closed this Public Hearing at 7:48 p.m.

4/22/2008 Town Council Committee of the Whole Discussed

Councilor O'Beirne asked if Mr. Desmerais could review his plans and timetable. Mr. Desmerais noted that the site plan application has expired. He will be submitting a new application for the same four-story building, but with 12 units rather than 16. He will also be going back to the Historic District Commission on a few issues. The schedule is to drive the piles this fall and pour the foundation before winter. Councilor Streeter asked if fewer units reduces the required parking and Mr. Desmerais stated that the parking requirement went from 32 to 24. If the spaces at the pump station are lost to Town use in the future, the units would use parking at the Tift Building.

4/22/2008 Town Council Committee of the Whole Recommended for a Resolution

5/29/2008 Town Council Committee of the Whole Discussed

5/29/2008 Town Council Committee of the Whole Recommended for a Resolution

2008-0124 Potential Amendments to the Non-Union Retirement Program Referral

RESOLUTION AUTHORIZING AMENDMENTS TO THE RETIREMENT PLAN FOR NON-UNION EMPLOYEES OF THE TOWN OF GROTON

WHEREAS, the Town of Groton Code of Ordinances, Division 2 - Retirement System of Chapter 2 - Administration of Article IV - Officer and Employees contains the following section:

Sec. 2-76 Amendments

Upon recommendation of the town manager retirement benefits for employees of the town covered by this division may be increased by resolution of the Town Council.

WHEREAS, the Town Manager recommends amendments to the Retirement Plan for Non-Union Employees of the Town of Groton as set forth in the attached 2008 Retirement Incentive Program Description for Non-Union Employees; and

WHEREAS, the Town Council has considered the recommendation of the Town Manager and the cost estimates provided by the Town's actuaries regarding the 2008 Retirement Incentive Program Description for Non-Union Employees, it is hereby

RESOLVED, that pursuant to the recommendation of the Town Manager, the Retirement Plan for Non-Union Employees of the Town of Groton is amended as set forth in the 2008 Retirement Incentive Program Description for Non-Union Employees.

Legislative History

5/8/2008 Mayor Referred Town Council Committee of the Whole

5/13/2008 Town Council Committee of the Whole Motion

that members of the Town Council, Town Manager Mark Oefinger, Director of Administrative Services Douglas Ackerman, Manager of Human Resources Joyce Sauchuk and Attorney Eileen Duggan go into

executive session at 7:15 p.m. pursuant to General Statutes Section 1-200(6)(E) for the purpose of discussion related to draft documents and correspondence regarding potential amendments to the non-union retirement programs that are protected by the attorney-client privilege

5/29/2008 Town Council Committee of Discussed
the Whole

5/29/2008 Town Council Committee of Recommended for a
the Whole Resolution

2008-0151 Establishment of Tax Rate for General Fund (FYE 09) Referral

RESOLUTION ESTABLISHING TAX RATE FOR GENERAL FUND TAXES DUE ON JULY 1, 2008

WHEREAS, the Representative Town Meeting has approved a General Fund Budget for fiscal year ending June 30, 2009 providing for expenditure appropriations totaling \$118,024,114, and

WHEREAS, the Town Council estimates cash revenue exclusive of FYE 2009 property taxes will total \$45,560,600 therefore be it

RESOLVED, that \$2,665,505 is hereby appropriated as fund balance available as of July 1, 2008 to partially meet expenditure appropriations contained in the FYE 2009 General Fund Budget, and be it

FURTHER RESOLVED, that the tax rate for taxes due July 1, 2008 is hereby established at 19.27 mills per thousand dollar of assessed valuation to raise \$69,798,008 ($\$69,798,008 \div \$3,692,260,271 \div 98.1\% \times 1,000 = 19.27$ mills).

Legislative History

5/19/2008 Mayor Referred Town Council Committee of tt

5/29/2008 Town Council Committee of Discussed
the Whole

5/29/2008 Town Council Committee of Recommended for a
the Whole Resolution

2008-0152 Establishment of Tax Rate for Mumford Cove District Fund (FYE 09) Referral

RESOLUTION ESTABLISHING TAX RATE FOR MUMFORD COVE DISTRICT FUND DUE JULY 1, 2008

WHEREAS, the Representative Town Meeting has approved a Mumford Cove District Fund Budget for fiscal year ending June 30, 2009 providing for expenditure appropriations totaling \$10,743, and

WHEREAS, the Town Council estimated cash revenue exclusive of FYE 2009 property taxes will total \$50, therefore be it

RESOLVED, that \$330 is hereby appropriated as fund balance available as of July 1, 2008, to partially meet expenditure appropriations contained in the FYE 2009 Mumford Cove District Fund budget, and be it

FURTHER RESOLVED, that the tax rate for taxes due for the Mumford Cove District Fund on July 1, 2008 is hereby established at 0.162 mills per thousand dollar of assessed valuation to raise \$10,363 ($\$10,363 \div \$64,084,342 \div 99.9\% \times 1,000 = 0.162$ mills).

Legislative History

5/19/2008 Mayor Referred Town Council Committee of tt

5/29/2008 Town Council Committee of Discussed
the Whole

- 5/29/2008 Town Council Committee of the Whole Recommended for a Resolution
- 2008-0153 Establishment of Tax Rate for Groton Sewer District Fund (FYE 09) Referral**

RESOLUTION ESTABLISHING TAX RATE FOR GROTON SEWER DISTRICT FUND DUE JULY 1, 2008

WHEREAS, the Representative Town Meeting has approved a Groton Sewer District Fund Budget for fiscal year ending June 30, 2009 providing for expenditure appropriations totaling \$1,020,485 and

WHEREAS, the Town Council estimated cash revenue exclusive of FYE 2009 property taxes will total \$126,886, therefore be it

RESOLVED, that \$159,080 is hereby appropriated as fund balance available as of July 1, 2008, to partially meet expenditure appropriations contained in the FYE 2009 Sewer District Fund budget, and be it

FURTHER RESOLVED, that the tax rate for taxes due for the Groton Sewer District Fund on July 1, 2008 is hereby established at 0.33 mills per thousand dollar of assessed valuation to raise \$734,519 ($\$734,519 \div \$2,252,847,051$ (excluding motor vehicles) $\div 98.8\% \times 1,000 = 0.33$ mills).

Legislative History

- 5/19/2008 Mayor Referred Town Council Committee of the Whole
- 5/29/2008 Town Council Committee of the Whole Discussed
- 5/29/2008 Town Council Committee of the Whole Recommended for a Resolution
- 2008-0155 Appointment to Southeastern Connecticut Water Authority Advisory Board Referral**

RESOLUTION APPOINTING PAULANN SHEETS TO THE SOUTHEASTERN CONNECTICUT WATER AUTHORITY ADVISORY BOARD

RESOLVED, that Paulann Sheets, 87 Neptune Drive, is hereby appointed to the Southeastern Connecticut Water Authority Advisory Board for a term expiring 9/1/09.

Legislative History

- 5/20/2008 Mayor Referred Town Council Committee of the Whole
- 5/29/2008 Town Council Committee of the Whole Discussed
- 5/29/2008 Town Council Committee of the Whole Recommended for a Resolution
- 2008-0157 Reappointment to the Zoning Commission Referral**

RESOLUTION REAPPOINTING ROBERT O'NEILL, JR. TO THE ZONING COMMISSION

RESOLVED, that Robert O'Neill, Jr., 24 West Mystic Avenue, Mystic is hereby reappointed to the Zoning Commission for a term expiring December 31, 2012.

Legislative History

- 5/21/2008 Mayor Referred Town Council Committee of the Whole
- 5/29/2008 Town Council Committee of the Whole Discussed
- 5/29/2008 Town Council Committee of the Whole Recommended for a Resolution

**2008-0159 Public Hearing on Exchange of Land at Godfrey/Packer
Roads Intersection Resolution**

RESOLUTION SETTING PUBLIC HEARING DATE ON EXCHANGE OF LAND ASSOCIATED WITH THE RECONSTRUCTION OF THE GODFREY ROAD/PACKER ROAD INTERSECTION WHEREAS, pursuant to Public Act 07-218, effective October 1, 2007, the Town Council must conduct a public hearing on the proposed sale, lease, or transfer of real property owned by the Town, therefore be it

RESOLVED, that the Groton Town Council will hold a public hearing on the proposed exchange of land at the Godfrey Road/Packer Road intersection on June 17, 2008 at 7:30 p.m. at the Town Hall Annex, Community Room 1.

Legislative History

5/29/2008 Town Council Committee of Recommended for a
the Whole Resolution

XI. OTHER BUSINESS

XII. ADJOURNMENT