



# 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 Peter J. Bartinik, Jr., Heather Sherman Bond, Catherine Kolnaski,  
Frank O'Beirne, Jr., Rita M. Schmidt, John F. Scott, Paulann H. Sheets, and James L. Streeter.

Tuesday, July 17, 2007

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

2007-0167 Proclamation Recognizing Brian Waddicor Referral

#### IV. 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 ten 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

2007-0172 Approval of Minutes (Town Council) Resolution - Consent

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council meeting of June 19, 2007 are hereby accepted and approved.

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

2006-0063 Bus Ordinance Amendment Referral

2006-0254 Coastal Property Insurance Referral

2007-0161 Receipt of Planning Commission Report on Animal Shelter Referral

2007-0162 Adoption of Animal Shelter Ordinance Referral

2007-0168 Porter Property - Groton Utilities Acquisition Referral

2007-0173 Appointment of Other Attorney Resolution

##### c. Special Trust Fund Contributions

**2007-0165 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:

Nancy and Tom Barnhart - \$100.00 - Parks and Recreation Revolving

Eleanor Ralls - \$100.00 - Parks and Recreation Revolving

Bruce Gilchrist - \$50.00 - Library Discretionary

Various Donations - \$185.00 - Groton Utilities Energy Assistance Program

Groton Utilities - \$323.36 - Groton Utilities Energy Assistance Program

Jean H. Simpson - \$30.00 - Social Services Discretionary

Susan Decorte - \$221.00 - Parks and Recreation Revolving

Mom's Club of Mystic Connecticut - \$100.00 - Library Discretionary

George Marshall - \$100.00 - Social Services Discretionary

Various Donations - \$57.00 - Groton Utilities Energy Assistance Program

Groton Utilities - \$795.83 - Groton Utilities Energy Assistance Program

**VII. COMMUNICATION REPORTS (Other than Committee Reports)****a. Town Councilors****b. Representative Town Meeting****c. Clerk of the Council****d. Town Manager****e. Town Attorney****VIII. COMMITTEE REPORTS****a. Community & Cultural Development - Chairman O'Beirne****b. Economic Development - Chairman Bond****c. Education/Health & Social Services - Chairman Kolnaski****d. Environment & Recreation - Chairman Sheets****e. Finance - Chairman Schmidt****f. Personnel/Appointments/Rules - Chairman Scott****g. Public Safety - Chairman Streeter****h. Public Works - Chairman Bartinik****i. Committee of the Whole - Mayor Watson****IX. UNFINISHED BUSINESS****X. NEW BUSINESS****2007-0161 Receipt of Planning Commission Report on Animal Shelter****Referral****RESOLUTION ON RECEIPT OF PLANNING COMMISSION REPORT ON ANIMAL SHELTER**

WHEREAS, the proposed animal shelter bond ordinance was referred by the Town Council to the Town Planning Commission pursuant to CGS Section 8-24, and

WHEREAS, the Planning Commission, at its meeting on June 26, 2007 issued an affirmative report

regarding the proposed animal shelter, now therefore be it

RESOLVED, that the Town Council has received the report of the Planning Commission.

Legislative History

6/18/2007	Mayor	Referred	Town Council Committee of th
7/10/2007	Town Council Committee of the Whole	Recommended for a Resolution	

**2007-0162 Adoption of Animal Shelter Ordinance Referral**

ADOPTION OF ORDINANCE APPROPRIATING \$1,385,000 FOR A REPLACEMENT ANIMAL SHELTER AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

Section 1. That the sum of ONE MILLION THREE HUNDRED EIGHTY FIVE THOUSAND DOLLARS (\$1,385,000) is appropriated for a replacement animal shelter at the Town Hall Annex site on Groton Long Point Road. The project shall include design and construction of an animal shelter, including office and support areas; examining room; acquaintance room; general purpose and isolation kennels and runs; food preparation, bathing, laundry, and general storage areas; related heating, cooling and ventilating systems; sprinkler, fire alarm and security systems; extension of utilities; landscaping, access driveway and parking area; demolition of the existing dog pound and relocation of the police impound yard. The appropriation may be spent for design and construction costs, equipment, furnishings, fixtures, materials, demolition costs, site improvements, architects' fees, engineering fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Town Council may reduce or modify the scope of the project and the entire appropriation may be spent on the project as so reduced or modified.

Section 2. That the Town issue bonds or notes, in an amount not to exceed ONE MILLION THREE HUNDRED EIGHTY FIVE THOUSAND DOLLARS (\$1,385,000) to finance the appropriation for the project. The amount of bonds or notes authorized to be issued shall be reduced by the amount of contributions received by the Town for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Groton. The Town does hereby covenant and agree with the holders of the bonds or notes and all notes issued in anticipation of the receipt of the proceeds from the sale of such bonds or notes that in each year while any such bonds or notes are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on the bonds or notes as the same become due and payable.

Section 3. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed ONE MILLION THREE HUNDRED EIGHTY FIVE THOUSAND DOLLARS (\$1,385,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be secured by the irrevocable pledge of the full faith and credit of the Town, payable as provided in Section 2. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

Section 4. That the Town Council shall determine the amount of bonds or notes authorized by Section 2 to be sold. The Town Manager and the Director of Finance shall determine the amount of any temporary notes authorized by Section 3 to be sold. The Town Manager and the Director of Finance of the Town shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds or notes. The Town Manager and the Director of Finance are authorized to determine the dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to designate a

financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this ordinance if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

Section 6. That the Town Manager and the Director of Finance are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

Section 7. That the Town Manager, the Director of Finance, and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes to finance the aforesaid appropriation.

Section 8. This ordinance shall become effective only if it has been adopted by vote of not less than five (5) members of the Town Council and by the Representative Town Meeting, and only if the appropriation set forth in Section 1 and the issuance of bonds and notes to finance said appropriation have been approved by the voters at referendum in accordance with Section 8.12 of the Town Charter, and notice of passage has been published in accordance with the provisions of the Town Charter.

Legislative History

6/18/2007 Mayor Referred Town Council Committee of the

7/10/2007 Town Council Committee of the Whole Discussed

*Town Manager provided a brief history of the ordinance, and noted that he does not have high expectations in the short term that a regional facility is going to happen. He updated the Council on the most recent discussions with area towns. If Groton works with the Humane Society alone, transportation costs will be sizable since they can not be shared with other towns. The Town estimates it will cost \$90,000 to \$150,000 per year to enter into an agreement with the Humane Society. The Council reviewed a memo from Director of Finance Sal Pandolfo outlining the anticipated annual debt service. The Town Manager continues to recommend that the Town pursue both options with respect to the animal shelter.*

7/10/2007 Town Council Committee of the Whole Recommended for a Resolution

2007-0168 Porter Property - Groton Utilities Acquisition Referral

RESOLUTION APPROVING THE PURCHASE OF LAND KNOWN AS THE PORTER PROPERTY BY THE CITY OF GROTON

WHEREAS, the City of Groton has applied for and received a grant under the Open Space and Watershed Land Acquisition Program established and administered by the Department of Environmental Protection pursuant to Section 7-131d of the Connecticut General Statutes; and

WHEREAS, the land being acquired by the City of Groton is located within the territorial limits of the Town of Groton, and pursuant to Section 7-13d of the Connecticut General Statute, the City of Groton is required to seek approval by the legislative body or designee of the Town in which said land is located; now therefore be it

RESOLVED, that the Town of Groton, by means of a meeting of the Town Council, approves the

purchase of land known as the Porter Property OSWA 259 by the City of Groton, and that this land will be managed as open space pursuant to Section 7-131d of the Connecticut General Statutes.

Legislative History

7/2/2007 Mayor Referred Town Council Committee of th

7/10/2007 Town Council Committee of the Whole Discussed

*Town Manager Oefinger explained that the City of Groton applied to the state for a grant to purchase this property for watershed protection purposes. Under the grant program, the City must obtain resolutions from the host communities (Groton and Ledyard). Councilor O'Beirne asked why the property will be in the name of the City of Groton as opposed to Groton Utilities. Mayor Watson asked how much tax revenue will be lost as a result of the transfer.*

7/10/2007 Town Council Committee of the Whole Recommended for a Resolution

2007-0173 Appointment of Other Attorney Resolution

RESOLUTION APPOINTING OTHER ATTORNEY AS RECOMMENDED BY THE TOWN ATTORNEY

WHEREAS, the Town Charter, at 5.1, provides that the Town Attorney may, with the approval of the Town Council, appoint attorneys to perform specialized services or otherwise to assist the Town Attorney, and

WHEREAS, the Town Attorney is empowered by the Charter to recommend the terms of employment of such attorneys, now therefore be it

RESOLVED, that pursuant to the recommendation of Town Attorney Duggan, the following attorney may be appointed and continue to serve in the assignment indicated, under terms prescribed by the Town Attorney, until such time as his replacement may be approved by the Town Council:

Michael Collins, Halloran & Sage, LLP (and associates and/or partners working with him) to represent the Town in the 2007 personal property tax appeals brought by Xerox Corporation and Xerox Lease Equipment, LLC.

Legislative History

7/3/2007 Town Council Committee of the Whole Recommended for a Resolution

**XI. OTHER BUSINESS**

**XII. ADJOURNMENT**