



# Town of Groton, Connecticut

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

## Meeting Agenda

### Town Council

*Mayor Harry A. Watson, Councilors Peter J. Bartnik, Jr., Natalie Burfoot Billing, Heather Sherman Bond, Catherine Kolnaski, Frank O'Beirne, Jr., Paulann H. Sheets, Thomas J. Skrmetti, and Elissa T. Wright.*

Tuesday, May 03, 2005

7:30 PM

Town Hall Annex - Community Room 1

### REGULAR MEETING

#### I. ROLL CALL

#### II. SALUTE TO THE FLAG

#### III. RECOGNITION, AWARDS & MEMORIALS

2005-0056 Proclamation Recognizing National Arbor Day Proclamation - TC

PROCLAMATION RECOGNIZING NATIONAL ARBOR DAY

2005-0072 Proclamation Recognizing Robin Christopher Neuman Proclamation - TC

PROCLAMATION RECOGNIZING ROBIN CHRISTOPHER NEUMAN

2005-0122 Proclamation Recognizing National Telecommunicators Week Proclamation - TC

PROCLAMATION RECOGNIZING NATIONAL TELECOMMUNICATORS WEEK

2005-0123 Proclamation Honoring the Doolittle Raiders Proclamation - TC

PROCLAMATION HONORING AND SUPPORTING THE 63RD REUNION OF THE SURVIVING MEMBERS OF THE HEROIC "DOOLITTLE RAIDERS"

2005-0145 Proclamation Recognizing Youth Week Proclamation - TC

PROCLAMATION RECOGNIZING YOUTH WEEK

#### 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

2005-0148 Approval of Minutes (Town Council) Resolution - Consent

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council Meeting of April 26, 2005 are hereby accepted and approved.

**2005-0143 Approval of Minutes (Town Council) Resolution - Consent**

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council of April 5, 2005 are hereby accepted and approved.

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

<b>2004-0185</b>	<b>Mill Rates for Motor Vehicle Taxes and Personal Property Taxes Versus Real Estate Property Taxes</b>	<b>Referral</b>
<b>2005-0116</b>	<b>Transfer of Unexpended CIP Funds to Board of Education</b>	<b>Referral</b>
<b>2005-0078</b>	<b>Sandy Hollow Road Tree Removal</b>	<b>Referral</b>
<b>2005-0131</b>	<b>Appointment of Philip Butta Jr. to the Parks and Recreation Commission</b>	<b>Referral</b>
<b>2005-0132</b>	<b>FYE 2005 Fourth Quarter Transfers</b>	<b>Referral</b>
<b>2005-0138</b>	<b>Computation of Tax Rate for General Fund (FYE 2006)</b>	<b>Referral</b>
<b>2005-0139</b>	<b>Computation of Tax Rate for Mumford Cove (FYE 2006)</b>	<b>Referral</b>
<b>2005-0140</b>	<b>Computation of Tax Rate for Groton Sewer District (FYE 2006)</b>	<b>Referral</b>

**c. Special Trust Fund Contributions**

**2005-0115 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:

Fort Hill Development LLC - \$5,000 - Parks and Recreation Revolving  
 Various donations - \$3,511.05 - Parks and Recreation Revolving  
 Bank Square Books, Ltd. - \$400.00 - Arts Cafe  
 Various donations - \$9,450.00 - Tercentennial  
 Noank Village Boat Yard - \$300.00 - Parks and Recreation Revolving  
 Duncklee, Inc. - \$100.00 - Parks and Recreation Revolving  
 Liberty Bank - \$250.00 - Parks and Recreation Revolving  
 TriVin, Inc. - \$250.00 - Parks and Recreation Revolving  
 Mary Ray - \$100.00 - Parks and Recreation Revolving  
 Mike and Beth Mondello - \$1,500.00 - Parks and Recreation Revolving  
 Martin J. Sanders - \$100.00 - Parks and Recreation Revolving  
 Southeastern Connecticut Association for the Retarded, Inc. (SCAR) - \$500.00 - Parks and Recreation Revolving

**2005-0141 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:

Various Donations - \$1,495.00 - Parks & Recreation Revolving Fund  
 Lawrence & Memorial Hospital - \$2,500.00 - Tercentennial  
 Jane Cafone donation - \$25.00 - dog pound  
 James and Marilee Clabby donation - \$50.00 - dog pound

**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 Billing**
- b. Economic Development - Chairman Bond**
- c. Education/Health & Social Services - Chairman Kolnaski**
- d. Environment & Recreation - Chairman Sheets**
- e. Finance - Chairman Wright**
- f. Personnel/Appointments/Rules - Chairman O'Beirne**
- g. Public Safety - Chairman Skrmetti**
- h. Public Works - Chairman Bartinik**
- i. Committee of the Whole - Mayor Watson**

**IX. UNFINISHED BUSINESS**

**2005-0075      Adoption of an Ordinance Regarding Alcohol Possession by Minors      Ordinance**

ADOPTION OF AN ORDINANCE REGARDING ALCOHOL POSSESSION BY MINORS

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

SECTION 1: FINDINGS

1. The possession and consumption of alcoholic liquor by minors is a matter of a growing local, regional, and national concern.
2. Consumption of alcoholic liquor by minors unsupervised by parental authority creates a health and safety risk not only to our children but also to the general public.
3. The Town of Groton seeks to protect, preserve and promote the health, safety, welfare, and quality of life of its residents by regulating the possession of alcohol by minors.

SECTION 2: PURPOSE

To regulate the possession of alcoholic beverages by minors on both public and private property.

SECTION 3: DEFINITIONS

ALCHOLIC LIQUOR-shall have the same meaning as the same term defined in Title 30, Section 30-1 of the Connecticut General Statues, as amended from time to time.

HOST-To organize a gathering of 'two or more persons, or to allow the premises under one's control to be used with one's knowledge, for a gathering of two or more persons for personal, social, or business interaction.

MINOR-Any person under the age of twenty-one (21) years old.

PERSON-Any individual, firm, partnership, association, syndicate, company, trust, corporation, limited-liability company, municipality, agency, or political or administrative subdivision of the state or other legal entity of any kind.

#### SECTION 4: POSSESSION

No person under the age of twenty-one (21) shall be in possession of containers of alcoholic liquors, whether open or closed, within the Town of Groton, except when accompanied by or in the presence of his or her parent, legal guardian, or spouse, who has attained the age of twenty-one (21) years. This restriction shall apply to both public and private property.

#### SECTION 5: HOSTING EVENTS

No person shall host an event or gathering at which alcohol will be consumed by or dispensed to any minor unless said minor is accompanied by or in the presence of his or her parent, guardian, or spouse who has attained the age of twenty-one (21). This restriction shall apply to any event or gathering within the Town of Groton, whether conducted on public or private property.

#### SECTION 6: EXCEPTIONS

The provisions of Sections 4 and 5 of this ordinance shall not apply to the following:

1. A minor who possesses alcoholic liquor on the order of a practicing physician or any person who sells, ships, delivers or gives any alcoholic liquors to a minor on the order of a practicing physician.
2. A person over the age of eighteen (18) who is an employee or permit holder under Section 30-90a of the Connecticut General Statutes and who possesses alcoholic liquor in the course of such person's employment or business or in the course of a sale, shipment, or delivery of alcoholic liquor made to a person over age eighteen (18) who is an employee or permit holder under Section 30-90a of the Connecticut General Statutes and where such sale, shipment, or delivery is made in the course of such person's employment or business.

#### SECTION 7: PENALTIES

Any person violating any provision of this article shall be subject to a fine of \$95.00

This ordinance shall be effective 60 days after enactment.

(REFER TO THE RTM)

#### Legislative History

**4/5/2005                      Town Council    Postponed to a Certain  
Time**

*Councilor Sheets is concerned that the fine imposed will be set at \$95. Any fine over \$90 changes the violation from an infraction to an offense. An individual can be arrested for an offense, but not an infraction. It could also be made public in the police logs in the local papers.*

*Councilor Wright is not comfortable with this being an "offense".*

*Councilor Skrmetti supports the Ordinance as is.*

*Town Manager Oefinger does not feel this needs to be reviewed by the Town Attorney. He noted that the Town Council as a whole usually directs him when to contact the Town Attorney for his opinion. In this instance, Councilor Sheets called and requested that it be submitted to the Town Attorney for review. The Town Manager would like anyone with any issues with this ordinance to notify him so that the Town Attorney can*

*address them all before the vote on April 19.*

*Councilor Wright feels the goal of this ordinance should be deterrence and prevention. She would like the language to be as clear as possible.*

## X. NEW BUSINESS

### 2005-0116      **Transfer of Unexpended CIP Funds to Board of Education**      **Referral**

#### RESOLUTION TRANSFERRING OF UNEXPENDED CIP FUNDS TO BOARD OF EDUCATION

WHEREAS, the Town Council and RTM approve Capital Improvement Projects (CIP) through the budgetary process, and

WHEREAS, during the length that a CIP appropriation is valid, the project may come in under budget, leaving funds in the Capital Reserve Fund's fund balance, and

WHEREAS, occasionally CIP projects may come in over budget, at which time other funds may be necessary to complete the projects, and

WHEREAS, the Town Council and RTM may reappropriate unexpended CIP funds to CIP projects that have come in over budget, and

WHEREAS, this situation has occurred with current CIP projects associated with the Board of Education, be it

RESOLVED, that: CIP#5H (Eastern Point; fire code improvements) be reduced by \$42,045 to \$37,955 and CIP#5J (Mary Morrison; parking lot) be increased by \$22,270 to \$92,270 and that a FYE 2005 CIP#5E be created in the amount of \$19,775 (West Side Middle; gym floor).

#### Legislative History

4/4/2005      Mayor      Referred      Town Council Committee of the W

4/5/2005      Town Council      Referred      Town Council Finance Committee

*The Town Manager reported that there has been a request made for the transfer of Unexpended CIP funds to the Board of Education account.*

4/26/2005      Town Council Committee of the Whole      Recommended for a Resolution

### 2005-0132      **FYE 2005 Fourth Quarter Transfers**      **Referral**

#### RESOLUTION FOR FYE2005 FOURTH QUARTER TRANSFERS

WHEREAS, the Town Charter provides for supplemental appropriations to the Adopted Budget and transfers from the Contingency function during the year, and

WHEREAS, the Town Charter also provides for the transfer of funds from one departmental function to another departmental function during the last three months of the fiscal year, and

WHEREAS, it is estimated that the following departments/functions require a transfer from the Contingency function in order that they not be overdrawn as of June 30, 2005, now therefore be it

RESOLVED, that \$172,600 be transferred from the General Fund Contingency, function #1074, to the following departments/functions and referred to the RTM for approval:

Public Safety/Patrol (#10243-5109) -- \$82,000;

    for payment of leave balances for 9 employees due to their retirement.

Public Works/Public Buildings (#10352-5260) -- \$30,000;

    for funding of water heater at the Police Station that recently failed. .

Public Works/Snow and ice Control (#10356-5104) -- \$19,200;  
 for overtime payments due to abnormally sever winter.  
 Public Works/Snow & Ice (#10356-5300) -- \$41,400;  
 for purchase of additional sand and salt this winter.

(REFER TO THE RTM)

Legislative History

4/13/2005	Mayor	Referred	Town Council Committee of the W
4/26/2005	Town Council Committee of the Whole	Recommended for a Resolution	

**2005-0131 Appointment of Philip Butta Jr. to the Parks and Recreation Commission Referral**

APPOINTMENT OF PHILIP J. BUTTA, JR. TO THE PARKS AND RECREATION COMMISSION

RESOLVED, that Philip J. Butta, Jr., 282 Noank-Ledyard Road, Mystic is hereby appointed to the Parks and Recreation Commission for a term expiring 12/31/09.

Legislative History

3/22/2005	Town Council Personnel/Appointments/Rules /Legislation Committee	Recommended for a Resolution
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**2005-0078 Sandy Hollow Road Tree Removal Referral**

RESOLUTION SCHEDULING A PUBLIC HEARING FOR TREE REMOVAL ON A SCENIC ROAD

WHEREAS, the Town of Groton adopted its Ordinance Concerning the Designation of Scenic Roads on June 6, 1989, pursuant to state statutes, and

WHEREAS, on January 19, 1999, by resolution, the Town Council designated Sandy Hollow Road as a Scenic Roads, and

WHEREAS, the Town of Groton/Tree Warden has inspected certain trees on Sandy Hollow Road and On River Road and has determined that removal of a seriously aged and damaged tree is necessary for public safety and for other reasons, therefore be it

RESOLVED, that a public hearing is hereby scheduled for the Town Council meeting at 7:30 p.m. June 7, 2005 at the Town Hall Annex, Room 1, and that notice of said hearing shall be timely published in a newspaper having general circulation in the town.

Legislative History

4/26/2005	Town Council Committee of the Whole	Motion
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**2005-0146 Appointment of David E. Russell to the Permanent School Building Committee Referral**

RESOLUTION APPOINTING DAVID E. RUSSELL TO THE PERMANENT SCHOOL BUILDING COMMITTEE

RESOLVED, that David E. Russell, 73 Ronald Road, be appointed to the Permanent School Building Committee for a term ending 9/29/07.

Legislative History

4/27/2005	Town Council Personnel/Appointments/Rules /Legislation Committee	Recommended for a Resolution
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2005-0147      **Appointment of Stephen D. Smith to the Cable TV  
Advisory Council**      **Referral**

RESOLUTION APPOINTING STEPHEN D. SMITH TO THE CABLE TV ADVISORY  
COUNCIL

RESOLVED, that Stephen D. Smith, 161 Pequot Avenue, Mystic, is hereby appointed to the Cable  
TV Advisory Council for a term ending 7/1/06.

Legislative History

4/27/2005	Town Council Personnel/Appointments/Rules /Legislation Committee	Recommended for a Resolution
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**XI. OTHER BUSINESS**

**XII. ADJOURNMENT**