



# 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. Bartinik, Jr., Natalie Burfoot Billing, Heather Sherman Bond, Catherine Kolnaski, Frank O'Beirne, Jr., Paulann H. Sheets, Thomas J. Skrmetti, and Elissa T. Wright.*

Tuesday, October 04, 2005

7:30 PM

Town Hall Annex - Community Room 1

### REGULAR MEETING

#### I. ROLL CALL

#### II. SALUTE TO THE FLAG

#### III. RECOGNITION, AWARDS & MEMORIALS

- |           |  |                   |
|-----------|--|-------------------|
| 2005-0256 | Proclamation Recognizing Linnea Lindstrom  | Proclamation - TC |
| 2005-0269 | Proclamation Recognizing Comcast Cares Day | Proclamation - TC |

#### 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

- |           |                                    |                      |
|-----------|------------------------------------|----------------------|
| 2005-0268 | Approval of Minutes (Town Council) | Resolution - Consent |
|-----------|------------------------------------|----------------------|

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council Meeting of September 6, 2005 and September 20, 2005 are hereby accepted and approved.

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

- |           |  |          |
|-----------|--|----------|
| 2005-0166 | Great Brook Subdivision Environmental Covenants      | Referral |
| 2005-0251 | Release of State Land - Route 117/Candlewood Road    | Referral |
| 2005-0252 | Designation of a Railroad Quiet Zone - School Street | Referral |
| 2005-0261 | Mystic River Pumpout Boat Program                    | Referral |

##### c. Special Trust Fund Contributions

- |           |                                  |                      |
|-----------|----------------------------------|----------------------|
| 2005-0265 | 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 - \$1,298.12 - Groton Utilities Energy Assistance Program  
 Various Donations - \$10.00 - Parks and Recreation Revolving  
 United Way of SE CT - \$516.80 - Parks and Recreation Revolving

## 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

## X. NEW BUSINESS

2005-0251 Release of State Land - Route 117/Candlewood Road

Referral

RESOLUTION IN ACCEPTANCE OF A PARCEL OF LAND TO BE CONVEYED FOR  
 HIGHWAY PURPOSES BY THE STATE OF CONNECTICUT

WHEREAS, a small parcel of land at the intersection of Town-owned Candlewood Road and State  
 Highway 117 is owned by the state, and

WHEREAS, the ideal alignment of Candlewood Road at that intersection includes a radius crossing  
 the state-owned land, now therefore be it

RESOLVED, that the Town Manager may accept a Quit Claim deed from the State of Connecticut  
 for the conveyance of a parcel containing 373 square feet, more or less, on the easterly side of  
 Connecticut Route 117 at Candlewood Road, and the Town Manager may execute such documents  
 and assurances in favor of the State of Connecticut as the state may require for the effectuation of this  
 conveyance.

Refer to RTM

Legislative History

9/6/2005

Mayor

Referred

Town Council Committee of the W

9/13/2005      **Town Council Committee of the Whole**      **Not Discussed**

9/27/2005      **Town Council Committee of the Whole**      **Recommended for a Resolution**

*Town Manager Oefinger explained the history of the site. A portion of the property has been granted to Groton Utilities for a water pump station. This small parcel would accommodate the road radius that is already located on the property.*

9/27/2005      **Town Council Committee of the Whole**      **Motion**

*to recommend a resolution accepting the land and referring the acceptance to the RTM*

**2005-0252**

**Designation of a Railroad Quiet Zone - School Street**

**Referral**

**RESOLUTION DESIGNATING A RAILROAD QUIET ZONE**

WHEREAS, the Groton Town Council, on June 21, 2005, authorized the issuance of a Notice of Intent to designate a railroad quiet zone around the School Street grade crossing, and

WHEREAS, comments were received from Amtrak and the State of Connecticut Department of Transportation within the 60-day period that expired September 7th, and

WHEREAS, nothing stated by Amtrak requires further action by the Town at this time, and visual obstructions by brush, as noted by Connecticut DOT, will be removed before the effective date of a quiet zone, and

WHEREAS, Federal quiet zone regulations at 49 C.F.R. 222.23 allow a locomotive engineer to sound the horn whenever, in the engineer's sole judgement, such action is appropriate to prevent imminent death, injury or damage, and

WHEREAS, Town of Groton staff are prepared to install warning signs in conformance with federal MUTCD standards to alert the public to the absence of train horn signals at the School Street grade crossing, now therefore be it

RESOLVED, that the Town of Groton, a Public Authority within the meaning of FRA regulations, now designates a 24-hour New Railroad Quiet Zone between miles 130.80 and 131.75 of the Amtrak Northeast Corridor, to include the School Street crossing, No. 500-278J, under the authority granted to the town in 49 CFR 222.39 (a) (1), and be it

FURTHER RESOLVED, that the effective date of the quiet zone may be established by the Town Manager for an appropriate date, not to exceed 40 days from the date of this resolution, that allows for the preparation, mailing and receipt of the required forms of notification and the 21-day advance notice required by the Federal Railroad Administration.

**Legislative History**

9/6/2005      **Mayor**      **Referred**      **Town Council Committee of the W**

9/13/2005      **Town Council Committee of the Whole**      **Not Discussed**

9/27/2005      **Town Council Committee of the Whole**      **Recommended for a Resolution**

*Assistant to the Town Manager Lee Vincent indicated the official comment period has expired. The Town received comments from Amtrak citing regulations that pre-date the federal regulations. The State will follow the federal regulations and recommended signage, sight line improvements and use of whistles during poor visibility.*

9/27/2005      **Town Council Committee of the Whole**      **Motion**

*to recommend a resolution establishing the quiet zone including necessary requirements to effectuate the zone.*

*Councilor O'Beirne noted the discrepancy in the hours cited in Amtrak's attachment and what the Town Council is approving. Mayor Watson asked Mr. Vincent to speak to the Amtrak representative. Mr. Vincent explained that the Amtrak document is dated 2002, and pre-dates the 2005 regulations*

2005-0261

**Mystic River Pumpout Boat Program**

**Referral**

**RESOLUTION CONCERNING THE MYSTIC RIVER PUMPOUT BOAT PROGRAM**

WHEREAS, beginning in 2000, the Town of Groton has operated a sanitary sewage pumpout boat in the Mystic River that has been partially funded by grants from the State of Connecticut, and

WHEREAS, several challenges now amount to a severe burden against renewal of the program, including the difficulty of hiring pumpout boat operators for the full season extending through October, and the number of unplanned hours taken up by Department of Public Works headquarters staff, and

WHEREAS, the staff's analysis indicates that commercial services for pumping out boats are now adequately available along the Mystic River, now therefore be it

RESOLVED, that the Town of Groton Pumpout Boat Program serving the Mystic River will cease at the end of the current grant-funded period of operation on October 23, 2005.

Legislative History

9/19/2005	Mayor	Referred	Town Council Committee of the W
9/27/2005	Town Council Committee of the Whole	Recommended for a Resolution	

*Director of Public Works Gary Schneider described the proposal to discontinue the marine sewage pumpout service. The grant application is due around October 15th so Council guidance is necessary at this time. Mr. Schneider provided a history of the program and explained how it operates. There are now at least seven pumpout structures on the Mystic River in addition to a private company that provides the service. It is difficult to find employees and the Town is losing the use of the disposal facility at Noank Shipyard, which would require finding another location or constructing a new facility.*

*Mr. Schneider recommends ending the service based on the information noted above. He reviewed options if the Council decides to continue the program. Options include using additional full-time Public Works Department staff; soliciting contractual employees which impacts Public Works staff; or outsourcing the operation and management of the program.*

9/27/2005	Town Council Committee of the Whole	Motion
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*to recommend a resolution ending the Town's involvement in providing pumpout service on the Mystic River.*

*Councilor Sheets asked how much grant money is provided by DEP. In 2004, the Town applied for \$24,199 and received \$18,149, which was spent on employees, supplies, and gas. Lori Hammett, Project Management Specialist, described the process to use the existing pumpout structures. Councilor Sheets expressed concern that the pumpouts will not get done if the Town ends the service. Mr. Schneider used the analogy that the Town does not pump out septic tanks or RV tanks; the owner is expected to take care of their own waste. Mr. Schneider explained that this is a flagship program for DEP and they will be disappointed if the program ends. Councilor Sheets asked if angering DEP over this issue would impact DEP's review and permitting of the Allyn Bohlander site on Route 1. The Town Manager indicated he would consider it unconscionable if the State did that and he has never experienced such a scenario.*

*Councilor Wright yielded the floor to Paul Bates, Chairman of the Harbor Management Commission. Mr. Bates noted his involvement with the institution of this program, the failure of private contractors in the past, and his concern with maintaining the quality of recreational activities. Mr. Bates noted access problems at some of the existing structures. He recommended that all program costs be rolled into the grant application and that salaries be raised to entice employees. He asked that the Council authorize the grant application for the coming year to provide time to explore alternatives.*

*Councilor Skrmetti noted that this is not a spur of the moment decision, and this issue has been discussed for*

many years.

Councilor Wright asked Mr. Bates if he feels the Town provides institutional stability to the program, and Mr. Bates stated yes. She asked about the cost of compliance, oversight, and enforcement. Mr. Bates feels that if people have to pay \$25.00 for a pumpout, compliance will go down and water quality will be affected. Councilor Wright suggested that enforcement costs may exceed the costs of the program, and Mr. Bates agreed.

Mr. Schneider noted there is a limited pool of funds available. The grant application includes estimated costs, and the award is based on the budget, but also the available money.

A motion was made by Councilor Sheets, seconded by Councilor Wright, to amend the motion to direct staff to apply for the annual grant from the Department of Environmental Protection in the amount needed to cover the actual costs of performing the function, including sufficient funds to attract the seasonal employees needed, e.g. \$15-\$17 per hour.

Councilor Wright encouraged a partnership with Stonington and a cooperative approach. Mr. Schneider noted that staff can only ask Stonington to participate, but certainly the Harbor Management Commission or the Town Council could approach Stonington for additional compensation or help. Another issue is the program is taking up too much staff time. Costs and reimbursement are lower at this point because staff is currently not available to work the programmed days. Not everyone who wants the service is being serviced now. It was noted that Ms. Hammett has used all of the available pumpout structures and some are easier to use than others.

Councilor Skrmetti stated that Stonington has been approached on this issue numerous times and their participation is declining. The Town Manager indicated there have been no recent discussions with Stonington, but the Council could meet with them on issues of mutual concern, including this issue.

Councilor Bond noted her desire to protect the Mystic River. She suggested that the pay rate be increased. Councilor O'Beirne objected to Mr. Bates' statement that implied that if the Town stops the program, everyone will dump their waste into the River. Now that it is a law that pumpout facilities be used, the Town could be looked at as providing unfair competition for private services since the Town provides free service.

Councilor Skrmetti recognized Mr. Bates who clarified his remarks which were directed to the amount of money being spent to correct problems in the Poquonnock River.

The motion to amend failed by the following vote:

In Favor: 3 - Councilor Bond, Councilor Sheets, Councilor Wright

Opposed: 4 - Councilor Kolnaski, Councilor O'Beirne, Jr., Councilor Skrmetti, Mayor Watson

Town Manager Oefinger asked if the grant could be left flexible to allow a higher rate of pay or outsourcing of the operation. Mr. Schneider stated the Town would hold the grant, so that would be possible. Councilor Kolnaski indicated she would like additional information on acceptable structures. Ms. Hammett reiterated that although the structure at Spicer's is difficult to access, others are easily accessible.

Councilor Wright recognized Mr. Bates who indicated he would be willing to talk to the Stonington Harbor Management Commission regarding funding.

Mr. Schneider reiterated the difficulty in providing reliable employees. If a reputable contractor could be found, that would be great; however he hesitates to offer a service in July and August only to have it dwindle through the Fall boating season

## **XI. OTHER BUSINESS**

## **XII. ADJOURNMENT**