



Town of Groton, Connecticut

45 Fort Hill Road
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Town Clerk (860)441-6640
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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 18, 2005

7:30 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

I. ROLL CALL

II. SALUTE TO THE FLAG

III. RECOGNITION, AWARDS & MEMORIALS

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

2005-0278 Approval of Minutes (Town Council)

Resolution - Consent

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council Meeting of October 4, 2005 and October 11, 2005 are hereby accepted and approved.

b. Deletions from the Town Council Referral List

2004-0308 Alcohol Possession By Minors

Referral

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

Ordinance

2005-0199 Town Manager Annual Evaluation

Referral

2005-0257 Council Rules Recommended Change

Referral

2005-0261 Mystic River Pumpout Boat Program

Referral

2005-0267 Acceptance of Open Space at Way Subdivision

Referral

c. Special Trust Fund Contributions

2005-0277 Special Trust Fund Contributions

Resolution - Consent

RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS

Edward and Catherine Kolnaski - \$50.00 - Social Services Discretionary
 J. D. Simpson - \$30.00 - Social Services Discretionary
 Various Donations - \$200.00 - Groton Utilities Energy Assistance Program
 City of Groton - \$429.32 - 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 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

2005-0075 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 Statutes, 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 at which the host knows or should know that alcohol is consumed by a minor or minors.

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

PERSON-Any natural person, 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 minor under the age of twenty-one (21) shall be in possession within the Town of Groton of a container, whether open or closed, which contains alcoholic liquor, 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 the host knows or should know that alcohol is 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 natural 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 natural 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.
3. Provided that neither subsection of this Section 6 shall be applied or be construed to apply to violations of Section 4-2 and 4-3 of the Groton Code of Ordinances.

SECTION 7: PENALTIES

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

This ordinance shall become effective on the forty-fourth (44th) day after publication of notice of its passage pursuant to Charter Section 4.6.1.

(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.

5/3/2005 Town Council Discussed

Councilors spoke about Bill No. 6901 concerning underage drinking, and how its passage may affect towns. It was noted that a probable reason for the State to be considering this bill is that about 40 municipalities have already passed their own ordinances concerning this. Councilors mentioned that if the State does pass the bill, there may be no need for this Ordinance.

Councilors discussed "infraction" versus "offense."

Acting Police Chief Fogg was asked to comment; he feels that with the \$95 fine for an offense, there is more of a deterrent. The GASP Coalition specifically wanted \$95 for that reason.

Councilors referred to the Town Attorney's comments which some believed were not at all minor. A statement from the Ledge Light Health District in support of the Ordinance was read.

Councilors were reminded that if the Ordinance should pass, it would be referred to the RTM for its consideration.

5/3/2005 Town Council Re-referred Town Council Committee of the W

Councilor Skrmetti supports the Ordinance but wants to defer action. He would like to meet with the Ledge Light Health District, the Police Department, and other parties concerned with the Ordinance.

Councilor Bartinik suggested bringing in all points of view to the meeting on this matter.

Councilor Billing is opposed to referral back to committee.

Vote on Re-Referral to Committee was 6 In Favor, 3 Opposed (Councilors Billing, Kolnaski, and O'Beirne, Jr.)

10/11/2005 Town Council Committee of the Whole Recommended for a Resolution

2005-0257

Council Rules Recommended Change

Referral

RESOLUTION AMENDING TOWN COUNCIL RULE 3 ORDER OF BUSINESS

WHEREAS, the Town Council Personnel/Appointments/Rules Committee has recommended a change in Town Council Rule 3, Order of Business, which would move current item (f) Consent Calendar to follow current item (j) New Business, now therefore be it

RESOLVED, that Rule 3 Order of Business will be amended so that the Consent Calendar will follow New Business.

Legislative History

9/13/2005 Town Council Recommended for a Resolution
Personnel/Appointments/Rules
/Legislation Committee

2005-0261 Mystic River Pumpout Boat Program**Referral****RESOLUTION CHANGING AND EXTENDING THE PUMPOUT BOAT PROGRAM**

WHEREAS, the Town Council Committee of the Whole, on September 27, 2005, recommended a resolution to end the Mystic River Pumpout Boat Program as of October 23, 2005, and

WHEREAS, the Town Council on October 4, 2005, voted to re-refer this matter to the Committee of the Whole, and

WHEREAS, the Connecticut Department of Environmental Protection has offered to provide additional funding for a contractor-operated program to replace the program operated directly by Town staff, and to extend the application period for the annual grant, and

WHEREAS, the Groton Department of Public Works is prepared to seek a contractor or contractors to perform the pumpout service for the coming year, and

WHEREAS, the Committee of the Whole, on October 11, rescinded its action of September 27, now therefore be it

RESOLVED, that the Town Manager may enter into contracts for a pumpout boat program on the Mystic River for the 2006 boating season, such service to be provided by contractors, with the participation of Town staff to be limited to obtaining and directing one or more contractors, and be it

FURTHER RESOLVED, that the Town Manager may apply for a grant or grants from Connecticut DEP, in such amounts as will best effectuate the purposes of this resolution, and may execute all additional documents, assurances and certifications as may be required.

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

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

10/4/2005	Town Council	Re-referred	Town Council Committee of the W
10/4/2005	Town Council	Re-referred	Town Council Committee of the W

Councilor Bond feels that commercial pumpout services aren't acceptable for the pumpout boat program. She

