



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., Heather Sherman Bond, Catherine Kolnaski, Frank O'Beirne, Jr., John F. Scott, Paulann H. Sheets, James L. Streeeter, and Elissa T. Wright.

Tuesday, February 21, 2006

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

2006-0054 Approval of Minutes (Town Council) Resolution - Consent

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council Meeting of February 7, 2006 are hereby accepted and approved.

b. Deletions from the Town Council Referral List

2005-0253	Hurricane Katrina - Groton's Response	Referral
2004-0328	Bus Ordinance - Update	Referral
2005-0238	State Grant for Purchase of Hybrid Vehicles	Referral
2006-0016	Broadwater Liquefied Natural Gas Proposal	Referral
2006-0037	Claude Chester School Window Replacement Grant	Referral
2006-0038	Resolution Referring Claude Chester School Window Replacement to Board of Education	Referral
2006-0043	Town-wide Fire Protection Assessment	Referral
2006-0049	Setting Public Hearing Date on FYE 2007 Proposed Budget	Referral
2006-0051	FYE 2007 Proposed Budget Guidelines	Resolution

2006-0053 **Setting Public Hearing to Consider Alterations on Sandy Hollow Road** **Resolution**

c. Special Trust Fund Contributions

2006-0044 **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 - \$275.00 - Groton Utilities Energy Assistance Program

Various Donations - \$17.00 - Parks and Recreation Revolving Fund

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 Scott**
- 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 Streeter**
- h. Public Works - Chairman Bartinik**
- i. Committee of the Whole - Mayor Watson**

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

2004-0328 **Bus Ordinance - Update** **Referral**

RESOLUTION AUTHORIZING THE PREPARATION OF AN AMENDED ORDINANCE CONCERNING BUSES

WHEREAS, the current Town Council and the previous Town Council have considered at length many views and issues surrounding the existing restrictions on bus traffic as well as some evidence of actual traffic occurrence in certain portions of Noank and Mystic, and

WHEREAS, the Town Council desires to narrow and clarify the restrictions on buses that are set forth in Section 11-81 of the Town of Groton Code of Ordinances and to enhance the effective enforcement of the policy of said ordinance, now there be it

RESOLVED, that the Town Council directs the Town Attorney to prepare an amendment of the

existing ordinance, such revision to be presented to the Town Council for its approval prior to a public hearing.

Legislative History

11/16/2004 Mayor Referred Town Council Committee of the W

**11/23/2004 Town Council Committee of Discussed
the Whole**

The Council received a memo from Assistant Chief Kelly Fogg regarding the history of the bus ordinance. A recent ruling from the State's Attorney General's Office means that the ordinance will be enforced in a different way than it has in the past, which may prompt visits to the Council from affected businesses. The Town Manager does not feel that a strict interpretation of the ordinance was the original intent. The ordinance was meant to address tour busses and casual tours of residential areas, not put people out of business. Staff has discussed the possibility of encouraging Abbott's to use a shuttle service, but to make shuttle transportation efficient, vehicle capacity would have to exceed the 10 passenger limit. Councilor Bond asked how many complaints have been received by Noank residents. The Town Manager believes there was a public meeting at the firehouse. Two residents contacted the Town Manager, but prior to that no complaints were received. Staff will be meeting with Abbott's and has already spoken with the owner of Noank Shipyard.

**5/10/2005 Town Council Committee of Discussed
the Whole**

Town Manager Oefinger met with the Mears, owners of Abbotts, in December and expected them to come to a meeting to address the Council, but they have not. The Town's intent is to enforce the ordinance. The Town is relying on the Mears and others to make bus companies aware of the ordinance.

**6/28/2005 Town Council Committee of Discussed
the Whole**

Town Manager Oefinger noted that the Committee received a number of documents outlining the history of this ordinance, as well as an opinion issued today by the Town Attorney. Police Chief Kelly Fogg reviewed the history of the ordinance including Town Council, Town Attorney, and State's Attorney discussions/opinions on the issue. Town Attorney Mike Carey's opinion dated today indicates that nothing has changed from the original opinions issued by the Town Attorney's office, meaning there is nothing in the ordinance that is designed to prohibit destination oriented buses. Mr. Carey noted that the ordinance language is ambiguous and there are practical concerns with enforcement. Given the history of questions on interpretation of the ordinance, it may be a good idea to clarify the ordinance.

Mayor Watson reported that he asked the Mears how many buses visit Abbott's and last year it was 27, and the Mears do not solicit the business. Mayor Watson visited Abbott's on Sunday to observe a bus, which was then followed by a resident who blocked the driveway, followed by 30 motorcycles, which complicated the situation. A policeman did come to the scene. Mayor Watson also spoke with former Town Councilors John McGee and Ken Barber who were very clear that the original intent of the ordinance was to keep sight-seeing buses out of historic neighborhoods.

Linnea Lindstrom of the Mystic Chamber of Commerce acknowledged supporters in the audience and read a statement in support of local businesses, noting that the original intent of the ordinance was to address sight seeing buses, not tour buses. Ms. Lindstrom also addressed a flyer that was distributed to residents, a petition to disallow passenger buses with seating capacity of 10 or more people, a letter by Daphne Vayos, and the opinion by State's Attorney Kevin Kane. She reviewed the role of the Chamber as an advocate for not only businesses, but also the community. Ms. Lindstrom distributed a copy of Stonington's bus ordinance and cited statistics regarding bus traffic heading to Abbott's.

Bill Bertsche, 131 High Street, read a prepared statement supporting vigorous enforcement of the ordinance. He expressed concern with safety issues, the point of destination argument, the claim of volume of business hardship, and business access versus privacy rights.

Laurel Tiesinga, 12 Smith Court, noted that this is an issue of concern for over 100 residents of Noank. She is asking the Town to distinguish between essential and non-essential traffic and to enforce the ordinance enforced to eliminate non-essential traffic.

Mr. Mears explained that the buses that come to Abbott's do not make round trip drop off and pick it runs except in extreme circumstances (twice in 25 years). The vast majority of people on the buses are physically unfit and not able to do walking tours. Mr. Mears read from a prepared statement noting his sensitivity to community concerns. The buses are using the only practical route to get to Abbott's. Mr. Mears noted the

adverse impacts of the bus ordinance on the community and how divisive an issue it has become. Mr. Mears submitted his full prepared statement.

Town Manager Oefinger explained that based on discussions last fall and the one sentence letter from the State's Attorney's Office, he had announced to the Council that enforcement of the ordinance would change. However, Mr. Carey's opinion is that there is nothing in there that would change the historic enforcement of the ordinance, which is making a distinction between tour buses and destination oriented buses. Given the differing interpretations of the ordinance, perhaps the ordinance should be rewritten to address the desires of the Council.

Chief Fogg noted that in the fall, it was decided to start enforcing the bus ordinance for buses traveling on Pearl Street to Abbott's. There is a long history of ambiguity of this ordinance and enforcement efforts can only lead to trouble. Chief Fogg asked for a review of the ordinance by the Town Attorney to see if any opinions had changed and how the State's Attorney's opinion affected enforcement. With respect to the incident on Sunday, Chief Fogg explained that if the police receive a call, they will respond and determine if the bus is a tour bus or a destination oriented bus.

Councilor O'Beirne suggested that two alternatives of a modified ordinance be developed. The first version will clarify the two types of buses, removing the ambiguity; and the second alternative would make it clear that the ordinance prevents all buses of a specific size. The Council can then discuss both versions and vote.

Councilor Billing reviewed the issue and her thoughts on the matter. She feels the language of the ordinance needs to be clarified. She stated it is not fair to suggest that Abbott's was disobeying the ordinance when it was the way the Town was interpreting the ordinance.

Councilor Bond asked Mr. Mears what percentage of his business sales comes from bus traffic, and Mr. Mears stated it is a small segment, but a key market. Councilor Bond does not feel that 27 buses in a season is unreasonable and there should be compromise. Property rights do not take precedence over business rights. Councilor Bond asked Chief Fogg for his opinion on whether or not the 27 buses cause any problems. She also stated she was disheartened by the propaganda that was distributed.

Councilor Kolnaski agreed that the ordinance should be clarified.

Councilor Wright asked if the Traffic Authority has reviewed this matter, or made a recommendation. Town Manager stated he does not know if past members of the Traffic Authority have reviewed this issue as the Authority, but he will research the issue. His opinion that there has been too much time spent trying to interpret an ordinance that was written 20 years ago. The Town Manager is confident that the original intent of the ordinance was to distinguish between tour buses and destination oriented buses, but the Council should not argue the point and further. It is time to just move forward and define what the ordinance should be.

Councilor Sheets suggested that there also needs to be a clarification regarding buses that stop at Abbott's that are providing tours of the Mystic area.

The Committee recessed at 8:50 p.m. and reconvened at 9:07 p.m.

**8/9/2005 Town Council Committee of Discussed
 the Whole**

Town Manager Oefinger distributed copies of two draft ordinances prepared by the Town Attorney, one clarifying the definition of destination buses versus tourism buses and another outlawing buses completely.

Town Manager Oefinger then paraphrased the comments contained in Councilor Billing's e-mail supporting the version clarifying the types of buses allowed, and limiting the size of the bus rather than the number of passengers.

Town Attorney Mike Carey reviewed his memo dated August 4, 2005 outlining the two ordinances. The goal of the revised ordinances is to eliminate ambiguity in the types of buses, with one prohibiting bus traffic completely and the other allowing limited bus traffic. Mr. Carey suggested that the goal in 1982 was to stop tour buses that stop along the road and provide commentary on historic homes. Mr. Carey wanted to differentiate between that type of tour bus and a tour bus that visits the Mystic area and stops at various destinations. The next attempt at clarification addresses destination-oriented buses. Mr. Carey noted Stonington's ordinance, which gives the legislative body in that town broad oversight and also allows suspension of the ordinance for special events.

Refer to RTM.

Legislative History

8/16/2005	Mayor	Referred	Town Council Committee of the W
9/13/2005	Town Council Committee of the Whole	Recommended for a Resolution	

Assistant Director of Public Works John Carrington explained the state grant program for purchase of hybrid vehicles. The Town has been approved to receive \$4,500 grants for each of three vehicles. Mr. Carrington reviewed the miles per gallon figures for three existing vehicles versus the Fort Escape hybrid. Potential fuel savings total \$2667 per year for the three vehicles. Fuel savings will cover the cost of one of the vehicles over the life of the vehicles. Public Works is requesting a transfer of funds from the Fleet Reserve Fund to purchase the vehicles. The Town Manager suggested that the requested figure be increased to \$45,000 to address potentially lower trade-in values.

9/13/2005	Town Council Committee of the Whole	Motion
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to recommend for resolution a transfer from the Fleet Reserve Fund in the amount of \$45,000 and to authorize the Town Manager to sign the grant to purchase three hybrid vehicles.

Councilor Skrmetti questioned the need for the Town to purchase SUVs. Mr. Carrington explained that 4x4s are needed in Public Works due to the nature of the job (snow, dirt roads, etc.). The Town Manager noted that there is more utility for the Town in an Escape than in a hybrid passenger car

2006-0016

Broadwater Liquefied Natural Gas Proposal

Referral

RESOLUTION REGARDING OPPOSITION TO THE LIQUEFIED NATURAL GAS FACILITY PROPOSED BY BROADWATER ENERGY

WHEREAS, Long Island Sound is one of the most beautiful and important bodies of water in the United States. With its many species of wildlife, it is a vital part of our nation's ecosystem, and provides employment and recreational opportunities for millions of people throughout our region; and

WHEREAS, Broadwater Energy is proposing to construct a very large industrial complex approximately 10.5 miles from the Connecticut Shore, 17 miles from the Bridgeport/Port Jefferson Long Island Sound Ferry, and 9 miles from the New York Shore; and

WHEREAS, the huge liquid natural gas regasification and storage facility proposed for the middle of this national treasure poses a significant threat to health and ecological safety; and

WHEREAS, due to this safety hazard, a significant area of the Sound surrounding the platform would be designated a "no boating," "no fishing," "no public access" area in contradiction of the fact that Long Island Sound is held in trust for the citizens of Connecticut and New York; and

WHEREAS, the project also includes many miles of new undersea pipeline; a development that in and of itself could have a significant and negative impact on the critically important sea bottom of the Sound; and

WHEREAS, water quality in the immediate area could be threatened by water intakes and discharges, sewage wastewater treatment, storm water runoff and potential liquid natural gas spills, now therefore be it

RESOLVED, that the Town of Groton wishes to go on record as strongly opposed to an industrial complex of this magnitude for Long Island Sound.

Legislative History

1/3/2006	Mayor	Referred	Town Council Committee of the W
1/24/2006	Town Council Committee of the Whole	Discussed	

Oefinger suggested that staff put together information for the next meeting.

2/14/2006 **Town Council Committee of the Whole** **Recommended for a Resolution**

2006-0037 **Claude Chester School Window Replacement Grant** **Referral**

RESOLUTION AUTHORIZING THE BOARD OF EDUCATION TO FILE AN APPLICATION WITH THE STATE FOR A GRANT FOR WINDOW REPLACEMENT

WHEREAS, the Town Council must authorize the Board of Education to apply for a grant for the project to replace windows at the Claude Chester School, not therefore be it

RESOLVED, the Town Council authorizes the Board of Education to file an application with the State Department of Education for a grant to partially offset the cost of replacing windows at the Claude Chester School.

Legislative History

1/26/2006 **Mayor** **Referred** **Town Council Committee of the W**

2/14/2006 **Town Council Committee of the Whole** **Recommended for a Resolution**

2006-0038 **Resolution Referring Claude Chester School Window Replacement to Board of Education** **Referral**

RESOLUTION REFERRING PROJECT FOR WINDOW REPLACEMENT AT CLAUDE CHESTER SCHOOL TO THE BOARD OF EDUCATION AND AUTHORIZING SCHEMATIC PLANS AND SPECIFICATIONS

WHEREAS, the Groton Board of Education has determined that the replacement of windows at Claude Chester School is necessary, be it

RESOLVED, that the Board of Education is authorized to act as the building committee for this project, and be it further

RESOLVED, that the Board of Education is hereby authorized to employ architectural services for preparation of schematic drawings and specifications for a project to undertake said window replacement.

Legislative History

1/26/2006 **Mayor** **Referred** **Town Council Committee of the W**

2/14/2006 **Town Council Committee of the Whole** **Recommended for a Resolution**

2006-0043 **Town-wide Fire Protection Assessment** **Referral**

RESOLUTION RESCINDING THE AUTHORIZATION OF A TOWN-WIDE FIRE PROTECTION ANALYSIS

WHEREAS, the Town Council, on November 1, 2005, directed the Town Manager to prepare a scope-of-study document and to obtain contractor qualifications for a fire protection analysis, and

WHEREAS, the Town Council has now reviewed the scope of study that was submitted by the Town Manager, and

WHEREAS, the Council now concludes that determining the adequacy of Town-wide fire protection is a policy matter for elected officials and is not appropriate to be contracted out to a consultant, now therefore be it

RESOLVED, that the Town Council hereby rescinds the resolution in Referral No. 2003-0109, passed November 1, 2005.

Legislative History

2/9/2006 Mayor Referred Town Council Committee of the W

2/14/2006 Town Council Committee of the Whole Recommended for a Resolution

2006-0049 **Setting Public Hearing Date on FYE 2007 Proposed Budget** Referral

RESOLUTION SETTING PUBLIC HEARING DATE ON FYE 2007 PROPOSED BUDGET

RESOLVED, that the Groton Town Council will hold a public hearing on the FYE 2007 Annual Town Budget, pursuant to Section 8.4.1 of the Town Charter, on Wednesday, March 29, 2006 at 7:00 P.M. at the Groton Senior Center, 102 Newtown Road (Route 117), Groton, Connecticut.

Legislative History

2/14/2006 Town Council Committee of the Whole Recommended for a Resolution

2006-0051 **FYE 2007 Proposed Budget Guidelines** Resolution

RESOLUTION ON GUIDELINES FOR INITIAL PREPARATION OF THE FYE 2007 TOWN OF GROTON BUDGET

WHEREAS, the Committee of the Whole, after hearing from the leadership of the Representative Town Meeting and from taxpayers, has voted to convey to the Town Manager guidelines that represent the Council's views of an appropriate spending level for the Town departments portion of the proposed FYE 2007 budget, now therefore be it

RESOLVED, that the Town Council hereby states its desire that the Town Manager present a budget for the Town departments portion of the proposed FYE 2007 budget in an amount that is equivalent to a zero-dollar increase over the total amount that was authorized and appropriated for the current FYE 2006.

Legislative History

2/14/2006 Town Council Committee of the Whole Recommended for a Resolution

2006-0053 **Setting Public Hearing to Consider Alterations on Sandy Hollow Road** Resolution

RESOLUTION SETTING PUBLIC HEARING TO CONSIDER ALTERATIONS ON SANDY HOLLOW ROAD, A DESIGNATED SCENIC ROAD

WHEREAS, on January 19, 1999, by resolution, the Town Council designated Sandy Hollow Road as a Scenic Road according to Town ordinances, Sec. 13.5-121 to 13.5-124, and

WHEREAS, the Groton Department of Public Works has recommended curbing changes at 104 Sandy Hollow Road, and

WHEREAS, a property owner has requested permission for subdivision improvements, including the alteration of a stone fence at, or adjacent to, 511 Sandy Hollow Road, now therefore be it

RESOLVED, that the Town Council will hold a combined public hearing on both proposed actions on Tuesday, March 21, 2006, at 7:30 p.m. at Town Hall Annex Community Room 1.

Legislative History

2/14/2006 Town Council Committee of the Whole Recommended for a Resolution

XI. OTHER BUSINESS

XII. ADJOURNMENT