



# Town of Groton, Connecticut

## Meeting Minutes

### Town Council Committee of the Whole

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

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**Tuesday, April 13, 2004**

**7:00 PM**

**Town Hall Annex - Community Room 1**

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**REGULAR MEETING**

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**1. CALL TO ORDER**

*Mayor Watson called the meeting to order at 7:05 p.m.*

**2. ROLL CALL**

Members Present: Mayor Watson, Councilor Bartinik, Jr., Councilor Billing, Councilor Bond, Councilor Kolnaski, Councilor O'Beirne, Jr. and Councilor Sheets  
Members Absent: Councilor Skrmetti and Councilor Wright

*Also present were Town Manager Mark Oefinger, Assistant to the Town Manager Lee Vincent and Executive Assistant Nicki Bresnyan.*

**3. Calendar and Communications**

*Councilor O'Beirne noted there will be a special meeting on Thursday at 8:15 a.m. at SECTER for a BRAC briefing by Senator Dodd. Councilor Sheets noted the DOT public meeting on the I-95 barrier curbing project on Thursday at 7:00 p.m. at the Annex. Also on Thursday at 6:30 p.m. there is a Harlem Rockets basketball game at Fitch High School. Councilor Bond indicated she would attend. Councilor Billing noted receipt of an informational packet from a construction firm, which she turned over to the Town Manager. Councilor Billing acknowledged receipt of three letters from Councilor Sheets regarding the King property.*

**4. Approval of Minutes**

**2004-0127 Approval of the Minutes (Committee of the Whole)**

RESOLUTION ACCEPTING COMMITTEE OF THE WHOLE MINUTES

RESOLVED, that the minutes of the Town Council Committee of the Whole of October 21, 2003 and March 16, 2004 are hereby accepted and approved.

**A motion was made by Councilor O'Beirne, Jr., seconded by Councilor Kolnaski, to adopt.**

**The motion carried unanimously.**

**5. UNFINISHED BUSINESS**

*None.*

**6. NEW BUSINESS**

**Presentation by Town Attorney on FOI and Conflict of Interest Issues**

*Mayor Watson noted that this presentation is being provided by the Town Attorney's office free of charge. Attorney Sue Phillips noted that FOI is of vital importance to government because it provides a higher level of credibility with the constituency and controls costs for the Town.*

*Ms. Phillips provided a handout for Councilors and noted that it includes the Town's policy on release of records pertaining to disciplinary investigations and proceedings.*

*As a general rule, Councilors should assume that any meeting is public and any document is public. Exemptions are narrowly construed. If Councilors want to do something privately, they*

*should talk to counsel first.*

*Ms. Phillips reviewed the definition of a public meeting, which can include telephone and e-mail communication as well as face to face meetings. Illegal meetings can also occur if less than a quorum convenes. Ms. Phillips noted that she is very conservative where FOI is concerned and always advises her clients to err on the side of open government.*

*The FOI Commission is a state agency consisting of 5 or 6 political appointees, and is made up of lawyers and other citizens. The Commission is biased in favor of openness, and is advised by a team of lawyers.*

*Exceptions to FOI requirements are executive session during a public meeting, and non-meetings (examples include a personnel search committee for executive level candidates, chance or social meetings, and a political party caucus).*

*Discussion followed on the definition of "proceeding", and potential abuse of the caucus exception.*

*Ms. Phillips reviewed permissible purposes for entering executive session. Discussion followed on the amount of detail required to go into executive session.*

*With regard to public records, Ms. Phillips noted that research by Councilors that is distributed to other Councilors must become part of the public record and be made available to the public.*

*Ms. Phillips briefly reviewed the proposed declaratory ruling on e-mail and voice mail communication, which is largely based on guidelines issued by the State Public Records Administrator. If the message is transitory, it can be deleted. If the content matches something normally retained, e-mails must be printed and voice mails must be transcribed.*

*Councilor O'Beirne asked about communications from the public sent to individual Councilors, and Attorney Phillips advised that they should be saved, if not necessarily disclosed. If the public sends e-mail to the eight Councilors who have e-mail, it should be brought forward to the next meeting and made part of the public record. Ms. Phillips noted that e-mail communications could be stored in electronic format.*

*Due to the late hour, the Council requested a separate presentation on conflict of interest. Ms. Phillips stated she would coordinate with the Town Manager on a date, and she asked Councilors to forward any questions or concerns on the issue to the Town Manager.*

**2003-0177**

### **Renovations & Additions to Groton School Facilities - Phase I**

#### **Discussed**

*Town Manager Oefinger noted the purpose of having this item on the agenda is to address Councilors' questions concerning the environmental and geotechnical reports.*

*Councilor Sheets noted her letter of April 12, which was distributed to the Council. She explained Dr. Moppett's concern with potential contamination of the power line right-of-way from herbicides and the lack of a test for dioxin.*

*John Hankins of Fuss & O'Neill noted on an aerial the power line right-of-way running through the King property. Sometimes herbicides are used in these rights-of-way, but no one at Groton Utilities could remember them ever being used. It is true that some herbicides can contain dioxin at trace levels, however the standard in the industry is not to test for dioxin in this type of an investigation. There is any number of burn processes that spread dioxin through rain so that a sample anywhere on the site, or in the Town or across the state would have dioxin. The only time*

a test for dioxin is called for is when a chlorinated fixture has been consumed in a fire. Mr. Hankins explained that the EPA fact sheet notes that the small amount of dioxin located in herbicides will not harm people or animals. The action levels are parts per billion, not trillion as is found in herbicides.

Councilor Sheets went on to explain Dr. Moppett's second concern with groundwater samples. Excessive levels of nickel and lead were found in the historic fill and drum locations. Mr. Hankins noted that the reference to a 3" sample should be 3'. Fuss & O'Neill's approach to groundwater sampling is worst case concentration. They sample the groundwater in direct contact with contaminated soil. There were slightly elevated levels of nickel and lead in the groundwater. The surface water samples checked out okay and the groundwater is not an issue because the school will be served by public water.

Mr. Hankins assured Councilor Bond that he is confident that the King property would not have parts per billion levels of dioxin. Groton Utilities is not currently treating the right-of-way with herbicides.

Councilor Sheets noted a communication she sent to the Town Manager and the Council expressing concern with fencing of the historic fill area, which DEP has said would not be satisfactory. Mayor Watson stated that he spoke to the same people at DEP and they stated they would glad to work with our Health Department to address the issues if the referendum were passed. They also stated they have a lot of respect for Fuss & O'Neill and the work that they have done.

Councilor Billing asked Greg Smolley of Jeter, Cook & Jepson about the high water table and stream on the Eastern Point property, and whether they would lead to mold and dampness problems in the future. Mr. Smolley noted that new construction would address the potential problem, and the budget for the site was increased specifically to rebuild the piped stream. The existing underground oil tank is a modern double-walled tank and not as difficult to remove as an older tank would be.

There were no further questions from the Committee.

**2004-0075**

### **Elimination of Pumpout Services for Mouse Island**

#### **Recommended for a Resolution**

The Council received a letter from Sam Crowley of Ledge Light Health District on this issue. The Mayor received and distributed a letter from Paul Bates supporting the pumpout program. Director of Public Works Gary Schneider noted the location of Mouse Island. He described the procedure for pumping out each of the three residences, which takes about 2½ to 3 hours.

Public Works staff researched alternatives and found a local general contractor/septic hauler, M. H. Lyon, who is willing to provide the service for Mouse Island for \$55 per hour if the Town lets him use their boat. The Town would be willing to pay Mr. Lyon and bill the property owners. Mr. Schneider emphasized that this is a dangerous activity for Public Works employees and not a service usually provided by Public Works. Septic haulers in Town charge \$110.00 for a pump out, so Mr. Lyon's rate seems fair.

A resident noted that she also talked to contractors who pump septic tanks in Groton, and found the rate is \$100.00. Residents expressed support for the alternative.

Meredith Gray, 1 Mouse Island, noted she is always present for the pump out boat and there is no reason for staff to get out of the boat. Mouse Island residents coordinate the pump out schedule. Ms. Gray stated she is amenable to an alternative. The situation is causing her an undo hardship because the closing on the sale of her house is pending resolution of this issue. Ms. Gray noted

*that the residents currently pay \$100 per pump out by the Town.*

*Mr. Schneider noted that Mr. Lyon would be a contractor under the Town's insurance. He feels confident that M. H. Lyon is a reliable firm, but there are no guarantees that they will always provide the service.*

**A motion was made by Councilor Bartinik, Jr., seconded by Councilor Sheets, to recommend a resolution directing the Town Manager to contract with M. H. Lyon to perform the pump out service for Mouse Island residents, and if the contract falls through, to leave the program as it is until a different contractor is lined up.**

**Councilor Billing expressed opposition to the second half of the motion requiring that the Town continue to provide the service if the contract falls through.**

**The motion carried by the following vote:**

**Votes:** In Favor: 6 - Mayor Watson, Councilor Bartinik, Jr., Councilor Bond, Councilor Kolnaski, Councilor O'Beirne, Jr. and Councilor Sheets  
Opposed: 1 - Councilor Billing

**2003-0050 Policy concerning utilization of Copp Property**

**Discussed**

*The Town Manager noted that this item was discussed in the Group II meeting by the Rules Committee. Councilor O'Beirne cited Rule 4 b. and noted a three to one vote that these are two separate and independent projects that can be voted on separately.*

**A motion was made by Councilor Billing, seconded by Councilor O'Beirne, Jr., to recommend a resolution authorizing the Town Manager to proceed with construction of the previously agreed upon parking area at the Copp property.**

**The motion carried unanimously.**

**A motion was made by Councilor Billing, seconded by Councilor Kolnaski, to authorize the Town Manager to proceed with construction of the dog park facility funded by contributions from the Dog Park Association.**

**Councilor Sheets noted her opposition to the dog park in this location due to its proximity to the reservoir. Councilor Billing noted that there are reservoirs around the country that are more accessible to people and animals than the Groton Utilities property. She further noted that the dog park will not be any more of a problem than the geese, birds and fish around the reservoir.**

**The motion carried by the following vote:**

**Votes:** In Favor: 5 - Mayor Watson, Councilor Bartinik, Jr., Councilor Billing, Councilor Kolnaski and Councilor O'Beirne, Jr.  
Opposed: 2 - Councilor Bond and Councilor Sheets

**2004-0022 Review of Policy Changes**

**Recommended for Deletion**

*Mayor Watson feels this issue could be deleted if Councilor Skrmetti agrees since the issue has been raised a number of times during budget deliberations.*

**2002-0116 Efficiencies in Town Government (Fire Districts, DPW, GLP, and BOE)**

**Discussed**

*Town Manager Oefinger provided a brief update on the status of three management studies that are underway.*

*Ambulance services assessment - Fitch and Associates has been hired at a cost of \$15,000 to review operations of the two services in Town.*

*Fleet Management - The Town has received proposals, but has not yet awarded the contract.*

*Golf Course Study - The National Golf Foundation is currently looking at the golf course operations and conducting a user survey. The study should be completed by the end of summer.*

*Town Manager Oefinger noted he would like to have the consultants make presentations to the Council at the conclusion of the studies.*

*Mr. Oefinger then provided a quick overview of the internal organizational reviews done by Administrative Services.*

**7. Consideration of Committee Referral Items as per Town Council Referral List**

*None.*

**8. OTHER BUSINESS**

*The consensus of the Committee was to cancel the regular meeting scheduled for April 27, which is the same day as the referendum.*

**9. ADJOURNMENT**

*A motion was made by Councilor Billing, seconded by Councilor Bond, to adjourn at 10:10 p.m.*

*The motion carried unanimously.*