



Town of Groton, Connecticut

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Meeting Minutes

Town Council Committee of the Whole

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, August 10, 2004

7:00 PM

Groton Senior Center

REGULAR MEETING

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., Councilor Sheets and Councilor Wright
Members Absent: Councilor Skrmetti

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

3. Calendar and Communications

Councilor Sheets received a call from George Marcus regarding the school project manager job description, and she distributed two documents on the issue to the Town Council and Town Manager.

Councilor Bond and Councilor Wright attended a Shellfish Task Force meeting last Thursday. Councilor Bond noted that a portion of the Poquonnock River will be conditionally reopened and the State will continue to look for the source of the contamination.

4. Approval of Minutes

2004-0244 Approval of 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 July 13, 2004, July 19, 2004, July 20, 2004, and July 27, 2004 are hereby accepted and approved.

A motion was made by Councilor Billing, seconded by Councilor Bartinik, Jr., to adopt.

The motion carried by the following vote:

Votes: In Favor: 7 - Mayor Watson, Councilor Bartinik, Jr., Councilor Billing, Councilor Bond, Councilor Kolnaski, Councilor O'Beirne, Jr. and Councilor Wright
Abstain: 1 - Councilor Sheets

5. UNFINISHED BUSINESS

None.

6. NEW BUSINESS

2003-0229 Fort Hill Homes NRZ Property Maintenance Code

Discussed

Town Manager Oefinger received a request from the NRZ Committee requesting a meeting with the Council on this longstanding referral. The Committee forwarded recommendations to the Council in 2003. The current Council has not had an opportunity to delve into this issue and staff and the Committee are looking for direction. The Town Manager noted that the previous Council

was supportive of the effort, but had questions about how the program would work.

Jeff Vary provided a brief history of the NRZ committee and effort. The committee has worked with town staff, neighborhood residents and businesses, and clergy people to develop the document. Mr. Vary noted that there are many people involved in the effort and who support the maintenance code. The NRZ Committee would like to open a dialog with the Council, and address any areas of concern the Council might have so that the ordinance can be adopted. Mr. Vary reminded the Council that the ordinance can be enacted, modified, and even removed in the future if desired.

Roscoe Merritt suggested it is time to take the next step, which is a joint effort. Bill Shipman added that the policing in the neighborhood has been outstanding and he would like to see the community policing program remain, whether the ordinance is enacted or not.

Councilor O'Beirne noted a petition that was circulating in opposition to this ordinance. A number of Councilors indicated they have a copy of the December 16, 2003 petition opposing adoption of the ordinance. Mr. Vary stated he has not seen the petition. Economic and Community Development Specialist Barbara Strother explained that the petition was very broad and an attempt has been made to address concerns with the potential for "heavy-handed" enforcement. The Committee would still like to hear the Council's concerns.

Councilor Sheets expressed concern with the statute's requirement that "blight" be defined, and the potential reduction of taxes based upon characterization of the neighborhood as "blighted". She feels the Fort Hill homes neighborhood is improving. Councilor Sheets cited the Town's inability to address the Chipperini property on Library Street and stated this is a "curious imbalance."

Ms. Strother suggested that this ordinance could be used as a test case, and if successful could be applied to other parts of the Town. The Town Attorney has issued an opinion that "blight" does not need to be defined, and in fact the Committee has avoided use of that term and is considering this a property maintenance code rather than a blight ordinance.

Joseph Baril feels that when people know the facts, they are supportive. He stated this is not a blight ordinance. With respect to the suggestion that property owners would seek tax breaks, Mr. Baril stated the neighborhood has the lowest property values in the Town, so how much lower could they go? All of the residents in the area are concerned with maintaining the investment that has been made through the use of a property maintenance code.

Mayor Watson suggested that a subcommittee of three Councilors and three NRZ Committee members discuss this issue and attempt to come up with a recommendation in 60 days.

Councilor Wright stated that the statutory authority for the property maintenance codes derives from a statute that deals with housing blight. The statute requires that a determination that an area is blighted, and a definition of blight. Councilor Wright feels that ordinances should apply equally to everyone within the Town boundaries, and that this type of government regulation would be costly and lead to less desirable results than other options.

Councilor O'Beirne feels it is time to vote. Although there are aspects of the code that he does not agree with, the code can be changed later if necessary. He suggested that this item be placed on the next Committee of the Whole agenda for action.

Councilor Billing agreed with Councilor O'Beirne. Citizens of the neighborhood are asking for the ordinance; it is not the Council imposing it. The neighborhood has made strides due to the people sitting here who have worked very hard and are now requesting this help.

In response to a question by Councilor Billing, Mr. Merritt and Mr. Vary described some of the problems the neighborhood is facing. Mr. Vary stated that there are people who recognize that the neighborhood has potential, and they are investing in it and providing affordable housing. Groton needs a community of safe, clean, affordable housing where people can have a sense of pride.

Councilor Kolnaski commended residents on their hard work and noted no one is as familiar with the needs of the neighborhood as the residents who live there are. She would like to see if this maintenance code will work so that it can be applied to other areas in Town.

Dana Parfitt noted that there are families who find it culturally acceptable to live in substandard housing, so the NRZ Committee also needs to educate the community. The neighborhood needs the property maintenance code in place to allow the Building Official to work with the residents and to provide a tool for enforcement so the neighborhood doesn't slip. The ordinance can be revisited if it does not work. The Committee has known that this would be an evolving process. The neighborhood is asking the Town Council for a chance to police itself.

A motion was made by Councilor O'Beirne, Jr., seconded by Councilor Kolnaski, to direct the Town Manager to prepare the necessary resolution and other actions to move this property maintenance code ordinance along at the next feasible Committee of the Whole meeting.

Councilor Bond asked if it is possible for the landlord to require that his property be maintained. Mr. Baril noted that there are a number of out-of-state landlords. Ms. Parfitt explained that the neighborhood association sent a number of mailings to every property owner in the neighborhood and made a number of personal contacts in an attempt to address some of the situations talked about. Councilor Bond stated she will call each of the petitioners to talk about their concerns.

Kevin Quinn noted that the Town does not have the manpower to drive around the neighborhood. Violations are dealt with on a complaint basis. Mr. Quinn described efforts in the neighborhood to date.

Councilor Sheets asked how many landlords there are for the 375 homes in the neighborhood. Mr. Vary stated he did not know, but could get the information from Town records. Councilor Wright stated the draft strategic plan notes 50% of the homes are landlord owned and 50% are owner occupied.

Councilor Wright expressed concern with the right of entry issue, procedures in the code, and violations/penalties. Mr. Quinn noted the section cited as a concern has been revised to reflect statutory requirements. Mr. Vary clarified that fines can only be set by a judge and it is a long drawn out process that includes opportunities to resolve the issue and review by a grievance board. Councilor Billing asked why the existing rental housing code is not sufficient and Mr. Quinn explained that it does not apply to owner occupied units.

Councilor Billing requested a copy of the Town Attorney's opinion and noted that she does not have a copy of the strategic plan. She expressed concern with how specific the violations are, but added that she assumes that there will be some discretion used in enforcement. She expressed a preference that the code not go beyond the issues that the Committee is concerned with. Town Manager Oefinger stated that this is one of the reasons for the suggestion that a combined task force review the code. He reviewed the history of the Committee's efforts and use of a universally-accepted property maintenance code.

Mr. Vary noted that the Committee has reviewed the international property maintenance code line by line and made revisions appropriate to the Fort Hill homes neighborhood.

Councilor Wright suggested that Councilors review the draft strategic plan.

The motion carried by the following vote:

Votes: In Favor: 7 - Mayor Watson, Councilor Bartinik, Jr., Councilor Billing, Councilor Bond, Councilor Kolnaski, Councilor O'Beirne, Jr. and Councilor Sheets
Opposed: 1 - Councilor Wright

The Committee of the Whole recessed for 10 minutes.

2003-0109 Poquonnock Bridge Fire District - Consolidation Resolution

Discussed

Mayor Watson suggested that a letter be written to the district to see if they are still interested in pursuing consolidation. Mr. Vary stated they are waiting for the Council to find the time to discuss this issue. Councilor Wright asked that the Fire District articulate and substantiate what the benefits of a consolidation would be, if they are still interested. The Town Manager reminded Councilors that they had previously decided to form a committee to explore the cost and benefits of consolidation.. The consensus was to send a letter to the Fire District, and talk about the makeup of the Consolidation Committee at the next Committee of the Whole meeting. Councilor Sheets reiterated the request for documentation. Town Manager Oefinger stated the Council's decision was to appoint a committee to review the pros and cons. Councilors Billing, Bond and Bartinik volunteered to serve on the new committee. Councilor Wright reiterated her opinion that the study should have preceded the proposal and should have been conducted by the Fire District.

2004-0257 Staffing of School Project

Recommended for a Resolution

Town Manager Oefinger distributed a revised job description. Director of Public Works Gary Schneider noted this is more of a standard format for the job description. The position does not take the place of a construction manager. If the position is not needed in the future, the person will be reassigned or the position eliminated. Councilor Bartinik asked why the Town would consider keeping the position once the project is finished. Mayor Watson noted the salary range changed as part of the recent Town Council approval of the non-union pay ranges and the salary was included in the approved bond referendum. The Town Manager explained that if there comes a time when there is no bond money available to pay for this position, and there are no other projects, it would be up to the Council to decide whether or not to eliminate the position. Councilor Bartinik feels this should be called a temporary position to manage the school project, not an expansion of the Public Works Department. Mr. Schneider noted that advertising this as a temporary position may not help attract applicants. Councilor Billing noted there may be other school projects or facilities projects subject to referendum and future funding. The Town Manager explained that this position will show up in the budget, with the source of funding identified as bond money. The Town Manager explained the process of issuing short-term notes prior to bonding.

A motion was made by Councilor Bartinik, Jr., seconded by Councilor Kolnaski, to recommend a resolution approving the job description for Project Manager, School Facilities Construction.

Councilor Wright referenced Mr. Marcus' comments about the job description. Mr. Schneider reiterated that the Town will still be hiring a construction manager. This staff person will be answering citizens questions and coordinating site activities.

The motion carried unanimously.

2003-0198 Public Water & Sewer on Flanders Road/Industrial area

Public Water & Sewer on Flanders Road/Industrial area

Discussed

Peter Pappas, Chairman of the Economic Development Commission, noted that the EDC passed a motion in support of the study on whether the water and sewer extension on Flanders Road should proceed, beginning with a cost-benefit route analysis. A comprehensive study could accomplish the goals of the EDC, the business owners, and the Council. The EDC met with business owners and town staff. Mr. Pappas noted a number of options and the need to do a feasibility study.

Councilor Sheets expressed concern with the terminology of the EDC's motion that indicates "whether" sewer and water should be extended rather than "how" they could be extended. Mr. Pappas explained that the conclusion of the study may be not to extend the utilities. Mayor Watson noted that the ultimate cost may influence whether the project is done or not.

Councilor Billing agreed that although the project may be supported philosophically, it may not be approved once the costs are known. She noted her concerns with the project, and her new support for the study based on the EDC's recommendation.

Mr. Pappas explained that if the initial cost-benefit analysis indicates that this project is not financially feasible, there would be no need to spend any remaining study funds. Alternately, if this project were recommended, the EDC would be helpful advocates for the project and bond referendum.

Councilor Bond noted that Medtronics will be able to expand if sewer and water are extended rather than relocate to another area. Also, additional land will be opened up.

A motion was made by Councilor Bond, seconded by Councilor Bartinik, Jr., to support the study of the issue of how sewer and water should be pursued to the Flanders Road area, with a \$100,000 cap; however after the cost-benefit analysis is done in the initial part of the study, if it is obvious that there is no benefit, then the \$100,000 would not be spent.

Councilor Bartinik would like to meet with the EDC in the future to discuss suggestions for spurring economic development in Town. If the Town Council does not support economic development and grand list increases, it is supporting tax increases.

Councilor Billing asked if the Council could authorize a lesser amount for the cost-benefit analysis portion of the study. The Town Manager recommended setting aside the \$100,000 because there are other aspects of the study such as route identification that need to be done. One of the main reasons for doing this study is to use it as a sales tool when the project is brought to the voters.

Al Dion who works for Groton Utilities explained that businesses of a certain size using a certain volume of water become their own water utility. The Town should be compassionate toward what that businesses needs are. There may be opportunities within this evaluation to work with those companies through the utility companies to provide relief on an economy of scale basis as an interim assist.

Councilor Billing explained that her support of this motion in no way means that she will support the actual project to extend water and sewer in the future, because it will depend on a number of questions being answered. She expressed concern that extending utilities will increase the development pressure on farmland in the area. The Town Manager noted that extending utilities does entice other types of development and the Council must consciously understand the decision to extend utilities.

Councilor Kolnaski noted that if approved, she does not want the City of Groton to pay for the cost of the utilities. The Town Manager stated that if the project is viewed as an economic development initiative, he feels the whole community should pay. If it is simply a water line extension, he would agree with Councilor Kolnaski.

Councilor O'Beirne expressed his opposition to the motion because the Town has not prioritized where there would be the greatest return from extending water and sewer. Councilor Wright feels we should concentrate development where there is existing infrastructure.

Ms. Strother and Town Manager Oefinger discussed the status of the Downes-Patterson property on Route 117. Mr. Pappas noted that if economic development projects are justified, they can be going on simultaneously.

The motion carried by the following vote:

Votes: In Favor: 6 - Mayor Watson, Councilor Bartinik, Jr., Councilor Billing, Councilor Bond, Councilor Kolnaski and Councilor Sheets
Opposed: 2 - Councilor O'Beirne, Jr. and Councilor Wright

2003-0050 Policy concerning utilization of Copp Property

Recommended for a Resolution

This item was tabled pending distribution of additional information. The Town Manager provided a brief history on the issue, noting that it was the desire of the Town Council and Copp Board to develop a Memorandum of Understanding (MOU). The draft prepared by Attorney Carey tries to capture the relationship that exists between the Town Council and Copp Board where both must agree on projects affecting the property.

A motion was made by Councilor Bartinik, Jr., seconded by Councilor Kolnaski, to recommend a resolution approving the Memorandum of Understanding between the Town and the Copp Board of Overseers.

Councilor Wright feels it would be helpful if the MOU referenced the bond ordinance for the funding for the purchase of the property and also the explanatory text because it is important background information. The Town Manager stated he would include an additional "whereas" statement.

The motion carried unanimously.

2003-0288 Town Council Goal Setting

Recommended for a Resolution

Town Manager Oefinger provided a brief history of the goal setting process. A draft of the mission statement and goals was previously distributed to the Council. He noted that in the future, the Councilors could spend more time identifying tasks if they so desire, otherwise the documents can stand on their own.

Councilor Sheets noted that revisions made during the last work session removing the reference to "increasing property values" and adding "promoting the health, safety and general welfare of the community" were not included. The Town Manager stated the goals would be corrected.

A motion was made by Councilor Bartinik, Jr., seconded by Councilor Kolnaski, to recommend a resolution adopting the mission statement and goals, with the revisions noted.

Councilor Bond suggested that Councilors sign the Mission Statement and post it in Town Hall. The consensus of the Committee was not to do that.

The motion carried unanimously.

2004-0198 Joint Meeting with City Council

Discussed

Meeting date options are September 7th or September 20th . Councilors preferred the September 7th date. The Town Manager stated the time will be determined, and the meeting will be held at the City Municipal Building and he believes the City will televise the meeting.

Councilor O'Beirne feels the Council owes the Independence Committee a letter early on indicating how the Town Council views the issue of secession. Councilor O'Beirne will draft a letter for the Council's review.

2004-0207 Town Manager Annual Evaluation

Discussed

The Town Manager distributed a packet of information with a self-evaluation and attachments including his employment agreement, a copy of his last written evaluation, a salary survey, etc. Discussion followed on doing a written evaluation. Councilors decided to provide their comments to the Mayor by August 24th, with a meeting to be held on September 14th.

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

None.

8. **OTHER BUSINESS**

None.

9. **ADJOURNMENT**

A motion was made by Councilor Bartinik, seconded by Councilor Kolnaski, to adjourn the meeting at 10:20 p.m.

The motion carried unanimously.