



Town of Groton, Connecticut

Meeting Minutes

Town Council Committee of the Whole

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Mayor Harry A. Watson, Councilors Peter J. Bartinik, Jr., Heather Sherman Bond, Catherine Kolnaski, Frank O'Beirne, Jr., Rita M. Schmidt, John F. Scott, Paulann H. Sheets, and James L. Streeter.

Tuesday, July 10, 2007

7:00 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

1. CALL TO ORDER

Mayor Watson called the meeting to order at 7:07 p.m.

2. ROLL CALL

Members Present: Mayor Watson, Councilor Bartinik, Jr., Councilor Bond, Councilor Kolnaski, Councilor O'Beirne, Jr., Councilor Schmidt, Councilor Scott and Councilor Streeter
Members Absent: Councilor Sheets

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 that the Charter Revision Commission met last night. The public hearing has been scheduled for July 30th at 7:00 p.m.

Councilor Bartinik received a letter from Chuck Stevens regarding a cell phone tower at the Mystic River Ambulance site, which he forwarded to the Mayor.

4. Approval of Minutes

2007-0163 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 May 22, 2007 (special and regular meetings) and June 12, 2007 are hereby accepted and approved.

A motion was made by Councilor Scott, seconded by Councilor Kolnaski.

The motion carried unanimously

5. UNFINISHED BUSINESS

None.

6. NEW BUSINESS

2007-0007 Pending Litigation (2007 Standing Referral)

A motion was made by Mayor Watson, seconded by Councilor Scott, to enter executive session at 7:10 p.m. to discuss pending litigation, namely the Town's pending National Labor Relations Board charges against various labor organizations, and to invite Mark Oefinger, Lee Vincent, Gary Schneider, Eileen Duggan, and Bryan Fiengo to attend.

The motion carried unanimously

Discussed

The executive session concluded at 7:51 p.m. Councilor Bond did not return to the meeting.

Town Attorney Eileen Duggan noted that the Town has received two tax appeals from Xerox Corporation on leased equipment depreciation rates. Xerox has filed appeals in multiple

municipalities. Those towns have banded together in defending the lawsuits and are using one attorney, Mr. Michael Collins of Halloran and Sage. Ms. Duggan recommends that the Town join the coalition and hire Mr. Collins. Town Manager Oefinger read a draft resolution hiring the outside attorney. Mr. Collins' hourly rate is \$185.00; the associates' rate is \$160.00. The cost will be prorated across all the municipalities based on Grand List numbers (approximately 14% for the Town of Groton). Currently there are nine municipalities involved, with a tenth expected to join soon.

Roll Call: Members Present: Mayor Watson, Councilor Bartinik, Jr., Councilor Kolnaski, Councilor O'Beirne, Jr., Councilor Schmidt, Councilor Scott and Councilor Streeter
Members Absent: Councilor Bond and Councilor Sheets

A motion was made by Councilor Bartinik, Jr., seconded by Councilor Kolnaski, to recommend a resolution appointing Michael Collins as recommended by the Town Attorney.

The motion carried unanimously

Councilor Bond returned to the meeting at 7:58 p.m.

Members Present: Mayor Watson, Councilor Bartinik, Jr., Councilor Bond, Councilor Kolnaski, Councilor O'Beirne, Jr., Councilor Schmidt, Councilor Scott and Councilor Streeter
Members Absent: Councilor Sheets

2003-0177 Renovations & Additions to Groton School Facilities - Phase I

Discussed

Town Manager Oefinger distributed the most recent update and quarterly newsletters for the schools. Director of Public Works Gary Schneider noted that windows are going in at Northeast Academy and some rooms are finished and are being locked. Kolnaski School is proceeding on schedule. He reviewed specific milestones that have been reached. The team is currently reviewing final schedules and costs. At Fitch, work is proceeding on redesigning the stair tower. Mr. Schneider reported major progress at all three sites.

2007-0168 Porter Property - Groton Utilities Acquisition

Discussed

Town Manager Oefinger explained that the City of Groton applied to the state for a grant to purchase this property for watershed protection purposes. Under the grant program, the City must obtain resolutions from the host communities (Groton and Ledyard). Councilor O'Beirne asked why the property will be in the name of the City of Groton as opposed to Groton Utilities. Mayor Watson asked how much tax revenue will be lost as a result of the transfer.

A motion was made by Councilor Bond, seconded by Councilor Streeter, that this matter be Recommended for a Resolution.

The motion carried unanimously

2006-0063 Bus Ordinance Amendment

Discussed and Recommended no action taken

Assistant to the Town Manager Lee Vincent provided a brief history of the issue and attempts at mediation. The parties reached an agreement limiting buses to a total of 35. After this season, bus traffic will be limited to Monday through Thursday; there will be no drop-offs; and Abbott's will hire a traffic attendant and exercise booking control. No further action is desired from the Council. A copy of the agreement has been provided to Chief Fogg for his information.

Councilor O'Beirne noted this agreement does not address how the ordinance is being enforced nor does it address the larger area impacted by the ordinance. Town Manager Oefinger noted that buses are not driving on the other roads listed in the ordinance. The original intent of the ordinance was to differentiate between scenic tour buses and destination-oriented buses. The Town has received no complaints about this destination buses on roads other than Pearl Street because there are no destinations in those areas. Councilor O'Beirne noted that the ordinance continues to be interpreted differently by different people, which means it is unclear and needs to

be clarified. The Town Manager agreed, but noted this is the direction chosen by the Council. The Town Manager does not recommend any action at this time, but ultimately the ordinance should be clarified.

Councilor Bartinik asked staff to let the parties know that the Council appreciates their efforts to reach an agreement. The referral was deleted by consensus.

2006-0254

Coastal Property Insurance**Discussed and Recommended no action taken**

The Town Manager and Councilor Scott provided a brief background on this referral. A law has been passed prohibiting insurance companies from denying coverage for no storm shutters, which effectively addresses the Council's concern. The referral was deleted by consensus.

2007-0027

Burnett's Corners**Discussed**

Town Manager Oefinger explained that this property was obtained by the Town through foreclosure and has always been a source of safety concerns. It was subsequently transferred to the Burnett's Corners Preservation Society with the condition that the property be rehabilitated and maintained. At the time, there was no reasonable reuse for the property because there is very little land associated with the structure. Since that time, sewers have become available. Kevin Quinn, Manager of Inspection Services, wrote a letter to the Society in January 2007. He has spoken to Jim Mitchell, secretary of the Society, and reiterated that the building must be boarded up. Mr. Quinn read an e-mail communication from Mr. Mitchell, which resulted in Mr. Quinn again asking that the building be immediately secured. Mr. Quinn noted an engineering study that was done when the property was transferred to the Society that laid out a number of items that needed to be completed. Mr. Mitchell claims that all the checklist items were completed in 1995, but there was a fire in the structure in 1998. As of today, the building has not yet been secured and Mr. Quinn stated he will call Mr. Mitchell again tomorrow.

Councilor O'Beirne asked about funding provided to the Society by the Town. Mr. Quinn explained that in 1997 the Town approved a \$5000 grant match. The money was never spent or encumbered and the money was returned to the General Fund. Mr. Quinn issued a demolition order issued after the fire in 1998. At that time, the Society hired an engineer to do a survey and they stated that the structure was not in danger of collapsing. The engineer did, however, recommend accelerated rehabilitation efforts. Town Manager Oefinger stated that the Town's liability in this situation is unknown since there is a provision in the deed reserving the Town's right to take the property back.

Town Manager Oefinger suggested that Society representatives come in to speak with the Town Council about their plans for the property.

Councilor Streeter noted that the building continues to deteriorate and he suggested that the group has lost its interest. Councilor Bond suggested inviting Representative Wright to the meeting to see if she can help with funding for the group.

2007-0072

Citizen Committee on Property Tax Relief - Update**Discussed**

The first meeting of the Committee is scheduled for tomorrow night, Wednesday, July 11th at 6:00 p.m.

2007-0138

Gravel Street Pump Station Lease**Discussed**

Town Manager Oefinger noted that the parties have been working on a lease, but there are still some areas that need to be addressed including the monthly payment. The Town has done some

market research on the value of the parking spaces and provided the information to Mr. Desmarais. The Town Manager distributed a memo from Assessor John Philip looking at the issue from a land value standpoint in an attempt to place a reasonable value on the parking spaces. Staff will make a recommendation at a future meeting.

Rod Desmarais offered to answer questions for the Council. The cost of the parking spaces will be passed on to the Condominium Association down the line. The Town has offered a 10 year lease with the option of four renewals. The parking lot will be rebuilt and maintained by the developer, along with the public walkway and landscaping.

For the development, Mr. Desmarais is required to provide 16 spaces on the north end of West Main Street (nine on the Town property), and 16 spaces on the south end of West Main Street. The Town Manager noted that the Planning Commission's approval did not require the spaces to be located on the pump station property.

2007-0161 Receipt of Planning Commission Report on Animal Shelter

A motion was made by Councilor Bond, seconded by Councilor Kolnaski, that this matter be Recommended for a Resolution.

The motion carried unanimously

2007-0162 Adoption of Animal Shelter Ordinance

Discussed

Town Manager provided a brief history of the ordinance, and noted that he does not have high expectations in the short term that a regional facility is going to happen. He updated the Council on the most recent discussions with area towns. If Groton works with the Humane Society alone, transportation costs will be sizable since they can not be shared with other towns. The Town estimates it will cost \$90,000 to \$150,000 per year to enter into an agreement with the Humane Society. The Council reviewed a memo from Director of Finance Sal Pandolfo outlining the anticipated annual debt service. The Town Manager continues to recommend that the Town pursue both options with respect to the animal shelter.

A motion was made by Councilor Bond, seconded by Councilor Kolnaski, that this matter be Recommended for a Resolution.

The motion carried unanimously

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

None.

8. OTHER BUSINESS

The Town Manager distributed information requested by Councilor O'Beirne on a proposed mixed use zone change proposal.

9. ADJOURNMENT

A motion was made by Councilor Kolnaski, seconded by Councilor Schmidt, to adjourn the meeting at 9:05 p.m.

The motion carried unanimously.