



Town of Groton, Connecticut

45 Fort Hill Road
Groton, CT 06340-4394
Town Clerk (860)441-6640
Town Manager
(860)441-6630

Meeting Minutes

Representative Town Meeting

Moderator Natalie B. Billing, Representatives Joe Baril, Tom Barnhart, Lori Bartinik, Alicia Bauer, Genevieve Cerf, Michael Collins, Syma Ebbin, June Evered, Peter Fairbank, Robert Garcia, Patrice Granatosky, Dolores Harrell, Keith Hedrick, Debra Jenkins, Carole McCarthy, Kevin McMahon, Richard Metayer, David Miner, Deborah Monteiro, James Moulding, Scott Newsome, Nora Patterson, Deborah Peruzzotti, Robert Post, Kevin Power, Don Pratt, Mary-Ellen Schefers, Eleanor Scussel, Jack Sebastian, Jennifer Smuts, Eleanor Steere, Joan Steinfeld, Irma Streeter, Mark Svencer, Patti Thunberg, Cheryl Tilney, Kevin Trejo, Tom Vivirito, and John Wheeler.

Wednesday, August 8, 2007

7:30 PM

Senior Center

Regular Meeting

A. ROLL CALL

Moderator Natalie Billing called the meeting to order at 7:30 p.m.

28 members were present, and a quorum was declared.

The Moderator reported that Reps. Fairbank, Miner, Peruzzotti and Trejo called to say they are unable to attend this meeting.

Members Present: Moderator Billing, Rep. Baril, Rep. Bartinik, Rep. Bauer, Rep. Cerf, Rep. Collins, Rep. Ebbin, Rep. Evered, Rep. Granatosky, Rep. Harrell, Rep. Jenkins, Rep. McCarthy, Rep. Monteiro, Rep. Moulding, Rep. Newsome, Rep. Patterson, Rep. Power, Rep. Pratt, Rep. Scussel, Rep. Sebastian, Rep. Smuts, Rep. Steere, Rep. Steinfeld, Rep. Streeter, Rep. Svencer, Rep. Thunberg, Rep. Tilney and Rep. Vivirito

Members Absent: Rep. Barnhart, Rep. Fairbank, Rep. Garcia, Rep. Hedrick, Rep. McMahon, Rep. Metayer, Rep. Miner, Rep. Peruzzotti, Rep. Post, Rep. Schefers, Rep. Trejo and Rep. Wheeler, Jr.

Also present were Town Manager Mark Oefinger, Assistant to the Town Manager Lee Vincent, Councilors Mick O'Beirne, Rita Schmitt and Jim Streeter, Parks & Recreation Director John Silsby, Senior Center Supervisor Mary Jo Riley, Police Chief Kelly Fogg, Sergeant Ben Carpenter, Public Works Director Gary Schneider, Project Management Specialist Lori Hammett, Town Clerk Barbara Tarbox, and Assistant Town Clerk Sally Whitney.

B. MOMENT OF SILENCE AND SALUTE TO THE FLAG

The members observed a moment of silence to remember RTM Rep. Fritz Stein; Dee Swindell, a local teacher and wife of Archie Swindell; and Kenneth Barber who served in Town government in numerous capacities.

Moderator Billing led the Salute to the Flag.

C. APPROVAL OF MINUTES OF JUNE 13, 2007

A motion that the minutes be adopted was made by Rep. Bauer, seconded by Rep. Jenkins and carried unanimously.

D. CITIZENS' PETITIONS

The Moderator announced that due to the number of speakers signed up this evening each person will be allowed four minutes.

Irene B. Garagliano, 27 West Elderkin Avenue, stated that she is a former RTM member. She requested that the RTM support the expansion of the Senior Center and allow the voters to decide at the November referendum. She mentioned that the Seniors contribute to the community through many service projects, and that a handout was distributed to all members to describe the projects.

Elizabeth Becker, 107 Candlewood Road, stated that she is a life-long resident and second

generation enjoying the activities, classes, and information seminars provided by the Senior Center. She cited the deficiencies of the Senior Center, such as, inadequate parking and the need for a larger exercise room, expanded kitchen space, and more classrooms. She noted that many programs are limited and not able to be scheduled due to the lack of space. She noted that people are living longer and staying active and that the center provides companionship to many senior citizens. She asked the RTM to support the ordinances and allow the voters to have two choices at the November referendum that would expand the Senior Center with and without the aqua therapy center.

Mary Elaine Kelly, 40 Plant Street, stated that she is president of the Groton Animal Foundation. She provided information on the conditions of the animal shelter, transportation costs to a regional facility, and why a new shelter is needed. She mentioned that the regional facility is not a reality at this time and that the Town needs a new facility now. She confirmed that the Town would be able to use a regional facility in the future for "litigated" and quarantined animals. She urged the RTM to approve the Ordinance.

Phil Butta, 282 Noank Ledyard Road, Mystic, stated that he is a member of the Parks and Recreation Commission. He believes in sending both questions for the Senior Center Expansion and the Aqua Therapy Center to the voters for the November referendum. He agreed with sentiments voiced by the previous speakers.

Andrew Parrella, 790 Eastern Point Road, encouraged the RTM to forward the Ordinances to referendum and allow the voters to decide. He suggested that the expanded Senior Center be reviewed to serve as a multi-purpose center for the community.

Wendy Eckholm, 165 Benham Road, requested the RTM to follow the recommendation of the RTM Public Works Committee and send the Animal Shelter Ordinance to the voters for the November referendum. She voiced her opposition to a regional facility as not being financially feasible based on the CIP notes from 1994. She noted that Groton would bear a larger portion of the regional costs since it is one of the two larger communities that would participate in a regional shelter. She feels a local shelter would be best for the animals and demonstrate community responsibility.

Jim Loughlin, 35 West Mystic Road, stated that he is not convinced of the need for an expanded Senior Center. He suggested that hours of the center could be expanded, and that additional maintenance on the facility could suffice. He does not see the facility being overused or bursting at the seams. He feels it is selfish to spend more money on a Senior Center when a community center could be used by all residents. He will not support the expansion but does endorse letting the voters decide on spending millions to expand the Senior Center.

Eileen Berman, 42 Hawthorne Drive North, New London, owner of Ruby & Maggie's Paw Place in Mystic, feels that a new animal shelter is needed based on the physical conditions present at the current facility. She supports sending the Animal Shelter Ordinance to referendum and letting the voters decide.

Ted Frase, 598 New London Road, stated he is Vice-President of the Groton Animal Foundation and asked the RTM to support sending the Animal Shelter Ordinance to referendum and let the voters decide.

Peg Frase, 598 New London Road, agreed with the previous speaker's comments.

Tom Morris, 20 Affeldt Drive, supports sending the Senior Center Ordinance to referendum and stated that the additional cost to taxpayers is minimal compared to revaluation.

E. RECEPTION OF COMMUNICATIONS

Moderator Billing mentioned that copies of e-mails and letters that were received are available for any members that would like to review them. The communications requested that the RTM support the Senior Center Expansion Ordinance and the Animal Shelter Ordinance that appear on the agenda this evening. A local hearing will be held on the siting of a 130 foot high cell phone antenna tower on Sandy Hollow Road by the Connecticut Siting Council. The date for the hearing has not been set yet.

The Moderator announced that caucuses held by the Third and Eighth Districts resulted in Keith Hedrick filling the vacancy in the Third District and Nora Patterson being elected from the Eighth District. She noted that a vacancy exists in the Sixth District since Rep. Patterson moved and was eligible to serve in the Eighth District.

F. REPORT OF THE TOWN MANAGER:

1. Financial report

Mr. Vincent reported that the Unreserved & Undesignated Fund balance as of July 1, 2007 is approximately \$9.6 million. (This figure is FYE 2007 preliminary, and unaudited). The General Contingency balance is \$350,000; the Capital Reserve balance is \$1,694,708. (This figure includes the preliminary unaudited 2007 balance and 2008 projected appropriations).

Mr. Vincent clarified that the correct date that the Department of Social Services RX-Xpress bus will be in Groton is Friday, August 17, 2007.

2. Monthly briefing

The Town Manager offered his congratulations to Jerry Lokken, Manager of Recreation Services, on his election as President of the American Parks & Recreation Society in a recent nationwide election. This is a very prestigious honor for Mr. Lokken and the Town of Groton.

The Manager noted that August 18, 2007 is Volunteer Help Day at the Tercentennial Legacy Playground and that anyone interested should contact the Recreation Department.

Mr. Oefinger mentioned that fifty Town of Groton screen-printed flags are now available for sale at the Manager's office.

The Town Manager provided the current status of the Northeast and Kolnaski school construction projects. He stated that both schools are scheduled for a January 7, 2008 opening date.

Mr. Oefinger addressed several questions received by e-mail from Rep. Sebastian. He noted that \$8,000 out of \$25,000 has been spent so far for an updated cost estimate study for the animal shelter and that the new school windows have been ordered and are expected to be on site and installed by the end of September. He explained that the cost estimates for the animal shelter and Senior Center expansion were developed by the architect and included an inflation factor since construction will not begin until next year.

Town Clerk Barbara Tarbox announced that the annual Citizenship Day will be held on September 17, 2007.

In response to Rep. Ebbin, Mr. Oefinger addressed the issues of the estimated cost overruns and recovery of the additional expenses associated with the high impact windows for the Kolnaski School. He explained that the Board of Education has identified many items that could be deferred until the liability issue is resolved and compensation is received. He noted that the priority is to have a functioning school with windows. He clarified that the Town Attorney is addressing all issues to recoup all associated costs attributable to the window problem.

G. LIAISON REPORTS

1. Town Council - Rep. Monteiro

Rep. Monteiro reviewed the meetings held on July 17, July 24 and August 7. She mentioned that much of the Town Council business had been centered on the Ordinances that are before the RTM for approval at this meeting. She noted that discussion had taken place on a mixed use zone amendment that is currently being discussed by the Zoning Commission.

2. Economic Development Commission - Rep. Cerf

No report.

3. Town Council/Board of Education/RTM Liaison Committee - Rep. Patterson

No report.

4. Permanent School Building Committee - Rep. Miner

No report.

5. School Design Committee Phase II - Reps. Smuts & Harrell

Rep. Smuts reported on the organizational meeting held on June 14, 2007. It was decided that this committee will meet on the second and fourth Thursdays of the month. The committee discussed the following: the role of the committee, overview of previous school design committee work, overview of Phase I, overview of redistricting, and establishment of the work program for the Phase II committee. At the next two meetings the following schools were toured by the committee: Fitch Senior High, Claude Chester Elementary, Cutler Middle and Charles Barnum Elementary. On July 26, 2007 members discussed their impressions of the schools toured, alternatives for Middle Schools, and the Vision Committee report. The committee received an update on Phase I school project work. Mr. Greenleaf noted that new legislation was passed requiring energy efficiency for schools that will increase costs.

6. Shellfish Task Force - Rep. Ebbin

No meeting, no report.

7. Flanders Road Utility Extension Committee - Reps. Bauer & Wheeler

Rep. Bauer reported on the meetings held on June 25, July 23 and July 30, 2007. The first meeting was organizational and provided an overview of the economic need to open areas for industrial and business growth in Town. The committee reviewed the different routes where sewer lines could be constructed. Members were provided a tour of the AMI Office in Mystic to see an example of an area needing utilities. A map presentation of the area displayed in detail the wetlands, grades, and water lines now installed and potential sewer routes that are part of the study.

H. COMMITTEE REPORTS**1. FINANCE****a. Chairman's notes on the business of the Town - Chairman Granatosky**

No meeting, no report.

2. COMMUNITY & ECONOMIC DEVELOPMENT**a. Chairman's notes on the business of the Town - Chairman Vivirito**

No meeting, no report.

3. EDUCATION**a. Chairman's notes on the business of the Town - Chairman Patterson**

No meeting, no report.

4. HEALTH & SOCIAL SERVICES**a. Chairman's notes on the business of the Town - Chairman Wheeler**

No meeting, no report.

5. RECREATION**a. Chairman's notes on the business of the Town- Chairman Power**

No meeting, no report.

6. PUBLIC SAFETY**a. Chairman's notes on the business of the Town - Chairman Pratt**

No meeting, no report.

7. PUBLIC WORKS

a. Chairman's notes on the business of the Town - Chairman Collins

Chairman Collins read the minutes of the meeting held on August 1, 2007. (Minutes are attached). A motion to accept the minutes was made by Rep. Collins, seconded by Rep. Harrell and so voted unanimously.

2007-0137 Adoption of Senior Center Expansion Ordinance

ADOPTION OF ORDINANCE APPROPRIATING \$11,770,000 FOR ADDITIONS AND RENOVATIONS TO THE GROTON SENIOR CENTER AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION
BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

Section 1. That the sum of ELEVEN MILLION SEVEN HUNDRED SEVENTY THOUSAND DOLLARS (\$11,770,000) is appropriated for renovations and additions to the Groton Senior Center. The project shall include (1) additions for new administrative offices and activity classrooms, (2) additions of a new computer room, music room, and exercise and fitness rooms, (3) renovations and additions for kitchen facilities, (4) renovations to the existing multi-purpose room, including a stage, (5) renovations and additions for the entry vestibule and lobby, (6) renovations and additions to house various activities, including arts and crafts, ceramics, cards and games, health screening, special programs, a senior store, toilets and electrical, mechanical and storage rooms, and (7) relocation of the roller hockey rink offsite to a location to be determined by the Town Manager on the recommendation of the Director of Parks and Recreation. The appropriation may be spent for design and construction costs, equipment, furnishings, fixtures, materials, site improvements, moving and temporary relocation costs, architects' fees, engineering fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Town Council may reduce or modify the scope of the project and the entire appropriation may be spent on the project as so reduced or modified.

Section 2. That the Town issue bonds or notes, in an amount not to exceed ELEVEN MILLION SEVEN HUNDRED SEVENTY THOUSAND DOLLARS (\$11,770,000) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Groton. The Town does hereby covenant and agree with the holders of the bonds or notes and all notes issued in anticipation of the receipt of the proceeds from the sale of such bonds or notes that in each year while any such bonds or notes are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on the bonds or notes as the same become due and payable.

Section 3. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed ELEVEN MILLION SEVEN HUNDRED SEVENTY THOUSAND DOLLARS (\$11,770,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be secured by the irrevocable pledge of the full faith and credit of the Town, payable as provided in Section 2. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

Section 4. That the Town Council shall determine the amount of bonds or notes authorized by Section 2 to be sold. The Town Manager and the Director of Finance shall determine the amount of any temporary notes authorized by Section 3 to be sold. The Town Manager and the Director of

Finance of the Town shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds or notes. The Town Manager and the Director of Finance are authorized to determine the dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this ordinance if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

Section 6. That the Town Manager and the Director of Finance are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

Section 7. That the Town Manager, the Director of Finance, and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes to finance the aforesaid appropriation.

Section 8. This ordinance shall become effective only if it has been adopted by vote of not less than five (5) members of the Town Council and by the Representative Town Meeting, and only if the appropriation set forth in Section 1 and the issuance of bonds and notes to finance said appropriation have been approved by the voters at referendum in accordance with Section 8.12 of the Town Charter, and notice of passage has been published in accordance with the provisions of the Town Charter.

A motion was made by Rep. Collins, seconded by Rep. Cerf, that this matter be Adopted.

Rep. Power stated he would not support sending the Ordinance to referendum due to the timing in relation to the animal shelter and the existing school building projects.

Rep. Moulding agreed with Rep. Power about the unfortunate timing of all three projects. He feels it is the duty of the RTM to forward this ordinance to the voters based on the sentiments of the speakers this evening. He stated that he will support sending the ordinance to referendum.

Reps. Bauer, Cerf, Evered and Pratt spoke in favor of sending the Ordinance to referendum and letting the voters decide. The reasons cited were: the increased usage of the center by a growing population of senior citizens, the continual increase in future construction costs; the fact that the time for bonding projects is never right; the need for more storage areas, dedicated exercise and classroom space. It was stated that several programs sometimes run simultaneously in a room.

Rep. Smuts stated that she agrees with Rep. Power but will follow Rep. Moulding and will vote to send the Ordinance to referendum and allow the voters to decide. She stated that she will not support the ordinance at referendum.

Rep. Scussel agreed with Reps. Power and Smuts but will not support sending the ordinance to referendum since the expansion is "a nice to have" item and not a needed item.

Mary Jo Riley explained the policy for out-of-town users and the associated fee schedule.

In response to Rep. Bartinik, the Town Clerk explained the difference in costs associated with a special referendum versus a referendum timed to occur with a routine November election.

Rep. Bartinik mentioned that she is personally opposed to sending the Ordinance to referendum since the Town has no plans for a community center. She stated that she concurs with Rep.

Moulding and will vote to forward the Ordinance to the November referendum but that she feels the voters will reject it.

Rep. Steere is opposed to sending the ordinance to the voters and will not support it. She feels a community center is a better concept and that intergrating all ages together is better for the community.

In response to Rep. Ebbin, the Town Manager reviewed the history of numerous discussions and studies conducted concerning a community center. It has been determined that a separate community center can't be accommodated on this site. He suggested that an alternative option would be to use one of the schools that are being closed as a community center. He stated that the former Freeman Hathaway School had been used for many community programs.

A MOTION TO MOVE THE QUESTION was made by Rep. Sebastian, and seconded. The vote on the motion carried 27 in favor 1 opposed. (Opposed: Rep. Newsome)

The motion carried by the following vote:

Votes: In Favor: 23 - Moderator Billing, Rep. Baril, Rep. Bartinik, Rep. Bauer, Rep. Cerf, Rep. Collins, Rep. Ebbin, Rep. Evered, Rep. Harrell, Rep. McCarthy, Rep. Monteiro, Rep. Moulding, Rep. Newsome, Rep. Patterson, Rep. Pratt, Rep. Sebastian, Rep. Smuts, Rep. Steinfeld, Rep. Streeter, Rep. Svencer, Rep. Thunberg, Rep. Tilney and Rep. Vivirito

Opposed: 5 - Rep. Granatosky, Rep. Jenkins, Rep. Power, Rep. Scussel and Rep. Steere

2007-0164

Adoption of Senior Center Expansion Aqua Therapy Systems Ordinance

ADOPTION OF AN ORDINANCE INCREASING THE GROTON SENIOR CENTER \$11,770,000 APPROPRIATION AND BORROWING AUTHORIZATION FOR AQUA THERAPY STRUCTURE, SYSTEMS AND FINISHES

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

Section 1. That the \$11,770,000 appropriation for the Groton Senior Center be increased by ONE MILLION FOUR HUNDRED SIXTY-FIVE THOUSAND DOLLARS (\$1,465,000) for construction of the aqua therapy structure, systems and finishes, at the Groton Senior Center, for an aggregate appropriation of \$13,235,000. The additional appropriation may be spent for design and construction costs, equipment, furnishings, fixtures, materials, architects' fees, engineering fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Town Council may reduce or modify the scope of the project and the entire appropriation may be spent on the project as so reduced or modified.

Section 2. That the \$11,770,000 amount of bonds or notes authorized to be issued by the Town to finance the appropriation for the project be increased by ONE MILLION FOUR HUNDRED SIXTY-FIVE THOUSAND DOLLARS (\$1,465,000) to finance the additional appropriation for the project, for an aggregate appropriation of THIRTEEN MILLION TWO HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$13,235,000).

Section 3. That the \$11,770,000 amount of temporary notes authorized to be issued and renewed by the Town from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project be increased by ONE MILLION FOUR HUNDRED SIXTY-FIVE THOUSAND DOLLARS (\$1,465,000) to THIRTEEN MILLION TWO HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$13,235,000).

Section 4. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings

in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this ordinance if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

Section 5. This ordinance shall become effective only if it has been adopted by vote of not less than five (5) members of the Town Council and by the Representative Town Meeting, and only if the appropriation set forth in Section 1 and the issuance of bonds and notes to finance said appropriation have been approved by the voters at referendum in accordance with Section 8.12 of the Town Charter, and notice of passage has been published in accordance with the provisions of the Town Charter.

Section 6. This ordinance shall become effective only upon passage of the ordinance entitled, "ORDINANCE APPROPRIATING \$11,770,000 FOR ADDITIONS AND RENOVATIONS TO THE GROTON SENIOR CENTER AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION".

A motion was made by Rep. Collins, seconded by Rep. Pratt, that this matter be Adopted.

Rep. Power expressed similar sentiments about the timing of this Ordinance to those he expressed in the discussion for adoption of Senior Center Expansion. He has concerns about offering this type of therapy, the staffing costs, and liability. He expressed reservations about providing aqua therapy to senior citizens only. He believes that the therapy should be available to all residents. He is opposed to this and will not support it.

Mary Jo Riley explained that registration for the aqua therapy programs would be handled in the same way as other programs. She explained that medical clearance is a requirement for seniors and that instructors follow approved guidelines and are certified for the programs offered.

Rep. Evered agreed with Rep. Power and feels that the Mystic Oral School which currently offers therapy programs staffed by Lawrence and Memorial is underutilized. She is opposed to this ordinance and will not support it.

The Town Manager stated that the Mystic Oral School is a State-owned facility and may not always be available for programs. He explained that transportation to the Mystic Oral School is not currently provided to seniors as it is to the Senior Center. He added that the therapy at the new facility would be conducted by contracted providers.

In response to Rep. Jenkins, Architect Tom Arcari of Quesenberry Arcari Architects reviewed the details of the aqua therapy facility.

Rep. Steinford is opposed to the facility being open only to seniors. She emphasized that if voters reject the second Ordinance then the aqua therapy facility would not be built.

In response to Rep. Power, the Town Clerk explained that the Council will be formulating the referendum questions that appear on the ballot to eliminate any confusion about the options that are contained in each Ordinance.

The motion carried by the following vote:

Votes: In Favor: 15 - Moderator Billing, Rep. Baril, Rep. Bartinik, Rep. Bauer, Rep. Collins, Rep. Evered, Rep. McCarthy, Rep. Monteiro, Rep. Moulding, Rep. Pratt, Rep. Sebastian, Rep. Svencer, Rep. Thunberg, Rep. Tilney and Rep. Vivirito
Opposed: 13 - Rep. Cerf, Rep. Ebbin, Rep. Granatosky, Rep. Harrell, Rep. Jenkins, Rep. Newsome, Rep. Patterson, Rep. Power, Rep. Scussel, Rep. Smuts, Rep. Steere, Rep. Steinford and Rep. Streeter

2007-0162

Adoption of Animal Shelter Ordinance

ADOPTION OF ORDINANCE APPROPRIATING \$1,385,000 FOR A REPLACEMENT ANIMAL SHELTER AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

Section 1. That the sum of ONE MILLION THREE HUNDRED EIGHTY FIVE THOUSAND DOLLARS (\$1,385,000) is appropriated for a replacement animal shelter at the Town Hall Annex site on Groton Long Point Road. The project shall include design and construction of an animal shelter, including office and support areas; examining room; acquaintance room; general purpose and isolation kennels and runs; food preparation, bathing, laundry, and general storage areas; related heating, cooling and ventilating systems; sprinkler, fire alarm and security systems; extension of utilities; landscaping, access driveway and parking area; demolition of the existing dog pound and relocation of the police impound yard. The appropriation may be spent for design and construction costs, equipment, furnishings, fixtures, materials, demolition costs, site improvements, architects' fees, engineering fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Town Council may reduce or modify the scope of the project and the entire appropriation may be spent on the project as so reduced or modified.

Section 2. That the Town issue bonds or notes, in an amount not to exceed ONE MILLION THREE HUNDRED EIGHTY FIVE THOUSAND DOLLARS (\$1,385,000) to finance the appropriation for the project. The amount of bonds or notes authorized to be issued shall be reduced by the amount of contributions received by the Town for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Groton. The Town does hereby covenant and agree with the holders of the bonds or notes and all notes issued in anticipation of the receipt of the proceeds from the sale of such bonds or notes that in each year while any such bonds or notes are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on the bonds or notes as the same become due and payable.

Section 3. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed ONE MILLION THREE HUNDRED EIGHTY FIVE THOUSAND DOLLARS (\$1,385,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be secured by the irrevocable pledge of the full faith and credit of the Town, payable as provided in Section 2. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

Section 4. That the Town Council shall determine the amount of bonds or notes authorized by Section 2 to be sold. The Town Manager and the Director of Finance shall determine the amount of any temporary notes authorized by Section 3 to be sold. The Town Manager and the Director of Finance of the Town shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds or notes. The Town Manager and the Director of Finance are authorized to determine the dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes

authorized by this ordinance if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

Section 6. That the Town Manager and the Director of Finance are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

Section 7. That the Town Manager, the Director of Finance, and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes to finance the aforesaid appropriation.

Section 8. This ordinance shall become effective only if it has been adopted by vote of not less than five (5) members of the Town Council and by the Representative Town Meeting, and only if the appropriation set forth in Section 1 and the issuance of bonds and notes to finance said appropriation have been approved by the voters at referendum in accordance with Section 8.12 of the Town Charter, and notice of passage has been published in accordance with the provisions of the Town Charter.

A motion was made by Rep. Collins, seconded by Rep. Svencer, that this matter be Adopted.

Rep. Cerf clarified for the viewing public that the increased construction costs for the animal shelter are due to environmental requirements, and required state mandates for new shelters.

Rep. Power reiterated that he is not able to support this item due to the timing and the long-term impact of operating costs.

Rep. Evered agrees with Rep. Power and would support a regional shelter. She is concerned that staffing is at minimal levels. She has seen the appalling conditions at the current shelter and wants the voters to have the opportunity to decide, so she will support sending the Ordinance to referendum.

The motion carried by the following vote:

Votes: In Favor: 26 - Moderator Billing, Rep. Baril, Rep. Bartinik, Rep. Bauer, Rep. Cerf, Rep. Collins, Rep. Ebbin, Rep. Evered, Rep. Granatosky, Rep. Harrell, Rep. McCarthy, Rep. Monteiro, Rep. Moulding, Rep. Newsome, Rep. Patterson, Rep. Pratt, Rep. Scussel, Rep. Sebastian, Rep. Smuts, Rep. Steere, Rep. Steinfeld, Rep. Streeter, Rep. Svencer, Rep. Thunberg, Rep. Tilney and Rep. Vivirito
Opposed: 2 - Rep. Jenkins and Rep. Power

8. RULES & PROCEDURES

a. Chairman's notes on the business of the Town

No meeting, no report.

I. OTHER BUSINESS

The Moderator announced that there was no live broadcast of the first half of the meeting due to dislocated wires on the audio cabinet. She stated that the meeting was recorded and will follow the regular rebroadcast schedule.

Rep. Harrell asked the Town Manager to investigate the traffic pattern at the top of Fort Hill. She asked if lines establishing two lanes all the way to the top can be drawn and if the left lane can be designated as a "left turn lane only" lane.

The Manager stated that this can be referred to the Traffic Authority.

J. ADJOURNMENT

A motion to adjourn at 9:36 p.m. was made by Rep. Svencer, seconded by Rep. Collins and so voted unanimously.

Attest:

*Barbara Tarbox, Town Clerk
Clerk of the RTM*

Sally A. Whitney, Assistant Town Clerk