



Town of Groton, Connecticut

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Groton, CT 06340-4394
Town Clerk 860-441-6640
Town Manager
860-441-6630

Meeting Minutes

Town Council

Mayor Heather Bond Somers, Councilors Dean G. Antipas, Bruce S. Flax, Bill Johnson, Deborah L. Peruzzotti, Rita M. Schmidt, James L. Streeter, and Harry A. Watson

Tuesday, August 7, 2012

7:30 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

I. ROLL CALL

The meeting was called to order at 7:36 p.m. by Mayor Somers.

Members Present: Mayor Somers, Councilor Antipas, Councilor Flax, Councilor Johnson, Councilor Peruzzotti, Councilor Schmidt and Councilor Watson

Members Absent: Councilor Streeter

Also present were Town Manager Mark Oefinger, Director of Public Works Gary Schneider, Town Clerk Betsy Moukawsher and Office Assistant Lori Watrous.

II. SALUTE TO THE FLAG

The Salute to the Flag was led by Lee Vincent.

III. RECOGNITION, AWARDS & MEMORIALS

PUBLIC HEARING:

2012-0208 Sandy Hollow Road Resurfacing

Heard at Public Hearing

Mayor Somers called a recess for the Public Hearing at 7:37 p.m.

The Notice of Public Hearing pursuant to a resolution passed by the Town Council was read by Town Clerk Betsy Moukawsher.

Director of Public Works Gary Schneider gave a brief summary of the project, noting that the funding has already been approved for FYE13. The resurfacing of Sandy Hollow will be done from Noank Ledyard Road to Allyn Street.

There being no further comments, Mayor Somers closed the Public Hearing at 7:39 p.m.

IV. RECEIPT OF CITIZENS' PETITIONS, COMMENTS AND CONCERNS

Lee Vincent, 1 New London Road, is in support of Mystic Streetscape Project - Phase II. He believes the project will eliminate hazardous conditions while maintaining the historic appeal of the area. He noted that law enforcement is needed in areas where cars continue to park illegally. Mr. Vincent stated that, as of this afternoon, the agendas for tonight's Town Council and Special Committee of the Whole meetings were not posted on the Town website, which may nullify any action taken during the meetings.

V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS

Councilor Flax noted that both agendas were posted on the Facebook site "Government Community Groton."

Town Clerk Moukawsher stated that it is a requirement for special meetings to be posted in the Town Clerk's Office and on the Town website not less than 24 hours prior to the meeting. She noted that both agendas were posted in the Town Clerk's Office.

VI. CONSENT CALENDAR**a. Approval of Minutes****2012-0233 Approval of Minutes (Town Council)**

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council meetings of July 10, 2012 and July 17, 2012 are hereby accepted and approved.

This Matter was Adopted on the Consent Calendar.

b. Administrative Items**2012-0232 Special Trust Fund Contributions**

RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS

Robert and Phyllis Boggs - \$8.65 - Groton Utilities Energy Assistance Program

Mary Dickson - \$10.00 - Groton Utilities Energy Assistance Program

Joan Feeney - \$50.00 - Groton Utilities Energy Assistance Program

Susan Decorte McMillan - \$500.00 - Parks and Recreation Revolving

This Matter was Adopted on the Consent Calendar.

c. Deletions from the Town Council Referral List**2011-0237 Community Wide Fire Protection Analysis**

This Matter was Deleted from Referral List - No further action on the Consent Calendar.

2012-0177 Fire District Consolidation

This Matter was Deleted from Referral List - No further action on the Consent Calendar.

2012-0212 Mystic Arts Center Parking Lot Agreement - Update

This Matter was Deleted from Referral List - No further action on the Consent Calendar.

2012-0230 Burnett's Corners Preservation Society Inc. Building - Update

This Matter was Deleted from Referral List - No further action on the Consent Calendar.

2010-0084 High School Water Infiltration Issues

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

2012-0221 Acceptance of Grant for Phase Two of the Lily Lane Trail

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

2012-0222 Relinquishment of Drainage Easement Associated with Obrey Resubdivision, Route 184

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

2012-0223 Application for State Financial Assistance for Purchase of Fusconi Property

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

2012-0226 Mystic Streetscape Project Phase II Construction Agreement

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

2012-0234 Appointment of Daniel Campbell to Permanent School Building Committee

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

Passed The Consent Calendar

A motion was made by Councilor Watson, seconded by Councilor Johnson, to adopt the Consent Calendar, including all the preceding items marked as having been adopted on the Consent Calendar.

The motion carried unanimously

VII. COMMUNICATION REPORTS (Other than Committee Reports)

a. Town Councilors

Councilors mentioned that IT should be made aware that a huge amount of spam is coming through to the Councilors' Town email accounts.

Councilor Johnson attended an Economic Development Commission meeting.

Councilor Flax noted that the Mystic Junior Little League girls' softball team is competing in the Eastern and Mid-Atlantic Regional Tournament. The winner will proceed to the Little League World Series in Seattle, Washington.

Councilor Antipas and Mayor Somers attended the meeting to set ground rules for contract negotiations between the teachers' union and the Board of Education.

Councilor Watson received communications regarding a traffic concern on Route 117 and parking in Groton Long Point.

Mayor Somers attended a joint meeting with the Board of Education. She noted that a meeting regarding redistricting will be held on August 13, 2012. Mayor Somers announced the membership of the new School Planning Task Force: Kevin Fiftal, Tricia Semancik, Robert Beulieu, Jr., Holly Bresnahan, Jon Heller, Jean Claude Ambroise, Craig Koehler, Wes Greenleaf, Deb Peruzzotti, Melissa Roode, Kim Shepardson Watson, Rita Volkman, Kevin Trejo, Karen Bryer, Jim Streeter, Enrico DeMatto, Mel Romani, and Captain Marc Denno. Ex-officio members will include Mayor Heather Bond Somers, Board of Education Chairman Kristen Hoyt, Town Manager Mark Oefinger, Director of Planning and Development Mike Murphy, and Captain Marc Denno as military liaison.

In answer to Mayor Somers, the Town Manager noted that a Town Attorney opinion should be received by next Tuesday regarding Historic District Commission appointments.

b. Clerk of the Representative Town Meeting

The next regular RTM meeting will be held on August 8, 2012.

c. Clerk of the Council

The Town Clerk stated that Senate and congressional primaries will be held on August 14, 2012. If uncertain where to vote, citizens should contact the Town Clerk's Office or the Registrars of Voters. Absentee ballots are available at the Town Clerk's Office.

d. Town Manager

The Town Manager noted that Chuck Potter no longer works for The Day's newspaper; his interim replacement will be Jennifer McDermott. Mr. Oefinger reported that in recent news articles Secretary of Defense Leon Panetta has been quoted as saying that there will not be a Base Realignment and Closure (BRAC) in 2013. Mr. Oefinger highlighted items from the Weekly Status Report. He noted that Golf Magazine ranked Shennecossett Golf Course in the top 100 in the country and top 5 in Connecticut, and that the Groton Senior Center was nationally recognized for its intergenerational program with Claude Chester School. A swearing-in ceremony was conducted for the following police officers: Steven Sinagra - Captain, Jeffrey Scribner - Lieutenant, Douglas Hoffman - Sergeant, Kelly Crandall - Sergeant, Brian Dawson - Sergeant, Heather McClelland - Patrol Officer, and Philip Fazino - Patrol Officer. The Town Manager noted that, due to the primary on Tuesday, the Committee of the Whole meeting will be held on Wednesday, August 15, 2012.

e. Town Attorney

No report.

VIII. COMMITTEE REPORTS

a. Community & Cultural Development - Chairman Schmidt

Councilor Schmidt read the minutes of July 24, 2012, which are on file at the Town Clerk's office.

b. Economic Development - Chairman Johnson

No meeting, no report.

c. Education/Health & Social Services - Chairman Watson

No meeting, no report.

d. Environment/Energy - Chairman Peruzzotti

No meeting, no report.

e. Finance - Chairman O'Beirne

No meeting, no report.

f. Personnel/Appointments/Rules - Chairman Flax

No meeting, no report.

g. Public Safety - Chairman Streeter

No meeting, no report.

h. Public Works/Recreation - Chairman Antipas

No meeting, no report.

i. Committee of the Whole - Mayor Somers

Mayor Somers stated that the resolutions on tonight's agenda are a result of the Committee of the Whole meeting.

IX. UNFINISHED BUSINESS

Councilor Antipas questioned whether votes at this meeting would be legal due to agenda posting requirements.

The Town Clerk stated that it is required for an agenda of a regular meeting to be posted in the Town Clerk's office. The agenda for tonight's regular Town Council meeting was posted in the Town Clerk's office at least 24 hours prior to the meeting. Therefore items of business may be voted on. She noted that special meetings have an additional requirement to be posted on the Town website.

X. NEW BUSINESS**2010-0084 High School Water Infiltration Issues****RESOLUTION AUTHORIZING NEGOTIATION OF SETTLEMENT REGARDING FITCH HIGH SCHOOL WATER INFILTRATION ISSUES**

WHEREAS, on July 24, 2012, the Town Council Committee of the Whole, during its Regular Meeting, met in executive session with the Town Manager and Town Attorney to discuss Fitch High School Water Infiltration issues, now therefore be it

RESOLVED, that:

1. The Town Attorney and Town Manager are hereby authorized to negotiate a settlement agreement pertaining to said Fitch High School Water Infiltration issues with Cherry Hill Glass Co., Inc., the glass, glazing and metal panels contractor, based on parameters discussed during said Executive Session; and
2. If such a settlement is negotiated, Town Manager Mark R. Oefinger is hereby authorized to accept and execute the settlement agreement on behalf of the Town of Groton once approved by

the Town Attorney, and to perform all acts ancillary thereto.

A motion was made by Councilor Johnson, seconded by Councilor Flax, that this matter be Adopted.

The motion carried by the following vote:

Votes: In Favor: 5 - Mayor Somers, Councilor Antipas, Councilor Flax, Councilor Schmidt and Councilor Watson

Abstain: 2 - Councilor Johnson and Councilor Peruzzotti

2012-0221

Acceptance of Grant for Phase Two of the Lily Lane Trail

RESOLUTION AUTHORIZING AN AGREEMENT/CONTRACT FOR A GRANT FOR THE LILY LANE (AKA G&S TROLLEY) TRAIL - PHASE 2

WHEREAS, the Town of Groton can renew its application for a state grant for Phase 2 of the Lily Lane (aka G&S Trolley) Trail, and

WHEREAS, Phase 2 of the trail project would complete a section of trail that connects to the western border of Haley Farm State Park, and

WHEREAS, the updated estimate of the total project cost is \$85,000, with 80% funded by the grant (\$68,000) and 20% funded by the Town in the form of in-kind services for engineering and design, now therefore be it

RESOLVED, that Town Manager Mark R. Oefinger is duly authorized to apply for a grant in the amount of \$68,000 for the Lily Lane (aka G&S Trolley) Trail - Phase 2 and to enter into and sign said contracts on behalf of the Town of Groton. Mark R. Oefinger currently holds the title of Town Manager and has held that office since July 1, 2002. The Town Manager is further authorized to provide such additional information and execute such other documents as may be required by the local, state or federal government in connection with said contracts and to execute any amendments, rescissions, and revisions thereto.

A motion was made by Councilor Watson, seconded by Councilor Antipas, that this matter be Adopted.

The motion carried unanimously

2012-0222

Relinquishment of Drainage Easement Associated with Obrey Resubdivision, Route 184

RESOLUTION RELINQUISHING A DRAINAGE EASEMENT IN THE SUNSET RIDGE RESUBDIVISION (FORMERLY OBREY RESUBDIVISION)

WHEREAS, the Obrey Resubdivision was approved by the Planning Commission on December 13, 2005, and

WHEREAS, the Obrey Resubdivision was subdivided on plan only and included a Town of Groton road that was not constructed or deeded to the Town of Groton and a 0.29 acre drainage easement that was deeded to the Town of Groton, and

WHEREAS, on March 27, 2012 the Planning Commission approved the Sunset Ridge Resubdivision (formerly Obrey Resubdivision), and

WHEREAS, the Sunset Ridge Resubdivision eliminated the Town of Groton road and the need for the Town of Groton drainage easement and noted the need to relinquish the drainage easement to the current property owners, now therefore be it

RESOLVED, that the Town Council hereby relinquishes the drainage easement to the current property owner of the Sunset Ridge Resubdivision, and be it further

RESOLVED, that Mark R. Oefinger, Town Manager, is authorized to sign a Quit Claim Deed relinquishing all Town of Groton rights and interests in the drainage easement.

A motion was made by Councilor Antipas, seconded by Councilor Watson, that this matter be Adopted.

The motion carried unanimously

2012-0223

Application for State Financial Assistance for Purchase of Fusconi Property

RESOLUTION AUTHORIZING THE TOWN MANAGER TO FILE AN APPLICATION FOR STATE FINANCIAL ASSISTANCE FOR THE "SUBASE LAND PURCHASE - GROTON" (FUSCONI, CRYSTAL LAKE ROAD)

WHEREAS, pursuant to Connecticut General Statutes Sec. 32-220 (Economic Development and Manufacturing Assistance Act of 1990), the Connecticut Department of Economic and Community Development is authorized to extend financial assistance for economic development projects; and

WHEREAS, it is desirable and in the public interest that the Town of Groton make an application to the State for \$455,000 in order to undertake the "SUBASE Land Purchase - Groton" and to execute an Assistance Agreement; now therefore be it

RESOLVED, by the Town of Groton Town Council

That it is cognizant of the conditions and prerequisites for the state financial assistance imposed by Connecticut General Statutes Sec. 32-220 (Economic Development and Manufacturing Assistance Act of 1990);

That the filing of an application for State financial assistance by the Town of Groton in an amount not to exceed \$455,000 is hereby approved and that Town Manager Mark R. Oefinger is directed to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of the Town of Groton;

That it adopts or has adopted as its policy to support the following nondiscrimination agreements and warranties provided in subsection (a)(1) of Connecticut General Statutes sections 4a-60 and 4a-60a, respectively, as amended by Public Acts 07-142 and 07-245, and for which purposes the "contractor" is the Town of Groton and "contract" is said Assistance Agreement:

The contractor agrees and warrants that in the performance of the contract such contractor will not discriminate or permit discrimination against any person or group of persons on the grounds of race, color, religious creed, age, marital status, national origin, ancestry, sex, mental retardation or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved, in any manner prohibited by the laws of the United States or of the state of Connecticut. The contractor further agrees to take affirmative action to insure that applicants with job-related qualifications are employed and that employees are treated when employed without regard to their race, color, religious creed, age, marital status, national origin, ancestry, sex, mental retardation, or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved.

The contractor agrees and warrants that in the performance of the contract such contractor will not discriminate or permit discrimination against any person or group of persons on the grounds of sexual orientation, in any manner prohibited by the laws of the United States or of the state of Connecticut, and that employees are treated when employed without regard to their sexual orientation.

A motion was made by Councilor Flax, seconded by Councilor Peruzzotti, that this matter be Adopted.

The motion carried unanimously

2012-0226

Mystic Streetscape Project Phase II Construction Agreement

RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE STATE OF CONNECTICUT AND THE TOWN OF GROTON FOR THE CONSTRUCTION, INSPECTION, AND MAINTENANCE OF THE MYSTIC STREETScape - PHASE II UTILIZING FEDERAL FUNDS UNDER THE HIGH PRIORITY PROJECTS PROGRAM AND THE URBAN COMPONENT OF THE SURFACE TRANSPORTATION PROGRAM

WHEREAS, the Town of Groton has requested that construction activities be undertaken in conjunction with the Mystic Streetscape project and will utilize federal funds from the High Priority Projects program and the Urban Component of the Surface Transportation Program, and

WHEREAS, said improvements include, but are not limited to the construction of new concrete sidewalks, installation of granite curbing, granite stone pavers, landscaping, street furniture, and ornamental lighting, along Water Street (CT Route 215) extending southerly to Noank Road in the Mystic section of Groton, and

WHEREAS, these construction activities are identified herein as State Project No. 58-326 and Federal-aid Project No. H018(013), respectively, now therefore be it

RESOLVED, that Mark R. Oefinger, Town Manager, be, and hereby is, authorized to sign an agreement entitled "Agreement between the State of Connecticut and the Town of Groton for the Construction, Inspection and Maintenance of Mystic Streetscape - Phase II Utilizing Funds under the High Priority Projects Program and the Urban Component of the Surface Transportation Program".

A motion was made by Councilor Peruzzotti, seconded by Councilor Schmidt, that this matter be Adopted.

The motion carried unanimously

2012-0234 Appointment of Daniel Campbell to Permanent School Building Committee

RESOLUTION APPOINTING DANIEL CAMPBELL TO THE PERMANENT SCHOOL BUILDING COMMITTEE

RESOLVED, that Daniel J. Campbell, 269 Judson Avenue, Mystic, is hereby appointed to the Permanent School Building Committee for a term ending 9/29/12.

A motion was made by Councilor Schmidt, seconded by Councilor Peruzzotti, that this matter be Adopted.

The motion carried unanimously

XI. OTHER BUSINESS

Mayor Somers announced that the Spicer Fund is in need of donations. This fund provides assistance to families for rent and fuel.

Councilor Peruzzotti requested an update on the ethics code.

Suspension of the Rules

A motion to suspend the rules to consider a resolution to approve resurfacing of Sandy Hollow Road and to consider a nomination from the RTC to appoint a replacement for former Councilor O'Beirne was made by Councilor Watson, seconded by Councilor Antipas and so voted unanimously.

2012-0208 Sandy Hollow Road Resurfacing

RESOLUTION APPROVING RESURFACING OF SANDY HOLLOW ROAD, A DESIGNATED SCENIC ROAD

WHEREAS, funds were approved in the FYE 2013 budget for the Department of Public Works to undertake a full-depth reclamation and resurfacing of Sandy Hollow Road from the intersection of Noank Ledyard Road east to Allyn Street, and

WHEREAS, Sandy Hollow Road is a designated scenic road, and

WHEREAS, in accordance with the Scenic Road Ordinance the Town Council held a public hearing on Tuesday, August 7, 2012 at which no opposition was stated against the proposed resurfacing, now therefore be it

RESOLVED, that the Department of Public Works may undertake a full-depth reclamation and resurfacing of Sandy Hollow Road from the intersection of Noank Ledyard Road east to Allyn Street according to its plan.

A motion was made by Councilor Watson, seconded by Councilor Flax, that this matter be Adopted.

The Town Manager noted that the section of Sandy Hollow Road from Noank Ledyard Road to Allyn Street is the only portion in need of repaving at this time.

The motion carried unanimously

2012-0236

Filling Vacant Town Councilor Position

FILLING VACANT TOWN COUNCILOR POSITION

A motion was made by Councilor Watson, seconded by Councilor Flax, that this matter be Adopted.

A motion to nominate Karen F. Morton to fill the Town Council vacancy created by the resignation of Mick O'Beirne was made by Councilor Watson, seconded by Councilor Flax.

Councilor Watson noted that Ms. Morton has been endorsed by the Republican Town Committee.

Mayor Somers stated that Ms. Morton had the next highest number of votes in the most recent election of Town Councilors.

There being no further nominations, the vote carried 6 In Favor, 1 Abstain (Abstain: Peruzzotti).

The motion carried by the following vote:

Votes: In Favor: 6 - Mayor Somers, Councilor Antipas, Councilor Flax, Councilor Johnson, Councilor Schmidt and Councilor Watson

Abstain: 1 - Councilor Peruzzotti

XII. ADJOURNMENT

A motion to adjourn at 8:24 p.m. was made by Councilor Watson, seconded by Councilor Antipas and so voted unanimously.

Attest:

*Betsy Moukawsher, Town Clerk
Clerk of the Council*

Lori Watrous, Office Assistant