



Town of Groton, Connecticut

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

Meeting Minutes Town Council

Mayor Harry A. Watson, Councilors Dean Antipas, Kathryn M. Brown-Tracy, Bruce S. Flax, Catherine Kolnaski, Deborah B. Monteiro, Frank O'Beirne, Jr., Rita M. Schmidt, and Paulann H. Sheets

Wednesday, November 4, 2009

7:30 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

I. ROLL CALL

The meeting was called to order at 7:32 p.m. by Mayor Watson.

Members Present: Mayor Watson, Councilor Antipas, Councilor Brown-Tracy, Councilor Flax, Councilor Kolnaski, Councilor Monteiro, Councilor O'Beirne, Jr., Councilor Schmidt and Councilor Sheets

Also present were Town Manager Mark Oefinger, Assistant to the Town Manager Lee Vincent, and Town Clerk Barbara Tarbox.

II. SALUTE TO THE FLAG

The Salute to the Flag was lead by Mayor Watson.

III. RECOGNITION, AWARDS & MEMORIALS

None.

IV. RECEIPT OF CITIZENS' PETITIONS, COMMENTS AND CONCERNS

None.

V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS

None.

VI. CONSENT CALENDAR

a. Approval of Minutes

2009-0277 Approval of Minutes (Town Council)

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council meeting of October 20, 2009 are hereby accepted and approved.

This Matter was Adopted on the Consent Calendar.

b. Administrative Items

2009-0272 Special Trust Fund Contributions

RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS

RESOLVED, that the Town Council hereby accepts contributions to the Town as follows:
Various Donations - \$145.00 - Groton Utilities Energy Assistance Program
City of Groton Matching Funds Check - \$478.81 - Groton Utilities Energy Assistance Program
Roger and Sidney Gross - \$100.00 - Social Services Discretionary
Mystic Lions Club - \$1,500.00 - Social Services Discretionary

This Matter was Adopted on the Consent Calendar.

c. Deletions from the Town Council Referral List

2009-0019 FYE 2010 Budget

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

- 2009-0264 **Adoption of Property Maintenance Code Ordinance Amendment**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2009-0265 **Adoption of 2010 Town Council Regular Meeting Schedule**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2009-0266 **Adoption of 2010 Committee of the Whole Regular Meeting Schedule**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2009-0267 **Adoption of 2010 Group I Regular Meeting Schedule**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2009-0268 **Adoption of 2010 Group II Regular Meeting Schedule**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2009-0269 **Eastern Point School Property Lease Modifications**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2009-0270 **2010 Rates for Shennecossett Golf Course**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2009-0273 **Information Technology Recovery Plan - Supplemental Appropriation**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2009-0275 **Revised Regulations for Parks and Recreation Facilities**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2009-0276 **Supplemental Appropriation to the Other Post Employment Benefits (OPEB) Trust Fund**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2009-0278 **FYE 2010 Education Cost Sharing (ECS) Accounting**
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 Schmidt, seconded by Councilor Kolnaski, 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

Councilor Sheets received many emails in support of the G&S Trolley Trail. She attended a Task Force on Climate Change and Sustainable Community meeting. Councilor Sheets noted that FEMA is currently remapping local flood zone areas, and a public meeting for citizen's comments will take place in the near future.

Mayor Watson attended a Council of Governments Water Committee meeting and a Council of Governments meeting. He met citizens on Judson Avenue regarding some flooding issues which he has passed on to the Town Manager.

Councilor Kolnaski attended a Phase II School Design Committee meeting.

b. Clerk of the Representative Town Meeting

The Town Clerk stated that the next meeting of the RTM will be on November 18, 2009.

c. Clerk of the Council

Elections were held on November 3, 2009, with a 25% voter turnout. Copies of the results were distributed.

d. Town Manager

The Town Manager stated that the bond rating statement is on the Town's website. The Committee of the Whole meeting scheduled for November 24, 2009, has been cancelled.

e. Town Attorney

No report.

VIII. COMMITTEE REPORTS**a. Community & Cultural Development - Chairman Brown-Tracy**

No meeting, no report.

b. Economic Development - Chairman Flax

No meeting, no report.

c. Education/Health & Social Services - Chairman Kolnaski

No meeting, no report.

d. Environment/Energy - Chairman Sheets

No meeting, no report.

e. Finance - Chairman Schmidt

No meeting, no report.

f. Personnel/Appointments/Rules - Chairman O'Beirne

No meeting, no report.

g. Public Safety - Chairman Monteiro

No meeting, no report.

h. Public Works/Recreation - Chairman Antipas

No meeting, no report.

i. Committee of the Whole - Mayor Watson

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

j. Ethics Committee - Chairman Antipas

The Ethics Subcommittee met on November 4, 2009, to review a draft Ethics Ordinance.

IX. UNFINISHED BUSINESS

None.

X. NEW BUSINESS**2009-0264 Adoption of Property Maintenance Code Ordinance Amendment**

ADOPTION OF AN ORDINANCE AMENDING ORDINANCE NO. 264 ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2000 FOR THE FORT HILL HOMES NEIGHBORHOOD REVITALIZATION ZONE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON: Section 9-254 shall be amended as follows:

- Section 111.2. Delete existing and change to:

111.2 Membership of Board The members of the Building Code Board of Appeals shall serve as the Board of Appeals for the purpose of this ordinance.

- Section 111.2.1, 111.2.2, 111.2.4 and 111.2.5 Delete.

- Section 111.6. Delete existing and change to:
111.6 Board Decision The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of members present and voting.

- Section 111.6.1. Delete the existing and change to:
111.6.1 Records and Copies The decision of the board shall be written or stated in the minutes of the board. Written notice of the decision shall be furnished to the appellant and the code official.

- Section 111.7. Delete

Refer to RTM

A motion was made by Mayor Watson, seconded by Councilor Schmidt, that this matter be Adopted and referred under Rule 6.5.3 to the Representative Town Meeting, due back on November 18, 2009.

The Mayor noted that the Neighborhood Revitalization Zone (NRZ) is in agreement with this ordinance.

Councilor Sheets stated that these revisions enable complaints to be referred to the Building Code Board of Appeals.

This ordinance was referred under RTM rule 6.5.3.

The motion carried by the following vote:

Votes: In Favor: 9 - Mayor Watson, Councilor Antipas, Councilor Brown-Tracy, Councilor Flax, Councilor Kolnaski, Councilor Monteiro, Councilor O'Beirne, Jr., Councilor Schmidt and Councilor Sheets

2009-0265 Adoption of 2010 Town Council Regular Meeting Schedule

RESOLUTION APPROVING 2010 TOWN COUNCIL REGULAR MEETING SCHEDULE

BE IT RESOLVED, that the Town Council hereby approves the Town Council regular meeting schedule for 2010 as follows:

Tuesday, January 5, 2010
Tuesday, January 19, 2010

Tuesday, February 2, 2010
Tuesday, February 16, 2010

Tuesday, March 2, 2010
Tuesday, March 16, 2010

Tuesday April 6, 2010
Tuesday, April 20, 2010

Tuesday, May 4, 2010
Tuesday, May 18, 2010

Tuesday, June 1, 2010
Tuesday, June 15, 2010

Tuesday, July 6, 2010
Tuesday, July 20, 2010

Tuesday, August 3, 2010
Tuesday, August 17, 2010

Tuesday, September 7, 2010
Tuesday, September 21, 2010

Tuesday, October 5, 2010
Tuesday, October 19, 2010

Wednesday, November 3, 2010
Tuesday, November 16, 2010

Tuesday, December 7, 2010
Tuesday, December 21, 2010

All meetings begin at 7:30 p.m. in Community Room 1, Town Hall Annex, 134 Groton Long Point Road, on the First and Third Tuesday of each month, except as noted.

A motion was made by Councilor O'Beirne, Jr., seconded by Councilor Monteiro, that this matter be Adopted.

The motion carried by the following vote:

Votes: In Favor: 8 - Mayor Watson, Councilor Brown-Tracy, Councilor Flax, Councilor Kolnaski, Councilor Monteiro, Councilor O'Beirne, Jr., Councilor Schmidt and Councilor Sheets
Abstain: 1 - Councilor Antipas

2009-0266 Adoption of 2010 Committee of the Whole Regular Meeting Schedule

RESOLUTION APPROVING 2010 COMMITTEE OF THE WHOLE REGULAR MEETING SCHEDULE

BE IT RESOLVED, that the Town Council hereby approves the Committee of the Whole regular meeting schedule for 2010 as follows:

Tuesday, January 12, 2010
Tuesday, January 26, 2010

Tuesday, February 9, 2010
Tuesday, February 23, 2010

Tuesday, March 9, 2010
Tuesday, March 23, 2010

Tuesday, April 13, 2010
Tuesday, April 27, 2010

Tuesday, May 11, 2010
Tuesday, May 25, 2010

Tuesday, June 8, 2010
Tuesday, June 22, 2010

Tuesday, July 13, 2010
Tuesday, July 27, 2010

Tuesday, August 10, 2010
Tuesday, August 24, 2010

Tuesday, September 14, 2010
Tuesday, September 28, 2010

Tuesday, October 12, 2010
Tuesday, October 26, 2010

Tuesday, November 9, 2010
Tuesday, November 23, 2010

Tuesday, December 14, 2010
Tuesday, December 28, 2010

All meetings begin at 7:00 p.m. in Community Room 1, Town Hall Annex, 134 Groton Long Point Road, on the Second and Fourth Tuesday of each month.

A motion was made by Councilor O'Beirne, Jr., seconded by Councilor Monteiro, that this matter be Adopted.

The motion carried by the following vote:

Votes: In Favor: 8 - Mayor Watson, Councilor Brown-Tracy, Councilor Flax, Councilor Kolnaski, Councilor Monteiro, Councilor O'Beirne, Jr., Councilor Schmidt and Councilor Sheets
Abstain: 1 - Councilor Antipas

2009-0267 Adoption of 2010 Group I Regular Meeting Schedule

RESOLUTION APPROVING 2010 GROUP I COMMITTEES REGULAR MEETING SCHEDULE

BE IT RESOLVED, that the Town Council hereby approves the Group I Committees regular meeting schedule for 2010 as follows:

Tuesday, January 12, 2010
Tuesday, January 26, 2010

Tuesday, February 9, 2010
Tuesday, February 23, 2010

Tuesday, March 9, 2010
Tuesday, March 23, 2010

Tuesday, April 13, 2010
Tuesday, April 27, 2010

Tuesday, May 11, 2010
Tuesday, May 25, 2010

Tuesday, June 8, 2010
Tuesday, June 22, 2010

Tuesday, July 13, 2010
Tuesday, July 27, 2010

Tuesday, August 10, 2010
Tuesday, August 24, 2010

Tuesday, September 14, 2010
Tuesday, September 28, 2010

Tuesday, October 12, 2010
Tuesday, October 26, 2010

Tuesday, November 9, 2010
Tuesday, November 23, 2010

Tuesday, December 14, 2010
Tuesday, December 28, 2010

All meetings begin at 6:00 p.m. in Community Room 3, Town Hall Annex 134 Groton Long Point Road, on the Second and Fourth Tuesday of each month.

A motion was made by Councilor O'Beirne, Jr., seconded by Councilor Monteiro, that this matter be Adopted.

The motion carried by the following vote:

Votes: In Favor: 8 - Mayor Watson, Councilor Brown-Tracy, Councilor Flax, Councilor Kolnaski, Councilor Monteiro, Councilor O'Beirne, Jr., Councilor Schmidt and Councilor Sheets
Abstain: 1 - Councilor Antipas

2009-0268 Adoption of 2010 Group II Regular Meeting Schedule

RESOLUTION APPROVING 2010 GROUP II COMMITTEES REGULAR MEETING SCHEDULE

BE IT RESOLVED, that the Town Council hereby approves the Group II Committees regular meeting schedule for 2010 as follows:

Tuesday, January 12, 2010
Tuesday, January 26, 2010

Tuesday, February 9, 2010
Tuesday, February 23, 2010

Tuesday, March 9, 2010
Tuesday, March 23, 2010

Tuesday, April 13, 2010
Tuesday, April 27, 2010

Tuesday, May 11, 2010
Tuesday, May 25, 2010

Tuesday, June 8, 2010
Tuesday, June 22, 2010

Tuesday, July 13, 2010
Tuesday, July 27, 2010

Tuesday, August 10, 2010
Tuesday, August 24, 2010

Tuesday, September 14, 2010
Tuesday, September 28, 2010

Tuesday, October 12, 2010
Tuesday, October 26, 2010

Tuesday, November 9, 2010
Tuesday, November 23, 2010

Tuesday, December 14, 2010

Tuesday, December 28, 2010

All meetings begin at 6:00 p.m. in Community Room 1, Town Hall Annex, 134 Groton Long Point Road, on the Second and Fourth Tuesday of each month

A motion was made by Councilor O'Beirne, Jr., seconded by Councilor Monteiro, that this matter be Adopted.

The motion carried by the following vote:

Votes: In Favor: 8 - Mayor Watson, Councilor Brown-Tracy, Councilor Flax, Councilor Kolnaski, Councilor Monteiro, Councilor O'Beirne, Jr., Councilor Schmidt and Councilor Sheets
Abstain: 1 - Councilor Antipas

2009-0270 2010 Rates for Shennecossett Golf Course

RESOLUTION SETTING 2010 RATES FOR THE SHENNECOSSETT GOLF COURSE

WHEREAS, the Town of Groton's Shennecossett Golf Course operates as an enterprise fund, separate from the Town's general fund budget, and

WHEREAS, the Golf Advisory Board and the Parks and Recreation Commission have recommended a schedule of fees for calendar year 2010, now therefore be it

RESOLVED, that the municipal golf course rates for the year 2010 shall be the rates as attached to this resolution.

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

The motion carried unanimously

2009-0275 Revised Regulations for Parks and Recreation Facilities

RESOLUTION APPROVING AMENDMENTS TO GOLF COURSE REGULATIONS

WHEREAS, changes in "Section X. Shennecossett Golf Course," of the Groton Regulations for Parks and Recreation Facilities," were recommended by the Golf Advisory Board on September 14, 2009, and were recommended by the Parks and Recreation Commission on October 14, 2009, and

WHEREAS, implementation of the Shennecossett Golf Course 2010 Rates, approved by the Town Council, requires the timely adoption of the recommended revision to the Golf Course Rules, now therefore be it

RESOLVED, that the Town Council adopts the amended "Section X. Shennecossett Golf Course," as contained in the "draft" Groton Regulations for Parks and Recreation Facilities, dated October 2009.

A motion was made by Councilor Monteiro, seconded by Councilor Kolnaski, that this matter be Adopted.

The motion carried unanimously

2009-0273 Information Technology Recovery Plan - Supplemental Appropriation

RESOLUTION APPROPRIATING FUNDS FOR INFORMATION TECHNOLOGY DISASTER RECOVERY PROJECT

WHEREAS, \$91,000 was appropriated in a FYE 2005 Capital Improvement Project for the purchase of servers and attendant software installation as a key component of the Town's Information Technology Disaster Recovery Project, and

WHEREAS, this purchase was not completed by June 30, 2009, and

WHEREAS, \$73,966.84 of funds previously appropriated for this project expired on June 30, 2009 and reverted to the Capital Reserve fund balance, now therefore be it

RESOLVED, that \$74,000 is re-appropriated from the Capital Reserve fund balance for the Information Technology Disaster Recovery Project as an FYE 2010 Capital Reserve Project, for the purchase of servers and software as part of the Town's overall Information Technology Disaster Recovery plan.

Refer to RTM.

A motion was made by Councilor Kolnaski, seconded by Councilor Schmidt, that this matter be Adopted and Referred to the Representative Town Meeting.

The motion carried unanimously

2009-0276

Supplemental Appropriation to the Other Post Employment Benefits (OPEB) Trust Fund

RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO THE OTHER POST EMPLOYMENT BENEFITS (OPEB) TRUST FUND

WHEREAS, in June 2004 the Governmental Accounting Standards Board (GASB) issued Statement #45 entitled "Accounting and Financial Reporting by Employers for Postemployment Benefits other than Pensions", and

WHEREAS, the Town has an OPEB Liability that it has been funding since fiscal year 2005, and

WHEREAS, in FYE 2008 it developed a five year plan to fund the "net budget impact" of the annual required contribution, and

WHEREAS, in FYE 2010 due to the uncertainty of the State revenues, it did not increase its OPEB contribution but anticipated increasing the last two years of the five year plan to make up for that omission, and

WHEREAS, now that the shortfall in FYE 2010 State revenues is known and can be absorbed by the FYE 2009 available fund balance applied, now therefore be it

RESOLVED, that \$240,500 is appropriated from the General Fund's unreserved, undesignated fund balance for the FYE 2010 OPEB contribution to account #10713- OPEB Liability.

Refer to RTM.

A motion was made by Councilor Sheets, seconded by Councilor Kolnaski, that this matter be Adopted and Referred to the Representative Town Meeting.

The Town Manager stated that there has been an Other Post Employment Benefits (OPEB) Trust Fund for years, but the contribution to OPEB was not increased last year as had been outlined in a five-year plan. After reviewing the amount of revenue returned from last years' Town and Board of Education budgets and the amount of Federal Impact Aid, it was prudent to make up this contribution to avoid a larger gap in the future. Mr. Oefinger noted that all three bonding agencies take OPEB into account when determining their ratings.

The motion carried unanimously

2009-0278

FYE 2010 Education Cost Sharing (ECS) Accounting

RESOLUTION AUTHORIZING THE TOWN TREASURER TO RETAIN THE FEDERAL STATE FISCAL FUNDS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

WHEREAS, the overall State's Education Cost Sharing (ECS) revenue to the Town remains the same as presented in the Governor's February budget for FYE 2010, and

WHEREAS, approximately 14.3 % of those ECS funds will be supported by Federal State Fiscal Stabilization Funds (SFSF) under the American Recovery and Reinvestment Act of 2009 (ARRA), and

WHEREAS, these Federal SFSF funds must pass directly to the Board of Education, which would require that the Town reduce the Board of Education's FYE 2010 appropriation by that 14.3% of federal funds that are supporting the original ECS amount, and

WHEREAS, another option would be for the Town to retain those SFSF funds in the Town's General Fund but segregated for accounting purposes, and therefore it would not be necessary for the Town Council and the RTM, by resolution, to reduce the Board of Education's appropriation for FYE 2010, and

WHEREAS, the town auditors and the Board of Education's Superintendent and Business Manager are agreeable to the Town accounting for the Federal SFSF/ARRA money in this manner, now therefore be it

RESOLVED, that the Town shall retain the Federal State Fiscal Stabilization Funds under the American Recovery and Reinvestment Act of 2009 and staff will set up two additional cost centers and two additional revenue accounts within the Education function in the General Fund to assist with the accounting and reporting of expenses and revenues associated with those federal funds.

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

Councilor Sheets asked whether the Town has the State authority to do what is outlined in this resolution, and the Town Manager stated that we do.

The motion carried unanimously

2009-0269

Eastern Point School Property Lease Modifications

RESOLUTION APPROVING MODIFICATIONS TO A LEASE AGREEMENT FOR THE EASTERN POINT SCHOOL PROPERTY

WHEREAS, by resolution on July 21, 2009, the Town Council authorized the Town Manager to execute a "draft" lease that had been prepared concerning the leasing of the Town-owned Eastern Point School property to LEARN, for the purpose of constructing a regional magnet high school for Marine Studies, and

WHEREAS, following this initial authorization a number of additional issues needed to be addressed that were identified following the review of the "draft" lease by the State Department of Education which is providing LEARN with the required construction funding, and

WHEREAS, the revised lease now envisions leasing a portion of the Eastern Point School site to LEARN as opposed to the entire property for the purpose of constructing the school, and

WHEREAS, the eastern portion of the Eastern Point School parcel will now be subject to an easement in favor of LEARN as opposed to leasing this area to LEARN for the purposes of installing a geothermal system to service the school building, and

WHEREAS, the State of Connecticut/Department of Education has indicated that they will require that the lease include State Grant Default and reversion provisions in case LEARN is not able to fulfill the obligations under the State Grant/agreement for the project, and

WHEREAS, the Town Council has considered the above noted and other modifications to the proposed lease agreement (dated October 27, 2009) and an easement agreement that were

recommended by staff and the Town Attorney, now therefore be it

RESOLVED, that the Town Manager Mark R. Oefinger is authorized to execute the revised draft lease that incorporates the changes indicated above, and to execute an easement agreement to allow LEARN to place geothermal facilities on the eastern portion of the Eastern Point School property,

PROVIDED, that the language of such lease and easement may include further minor amendments before their execution, pursuant to advice of the Town Attorney.

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

The motion carried unanimously

XI. OTHER BUSINESS

In answer to Councilor Schmidt, The Town Manager stated that the public will be advised of the "single stream" trash pickup when it is ready to be implemented.

XII. ADJOURNMENT

A motion to adjourn at 8:06 p.m. was made by Councilor Kolnaski, seconded by Councilor Schmidt and so voted unanimously.

Attest:

*Barbara Tarbox, Town Clerk
Clerk of the Council*

Lori Watrous, Office Assistant