



Town of Groton, Connecticut

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Meeting Minutes - Draft

Town Council

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 17, 2007

7:30 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

I. ROLL CALL

Mayor Watson called the meeting to order at 7:35 p.m.

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

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

Members Absent: Councilor Bartinik, Jr., Councilor Bond and Councilor Sheets

II. SALUTE TO THE FLAG

The Salute to the Flag was led by members of the Groton Emblem Club.

III. RECOGNITION, AWARDS & MEMORIALS

Groton 4th of July Parade Awards

Mayor Watson and Jerry Lokken presented awards to the winners of the Fourth of July parade in the following categories: Judges' Choice, Most Original, Children, Best Musical, and Best Use of Theme.

Mr. Lokken thanked parade committee members.

There was a moment of silence for RTM member Fritz Stein, former Mayor Ken Barber, and Dee Swindell.

2007-0167 Proclamation Recognizing Brian Waddicor

Read

Mayor Watson read the Proclamation which he presented at an Easel Scout Ceremony.

IV. CITIZENS' PETITIONS, COMMENTS AND CONCERNS

Ed Eckelmeyer, 75 High Street, Noank, a former Town Councilor, is not opposed to a proper animal shelter but does not agree with the proposed cost of approximately \$1.4 million. He discussed the type of home one could purchase for this amount of money. Mr. Eckelmeyer reviewed the floor plan of the proposed animal shelter and the square footage that should be allocated to each room. He stated that a new animal shelter should cost no more than \$300,000.

Ted Frase, 598 New London Road, Mystic, Vice President of Groton Animal Foundation (GAF), announced that GAF has obtained 501(c)(3) status as a nonprofit organization. He stated that this status provides more opportunities for fundraising events. Mr. Frase asked the Council to support the building of a new animal shelter.

Judy Currier, 18 Indian Avenue, Secretary/Treasurer of GAF, responded to Mr. Eckelmeyer's comments. She would like this matter to go to referendum so the voters can decide. Ms. Currier suggested that residents visit the Animal Control Facility. She discussed grants and fundraising events.

Jane Cofone, 18 Indian Avenue, a member of GAF, reiterated the comments of Ms. Currier. She discussed numerous fundraising events and grants. Ms. Cofone noted that irrespective of the construction costs, a new animal shelter is needed.

Wendy Eckholm, 165 Benham Road, asked the Council to vote in favor of this ordinance and thanked them for their help in this matter.

V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS

Councilor Kolnaski commended GAF for their time and fundraising efforts.

VI. CONSENT CALENDAR

a. Approval of Minutes

2007-0172 Approval of Minutes (Town Council)

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council meeting of June 19, 2007 are hereby accepted and approved.

This Matter was Adopted on the Consent Calendar.

b. Deletions from the Town Council Referral List

2006-0063 Bus Ordinance Amendment

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

2006-0254 Coastal Property Insurance

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

2007-0161 Receipt of Planning Commission Report on Animal Shelter

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

2007-0162 Adoption of Animal Shelter Ordinance

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

2007-0168 Porter Property - Groton Utilities Acquisition

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

2007-0173 Appointment of Other Attorney

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

c. Special Trust Fund Contributions

2007-0165 Special Trust Fund Contributions

RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS

RESOLVED, that the Town Council hereby accepts contributions to the Town as follows:

Nancy and Tom Barnhart - \$100.00 - Parks and Recreation Revolving

Eleanor Ralls - \$100.00 - Parks and Recreation Revolving

Bruce Gilchrist - \$50.00 - Library Discretionary

Various Donations - \$185.00 - Groton Utilities Energy Assistance Program

Groton Utilities - \$323.36 - Groton Utilities Energy Assistance Program

Jean H. Simpson - \$30.00 - Social Services Discretionary

Susan Decorte - \$221.00 - Parks and Recreation Revolving

Mom's Club of Mystic Connecticut - \$100.00 - Library Discretionary

George Marshall - \$100.00 - Social Services Discretionary

Various Donations - \$57.00 - Groton Utilities Energy Assistance Program

Groton Utilities - \$795.83 - Groton Utilities Energy Assistance Program

This Matter was Adopted on the Consent Calendar.

Passed The Consent Calendar

A motion was made by Councilor Scott, seconded by Councilor Schmidt, 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**

Several Councilors observed or participated in the Fourth of July parade. A few of the Councilors received communications on utilizing the Gravel Street Pump Station for parking.

Councilor Scott received emails related to issues of school size. He attended Phase II School Design Committee meetings on June 28 and July 12 as the Chairman.

Councilor Streeter received emails regarding smaller schools, the budget, and Friday night concerts. He received a call from a mobile home park owner who is concerned about sewer services. Councilor Streeter received an email which relayed a New York Times editorial concerning the Groton Monument. He noted that the Fort Griswold Association has applied for a State grant to repair the monument.

By consensus of the Councilors, the Town Manager will write a letter to Governor Jodi Rell requesting her assistance in the processing of a \$350,000 bond for the monument which is awaiting approval.

Councilor Kolnaski attended two Phase II School Design Committee meetings and a meeting of the Ledge Light Issues Committee. She thanked Councilor Scott for providing transportation and decorations for the Fourth of July parade. Councilor Kolnaski attended the ground-breaking ceremony for the Tercentennial Playground. She noted that citizens have expressed their support of an animal shelter referendum.

Councilor O'Beirne received calls regarding the leasing of the parking lot in Downtown Mystic. He received an email from a citizen who is upset because she has not heard any further updates on the cost overruns for the Kolnaski School windows. Councilor O'Beirne received a telephone call on the "mixed use" zoning proposed change amendment which was distributed by the Town Manager last week. He attended the Charter Revision Commission organizational meeting and stated that the commission will be holding a public hearing on July 30.

Mayor Watson participated in the 25th PGA Senior Pro-Am Tournament on July 15. He attended the Fitch Senior High School graduation on June 22. The Mayor attended the Charter Revision Commission and Citizens Committee meetings last week to thank the volunteers for their service. He received an email from a resident thanking the Town for wheelchair access to Esker Point Beach. The Mayor reminded viewers of Hazardous Waste Collection Day at the Transfer Station on Flanders Road on July 21. He spoke at the Tercentennial Playground ground-breaking ceremony on July 9.

b. Representative Town Meeting

No report.

c. Clerk of the Council

Town Clerk Tarbox stated that there is a vacancy on the Inland Wetlands Agency due to a resignation.

d. Town Manager

Town Manager Oefinger requested feedback from the Council as to whether they would like to meet next week for Group I, Group II, and Committee of the Whole meetings. He noted that two Councilors had communicated to him that they would not be available to meet next week. Mr.

Oefinger reviewed several upcoming meeting dates. He stated that the Town flag is for sale at the Town Manager's office for \$48.00. The Town Manager reminded viewers that the Groton Fall Festival is scheduled for October 6 at Poquonnock Plains Park.

e. Town Attorney

The Town Council received copies of a communication from the Town Attorney which was included in the Town Manager's Weekly Status Report.

VIII. COMMITTEE REPORTS

a. Community & Cultural Development - Chairman O'Beirne

No meeting; no report.

b. Economic Development - Chairman Bond

The Town Manager summarized the meeting held on July 10 on behalf of Councilor Bond.

c. Education/Health & Social Services - Chairman Kolnaski

No meeting; no report.

d. Environment & Recreation - Chairman Sheets

No meeting; no report.

e. Finance - Chairman Schmidt

No meeting; no report.

f. Personnel/Appointments/Rules - Chairman Scott

No meeting; no report.

g. Public Safety - Chairman Streeter

Councilor Streeter reviewed the minutes of the meeting held on July 10 which are on file in the Town Clerk's office.

h. Public Works - Chairman Bartinik

No meeting; no report.

i. Committee of the Whole - Mayor Watson

There were a Committee of the Whole meeting on July 10 and the items on tonight's agenda are a result of that meeting.

IX. UNFINISHED BUSINESS

Mayor Watson and Councilor Kolnaski confirmed that they would not be available for Group I, Group II or Committee of the Whole meetings on July 24.

Councilor O'Beirne pointed out that he intended to make a referral later this evening regarding the "mixed use" zoning amendment and hopes that the Zoning Commission will be invited to next week's Committee of the Whole meeting.

Responding to Councilor O'Beirne's comments, the Town Manager stated that he does not recall a time when the Town Council has invited a commission to speak about a pending zone change. Mr. Oefinger also communicated that it may be more appropriate for staff, rather than Zoning Commission members, to provide background information.

2007-0174 Mixed Use Zone Amendment Proposal

MIXED USE ZONE AMENDMENT PROPOSAL

Upon the request of Councilor O'Beirne, Mayor Watson made a referral to discuss the mixed use zone amendment proposal. This item was referred to the Committee of the Whole.

X. NEW BUSINESS

2007-0161 Receipt of Planning Commission Report on Animal Shelter**RESOLUTION ON RECEIPT OF PLANNING COMMISSION REPORT ON ANIMAL SHELTER**

WHEREAS, the proposed animal shelter bond ordinance was referred by the Town Council to the Town Planning Commission pursuant to CGS Section 8-24, and

WHEREAS, the Planning Commission, at its meeting on June 26, 2007 issued an affirmative report regarding the proposed animal shelter, now therefore be it

RESOLVED, that the Town Council has received the report of the Planning Commission.

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

The motion carried unanimously

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 Mayor Watson, seconded by Councilor Kolnaski, that this matter be Adopted and referred under Rule 6.5.3 to the Representative Town Meeting, due back on August 8, 2007.

The Town Manager provided an alternative to this ordinance and reiterated that he is not endorsing this alternative.

There was extensive discussion between the Town Manager and Councilors regarding the pros and cons of both versions.

MOTION TO AMEND

A Motion to Amend the ordinance was made by Councilor Scott, seconded by Councilor Streeter so that the total appropriation of \$1,385,000 for a replacement animal shelter be financed in part by \$200,000 in contributions and authorizing the issue of \$1,185,000 in bonds and notes to finance the remaining portion.

VOTE ON THE AMENDMENT

The Motion to Amend failed to carry with 3 in favor, 3 opposed. (In Favor: Councilors O'Beirne, Scott, and Streeter. Opposed: Mayor Watson, Councilors Kolnaski and Schmidt.)

The motion carried by the following vote:

Votes: In Favor: 6 - Mayor Watson, Councilor Kolnaski, Councilor O'Beirne, Jr., Councilor Schmidt, Councilor Scott and Councilor Streeter

2007-0168 Porter Property - Groton Utilities Acquisition

RESOLUTION APPROVING THE PURCHASE OF LAND KNOWN AS THE PORTER PROPERTY BY THE CITY OF GROTON

WHEREAS, the City of Groton has applied for and received a grant under the Open Space and Watershed Land Acquisition Program established and administered by the Department of Environmental Protection pursuant to Section 7-131d of the Connecticut General Statutes; and

WHEREAS, the land being acquired by the City of Groton is located within the territorial limits of the Town of Groton, and pursuant to Section 7-131d of the Connecticut General Statute, the City of Groton is required to seek approval by the legislative body or designee of the Town in which said land is located; now therefore be it

RESOLVED, that the Town of Groton, by means of a meeting of the Town Council, approves the purchase of land known as the Porter Property OSWA 259 by the City of Groton, and that this land will be managed as open space pursuant to Section 7-131d of the Connecticut General Statutes.

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

The Town Manager discussed the taxes and assessment of this property, noting that the property is owned by Groton Utilities. Groton Utilities purchased the property in December of 2004 and this resolution appears to involve a reimbursement grant of some type from the State.

The motion carried unanimously

2007-0173 Appointment of Other Attorney

RESOLUTION APPOINTING OTHER ATTORNEY AS RECOMMENDED BY THE TOWN ATTORNEY

WHEREAS, the Town Charter, at 5.1, provides that the Town Attorney may, with the approval of the Town Council, appoint attorneys to perform specialized services or otherwise to assist the Town Attorney, and

WHEREAS, the Town Attorney is empowered by the Charter to recommend the terms of employment of such attorneys, now therefore be it

RESOLVED, that pursuant to the recommendation of Town Attorney Duggan, the following attorney may be appointed and continue to serve in the assignment indicated, under terms prescribed by the Town Attorney, until such time as his replacement may be approved by the Town Council:

Michael Collins, Halloran & Sage, LLP (and associates and/or partners working with him) to represent the Town in the 2007 personal property tax appeals brought by Xerox Corporation and Xerox Lease Equipment, LLC.

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

Mayor Watson clarified that it is not uncommon for the Town to appoint another attorney. This law firm is already representing other towns in the same manner, so Groton will be actually be saving money by doing this.

The motion carried unanimously

Suspension of the Rules

A Motion to Suspend the Rules to discuss the proposed Mixed Use Zone Regulation was made by Councilor O'Beirne, seconded by Councilor Scott and so voted unanimously.

Councilor O'Beirne feels that the proposed Mixed Use Zone Regulation significantly affects the land use policy within the Town and that the Town Council should "weigh in on" this business. He stated that if there is not a COW meeting on July 24, he will attend the public hearing on August 1 to speak so he may ask questions and express his concerns. Councilor O'Beirne cited references to this proposal and erroneous information such as a "node" (intersection of Routes 184 and 117) which is not designated as a mixed use zone in the Plan of Conservation and Development. He also presented questions relating to legal issues such as the Zoning Commission having the authority to override the Planning Commission in certain circumstances.

XI. OTHER BUSINESS

The Town Manager and Council discussed their availability and agenda items for next week's Committee of the Whole meeting.

XII. ADJOURNMENT

A motion was made by Councilor Kolnaski, seconded by Councilor Schmidt, to adjourn the meeting at 9:00 p.m.

The motion carried unanimously.