



Town of Groton, Connecticut

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Meeting Minutes 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, August 21, 2007

7:30 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

I. ROLL CALL

Mayor Watson called the meeting to order at 7:30 p.m.

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

Members Present: Mayor Watson, Councilor Bartinik, Jr., Councilor Bond, Councilor Kolnaski, Councilor Schmidt, Councilor Sheets and Councilor Streeter

Members Absent: Councilor O'Beirne, Jr. and Councilor Scott

II. SALUTE TO THE FLAG

The Salute to the Flag was led by Charles Bowe.

III. RECOGNITION, AWARDS & MEMORIALS

None.

IV. CITIZENS' PETITIONS, COMMENTS AND CONCERNS

Charles Bowe, a resident of Madison owning businesses in Groton at 931 Poquonnock Road and at 220 Rte 12, is concerned about the lack of Town provision for certain distances between liquor stores. He noted that a state permit has been requested to establish another liquor store within a short distance from an existing store. He believes that Groton is one of the few towns in the State that does not place restrictions for distances between stores; the State only issues permits based on the town's population.

V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS

Councilors asked Mr. Bowe and the Town Manager for clarifications.

Town Manager Oefinger said that he would discuss this issue with the Building Official, and that there were two possibilities for action: the Council could pass an ordinance, or the Zoning Regulations could be amended. He asked the Council to defer making a referral until he has had time to research the issue.

VI. CONSENT CALENDAR

a. Approval of Minutes

2007-0195 Approval of Minutes (Town Council)

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council meeting of August 7, 2007 are hereby accepted and approved.

This Matter was Adopted on the Consent Calendar.

b. Deletions from the Town Council Referral List

2007-0138 Gravel Street Pump Station Lease

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

- 2007-0185 Grant for Labor Day Holiday DUI Enforcement**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2007-0192 Thomas Road Project - Right-of-Way Activities Agreement**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2007-0193 Hamburger Helper Foundation Grant - Tercentennial Legacy Playground**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2007-0187 Setting Form of the Question for Senior Center Ordinance**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2007-0188 Setting Form of the Question on Senior Center Aqua Therapy Facility Ordinance**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2007-0189 Setting Form of the Question for Animal Shelter Ordinance**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2007-0190 Explanatory Texts for Senior Center and Animal Shelter Referenda**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

c. Special Trust Fund Contributions

2007-0183 Special Trust Fund Contributions

RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS

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

Suzanne Pfisterer - \$100.00 - Parks and Recreation Revolving

George Marshall - \$100.00 - Social Services Discretionary

Jean Simpson - \$30.00 - Social Services Discretionary

Marilyn Laznovsky - \$10.00 - Parks and Recreation Revolving

This Matter was Adopted on the Consent Calendar.

Passed The Consent Calendar

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

The motion carried by the following vote:

Votes: In Favor: 6 - Mayor Watson, Councilor Bartinik, Jr., Councilor Bond, Councilor Kolnaski, Councilor Schmidt and Councilor Streeter
Abstain: 1 - Councilor Sheets

VII. COMMUNICATION REPORTS (Other than Committee Reports)

a. Town Councilors

Councilors Kolnaski and Streeter, and Mayor Watson noted that they volunteered at the Tercentennial Legacy Playground apparatus set-up on August 18. The Mayor said that it seemed like an "old-fashioned barn-raising."

Councilor Sheets received a communication regarding a Charter Revision matter.

Councilor Schmidt attended the recent RTM meeting.

Councilor Streeter also attended the RTM meeting, and also attended a Groton Ambulance Association board meeting.

- 2007-0200 USS Groton Sail**
USS GROTON SAIL

In the course of researching the first boat named the USS Groton, Councilor Streeter found that the "sail" from the submarine USS Groton that has recently been taken out of service may be able to be obtained by the Town. He requested that the Mayor make a referral concerning this matter. Mayor Watson referred it to the Economic and Community Development Committee.

Mayor Watson attended a Mystic Cooperative Task Force meeting, and received an email concerning the referenda and explanatory texts. He asked the Town Clerk to respond.

b. Representative Town Meeting

No communications.

c. Clerk of the Council

Town Clerk Tarbox pointed out that there had been a press release in The Day concerning the closing of shellfish areas due to a "sewage spill." She wanted to clarify that the sewage spill was in Waterford, not in Groton.

Concerning the referenda to be set for the November election, Town Clerk Tarbox responded that Explanatory Texts are being prepared and are expected to be ready for public distribution by the end of September. She stated that the text would be mailed to "postal patrons" in the Town, and would be available at the libraries, Town Hall, Town Hall Annex, Senior Center, and City Municipal Building. She planned on printing about 18,500 copies. The texts would also be mailed with every absentee ballot which would be issued beginning October 6, would be on the town's website, and on GMTV Channel 2.

d. Town Manager

Town Manager Oefinger announced that the Groton Public Library would be celebrating the 30th birthday of the opening of the "new" building. Ceremonies will occur on September 14 from 5 to 7pm.

He noted that the Council of Governments is updating its Plan of Conservation and Development, with a hearing scheduled for October 15.

He further noted that about 70-80 volunteers participated in the Tercentennial Playground activities and he wanted to particularly thank Parks and Recreation Director John Silsby and his staff. They are hoping for a grand opening in mid-October to coincide with the Fall Festival.

e. Town Attorney

No report.

VIII. COMMITTEE REPORTS

a. Community & Cultural Development - Chairman O'Beirne

No meeting; no report.

b. Economic Development - Chairman Bond

No meeting; no report.

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

No meeting; no report.

h. Public Works - Chairman Bartinik

No meeting; no report.

i. Committee of the Whole - Mayor Watson

There were Special Committee of the Whole meetings on August 14 and August 21 and the items on tonight's agenda are a result of those meetings.

IX. UNFINISHED BUSINESS

None.

X. NEW BUSINESS

2007-0138 Gravel Street Pump Station Lease

RESOLUTION AUTHORIZING LEASE WITH HISTORIC MYSTIC, LLC, (CENTRAL HALL BUILDING) FOR PARKING SPACES AT GRAVEL STREET PUMP STATION

WHEREAS, a substantial portion of a block on West Main Street, Mystic, was destroyed by fire in March, 2000, and

WHEREAS, intense public interest has been expressed in favor of the visual and commercial development of the property that was vacated by fire, and

WHEREAS, Historic Mystic, LLC is proposing the redevelopment of the parcel to include retail spaces and residential units, and

WHEREAS, it is proposed that the development will include increased public access to the river side of the West Main Street property that is to be redeveloped, and

WHEREAS, the developer has argued that the development cannot go forward without the provision of adequate parking spaces for the residential units, and

WHEREAS, the Town of Groton owns a sewer pumping station parcel on Gravel Street that abuts the property that is to be redeveloped, and

WHEREAS, the developer has asked for the Town Council's permission to lease a portion of the sewer pump station property, and

WHEREAS, the Town Council Committee of the Whole, at its meeting of August 14, 2007, reviewed a proposed lease between the Town of Groton and Historic Mystic, LLC, and

WHEREAS, the lessee will provide that appropriate approvals have been and/or will be received from all concerned Town of Groton land use agencies and other governmental entities having any jurisdiction, and that the terms and conditions of such approvals will be complied with throughout the term of the lease and any extensions thereof, now therefore be it

RESOLVED, that the Town Council authorizes the Town Manager to execute the lease that has been reviewed by the Town Council with Historic Mystic, LLC, which would enable the lease of a portion of the Gravel Street sewer pump station lot for the purposes stated above and in the lease, and authorizes the Town Manager to negotiate any appropriate further terms of a proposed lease with Historic Mystic, LLC, such lease to be subject to a final review by the Town Attorney.

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

Councilor Sheets expressed concern over the wording in the last "Whereas".

MOTION to AMEND by deleting "Town Council in this resolution assumes" and replacing it with "lessee will provide" in the last "Whereas" was moved by Councilor Bond, seconded by Councilor Sheets. The motion to amend carried unanimously.

VOTE on Motion to Amend carried unanimously.

VOTE on the Resolution as amended:

The motion carried unanimously

2007-0185 Grant for Labor Day Holiday DUI Enforcement

RESOLUTION AUTHORIZING A GRANT APPLICATION FOR SEASONAL DUI ENFORCEMENT ACTIVITIES

WHEREAS, the Town of Groton customarily makes use of federal highway safety funds to allow the Town to provide additional police presence and public safety efforts to assist motorists and prevent fatalities arising from alcohol-impaired driving, now therefore be it

RESOLVED, that the Town Manager may apply for a grant of \$25,125 that, along with a 25% matching Town contribution of \$8,375 from the existing budget, will allow for a DUI enforcement program costing a total of \$33,500 during the Labor Day holiday period.

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

The motion carried unanimously

2007-0192 Thomas Road Project - Right-of-Way Activities Agreement

RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE STATE OF CONNECTICUT AND THE TOWN OF GROTON FOR RIGHT OF WAY ACTIVITIES IN CONJUNCTION WITH THE ACQUISITION OF PROPERTY FOR THE THOMAS ROAD BICYCLE AND PEDESTRIAN PATH IN THE TOWN OF GROTON UTILIZING FEDERAL FUNDS FROM THE FEDERAL TRANSPORTATION ENHANCEMENT PROGRAM

WHEREAS, the Town of Groton has requested that right of way activities be undertaken in conjunction with the Thomas Road bikeway and pedestrian path improvements and will utilize federal funds from the Federal Transportation Enhancement Program for right of way activities for said Thomas Road improvements under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy of Users (SAFETEA-LU), and

WHEREAS, Public Law 91-646 (the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") established land acquisition policies for Federal Programs, and

WHEREAS, said rights of way activities which include, but are not limited to appraisal, title search, and negotiation for acquisition of all permanent and temporary rights and land acquisition for the project, and

WHEREAS, these rights of way activities are identified by State Project 58-308 and Federal Aid Project No. TEA-PEDS (088), therefore be it

RESOLVED, that Mark R. Oefinger, Town Manager, be, and hereby is, authorized to sign the agreement entitled "Agreement Between the State of Connecticut and the Town of Groton for Rights of Way Activities in Conjunction with The Federal Transportation Enhancement Program Acquisition of Property for the Thomas Road Bicycle and Pedestrian Path in the Town of Groton" utilizing federal funds from the Federal Transportation Enhancement Program.

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

The motion carried unanimously

2007-0193

Hamburger Helper Foundation Grant - Tercentennial Legacy Playground

RESOLUTION AUTHORIZING A GRANT APPLICATION FOR THE TERCENTENNIAL LEGACY PARK

WHEREAS, the Groton Town Council has agreed by resolution to pursue grants and other contributions, in cooperation with the Groton Parks Foundation, that will support the construction of the Tercentennial Legacy Playground that will be accessible to all children, regardless of cognitive or physical limitations, now therefore be it

RESOLVED, that the Town Manager is authorized to apply for a grant of \$5,000 from the Hamburger Helper Foundation.

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

The motion carried unanimously

2007-0187

Setting Form of the Question for Senior Center Ordinance

RESOLUTION SETTING THE FORM OF THE QUESTION AND THE REFERENDUM DATE FOR THE SENIOR CENTER ADDITIONS AND RENOVATIONS BOND ORDINANCE

WHEREAS, the Town Council and the Representative Town Meeting of the Town of Groton have approved an "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", now therefore be it

RESOLVED, that the ordinance be submitted for approval or rejection at a referendum to be held Tuesday, November 6, 2007. Voters approving the ordinance will vote "Yes" and those opposing the ordinance will vote "No", and be it further

RESOLVED, that the form of Question #1 shall be:

"SHALL THE 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 BE APPROVED?"

and be it further

RESOLVED, that the Town Clerk is hereby directed to issue any and all warnings, publish all such notices, and file all such statements and reports concerning said referendum as provided by law, which notices shall include a summary of the ordinance.

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

The motion carried unanimously

2007-0188

Setting Form of the Question on Senior Center Aqua Therapy Facility Ordinance

RESOLUTION SETTING THE FORM OF THE QUESTION AND REFERENDUM DATE ON SENIOR CENTER AQUA THERAPY FACILITY BOND ORDINANCE

WHEREAS, the Town Council and the Representative Town Meeting of the Town of Groton have approved an "Ordinance Increasing the Groton Senior Center \$11,770,000 Appropriation and Borrowing Authorization for Aqua Therapy Structure, Systems and Finishes", now therefore be it

RESOLVED, that the ordinance be submitted for approval or rejection at a referendum to be held Tuesday, November 6, 2007. Voters approving the ordinance will vote "Yes" and those opposing the ordinance will vote "No", and be it further

RESOLVED, that the form of Question #2 shall be:

"SHALL, IF QUESTION NO. 1 IS APPROVED, THE ORDINANCE APPROPRIATING

\$11,770,000 AND AUTHORIZING BONDS AND NOTES IN THE SAME AMOUNT FOR ADDITIONS AND RENOVATIONS TO THE GROTON SENIOR CENTER BE INCREASED BY \$1,465,000 TO \$13,235,000 TO INCLUDE THE AQUA THERAPY STRUCTURE, SYSTEMS AND FINISHES?"

and be it further

RESOLVED, that the Town Clerk is hereby directed to issue any and all warnings, publish all such notices, and file all such statements and reports concerning said referendum as provided by law, which notices shall include a summary of the ordinance.

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

*MOTION to AMEND by substituting the first wording suggested in an email to Barbara Tarbox by Bonding Attorney Ted See, made by Councilor Bond, seconded by Councilor Sheets.
Discussion concerning "voter-friendly" language ensued.*

VOTE on Motion to Amend passed unanimously.

The motion carried unanimously

2007-0189

Setting Form of the Question for Animal Shelter Ordinance

RESOLUTION SETTING THE FORM OF THE QUESTION AND THE REFERENDUM DATE FOR THE REPLACEMENT ANIMAL SHELTER BOND ORDINANCE

WHEREAS, the Town Council and the Representative Town Meeting of the Town of Groton have approved an "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", now therefore be it

RESOLVED, that the ordinance be submitted for approval or rejection at a referendum to be held Tuesday, November 6, 2007. Voters approving the ordinance will vote "Yes" and those opposing the ordinance will vote "No", and be it further

RESOLVED, that the form of Question #3 shall be:

"SHALL THE ORDINANCE APPROPRIATING \$1,385,000 FOR A REPLACEMENT ANIMAL SHELTER AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT BE APPROVED?"

and be it further

RESOLVED, that the Town Clerk is hereby directed to issue any and all warnings, publish all such notices, and file all such statements and reports concerning said referendum as provided by law, which notices shall include a summary of the ordinance.

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

The motion carried unanimously

2007-0190

Explanatory Texts for Senior Center and Animal Shelter Referenda

RESOLUTION AUTHORIZING THE PREPARATION OF EXPLANATORY TEXTS FOR THE SENIOR CENTER AND ANIMAL SHELTER REFERENDA

WHEREAS, it is in the best interests of the Town of Groton that Explanatory Texts concerning the referenda questions regarding the Senior Center Addition and the Animal Shelter to be on the ballot on November 6, 2007 be prepared and distributed to voters, now therefore be it

RESOLVED, that the Town Council authorizes such Explanatory Texts to be prepared by the

Town Clerk, approved by the Town Attorney, and distributed to the voters of the Town.

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

The motion carried unanimously

XI. OTHER BUSINESS

None.

XII. ADJOURNMENT

A motion was made by Councilor Bond, seconded by Councilor Kolnaski, to adjourn the meeting at 8:18 p.m.

The motion carried unanimously.

Attest:

Barbara Tarbox, Town Clerk