



Town of Groton, Connecticut

Meeting Minutes

Town Council Committee of the Whole

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Mayor Harry A. Watson, Councilors Peter J. Bartinik, Jr., Natalie Burfoot Billing, Heather Sherman Bond, Catherine Kolnaski, Frank O'Beirne, Jr., Paulann H. Sheets, Thomas J. Skrmetti, and Elissa T. Wright.

Tuesday, August 23, 2005

6:00 PM

Town Hall Annex - Community Room 1

SPECIAL MEETING

1. CALL TO ORDER

Mayor Watson called the meeting to order at 6:02 p.m.

2. ROLL CALL

Members Present: Mayor Watson, Councilor Bond, Councilor Kolnaski, Councilor O'Beirne, Jr., Councilor Sheets and Councilor Skrmetti

Members Absent: Councilor Bartinik, Jr., Councilor Billing and Councilor Wright

Also present were Town Manager Mark Oefinger, Assistant to the Town Manager Lee Vincent and Executive Assistant Nicki Bresnyan.

3. Calendar and Communications

None.

4. Approval of Minutes

2005-0239 Approval of Minutes (Committee of the Whole)

RESOLUTION ACCEPTING COMMITTEE OF THE WHOLE MINUTES

RESOLVED, that the minutes of the Town Council Committee of the Whole of August 9, 2005 are hereby accepted and approved.

A motion was made by Councilor O'Beirne, Jr., seconded by Councilor Kolnaski, to approve.

The motion carried unanimously.

Councilor Billing arrived at 6:05 p.m.

Members Present: Mayor Watson, Councilor Billing, Councilor Bond, Councilor Kolnaski, Councilor O'Beirne, Jr., Councilor Sheets and Councilor Skrmetti

Members Absent: Councilor Bartinik, Jr. and Councilor Wright

5. UNFINISHED BUSINESS

Councilor Sheets asked how to address the issue of the proposed use of the Merritt Farm parcel for temporary parking. Town Manager Oefinger asked for a referral on this item and the Mayor referred it to the Committee of the Whole.

Councilor Bartinik arrived at 6:07 p.m.

Members Present: Mayor Watson, Councilor Bartinik, Jr., Councilor Billing, Councilor Bond, Councilor Kolnaski, Councilor O'Beirne, Jr., Councilor Sheets and Councilor Skrmetti

Members Absent: Councilor Wright

6. NEW BUSINESS

2005-0005 Labor Negotiations (2005 Standing Referral)

A motion was made by Mayor Watson, seconded by Councilor Kolnaski, that members of the Council, together with the Town Manager; the Director of Administrative Services; the Manager of Labor Relations/Risk Management; and Harry Calmar, go into an "executive session" at 6:07 p.m. for the purpose of reviewing records, reports and statements of strategy or negotiations with respect to

collective bargaining. This action is taken without prejudice to the Council's right to discuss in private, strategy and/or negotiations with respect to collective bargaining pursuant to Connecticut General Statutes §1-200(2).

The motion carried unanimously.

Discussed

Councilor Wright arrived at 6:35 p.m. and joined the executive session. The executive session concluded at 7:41 p.m.

Attorney Hal Calmar asked the Town Council to consider approving four separate agreements that have been reached with bargaining units in Town, as well as two job descriptions. Mr. Calmar described the time periods covered by the agreements.

Roll Call: Members Present: Mayor Watson, Councilor Bartinik, Jr., Councilor Billing, Councilor Bond, Councilor Kolnaski, Councilor O'Beirne, Jr., Councilor Sheets, Councilor Skrmetti and Councilor Wright

A motion was made by Councilor Bond, seconded by Councilor Skrmetti, to recommend a resolution approving the bargaining agreement with AFSCME Local 818, the pension agreement with AFSCME Local 818, and the pension agreement with the United Steelworkers of America Local 9411-03, and authorizing the expenditure of funds necessary to implement the agreements.

The motion carried unanimously.

A motion was made by Councilor Kolnaski, seconded by Councilor Billing, to recommend a resolution in support of a tentative agreement with Groton Municipal Employees Association/CILU Local 62.

The motion carried unanimously.

1999-0206 Noank Hatchery Proposal

Discussed

Town Manager Oefinger noted that the Planning Commission has responded to the CGS 8-24 referral, recommending in favor of accepting the property and leasing it to the Noank Shellfish Cooperative. The Town Manager recommend tabling formal action on this item until the state finishes the necessary paperwork.

Discussion followed on the language that was included in the previous bill regarding the Town paying administrative expenses and the referral of this item to the RTM.

2003-0016 BRAC-2005/Update

Discussed

Town Manager Oefinger expects the BRAC Commission to deliberate on the sub base tomorrow afternoon. An informational packet was provided to the Town Council regarding the format of the deliberations, location of the hearing, and agenda. The Town Manager also provided the Council with copies of a letter from a number of retired admirals in support of keeping the sub base open.

2003-0198 Public Water & Sewer on Flanders Road/Industrial area

Discussed

Town Manager Oefinger noted that staff is in the process of reviewing a number of route alternatives. Town staff is also working with Groton Utilities on the water issue. The decision on whether or not to proceed and which route to use ultimately lies with the Council. The Council reviewed a table showing the attributes of the alternatives including total number of acres that would benefit, total length of pipe, foot of pipe per sewer acre, proposed pump stations (including upgrades/modifications to existing stations), and length of existing and new pipe to be used. The next version of the analysis will factor out limitations such as WRPD restrictions and sewer avoidance area.

2005-0169 Donation of Land (Poirier)

Recommended for a Resolution

The Planning Commission has recommended in favor of accepting the parcel. This item was referred to the City Conservation Commission. The Town Manager received a verbal response from Mayor Popp indicating no problem with the donation. Councilor Billing questioned why it is to the Town's advantage to accept this land and remove it from the tax rolls. Town Manager Oefinger noted that although the land does not lend itself to development, someone will want to develop this property in the future, regardless of wetlands and the Town does not have regulatory authority. The value here is the provision of a buffer and retention of a drainage area.

A motion was made by Councilor Bond, seconded by Councilor Wright, to recommend a resolution accepting the Poirier parcel and referring the acceptance to the RTM.

The motion carried by the following vote:

Votes: In Favor: 8 - Mayor Watson, Councilor Bartinik, Jr., Councilor Bond, Councilor Kolnaski, Councilor O'Beirne, Jr., Councilor Sheets, Councilor Skrmetti and Councilor Wright
Abstain: 1 - Councilor Billing

2005-0166 Great Brook Subdivision Environmental Covenants

Discussed

Councilor Sheets noted this referral came from the Environment and Recreation Committee. This proposal is for the Town to accept a role in easements to protect Great Brook and the public drinking water supply in association with a subdivision of land. Councilor Sheets explained that the agreement between the developer and GOSA provides for stringent protection as the project goes forward and throughout transfer of ownership. If the Town is interested, Downes-Patterson will convey the easements to the Town so that the Town can enforce them by going to court for injunctive relief. These include declarations of a conservation easement and two non-clearing limit easements. The Town would have the right to, but not the legal obligation to, enforce the easements. Councilor Sheets suggested that the principal reason to participate in the agreement is to protect the drinking water supply and allow enforcement. The homeowners association is already a grantee.

Attorney John Casey from Robinson and Cole which represents Downes-Patterson, described the agreements in more detail. Councilor Bond questioned what types of issues would be enforced. Mr. Casey cited examples such as clearing and washing cars on impervious surfaces, with the Town becoming involved in more serious infractions. Councilor O'Beirne expressed concern with the Town becoming a partner with a homeowners association in enforcement activities and, by extension, in litigation. He suggested the agreements will work perfectly well without the Town being involved. Councilor Skrmetti noted the Town Planning Commission and Inland Wetlands Agency have been involved in this development. Town regulations are still in place and can be enforced. The agreement between Downes-Patterson and GOSA is being proposed simply to avoid litigation. Councilor Bartinik noted he would support this proposal.

Councilor Billing asked how this agreement came about. Mr. Casey explained that Attorney Bates felt it would be a way to avoid years of appeals of the subdivision by GOSA. Rather than proceed with an approvable subdivision that would be appealed, the developer decided to come to the table to negotiate an agreement. Councilor Billing asked if Town staff and the Town Attorney have reviewed the agreements. Town Manager Oefinger stated the Town Attorney is aware of the agreements, but he has not reviewed them with an eye toward whether or not the Town should be involved. Councilor O'Beirne asked if Downes-Patterson has any further interest in these agreements once the land is sold. Mr. Casey stated no, the declarant is Downes-Patterson or its successor.

Councilor Skrmetti reiterated that the agreements are in place and GOSA has gotten what they wanted. This is an attempt to "back door" the regulations and it should not be a Town Council matter. Councilor Billing suggested that a condominium association has limited ability to enforce regulations on the homeowners, so there may be a reason for the Town to be involved. Councilor

Bond feels this is a different situation because the desire is to protect the water supply. She suggested that the Council consider the issue for a couple of weeks and seek more information.

Councilor O'Beirne noted this area is within the Town's designated Water Resource Protection District and he asked if the Town has the right to step in if there is a gross contamination or violation of the water supply. Mr. Casey indicated he did not have any information on the WRPD regulations. Councilor O'Beirne asked for copies of the WRPD regulations. Councilor Sheets stated the WRPD needs to be strengthened and this agreement paves the way for that. She then yielded the floor to Priscilla Pratt, but Mrs. Pratt did not speak.

Councilor Skrmetti asked Councilor Sheets to disclose her relationship with GOSA. Councilor Sheets stated she is a member of GOSA and represented them pro bono in an appeal. Councilor Skrmetti expressed concern with the amount of information available to Councilor Sheets and not the rest of the Council.

The consensus of the Committee was to ask the Town Attorney to review the agreement regarding the Town's liability and seek comment from the Planning Department.

2004-0325

Recognition of John Ledyard

Recommended for a Resolution

This item was originally a referral in the Community and Cultural Development Committee, generated in response to an article by Carol Kimball. The Committee voted to delete the item, but the Council decided not to delete it. Councilor Billing gathered information for the Council's review on a plaque honoring John Ledyard that could be installed at the Bill Memorial Library.

Councilor Kolnaski expressed reservations with the cost. Assistant to the Town Manager Lee Vincent noted the price is well below the requirement for competitive bidding.

A motion was made by Councilor Sheets, seconded by Councilor Bond, to recommend a resolution authorizing and appropriating funds for the plaque as described, not to exceed \$1,000.

Councilor O'Beirne expressed opposition to the expenditure and asked, as Carol Kimball did, why was John Ledyard famous? He suggested that consideration should be given to people who have made significant contributions rather than just being born here. Councilor Sheets cited some of John Ledyard's accomplishments.

The motion carried by the following vote:

Votes: In Favor: 5 - Mayor Watson, Councilor Bartinik, Jr., Councilor Billing, Councilor Sheets and Councilor Skrmetti
Opposed: 3 - Councilor Bond, Councilor Kolnaski and Councilor O'Beirne, Jr.

7. Consideration of Committee Referral Items as per Town Council Referral List

None.

8. OTHER BUSINESS

None.

9. ADJOURNMENT

A motion was made by Councilor Bond, seconded by Councilor Skrmetti, to adjourn at 9:12 p.m.

The motion carried unanimously.