



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 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, June 21, 2005

7:30 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

I. ROLL CALL

The meeting was called to order at 7:31 p.m. by Mayor Watson.

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

Councilor Kolnaski is absent since she is attending her grandsons' graduation at Fitch Senior High School.

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

Members Absent: Councilor Kolnaski and Councilor Skrmetti

II. SALUTE TO THE FLAG

The Salute was led by Town Clerk Barbara Tarbox.

III. RECOGNITION, AWARDS & MEMORIALS

2005-0163 Proclamation Honoring Linda LeBuis Smullen

Read

2005-0188 Proclamation Honoring the Robert E. Fitch Senior High School Varsity Cheerleaders

Read

2005-0193 Proclamation Commemorating Flag Day

Read

IV. CITIZENS' PETITIONS, COMMENTS AND CONCERNS

Edward Eckelmeyer, 75 High Street, Noank, stated his opinions concerning the Bus Ordinance. He does not want the atmosphere and ambience of Noank village changed any further due to increased bus traffic. He requested that the current bus ordinance be enforced.

Arlene Stamm, 20 Smith Court, Noank, feels Pearl Street should not be exempted from the ordinance. She stated the street is too narrow to accommodate the large tour buses and in the event of an emergency, an emergency response vehicle can't get around the buses.

Alicia Crossman, 93 Pearl Street, Noank, stated it is not her wish to put Abbott's Restaurant out of business but she does not want this ordinance amended as it would then allow buses of any size on any road in town.

Daphne Vayos, 53 Pearl Street, Noank, asked that the ordinance be enforced. She feels that the Manager, Police Department and Town Attorney have been negligent on enforcement of the ordinance. She does not want it amended.

Laurel Teisinga, Smith Court, Noank, agrees with the previous speaker. She does not want a

tragic accident involving a child to prompt banning large buses.

Jack Stamm, 20 Smith Court, Noank, read a letter submitted Maryann Little, 22 Pearl Street, Noank. She opposes any change to the 1982 ordinance.

Charles Chorlton, 23 North Prospect Street, a member of Local 478, supports and encourages a Project Labor Agreement (PLA).

Jim Clabby, 57 Country Club Road, stated he supported the school referendum and wants the schools built by union workers.

Robert Edwards, 300 Groton Long Point Road, supports the PLA which helps the local economy by employing local union workers.

Peter Beidelman, 14 Winthrop Avenue, a member of Laborers Local 547, encourages the PLA that would provide the local union residents jobs close to home.

Rojana Gonzalez, 17 St. Paul Court, a member of Carpenters Local 24, wants her children to attend a safe union-built school. She feels that work done by union workers is superior, and a PLA would allow her to work locally.

John Taylor, Jr., 23 Spicer Avenue, agrees with previous speakers about a PLA and hopes the Council will support it.

John Taylor, Sr., 23 Spicer Avenue, is in favor of the PLA as it will allow him to work locally and be proud to say he built this school in his town.

Todd Dexter, 598 Sawmill Hill, Sterling, is a bricklayer representative. He supports a PLA as this offers apprentice jobs and stimulates the local economy by keeping the jobs in the state.

Frank Parker, 166 Ledgewood Rd, is a member of Laborers Local 547 and worked on Fitch Senior High School. He is troubled by the Council's previous discussions on labor for the school projects and wants the Council to support a PLA that would keep local union residents working locally.

Joe delaCruz, 95 Corey Road, a member of Local 40 and an RTM member, stated he wants the schools built correctly the first time, saving the taxpayers money from inferior work by non-union workers. He stated the PLA creates job opportunities for local taxpaying residents and apprentices.

Mike Chew, 112 Peters Drive, stated he supports the PLA and apprentice program.

Bill Cannon, 50 West Mystic Avenue, Mystic, publicly thanked the Council for its work establishing the Railroad Quiet Zone and encouraged the Council to adopt it.

Erica Pray, 59 Oslo Street, Mystic, stated she supports the PLA as it employs local union workers in the community and helps the economy.

Michael Nahornick, 441 Hazelnut Hill Road, stated he supports a PLA because it guarantees proper training, safety and better quality work.

David Hale, 13 Meech Avenue, provided documentation of investigations from the Connecticut Department of Labor Contract Compliance Unit for non-union workers. He supports a PLA which means work is completed on time, and guarantees superior quality.

Jim Mitchell, 600 Fishtown Road, Mystic stated that the owner of Abbott's was not very receptive when they spoke and would not budge on the use of large tour buses destined for his restaurant.

Bruce McDermott, 328 Noank Road, stated he would like the Council to adopt the Railroad Quiet Zone and supports a 24 hour ban on whistles in this area.

John Stanley, 108 School Street, West Mystic, agrees with Mr. McDermott. He is very pleased with the additional safety measures that have been installed.

Melanie Greenhouse, 23 Brook Street, Noank, requested that the village atmosphere be maintained, protected and preserved as a rare treasure of the community. She is opposed to the large tour buses in the village and to the fact that the ordinance has been ignored for years. She is concerned that someday emergency vehicles will be seriously impeded.

Tina Guido Kelsey, 509 Fishtown Road, spoke on behalf of the local Mystic Chamber of Commerce. She stated that a new interpretation and enforcement of the ordinance would have a negative impact on Noank businesses. She feels more endangered by the speeding local resident vehicles than the lumbering buses that can be heard and are operated by professional drivers.

Miguel Fuentes, 54 Edison Avenue, Waterbury, spoke in support of a PLA.

Peter Riley, president of the Union Trades Council, stated that 300 members live in Groton and that he is in favor of the PLA. The PLA helps the local economy by providing residents jobs locally and apprentice programs for high schools. He offered to do trade days at our schools and stressed that a PLA helps protect against fraud and is a great tool for economic revitalization.

Bill Bertsche, 131 High Street, Mystic, asked for enforcement of the current Bus Ordinance. He suggested that a drop-off location which would allow visitors to walk and enjoy the quaint village would benefit everyone.

Charles LaMothe, 360 Thames Street, a member of Local 90 IBEW and a lifelong resident of Groton, wanted to encourage the Council to adopt the PLA. He stated it will create a new apprentice program that allows quality craftsmanship to be passed from one generation to the next.

John Harland, 118 Pearl Street, Noank, spoke in favor of the buses. He stated that the buses come one-at-a time several days a week and take up no more space than garbage and oil trucks. He believes that the buses allow persons who are disabled or unable to walk great distances to be accommodated. He commented that the buses are fuel efficient, do not blare their radios, or speed down the street like the local residents.

Kathleen Burns, 260 Elm Street, Noank, manager at the Noank Shipyard, stated her concerns on Ordinance 159 and how far it will go to restrict vehicular traffic. She feels that the original intent of the ordinance adopted in 1982 is in question and a new interpretation or different opinion is being sought. She asked that the Council carefully review the facts and define and support the original intent of the ordinance that will allow for the continued co-existence of businesses and residents in the village.

Mayor Watson stated that a letter was submitted by Terry Eames, 41 Pine Island Road, in support of the PLA.

Ann Esposito, 646 Noank Road, read a statement from Ed Stebbins that spoke about the history of Abbott's.

D'Arcy Didier, Director of the Connecticut Construction Industry Association, spoke in favor of the PLA.

Chuck Appleby of Eastern Connecticut Building Trades, spoke on behalf of the union workers who live in Groton in support of the PLA.

Barbara Apthorp, 454 High Street, Mystic, stated she is opposed to allowing buses on High Street which already has a speeding problem from residential vehicles. She also supports keeping labor jobs within the state, but she does not feel they must be union jobs.

Robert Collins, Wethersfield, asked the Council to support the PLA and provided details about the differences between quality of work by union and non-union laborers.

Robert Beauregard, Killingly, spoke in favor of the PLA and the problems associated with non-union construction due to poor workmanship and low quality materials. He stated that local trade union members will take pride in their work as their own families and neighbors will be attending the schools. He pointed out the deficiencies of the UCONN construction and the additional expenses to the State to fix the problems.

Christa Leimbach Holdgate, 27 Smith Court, Noank, spoke in favor of the buses. She feels that if the buses were banned then we would also need to ban UPS, FEDEX, oil delivery and contractor vehicles.

Margaret Conable, New Haven, spoke in favor of the PLA. She stated that unions guarantee that the workers on a job are trained, skilled and properly qualified.

Niel Spillane, 147 High Street, Mystic, requested that the ordinance continue as it works well in Mystic in preventing oversized vehicles on side streets. He suggested that residents in Noank should look to off-street parking on their property where possible to help with the congestion along Pearl Street and that the Town should assist waterfront businesses to create more waterfront access under Coastal Area Management.

Robert Beaulieu, 250 Elm Street, Noank, commented that he is not opposed to commercial buses that have Abbott's as their destination. He would support amending the ordinance to restrict the buses to use specific routes at specific times.

Edith Fairgrieve, 8 Rowland Street, Mystic, said she believes the ordinance should not be changed but actually enforced as written.

Bill Bertsche, 131 High Street, Mystic, stated that amending the ordinance to have a destination requirement would be of no benefit to the community.

Daphne Vayos, 53 Pearl Street, Noank, stated she thinks that members of the Chamber of Commerce will adapt their businesses to be included as destination bus stops in order to circumvent the ordinance which currently has 24 restricted streets. She feels more research is needed before amending the ordinance.

Michael Nahornick, 441 Hazelnut Hill Road, offered to assist the Council and answer any questions concerning the PLA as a local member of Local 478.

Six letters written by Jennifer Johnson, 26 Pearl Street, Noank; John Wilbur, 26 Pearl Street, Noank; Sloan Rankin Keck, 25 Spring Street, Noank; Jennifer Roehl; Diane Fournier; Debbie Holmes and Kerry Perrota were submitted to the Council concerning the Bus Ordinance.

V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS

Mayor Watson stated that no decision on either the Bus Ordinance or the Project Labor Agreement has been made. He requested that the PLA be on next week's Committee of the Whole Agenda.

Councilor Billing said she received many calls about the Bus Ordinance. She stated it is not the intent of the Council to eliminate the ordinance but to amend it to clarify and add interpretation. Councilor Wright requested Noank resident participation in the Chamber of Commerce presentation at next week's Committee of the Whole meeting.

Mayor Watson stated that residents attending Council meetings can be recognized by a Councilor to speak from the floor.

Councilor Bartnik suggested that further discussion is needed for the Project Labor Agreement. He requested that information concerning the Bus Ordinance be distributed to interested parties. Mayor Watson requested that several names be submitted to act as contacts for the residents of Noank Village.

Councilor Bond asked Mr. Mears, the owner of Abbott's, to provide the exact number of buses that carry more than 10 passengers to his restaurant during the summer season of May through September.

Mayor Watson requested a 10 minute recess at 9:35 p.m.

Councilor Sheets left during the recess.

Members Present: Mayor Watson, Councilor Bartnik, Jr., Councilor Billing, Councilor Bond, Councilor O'Beirne, Jr. and Councilor Wright

Members Absent: Councilor Kolnaski, Councilor Sheets and Councilor Skrmetti

VI. CONSENT CALENDAR

The Consent Calendar was adopted after New Business.

a. Approval of Minutes

2005-0195 Approval of Minutes (Town Council)

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council Meeting of June 7, 2005 are hereby accepted and approved.

This Matter was Adopted on the Consent Calendar.

b. Deletions from the Town Council Referral List

2004-0052 Future Disposition of Eastern Point Property

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

2004-0156 Information Technology Outsourcing

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

2004-0344 Town Department Services/Employee Hours Study

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

2005-0019 Status of Mystic Educational Center

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

2005-0022 School Bus Monitors

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

2005-0023 Eastern Regional Finance Group

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

2005-0043 Jabez Smith House Property Expansion

Councilor Wright stated she did not want this item deleted. She feels that the issue of an easement versus dedicated land for open space was not reviewed thoroughly.

2005-0120 Fitch Varsity Cheerleaders Request for Donation

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

2005-0156 Fourth of July Town Council Float

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

2005-0045 Meals on Wheels Provider for Senior Center

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

2005-0078 Sandy Hollow Road Tree Removal

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

2005-0191 Railroad Quiet Zone

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

c. Special Trust Fund Contributions

2005-0189 Special Trust Fund Contributions

RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS

Various donations - \$34.71 - Groton Utilities Energy Assistance Program

Pequot Cyclists - \$100.00 - Library Discretionary

J. Donald & Jean Simpson - \$30.00 - Social Services Discretionary

This Matter was Adopted on the Consent Calendar.

VII. COMMUNICATION REPORTS (Other than Committee Reports)

a. Town Councilors

Mayor Watson attended a Restoration Advisory Board meeting for the clean-up of the Super Fund Sites on the Sub Base on June 8, and the Senior Center Art Show on June 10th. On June 12, he read proclamations at a Flag Day ceremony at the Groton Elks Lodge and at the Fitch Cheerleaders award ceremony. On June 14th, he presented a proclamation honoring Linda LeBuis Smullen at the Noank School, attended Flag Day ceremonies at the Mystic Flagpole and Mystic Academy Point, and a Save Our Base Rally at the Dodd Stadium. He attended a House Arms Committee meeting at the SubBase with Councilor O'Beirne on June 13. He attended a COG meeting on June 15 and on June 20 he attended the Mystic Cooperative Task Force Meeting. The Mayor reported that there will be no seasonal Mystic buses and that the Mystic Streetscape project should be starting next March on the Groton side and shortly afterward in Stonington.

Councilor Wright reported that Lorraine Santangelo, Chairman of the Board for the Jabez Smith House Committee, has stated the board will accept supervisory management for the additional land north and east of the Jabez Smith House if the Town accepts it for passive open space. She received several calls regarding the buses in Noank Village.

Councilor O'Beirne received calls and e-mails about the Bus Ordinance and the Railroad Quiet Zone.

b. Representative Town Meeting

No report.

c. Clerk of the Council

The Town Clerk reminded the public that all dogs are due to be licensed by the end of June.

d. Town Manager

Town Manager Mark Oefinger reported that the Copp property on Military Highway is under

contract to the Odd Fellows Home and that he has withdrawn the Town's grant application request from the State.

He stated that the Town's golf course is now a certified Audubon Sanctuary.

c. Town Attorney

No report.

VIII. COMMITTEE REPORTS

a. Community & Cultural Development - Chairman Billing

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 Wright

No meeting, no report.

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

No meeting, no report.

g. Public Safety - Chairman Skrmetti

No meeting, no report.

h. Public Works - Chairman Bartinik

No meeting, no report.

i. Committee of the Whole - Mayor Watson

No meeting, no report.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

2005-0045 Meals on Wheels Provider for Senior Center

RESOLUTION AUTHORIZING CONTRACTS FOR THE DELIVERY OF MEALS TO HOMEBOUND SENIOR CITIZENS

WHEREAS, since 1980 the Groton Senior Center has facilitated the delivery of "Meals on Wheels" by using Senior Center facilities and the TVCCA (Thames Valley Council for Community Action) Elderly Nutrition Program, and

WHEREAS, there has been a waiting list of long standing, resulting in the denial of food service to some eligible seniors, and

WHEREAS, adding more meal recipients under the existing program would require funds in excess of the present cost to the Town of approximately \$75,000 per year, and

WHEREAS, TVCCA can take over the preparation and delivery of meals, with only one staff member at the Senior Center to handle referrals and coordination, and

WHEREAS, the proposed new arrangement will save a considerable amount of Town funds and will also free up space for better on-site service to seniors in the Senior Center kitchen and dining room, and

WHEREAS, a supplemental fee-for-service program to be added by TVCCA will make it possible to serve more clients who are in need of cooked meals but are not subsidized by Title III C, and

WHEREAS, TVCCA will enter into a six-month trial contract for the provision of meal delivery services, now therefore be it

RESOLVED, that the Town Manager may contract with TVCCA for a Meals on Wheels nutrition program under Title III C, and may also contract for a supplementary fee-for-service Meals on Wheels program, and may execute such renewals and extensions as will facilitate the purposes of this resolution.

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

The motion carried unanimously.

2005-0078

Sandy Hollow Road Tree Removal

RESOLUTION AUTHORIZING A TREE REMOVAL ON SANDY HOLLOW ROAD

WHEREAS, on January 19, 1999, by resolution, the Groton Town Council designated Sandy Hollow Road as a scenic road, and

WHEREAS, Ordinance 200 (Scenic Roads) forbids the removal of trees except for good cause determined by the Council after a public hearing, and

WHEREAS, the Department of Public Works has found a certain tree to be largely hollowed out and in danger of falling and has informed the Town Council, and

WHEREAS, on June 7, 2005, the Town Council held a public hearing on the proposed tree removal, in which removal of the tree was requested and supported by the closest property owner, with no opposing statements having been offered, now therefore be it

RESOLVED, that the Town Council authorizes the removal of a red oak tree at or near 104 Sandy Hollow Road.

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

The motion carried unanimously.

2005-0191

Railroad Quiet Zone

RESOLUTION FOR A NOTICE OF INTENT AND DESIGNATION OF A RAILROAD CROSSING QUIET ZONE

WHEREAS, the Federal Railroad Administration has approved a Final Rule, effective June 24, 2005, by which a town government, as a local public authority, may designate railroad quiet zones to prevent the sounding of locomotive horns where recognized Supplemental Safety Measures (SSMs) are in place at all highway grade crossings within the quiet zone, and

WHEREAS, the School Street crossing at West Mystic includes the quad gates with presence detector, which is the most advanced and recommended form of protection for high-speed railroad crossings, and

WHEREAS, residents of Groton in the area near the School Street grade crossing have persistently petitioned for a quiet zone, and

WHEREAS, the Town of Groton is a public authority within the meaning of US FRA regulations,

and

WHEREAS, the Town Council is advised that a town ordinance is not necessary, either under the Town Charter or under Federal laws and regulations, to effectuate this purpose, now therefore be it

RESOLVED, that the Town Manager is authorized to issue a Notice of Intent providing a 60-day comment period for the purpose of designating a railroad quiet zone of at least one-half mile in length, to apply to trains approaching and passing through the School Street grade crossing (FRA Inventory Number 500-278J), under the authority stated in 49 CFR 222.39 (a) (1).

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

Councilor O'Beirne clarified that the vote this evening is not on the actual adoption of the quiet zone but on the issuance of a 60 day notice of intent.

The Town Manager confirmed that the 60 day notice of intent grants the Town time to receive comments; the situation is similar to an extended public hearing.

The motion carried unanimously.

XI. OTHER BUSINESS

CONSENT CALENDAR

Passed The Consent Calendar

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

The motion carried unanimously.

XII. ADJOURNMENT

A motion to adjourn at 10:05 p.m. was made by Councilor Bond, seconded by Councilor Billing and so voted unanimously.

Attest:

*Barbara Tarbox, Town Clerk
Clerk of the Council*

Sally Whitney, Assistant Town Clerk