



Town of Groton, Connecticut

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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, October 4, 2005

7:30 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

I. ROLL CALL

The meeting was called to order at 7:30 p.m. by Mayor Harry Watson.

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 Bartinik, Jr., Councilor Billing, Councilor Bond, Councilor Kolnaski, Councilor O'Beirne, Jr., Councilor Sheets and Councilor Wright

Members Absent: Councilor Skrmetti

II. SALUTE TO THE FLAG

The Salute to the Flag was led by Mr. Frederick Huntley.

III. RECOGNITION, AWARDS & MEMORIALS

2005-0256 Proclamation Recognizing Linnea Lindstrom

Read

Councilor Bartinik read the proclamation.

2005-0269 Proclamation Recognizing Comcast Cares Day

Read

Mayor Watson read the proclamation.

IV. CITIZENS' PETITIONS, COMMENTS AND CONCERNS

Rocco Pagliuco, 54 Chapman Street, expressed his concern about ongoing zoning violations in regard to signs. He asked the Town Council what the point is of having sign regulations when the majority of violations are being overlooked.

Bruce McDermott, 328 Noank Road, asked the Town Council to pass the resolution designating a 24-hour railroad quiet zone, but suggested postponing the vote on this matter tonight, due to the recent Waterford train crash on September 28, 2005.

John Sutherland, 32 Neptune Drive, requested that the Town Manager prepare an estimate of the impact of the revaluation on residential and commercial taxpayers.

Bill Cannon, 50 West Mystic Avenue, supports establishing a 24-hour railroad quiet zone. He requested that the Town Council consider health care costs for Town employees during budget discussions.

Rick Huntley of the Connecticut Department of Environmental Protection (DEP), 79 Elm Street, Hartford, noted that the Town should continue providing pumpout boat service in the Mystic River and Noank.

V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS

Responding to Mr. Huntley's comments, Councilor Sheets inquired if the Town may apply for a State grant for the pumpout boat program and then make arrangements with a commercial operator to implement these services. Mr. Huntley responded that, at the time in which a grant application is submitted, there needs to be a general outline of how the boat would be operated and maintained. She also asked him about the availability of a commercial operator to perform these pumpout services. Mr. Huntley responded that there is a commercial operator available, but this option would come at a higher cost.

Mayor Watson asked Mr. Huntley to verify that subcontracted labor for the Mystic River Pumpout Boat Program would be a viable option. Mr. Huntley responded that this type of labor would be acceptable and also clarified for the Mayor that the deadline for a grant submittal is the end of November 2005.

Councilor O'Beirne asked Mr. Huntley if the State could require that certain marinas provide pumpout capability. Mr. Huntley noted that current construction permits issued by the DEP include a requirement for the capability of off-loading waste from the vessels docked at marinas. The DEP doesn't have the capability of going back retroactively and adding conditions onto historic permits.

With regard to Mr. Pagliuco's comments, Councilor Wright asked the Town Manager if there is a referral regarding enforcement of sign violations. Mr. Oefinger responded that there was a similar citizen's petition last year. Sweeps have been done to remove signs and businesses have been visited. This is an ongoing effort and Groton doesn't have a full-time zoning officer. He reminded viewers that, with elections coming up, campaign signs should be anticipated. These types of signs are allowed on private property, but must also adhere to regulations.

Councilor Billing asked the Town Manager if regulations allow the Town to charge violators a fine. He responded that there is no provision to assess fines as these infractions would become a court issue. She pointed out to Mr. Pagliuco that he wasn't alone in his concern with respect to sign violations and that he had performed a public service by bringing up the issue to the Town Council.

VI. CONSENT CALENDAR

The Town Council agreed that the calendar be moved to the end of the agenda.

a. Approval of Minutes

2005-0268 Approval of Minutes (Town Council)

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council Meeting of September 6, 2005 and September 20, 2005 are hereby accepted and approved.

This Matter was Adopted as Amended on the Consent Calendar.

Councilor Billing would like page five of the September 20, 2005 minutes amended to more accurately represent her comments regarding the allocation of open space at the Merritt Farm.

Councilor Sheets would like page four of the September 6, 2005 minutes amended to delete ". . . as a source for volunteers" and insert ". . . to identify people with special needs".

b. Deletions from the Town Council Referral List

2005-0166 Great Brook Subdivision Environmental Covenants

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

2005-0251 Release of State Land - Route 117/Candlewood Road

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

2005-0252 Designation of a Railroad Quiet Zone - School Street

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

2005-0261 Mystic River Pumpout Boat Program

Re-referred

c. Special Trust Fund Contributions**2005-0265 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 - \$1,298.12 - Groton Utilities Energy Assistance Program

Various Donations - \$10.00 - Parks and Recreation Revolving

United Way of SE CT - \$516.80 - Parks and Recreation Revolving

This Matter was Adopted on the Consent Calendar.

VII. COMMUNICATION REPORTS (Other than Committee Reports)**a. Town Councilors**

Several councilors received calls from citizens encouraging the Town to maintain the Mystic Pumpout Boat Program. Various councilors also attended the Revolutionary skirmish re-enactment at the Jabez Smith house on September 25. A number of councilors attended the Navy celebration at the Nautilus Museum on October 2.

Councilor Billing wanted to correct some misinformation that was printed in the Mystic Times newspaper. There were erroneous statements regarding increases in the Town's budget. The erroneous information stated that there are mandatory 6% percent increases in the Town budget each year. She noted that historically the average increase in the Board of Education budget has been 3.2% over the past decade and the average increase in the Town operations portion of the budget has been 3.5% over the past decade.

Councilor Bond attended Mystic Seaport's 75th anniversary celebration last week. A citizen notified her that he was charged a building permit fee for a new roof, but a building inspector had not inspected the roof.

Councilor Sheets will attend the Martin Luther King Scholarship dinner on October 27.

Councilor Bartnik attended the Poquonnock Bridge Fire District Consolidation Committee meeting on October 3. He will attend a mediation session between the Board of Education and the teacher's union on October 5.

Councilor Wright attended Eastern Connecticut State University's United States Constitution Day celebration on September 22. She observed the placement of the lantern onto the Avery Point lighthouse on September 30.

Councilor Kolnaski attended the swearing-in of a new police officer and the new Assistant Chief of Police on September 21. She attended the Partnership in Health meeting regarding Breast Cancer Awareness Month on September 22. Councilor Kolnaski also attended the Council Board of Education RTM Liaison Committee and the Permanent School Building Committee meetings on September 22.

Councilor O'Beirne attended the Military Community Council. He received inquiries regarding the delayed decision on the railroad quiet zone issue and his request for further studies. Councilor O'Beirne responded that he had neither delayed the vote, nor asked for additional studies.

Mayor Watson received a call from a citizen regarding the railroad quiet zone. He attended a COG meeting and the swearing-in of the new Assistant Chief of Police on September 21. The Mayor attended the Partnership in Health meeting regarding Breast Cancer Awareness Month on September 22. He also attended Comcast Cares Day at the Riverfront Children's Center.

b. Representative Town Meeting

Town Clerk Barbara Tarbox noted that the RTM will meet on October 12.

c. Clerk of the Council

Town Clerk Tarbox attended the Connecticut Town Clerk's Association fall meeting last week which was informative on the subject of the new laws effective October 1. Some of the new laws addressed included civil unions, the new \$30 recording fee, and the new absentee ballot application. She also noted that the law is stringent regarding the absentee ballot, specifically as to who may receive and distribute these applications. The Town Clerk also swore in a new police officer and the new Assistant Chief of Police on September 21. On September 28, she led a New London County Town Clerk's Association meeting where she and other town clerks reviewed the new laws. This meeting was well received. Two couples have applied for civil unions in Groton.

d. Town Manager

Town Manager Oefinger reminded viewers of upcoming events. The Connecticut Conference of Municipalities is having its annual expo at the Hartford Conference Center on October 18. The Chamber of Commerce of Eastern Connecticut is recognizing the Team Connecticut effort with respect to the Sub Base on October 20. The Martin Luther King Scholarship dinner is scheduled for October 27. The Groton Senior Center is holding its 25th anniversary dinner/dance on October 27. There will be an informational meeting concerning the Northeast Academy project and the Freeman Hathaway School replacement on October 19 at the Mystic Education Center. The 230th Navy Birthday Ball will be held at Foxwoods Casino on October 14. The Town Manager thanked several Town employees and officials for their help in planning the Sub Base celebration on October 2.

Assistant to the Town Manager Lee Vincent reported that the Shellfish Commission wasn't able to meet numerous objectives this summer due to the lack of rainfall and valid testing. He raised concern about a possible breach in some of the sewers in the Fort Hill Homes subdivision which may be drawing pollution into the Poquonnock River during heavy rainfalls. There is also a concern that at Bluff Point State Park there are large amounts of fecal matter from horses and dogs which flows into the water and could be impacting shellfishing.

2005-0209 Water Pollution Control Facility Expansion

WATER POLLUTION CONTROL FACILITY EXPANSION

This matter was Re-referred to the Town Council Committee of the Whole. The motion carried.

e. 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

The Committee of the Whole met last week and the items on tonight's agenda are a result of that meeting. There was a special Committee of the Whole meeting tonight to discuss the Town Manager's evaluation which will reconvene after tonight's Town Council meeting.

IX. UNFINISHED BUSINESS

None.

X. NEW BUSINESS

2005-0251 Release of State Land - Route 117/Candlewood Road

RESOLUTION IN ACCEPTANCE OF A PARCEL OF LAND TO BE CONVEYED FOR HIGHWAY PURPOSES BY THE STATE OF CONNECTICUT

WHEREAS, a small parcel of land at the intersection of Town-owned Candlewood Road and State Highway 117 is owned by the state, and

WHEREAS, the ideal alignment of Candlewood Road at that intersection includes a radius crossing the state-owned land, now therefore be it

RESOLVED, that the Town Manager may accept a Quit Claim deed from the State of Connecticut for the conveyance of a parcel containing 373 square feet, more or less, on the easterly side of Connecticut Route 117 at Candlewood Road, and the Town Manager may execute such documents and assurances in favor of the State of Connecticut as the state may require for the effectuation of this conveyance.

Refer to RTM

A motion was made by Councilor Bartinik, Jr., seconded by Councilor Kolnaski, that this matter be Adopted and Referred to the Representative Town Meeting, due back on December 14, 2005.

The motion carried unanimously.

2005-0252 Designation of a Railroad Quiet Zone - School Street

RESOLUTION DESIGNATING A RAILROAD QUIET ZONE

WHEREAS, the Groton Town Council, on June 21, 2005, authorized the issuance of a Notice of Intent to designate a railroad quiet zone around the School Street grade crossing, and

WHEREAS, comments were received from Amtrak and the State of Connecticut Department of Transportation within the 60-day period that expired September 7th, and

WHEREAS, nothing stated by Amtrak requires further action by the Town at this time, and visual obstructions by brush, as noted by Connecticut DOT, will be removed before the effective date of a quiet zone, and

WHEREAS, Federal quiet zone regulations at 49 C.F.R. 222.23 allow a locomotive engineer to sound the horn whenever, in the engineer's sole judgement, such action is appropriate to prevent imminent death, injury or damage, and

WHEREAS, Town of Groton staff are prepared to install warning signs in conformance with federal MUTCD standards to alert the public to the absence of train horn signals at the School Street grade crossing, now therefore be it

RESOLVED, that the Town of Groton, a Public Authority within the meaning of FRA regulations, now designates a 24-hour New Railroad Quiet Zone between miles 130.80 and 131.75 of the Amtrak Northeast Corridor, to include the School Street crossing, No. 500-278J, under the authority granted to the town in 49 CFR 222.39 (a) (1), and be it

FURTHER RESOLVED, that the effective date of the quiet zone may be established by the Town Manager for an appropriate date, not to exceed 40 days from the date of this resolution, that allows for the preparation, mailing and receipt of the required forms of notification and the 21-day advance notice required by the Federal Railroad Administration.

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

Several councilors noted that they would be willing to delay voting on this matter in light of the recent Waterford train crash on September 28, 2005.

The motion carried by the following vote:

Votes: In Favor: 7 - Mayor Watson, Councilor Bartinik, Jr., Councilor Billing, Councilor Bond, Councilor Kolnaski, Councilor Sheets and Councilor Wright
Opposed: 1 - Councilor O'Beirne, Jr.

2005-0261 Mystic River Pumpout Boat Program

RESOLUTION CONCERNING THE MYSTIC RIVER PUMPOUT BOAT PROGRAM

WHEREAS, beginning in 2000, the Town of Groton has operated a sanitary sewage pumpout boat in the Mystic River that has been partially funded by grants from the State of Connecticut, and

WHEREAS, several challenges now amount to a severe burden against renewal of the program, including the difficulty of hiring pumpout boat operators for the full season extending through October, and the number of unplanned hours taken up by Department of Public Works headquarters staff, and

WHEREAS, the staff's analysis indicates that commercial services for pumping out boats are now adequately available along the Mystic River, now therefore be it

RESOLVED, that the Town of Groton Pumpout Boat Program serving the Mystic River will cease at the end of the current grant-funded period of operation on October 23, 2005.

A motion was made by Councilor Billing, seconded by Councilor Kolnaski, that this matter be Re-referred to the Town Council Committee of the Whole.

Councilor Bond feels that commercial pumpout services aren't acceptable for the pumpout boat program. She also noted that if these services were ideal, the DEP wouldn't offer grant programs to the Town.

The motion carried by the following vote:

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

VOTE ON CONSENT CALENDAR

Passed The Consent Calendar

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

The motion carried unanimously.

XI. OTHER BUSINESS

Councilor Bartnik is concerned that in regard to the New London eminent domain issue, the Connecticut Conference of Municipalities (CCM) seems to support preserving the eminent domain rights of municipalities and would tend to side with New London versus the homeowners. He feels that since the consensus among the councilors is to support the rights of the homeowners, it would be prudent to communicate the Council's position to CCM.

The Mayor noted that a majority of the Council had passed a resolution to communicate to CCM the Council's non-support of CCM's position on this issue.

The Town Manager noted that the CCM hearing on October 6 is not an analysis of the Kelo case specifically, but about changing state statutes with regard to eminent domain laws in Connecticut. He suggested that this issue may require a communication separate from the resolution passed by the Council in relation to the Kelo case.

2005-0127**Energy Conservation Policy****ENERGY CONSERVATION POLICY**

This matter was Referred to the Town Council Committee of the Whole. The motion carried.

Councilor Sheets requested that this item be referred to the Committee of the Whole.

XII. ADJOURNMENT

A motion to adjourn at 9:39 p.m. was made by Councilor Billing, seconded by Councilor Bond and so voted unanimously.

Attest:

*Barbara Tarbox, Town Clerk
Clerk of the Council*

*Elga Concepcion
Office Assistant*