



# Town of Groton, Connecticut

45 Fort Hill Road  
Groton, CT 06340-4394  
Town Clerk (860)441-6640  
Town Manager (860)441-6630

## Meeting Agenda

### 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, December 07, 2004

7:30 PM

Town Hall Annex - Community Room 1

### REGULAR MEETING

#### I. ROLL CALL

#### II. SALUTE TO THE FLAG

#### III. RECOGNITION, AWARDS & MEMORIALS

- |           |                                                           |                   |
|-----------|-----------------------------------------------------------|-------------------|
| 2004-0331 | Proclamation Honoring the Mystic River Historical Society | Proclamation - TC |
| 2004-0332 | Proclamation Honoring J. Donald Simpson                   | Proclamation - TC |

#### IV. CITIZENS' PETITIONS, COMMENTS AND CONCERNS

This is the portion of the Council Agenda where the Council welcomes comments from citizens. Each presentation should be limited to ten minutes or less, and citizens should, if possible, submit written comments. Presentations should be related to matters pertinent to Groton. Town Councilors will only ask questions in order to clarify the speaker's presentation and can respond during the Responses to Citizens' Petitions portion of the Town Council meeting. Citizens should make their presentations from the lectern and state their names and addresses for the record.

#### V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS

#### VI. CONSENT CALENDAR

All matters listed under Item VI (Consent Calendar) are considered to be routine and will be enacted by one motion. No separate discussion of these items will take place, unless cause is shown prior to the time Council votes on the motion to adopt.

##### a. Approval of Minutes

- |           |                                    |                      |
|-----------|------------------------------------|----------------------|
| 2004-0334 | Approval of Minutes (Town Council) | Resolution - Consent |
|-----------|------------------------------------|----------------------|

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council of November 17, 2004 are hereby accepted and approved.

##### b. Deletions from the Town Council Referral List

- |           |                                                                                                              |            |
|-----------|--------------------------------------------------------------------------------------------------------------|------------|
| 2004-0323 | Budget Guidelines for FYE 2006                                                                               | Referral   |
| 2004-0327 | Contract Agreement Between the Groton Board of Education and the Association of Groton School Administrators | Referral   |
| 2004-0315 | Marine Sewage Disposal Pumpout Boat Grant                                                                    | Referral   |
| 2004-0320 | Supportive Housing Program Grant                                                                             | Referral   |
| 2004-0333 | Job Description for Solid Waste-Transfer Station Coordinator                                                 | Resolution |

2004-0199	City Planning Services	Referral
2003-0054	Reorganization and Consolidation of Town and Board of Education Services	Referral

**c. Special Trust Fund Contributions**

2004-0330	Special Trust Fund Contributions	Resolution - Consent
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RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS

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

Elizabeth and Paul Duarte - \$100.00 - Social Services Discretionary  
 Helen Falvey - \$25.00 - Social Services Discretionary  
 Irene Garagliano - \$25.00 - Social Services Discretionary  
 Nancy Giommi - \$25.00 - Social Services Discretionary  
 Elaine Kipp - \$50.00 - Social Services Discretionary  
 Hariet and Ross, Richard & Glen MacDonald - \$30.00 - Social Services Discretionary  
 Lorelei Mitchell - \$20.00 - Social Services Discretionary  
 Mary Moon - \$25.00 - Social Services Discretionary  
 Edward Moser (Grace Baptist Chapel) - \$50.00 - Social Services Discretionary  
 Mystic Junior Women's Club - \$25.00 - Social Services Discretionary  
 Poquonnock Bridge Neighborhood - \$100.00 - Social Services Discretionary  
 Albert & Janiss Rudolph - \$75.00 - Social Services Discretionary  
 Donald & Jean Simpson - \$30.00 - Social Services Discretionary  
 St. Andrew Presbyterian Church - \$50.25 - Social Services Discretionary  
 Various Donations - \$385.74 - Groton Utilities Energy Assistance Program  
 City of Groton - \$791.67 - Groton Utilities Energy Assistance Program  
 Various Donations - \$20.00 - Dog Pound  
 Various Donations - \$63.00 - Arts Cafe  
 Various Donations - \$87.00 - Recreation Discretionary  
 Various Donations - \$1,564.81 - Recreation Special Needs  
 Edward and Arlene Amatrudo - \$20.00 - Social Services Discretionary  
 Joellen Anderson - \$20.00 - Social Services Discretionary  
 Peter Deveau - \$25.00 - Social Services Discretionary  
 Groton Elks - \$500.00 - Social Services Discretionary  
 Groton Lions Club - \$3,000.00 - Social Services Discretionary  
 Carla Henschel - \$50.00 - Social Services Discretionary  
 Charlie and Betty Kay - \$200.00 - Social Services Discretionary  
 Keyette Club, Fitch Sr. High - \$100.00 - Social Services Discretionary  
 Mystic Lions Club - \$210.00 - Social Services Discretionary  
 Mystic Rotary/Liberty Band - \$725.01 - Social Services Discretionary  
 Jewell Navarro - \$50.00 - Social Services Discretionary  
 Pfizer Employees - \$60.00 - Social Services Discretionary  
 St. Luke's Lutheran Church - \$350.00 - Social Services Discretionary

**VII. COMMUNICATION REPORTS (Other than Committee Reports)**

- a. Town Councilors**
- b. Representative Town Meeting**
- c. Clerk of the Council**
- d. Town Manager**
- e. Town Attorney**

**VIII. COMMITTEE REPORTS**

- a. Community & Cultural Development - Chairman Billing**
- b. Economic Development - Chairman Bond**
- c. Education/Health & Social Services - Chairman Kolnaski**
- d. Environment & Recreation - Chairman Sheets**
- e. Finance - Chairman Wright**
- f. Personnel/Appointments/Rules - Chairman O'Beirne**
- g. Public Safety - Chairman Skrmetti**
- h. Public Works - Chairman Bartinik**
- i. Committee of the Whole - Mayor Watson**

**IX. UNFINISHED BUSINESS**

**X. NEW BUSINESS**

**2004-0315 Marine Sewage Disposal Pumpout Boat Grant Referral**

RESOLUTION AUTHORIZING AN ANNUAL GRANT TO OPERATE A PUMPOUT BOAT

WHEREAS, for the past five years the Connecticut Department of Environmental Protection has provided funding under the Clean Vessel Act to operate a pumpout boat in the Mystic River, and

WHEREAS, the DEP grant has covered 75% of the operating expenses, with the remaining 25% shared proportionally by the Harbor Management Commissions of Groton and Stonington, and

WHEREAS, in the past season a total of almost 25,000 gallons of sewage was pumped, an increase of 2,265 gallons over 2003, and

WHEREAS, the Town of Groton will continue to manage the program including a coordinator and six part-time operators, now therefore be it

RESOLVED, that the Town Manager may apply for and receive a grant with a total amount of \$36,327.75, and the Town Manager may delegate the authority to make such application to the Director of Public Works, Gary J. Schneider.

Legislative History

11/4/2004	Mayor	Referred	Town Council Finance Committee
11/23/2004	Town Council Finance Committee	Recommended for a Resolution	

**2004-0320 Supportive Housing Program Grant Referral**

RESOLUTION APPROVING TVCCA/HUD SUPPORTIVE HOUSING PROGRAM GRANT

WHEREAS, homelessness is being addressed on several fronts by numerous programs but remains an ongoing problem for Groton and neighboring communities, and

WHEREAS, homeless persons with disabilities and homeless families in which at least one member is disabled require extensive counseling, support and case management services, and

WHEREAS, the Supportive Housing Program, operated by TVCCA as the grantee of record with the Federal Department of Housing and Urban Development, provides funding to enable agencies and

municipalities to provide counseling, support and case management services via participation the Housing Collaborative Network, therefore be it

RESOLVED, that the Town Council authorizes the Town Manager, Mark R. Oefinger, to enter into an agreement with Thames Valley Council for Community Action, Inc. to accept grant funding in the amount of \$8000 to conduct a Supportive Housing Program in Groton for the period of February 1, 2004 through January 31, 2005 and to utilize said funding to supplant a portion of the salary and related fringe benefits of selected Groton Social Services' staff who shall provide counseling, support and case management services to the specified Groton client population via participation in the Housing Collaborative Network.

Legislative History

11/9/2004	Mayor	Referred	Town Council Finance Committee
11/23/2004	Town Council Finance Committee	Recommended for a Resolution	

**2004-0323 Budget Guidelines for FYE 2006 Referral**

RESOLUTION STATING GUIDELINES FOR INITIAL PREPARATION OF THE FYE 2006 TOWN OF GROTON BUDGET

WHEREAS, the Committee of the Whole, in consideration of opinions from the RTM and taxpayers, desires to offer guidelines that will promote the most fair, efficient and thorough consideration of the next year's budget, now therefore be it

RESOLVED, that the Town Manager may present a proposed budget that he deems necessary to maintain current and necessary programs throughout the town operations, and be it

FURTHER RESOLVED, that the Town Council encourages the Board of Education to submit a budget request not to exceed an increase of 3.2% over the FYE 2005 approved budget.

Legislative History

11/9/2004	Town Council Committee of the Whole	Recommended for a Resolution
11/16/2004	Town Council	Deleted from Referral List - Action to be taken
11/16/2004	Town Council	Postponed to a certain time

*A Motion was made by Councilor O'Beirne, seconded by Councilor Kolnaski to postpone voting on the matter until all Council members are present.*

*Councilor O'Beirne feels all Council members should have the opportunity to vote on such an important matter as the initial guidelines for preparation of the FYE 2006 budget.*

*Councilor Bartinik noted that budget items were voted on during last year's budget sessions without all council members present. He is opposed to the proposed amendment, but will take the "high road" and wait until all councilors are present to vote.*

*Councilor O'Beirne emphasized that this is one important item that the Town Council will be voting on. The budget items are discussed and voted on line-by-line in several sessions.*

**2004-0333 Job Description for Solid Waste-Transfer Station Coordinator Resolution**

RESOLUTION APPROVING JOB DESCRIPTION FOR SOLID WASTE-TRANSFER STATION COORDINATOR

WHEREAS, the Administrative Services Department has taken the opportunity of a vacancy in the position of Foreman, Solid Waste Facility, to thoroughly review the demands of that position in light of current regulatory requirements and other factors, and

WHEREAS, changes in the handling of waste in the Town of Groton have created additional responsibilities for inspections, reporting and compliance related to numerous environmental impact rules, along with the tasks associated with commercial haulers' contracts, and

WHEREAS, the proposed new position remains at Non-union Pay Level 6, the same as the previous position, now therefore be it

RESOLVED, that the Town Council approves the position description dated November, 2004, for Solid Waste-Transfer Station Coordinator.

Legislative History

11/23/2004	Town Council Personnel/Appointments/Rules /Legislation Committee	Recommended for a Resolution
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2004-0199

City Planning Services

Referral

RESOLUTION CONCERNING PLANNING SERVICES FOR THE CITY OF GROTON

WHEREAS, since November, 1989, an Agreement Between the Town of Groton and the City of Groton for the Provision of Staff Planning Services has provided for such service to be provided "on an approximately half-time basis including evening meetings (average 20.0 hours)", and

WHEREAS, the Town Council has extensively considered the concerns expressed by the city Mayor and members of the City Council that their needs are not receiving adequate time and service, and

WHEREAS, the Town Council deems it necessary that all planner staff paid for with Town appropriations should remain Town employees whose time and performance are under the supervision and direction of the Town's senior staff, now therefore be it

RESOLVED, that the Town Manager may renegotiate the 1989 agreement with the goal of addressing the planning needs of the City of Groton effectively and efficiently, and be it

FURTHER RESOLVED, that the Town Council urges that the replacement agreement include the creation of an overall work program in consultation with the City Mayor's Office and the City Planning and Zoning Commission, such program to include program and project priorities for the City that can be balanced with the Town's priorities, and the Town Council further recommends that the new agreement should provide for specific, improved means of continuing communication between the City and the Town.

Legislative History

6/1/2004	Mayor	Referred	Town Council Committee of the W
6/8/2004	Town Council Committee of the Whole	Discussed	

*City Mayor Dennis Popp and Seamus Quinn, Zoning Official were present to address the Council. The Town Manager explained that the Mayor has expressed dissatisfaction with the service provided by the City Planner. The Town Manager spoke with Mayor Popp and at this point, the Town has continued to provide planning services to the City with the current designated planner. Prior to that discussion, the Town Manager had received a letter from Mayor Popp requesting that the Town provide a full-time planner or funds for the position so that Mayor Popp could hire someone. Existing provisions of the contract between the Town and the City and proposed revisions to the contract were distributed to the Council. The Manager stated he supports continuing to provide planning services to the City. Mayor Popp would like a planner present at City Hall for 20 hours, but that is not how the program has been administered. The 20 hours includes managerial hours and night meetings.*

*Mayor Watson noted he was on the City Planning and Zoning Commission when it was staffed by David Schweid. Deb Jenkins, the current chairman of the Commission, was present in the audience and confirmed for Mayor Watson that she feels the Commission is receiving good service from the current planner.*

Mayor Popp noted that the contract expired a number of years ago and the parties never agreed to continue it. The Mayor is dissatisfied with the amount of planning services provided to the City. Besides the number of hours in the office, there are a number of things that don't happen such as obtaining grants for development of Birch Plain Creek. Mayor Popp feels there is not enough time being spent to do the things that need to be done in the City. People should not have to come to Town Hall Annex to take care of their business. The planner has no time for staff reviews. He feels this is an opportune time to make a change since a new planner is being hired in the Town. A planner could be assigned half time and managed by the City. Mayor Popp noted he has contact with Mike Murphy once a year regarding the Traffic Improvement Plan and no regular consultation with the planner. His concern is that someone who does not work for the City of Groton is taking care of planning there.

Mayor Watson suggested that the City is part of the Town and the Town has an interest in planning in the City. Mayor Popp stated that the Town has no authority in the City.

Councilor O'Beirne suggested that if the City wants a full-time position, it could be treated much the same as the Police, where the Town provides funds for 20 hours and the City makes up the difference. Mayor Popp stated that could be considered. He noted the number of changes that have taken place since the agreement was originally signed such as Pfizer's expansion. He further explained that the City should have a planner who is available to attend staff meetings, and the Mayor should have input into that person's performance evaluation.

The Town Manager provided background information on the genesis of the planning program in the City. This was a volunteer program on the part of the Town. There is no need for the Town to be paying for the planner any more than the Town pays for other City employees. Assignment of the planner is at the sole discretion of the Town. There has been no notice to terminate the agreement. In response to Councilor Wright, the Manager confirmed that the purpose of this referral is informational, and not to invoke the provision in the agreement that allows for reconciliation by the Town Council. Town Manager Oefinger estimated the cost to Town taxpayers of this arrangement is probably in the range of \$30,000 to \$40,000 including benefits. If the relationship is severed, it would also mean the loss of other resources that are not measurable. The Manager agreed that it is difficult to have an individual taking direction from two people, but the issues are not insurmountable. If the issues are identified, then changes can be implemented. Although the planner is a Town employee, there is no reason that input from the Mayor wouldn't be taken into consideration as part of that person's evaluation.

The Manager stated his concern is identifying the real issue. If the City wants its own planner, he would rather address that issue than continue to manage a situation that sets the planner up to fail.

Mayor Popp stated that in most cases, he is not aware of what the planner is doing until after the fact. He is concerned that staff meetings and meetings with the Mayor would subtract from time spent in the office with the public when the City already needs more of the planner's time. The 20 hours identified in the contract amounts to 12 hours of office time, which is oftentimes not enough. The City can't function on set planning hours and the situation needs to be corrected to service the public.

The Town Manager noted that the Planning division has been short on planners for quite awhile. The Manager is receptive to providing a planner for more than 20 hours. When Mayor Popp was first elected, the Town Manager's vision was to eliminate the 20-hour limit and provide service on an as-needed basis. The disagreement is whether someone needs to be in City Hall for those hours. There is no doubt that with staff shortages, the Town has been unable to provide the same hours in the City. The Planning program has been hurt by a number of vacancies.

Councilor Billing noted that zero dollar budgets have resulted in staff reductions. Not only does the City need more planning time, so does the Town. She stated that there needs to be more ongoing discussions. There doesn't appear to be a need to stay with the existing agreement. Councilor Billing expressed disbelief that the Town wouldn't prioritize the City's needs appropriately because whatever happens in the City affects the Town.

Councilor O'Beirne understands the concern that there is someone working in the City who is working for the Town and there may be split interests. A person would want the people working for them to be within their chain of command. He recommended letting the City hire a planner, with the Town providing funding for 20 hours. Other arrangements would have to be made on an as-needed basis for any other services provided by the Town.

The Town Manager disagreed with Councilor O'Beirne's analogy and feels that the Mayor's concerns can be

addressed. He suggested that it is hard to justify making a contribution to the City because this is one community and if we behaved as one community, these arrangements would not be necessary. There is no issue of alliance because the planner is hired to do a job.

Councilor Billing stated she does not support Councilor O'Beirne's suggestion noting that the Town does not fund part of the City's other services.

Mayor Popp stated that in areas where the City overlaps, where the decision is made in the City to have a separate department such as recreation and building inspection, they don't expect any funding because those are choices the City has made. The City doesn't use the Town's Finance Department or Building Department, but the City's tax base pays for over a third of those services. Mayor Popp then stated that for those things the City is not enabled to do by legislation, the City wouldn't come and ask for shared funding.

Councilor Wright feels it is problematic to engage in a fee for services analysis since many taxpayers pay property taxes that are not based on consumption of services. She asked the Director of Planning and Development Services to comment.

Michael Murphy stated he has been involved in the planning program in the City for three administrations. The dynamics are different in the City. The 20 hours in the City have not historically been necessary, and the City hours have to be balanced with the needs of the Town. The number of hours have ranged from low to high, and the program has evolved. The planner's hours have been increased to 16 hours (4 half days). Other work for the City is done at the Annex. Mr. Murphy emphasized that he has been trying to manage a department that has been down three people while at the same time doing everything that the City has requested. He has already talked to the Mayor about having input into the planner's evaluations. Under the contract, the Town's interpretation has always been that the Mayor can assign work to the planner, but it has to be balanced with the needs of the City Planning and Zoning Commission. The Planning Director's role is technical advisor to the planner to be sure that the work is being done in accordance with statutes and public policy. Mr. Murphy noted he would welcome the opportunity to establish a staff review process in the City.

Councilor Kolnaski asked if the City Building Official works closely with the planner and Mr. Murphy stated yes, since he is also the Zoning Official. Mr. Murphy admitted that communication could be improved and it is difficult when someone is not in the office everyday. The Town would also like the planner to be involved in staff meetings. Councilor Kolnaski suggested that the Town Manager and the Director of Planning and Development work with Mayor Popp to work something out to bring back to the Council.

Councilor O'Beirne noted his concern with the dual chain of command since the City Planner reports to the Town's Director of Planning and Development. Mr. Murphy explained that the Town is extending professional consulting services to the City. It is a flowing arrangement between the Town and City. The Mayor, the Zoning Official, or anyone in the City can call the planner directly at any time, either at City Hall or Town Hall Annex. The planner is also willing to meet with people at the Annex if necessary.

The Town Manager explained that at the time the referral was made, Mayor Popp had forbade the planner from entering City Hall. In the mean time, the Town Manager and Mayor Popp spoke and for the time being, the Mayor has allowed the designated planner entry into City Hall. Councilor Sheets expressed surprise that the planner was banned from City Hall for a time, but according to the Mayor progress seems to have been made.

Councilor Wright summarized that the Town is providing professional planning services to the City, similar to outsourcing to an outside consultant. As professionals, the planners are interpreting and applying several different sets of regulations, and bringing their professional expertise to bear in that way for the Town and the subdivisions that have separate zoning. Councilor Sheets noted that the City of Groton, Noank and Groton Long Point all have their own zoning. She asked if these entities could seek assistance from the Town. The Town Manager noted that planning services have been provided to Noank and Groton Long Point over the years, but to a much lesser extent than in the City.

The Committee recessed at 8:20 p.m. and returned at 8:30 p.m.

**9/14/2004      Town Council Committee of      Discussed  
the Whole**

Town Manager Oefinger reported that he tried at the joint Town and City meeting to discuss a revised agreement, but it was clear that the Mayor of the City was not planning to respond. The City Council has made a request for \$80,000 to hire a planner. Town Manager Oefinger stated that he is concerned about sending

