



# Town of Groton, Connecticut

## Meeting Minutes

### Town Council Committee of the Whole

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

*Mayor Harry A. Watson, Councilors Dean Antipas, Kathryn M. Brown-Tracy, Bruce S. Flax, Catherine Kolnaski, Deborah B. Monteiro, Frank O'Beirne, Jr., Rita M. Schmidt, and Paulann H. Sheets*

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Tuesday, August 11, 2009

7:00 PM

Town Hall Annex - Community Room 1

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#### REGULAR MEETING

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1. **CALL TO ORDER**

*Mayor Watson called the meeting to order at 7:00 p.m.*

2. **ROLL CALL**

Members Present: Mayor Watson, Councilor Antipas, Councilor Flax, Councilor Monteiro, Councilor O'Beirne, Jr., Councilor Schmidt and Councilor Sheets  
Members Absent: Councilor Brown-Tracy and Councilor Kolnaski

*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**

**2009-0191 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 meeting of July 28, 2009 are hereby accepted and approved.

**A motion was made by Councilor Schmidt, seconded by Councilor Monteiro, to adopt.**

**The motion carried unanimously**

5. **UNFINISHED BUSINESS**

*None.*

6. **NEW BUSINESS**

**2008-0121 Condition of Chipperini Property on Library Street**

**A motion was made by Mayor Watson, seconded by Councilor Schmidt, to enter executive session at 7:02 p.m. to discuss the claim by the Town against Ultegra Inc. (Chipperini) and the pending claim of Ultegra Inc. against the Town, and to invite the Town Manager and Town Attorney Mike Carey to attend.**

**The motion carried unanimously**

*The executive session concluded at 7:25 p.m.*

**2009-0187 Results of Operations - FYE 2009**

**Discussed and Recommended no action taken**

*Paul Kadri, Superintendent of Schools, noted that Groton Public Schools was able to return approximately \$380,000 to the General Fund at the end of FYE 09. In addition to returning the funds, Mr. Kadri was able to complete some facility projects, purchase two vans, and purchase additional computers for the high school. Two remaining high priorities are replacement of old computers and the purchase of interactive board technology. Also a consultant was able to review Groton Public School's past application for federal funding for communication technologies and*

as a result of a successful appeal, the Town will be getting \$46,000 returned or as a credit, and the Town will qualify for additional funding in the future. Mr. Kadri then noted that the Town has received additional federal impact aid that was no longer expected to be received.

Mr. Kadri updated the Council on the hiring of a new high school principal, other personnel changes, and retirements. A grants administrator will be hired in an effort to increase grants to the schools. A security audit of the schools is currently being undertaken with the Town Police Department, which will aid in the development a security plan for the facilities. Mr. Kadri noted that the S. B. Butler parking lot, the Charles Barnum parking lot, and the West Side renovation projects are going exceptionally well. Other changes at Groton Public Schools will improve communications and include a new web site and introduction of a reverse calling system. Staff is addressing swine flu concerns and making technology changes that will facilitate remote education in the future if necessary. As discussed at budget time, the math curriculum has been rewritten and a pilot draft as been submitted to the Board of Education.

Discussion followed on the smart board technology and training of teachers. Mr. Kadri noted that teachers desire the technology making implementation and training easier. He reviewed a deployment and implementation timetable, and costs for the equipment and technology.

Sal Pandolfo, Director of Finance, presented preliminary unaudited numbers for FYE 2009. The audit will be completed at the end of the year. Mr. Pandolfo reviewed the attachments to his referral memo, noting expenditure and revenue variances. He noted that the state budget is still a big question mark; however, if there are no drastic changes from the Governor's proposal, staff would like to consider increasing the fund balance.

**2009-0123****Non-Resident Taxpayer Voting Authorization****Discussed**

Town Clerk Barbara Tarbox distributed information showing the results of a poll of Town Clerks in Connecticut (not including very small or very large towns) regarding this issue.

Discussion followed on establishing different criteria such as an increased assessment threshold or mandating absentee ballots. The Town Clerk reviewed the Town's past practice of allowing non-resident taxpayers to vote on referendum questions and how that was accomplished. The Town Manager noted that the Town Attorney has been asked to review this issue, but has not yet responded.

**2009-0185****Explanatory Text for Thames Street Rehabilitation Referendum****Discussed**

The Town Clerk then asked the Committee of the Whole to suspend the rules to add a referral to the agenda to authorize preparation of the explanatory text for the Thames Street Rehabilitation Referendum.

A motion was made by Councilor Schmidt, seconded by Councilor Monteiro, to suspend the rules and add 2009- 0185 Explanatory Text for Thames Street Rehabilitation Referendum to the agenda.

The motion carried unanimously.

The Town Clerk distributed a referral memo to the Council requesting authorization to prepare the explanatory text.

**A motion was made by Mayor Watson, seconded by Councilor Monteiro, that this matter be Recommended for a Resolution.**

**The motion carried unanimously**

**2009-0067****Merritt Farm Open Space**

**Discussed and Recommended no action taken**

Town Manager Oefinger briefly reviewed the history of this referral. Councilor Sheets asked Mike Murphy to state what authority he feels the Planning Commission has over the property owned by GOSA and the Department of Environmental Protection (DEP). Mr. Murphy explained that the Planning Commission's role and that of the Town in general has been to look at GOSA's proposal and how it relates to the Town's public policy with respect to trails. Mr. Murphy distributed a packet of information on this issue and noted that the cover memo addresses the specific questions raised by Councilor O'Beirne. Mr. Murphy cited sections of GOSA's application to DEP for funding with respect to consistency with Town plans. Councilor O'Beirne read his questions for other Councilors and the public.

Mr. Murphy reviewed a general chronology of the issue, information included in the packet of information, and concerns raised by the public and commissioners. The grant application was made by GOSA for multi-use trails and their movement away from the representations made in the application has raised issues of compliance. Staff has been collecting information, which included the due diligence of conducting research at DEP, and conducting a policy analysis.

Councilor Schmidt noted that commercial activity is not allowed on the GOSA site and the horse farm that wants to use the trails on the property is a commercial operation. Mr. Murphy explained that the horse farm is not located on the Merritt property and the specific issue is multi-use of the trails. These types of grant applications should include a management plan that addresses how the trails will be used. The Town's Master Trails Plan implies that trails on this property should be multi-use and it was on that basis that GOSA's grant application to DEP was approved. Discussion followed on liability issues. With respect to potential impacts to the property, Mr. Murphy noted that the Merritt property is not ranked high from an environmental standpoint.

Councilor Monteiro asked if staff asked DEP to pressure GOSA into anything. If not, she does not believe that the Council can do anything in this case. Councilor Monteiro noted that the issue may have been raised by an adjacent commercial interest, but the petition against restricting the trail usage was signed by 96 people and it should be addressed. Mr. Murphy stated that staff did not ask DEP to pressure GOSA to change anything. Ultimately, the Planning Commission may write a letter to DEP that may suggest that there needs to be some relationship between the grant requirements and compliance.

Councilor O'Beirne questioned what staff did ask DEP to do. He cited a June 9th memo from Matt Davis to the Planning Commission suggesting that DEP require GOSA to allow multi-use trails. Mr. Murphy noted this statement was in reference to DEP requiring compliance with the grant application.

Councilor O'Beirne stated that he does not understand why this site is an issue when there are other open space parcels that allow horses and bikes and those that do not. He does not see a role for the Council or the Planning Commission in this issue.

After a brief recess, Matt Davis, Manager of Planning Services, joined the meeting. Councilor O'Beirne asked what staff asked DEP to do, and specifically did staff ask DEP to pressure GOSA into changing their policy. Mr. Davis stated categorically no. Mr. Davis explained that he spoke to Dave Stygar of DEP about the grant program in general and the GOSA grant application specifically. Mr. Stygar stated that as long as GOSA is providing public access, DEP is not concerned with whether or not they follow through on the representations that GOSA made in their grant application.

Mayor Watson expressed an interest in seeing the Conservation Commission's and Planning Commission's comments. Mr. Murphy noted that the Parks and Recreation Commission has also

*expressed concern with the ability to implement the Master Trails Plan in light of GOSA's restrictions. Mr. Davis concluded by saying that this is not about legal rights, but about collaboration and the attempt to implement a public plan.*

*Councilor Sheets noted that open space dedications associated with developments have no relationship to a plan by a private property owner. People who contributed private funds to the purchase of the property are concerned that Mr. Davis's memo regarding the trails was not given to GOSA. The natural resource values of the Merritt property have been supported by the Town Conservation Commission. GOSA was not able to develop a management plan because they did not have full access to the property until they purchased it. Once the resources are evaluated, a plan will be developed and liability issues will be addressed.*

*A motion was made by Mayor Watson, seconded by Councilor Monteiro, to move this referral to the suspense list with the caveat that staff provide minutes and correspondence from other boards and commissions on this issue when available.*

*The motion carried unanimously.*

**2009-0154 Grove Avenue Subdivision/Mardie Lane**

**Discussed**

*Gary Schneider, Director of Public Works, explained that Lestertown Road and Grove Avenue are scheduled to be resurfaced. In the interest of controlling water runoff from Mardie Lane, staff is proposing that Mardie Lane be regraded to 15' wide and tipped to the south so that water goes into the storm system. The estimated cost of the additional work is under \$8,000. The work will not hinder further reconstruction of the road in the future, nor will it aid reconstruction. The Town Manager strongly recommends this project.*

**A motion was made by Councilor Schmidt, seconded by Councilor Sheets, that this matter be Recommended for a Resolution.**

**The motion carried unanimously**

**2009-0207 Steamboat Wharf Dredging - Update**

**Discussed**

*Town Manager Oefinger provided a brief history of this issue. Funds were previously appropriated for a dredging project.*

**A motion was made by Councilor Sheets, seconded by Mayor Watson, that this matter be Recommended for a Resolution.**

**The motion carried unanimously**

**2009-0039 Recommendations of the Task Force on Climate Change and Sustainable Community**

**Discussed**

*The Town Manager explained that if the Town's appeal to the Department of Energy is successful, the Task Force on Climate Change has a grant application in mind that would involve creating base line information, a strategic plan, and some projects.*

**A motion was made by Councilor Monteiro, seconded by Councilor Sheets, that this item be Recommended for a Resolution.**

**The motion carried by the following vote:**

**Votes:** In Favor: 6 - Mayor Watson, Councilor Flax, Councilor Monteiro, Councilor O'Beirne, Jr., Councilor Schmidt and Councilor Sheets

Opposed: 1 - Councilor Antipas

**2009-0152 Town Manager Annual Evaluation**

**Discussed**

*Mayor Watson noted receipt of five evaluations. A special meeting of the Committee of the Whole*

*was tentatively scheduled for August 18th at 6:30 p.m. to talk about this item.*

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

**Recommended for Deletion:**

**2009-0088 Community Oriented Policing Services (COPS) Funding**

**Recommended for Deletion**

**8. OTHER BUSINESS**

*None.*

**9. ADJOURNMENT**

*A motion was made by Councilor Monteiro, seconded by Councilor Schmidt, to adjourn the meeting at 9:50 p.m.*

*The motion carried unanimously.*