



Town of Groton, Connecticut

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Meeting Minutes

Town Council Committee of the Whole

Mayor Harry A. Watson, Councilors Heather Sherman Bond, Kathryn M. Brown-Tracy, Catherine Kolnaski, Deborah B. Monteiro, Frank O'Beirne, Jr., Rita M. Schmidt, Paulann H. Sheets, and James L. Streeter

Tuesday, December 9, 2008

6:00 PM

Town Hall Annex - Community Room 1

SPECIAL MEETING - REVISED

1. CALL TO ORDER

Mayor Watson called the meeting to order at 6:06 p.m.

2. ROLL CALL

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

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

3. Calendar and Communications

Councilor O'Beirne warned everyone about a new e-mail computer virus.

Mayor Watson distributed a request from Dave Holdridge to sign a letter along with other local mayors/first selectmen to support a request for money to do some engineering for the Bluff Point to Preston Trail. The consensus of the Council was to support signing of the document by the Mayor.

4. Approval of Minutes

2008-0300 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 meetings of November 5, 2008 and November 22, 2008 are hereby accepted and approved.

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

The motion carried unanimously

5. NEW BUSINESS

2008-0299 Department of Environmental Protection Grant for Mumford Cove Dredging

Discussed

The Town Manager explained that during the last legislative session the Mumford Cove Association started the process to secure funds for dredging. The grant was awarded, but the state has identified the Town of Groton as the contractor. The Town Manager expressed his disbelief that the state would give \$120,000 to the Mumford Cove Association, and then, after the fact, without contacting the Town, obligate the Town to be responsible for managing the project. If the state is supportive of the project, the state should have approached the Town to make the application on behalf of the Association. The Town Manager noted that the Town has little knowledge of the project, although it seems to be worthwhile.

John Sutherland, 32 Neptune Drive, a member of the Board of Directors for Mumford Cove Association, noted that the area proposed for dredging is used by many individuals outside of Mumford Cove. Residents also use it to access their docks. The Association has been working on

this project for some time with Docko Inc. Keith Neilsen of Docko Inc. showed the Council an exhibit of what the project entails and noted that the Association started working on DEP and Army Corps permits for dredging a year ago. The channel is 2000' x 100' wide, and is impacted by sand, silt and mud deposits. The DEP permit requires that dredged sand be deposited upland on Mumford Cove Association property (the beach), with other materials disposed of in open water. Mr. Neilsen explained the process which will use a deck barge so that the sand can be off loaded, dewatered, and then transported to the beach. This is a logistically difficult project that will be more time consuming and costly than originally anticipated.

Councilor Sheets asked if the Town has been included as an overseer of the project. Mr. Neilsen noted that he was not aware the Town would be on the contract until he was contacted by the Town Manager. He has never seen a contract administered like this where the Town is put in the contract administrator role. Councilor Sheets noted she is a resident of Mumford Cove who lives on the beach where the sand will be deposited and she found out about it through the newspaper.

Councilor Monteiro asked for the total cost of the project. Mr. Sutherland noted that any cost over the \$120,000 grant will be paid for by the Mumford Cove Association. Town permits are also required and the dredging process is subject to temperature and seasonal restrictions due to the effect on fish and shellfish. Councilor Monteiro asked if the Town will be guaranteed that it is not responsible for cost overruns. Mr. Sutherland noted that the contract is set up such that the Association pays the contractor.

Councilor Streeter asked for an estimate of what it will cost the Town to administer the grant. Town Manager Oefinger explained that if the Association anticipates having the work done by January 2009, it will not happen. The Town would have to enter into some kind of agreement with the Association. Mr. Sutherland noted that the DEP permit is good for three years and it can be extended. The permit is for a total of 21,000 cubic yards. It is the Association's intent to dredge as much as possible within fiscal constraints. The Association is willing to wait until January 2010 and in the interim, the Association will proceed with dredging on its own.

In response to Councilor Streeter, the Town Manager stated the costs to the Town are unknown. He asked Mr. Neilsen if dredging less than what is authorized by the permit is even an option. The Town Manager would like to have a meeting with the Mumford Cove Association, Docko Inc., and DEP. Mr. Sutherland stated that there was no formal request to the state for funding. It was a surprise and he assumes it was the result of a casual conversation with local legislators.

2008-0302**Community Foundation of Southeastern Connecticut Grant - Library****Discussed**

Acting Library Director Betty Anne Reiter noted that the library has received a \$100,000 grant from the Community Foundation of Southeastern Connecticut, but the grant still requires submission of an application. The Town has identified teens as a segment of the population that is underserved at the Library. The grant funds would be used to expand the teen area and upgrade the facilities. The Town must be able to sustain the plan after the grant is depleted, which is why facility upgrades were chosen. There is an existing teen librarian whose services can be better utilized after the improvements, and an existing teen program and materials. The Town must agree to not lower the Library's budget as a result of this grant.

Councilor Monteiro anticipates cuts in everyone's budget and she asked if accepting the grant would limit the opportunities to trim the Library's budget. Ms. Reiter and the Town Manager have met with representatives from the Community Foundation and they understand that there may be reasons that the budget is reduced that are not related to this project. The money can not be used for something that the Town was planning to do anyway. Councilor O'Beirne questioned sustainability of the project. Ms. Reiter reiterated that there is no need for additional staff and the grant will upgrade facilities. Town Manager Oefinger explained the proposal in more detail.

Recommended for a Resolution.

The motion carried unanimously

2008-0301 Adoption of Ordinance on Property Tax Relief

Discussed

Town Manager Oefinger noted that one individual spoke at the public hearing on this item. If approved, the ordinance will be forwarded to the RTM. Councilor Monteiro asked if the Council can choose not to fund the program in any year or if the Town is obligated to fund it under this program. Assistant to the Town Manager Lee Vincent noted that there is a provision for a maximum amount of funding. The Town Manager noted that any changes can be made by the Town Council by resolution. Councilor O'Beirne suggested that the ordinance must be amended in advance to eliminate the program in a future year. Councilor O'Beirne stated that he does not support the ordinance and he stated his reasons.

Town Manager Oefinger explained that the program is not "funded" by the Town; it reduces the amount of the grand list on which the mill rate is set. Also, the tax relief is the delta between the current taxes and the increased taxes.

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

The motion failed by the following vote:

Votes: In Favor: 2 - Councilor Schmidt and Councilor Sheets
Opposed: 6 - Mayor Watson, Councilor Brown-Tracy, Councilor Kolnaski, Councilor Monteiro, Councilor O'Beirne, Jr. and Councilor Streeter

2008-0265 Board of Education Storage Needs

Discussed

Director of Public Works Gary Schneider was present to review a memorandum on vacated schools and other structures that could be used for storage. The study looked at zoning requirements, fire code requirements, and building code requirements. Six sites were reviewed and three good candidates identified. A detailed report from Fuss & O'Neill notes that all facilities require work to meet code issues. Any site would require a loading dock and reconfiguration of asphalt areas. The current facilities used by the Board of Education for storage total approximately 26,000 square feet, which could be reduced to 10,000 square feet with an engineered, vertical racking system. Mr. Schneider outlined three options. Councilor O'Beirne questioned costs. The rough estimates are \$150,000 to \$250,000 to meet code requirements and make minor modifications. The cost for a new facility would be over \$1,000,000. The analysis was also reviewed by Director of Planning and Development Mike Murphy.

No action is required by the Town Council at this time. The study indicates the need to spend some money to address storage needs. Councilor O'Beirne asked for a more refined cost estimate for a storage facility.

2008-0266 Human Services Department - Discussion of Anticipated Needs

Discussed and Recommended no action taken

The Town Manager noted that statistical information was provided by Marge Fondulas as requested by the Council.

2006-0279 Developer Fees

Discussed

The Council received a history of this referral and a copy of the current land use application fee schedule. Councilor O'Beirne explained the purpose for this referral. He is concerned that more Town time is being spent on land use applications than is being recovered by the set fees. One idea is to escrow a developer's money and as Town time and money are spent, deduct it from the escrow account. In that way, the Town is paid for actual time spent on an application. The

developer is obligated to keep enough money in the account to pay Town costs.

Councilor Sheets supports the concept in principal. She asked Director of Planning and Development Michael Murphy how much revenue the new fee schedule is generating. Mr. Murphy noted that when the schedule was adopted, the Town looked at several approaches, but ultimately decided not to account for every minute of staff time spent on an application. For subdivisions, the fees reflect the time dedicated to review of plans. The hourly rates with benefits for engineers, planners, clerical and technical staff were considered. In general, it is too difficult to collect funds in advance based on initial discussions on an application. Subdivision fees are calculated on a per lot basis to reflect economy of scale savings. With respect to zoning and site plans, the fees reflect legal advertising costs only because those projects bring tax dollars to the community. Subdivision fees also include costs for anticipated inspections. On the engineering and inspection side, detailed construction inspections are primarily done by Public Works. Mr. Murphy believes there is an ordinance in place to address those inspection issues. The Town can look at the ability to charge additional fees, but discussions with the Town Attorney have indicated that fees tied to review of applications are more grounded and defensible.

Councilor O'Beirne is looking for the pros and cons of implementing such a program and charging billable hours for complex projects, not the average cost of an application. The Town Manager noted that some communities have application fees that are so outlandish they can not be justified and others are on the low end of the scale. The Town Manager noted that staff can do an updated survey of what other towns are doing, but ultimately this is a philosophy issue. The fee structure for subdivisions is very different from what was applied to commercial/economic development (a drain on Town resources vs. an increased tax base). There was an effort in the 1980s to collect inspection fees and it was an accounting nightmare. It would be better to increase the fees than account for inspection costs.

2006-0282

School Improvement Project - Phase II

Discussed

An excerpt of the draft report was provided to the Council. The next meeting of the School Design Committee is January 8, 2009. The consultant met with Dr. Mitchell and the new superintendent, Paul Kadri, to refine the program for the middle schools to narrow the gap between what was desired and what was reimbursable. Mayor Watson would like the Council to meet with the Committee before the final report is submitted.

Councilor Sheets questioned the racial balancing issue and its impact on the report. She asked for a confirmation from the State Department of Education, Attorney General, and the Town Attorney that using racial balancing as the primary factor in redistricting is legal, given a recent Supreme Court decision. The Town Manager asked Councilor Sheets to send him an e-mail with her request.

It was proposed that the Council meet with the School Design Committee and the Permanent School Building Committee toward the end of January or beginning of February.

2007-0304

Review of Financial Incentive Policy

Discussed

The Town Manager briefly reviewed the history of the referral. Councilor O'Beirne suggested that Councilors review the policy and suggest changes to be discussed at a future meeting.

2008-0026

Policy Concerning Disposition of Foreclosed Properties

Discussed

Councilor O'Beirne questioned the status of this referral. The Town Manager thought this issue was resolved when a process was proposed by the Town Attorney that would require that the Town Council determine if a foreclosed property is to be used or reserved for Town purposes.

Councilor O'Beirne had suggested that the policy be included in the revised Charter, but this was not done. Councilor O'Beirne distributed a proposed policy whereby all property acquired by the Town would be deemed reserved for Town purposes, requiring Town Council and sometimes RTM approval for disposal.

Councilor Monteiro noted that if a property is foreclosed for taxes, disposal of the property is designed to recoup the taxes. She expressed concern that the Town Council and RTM could prevent disposal of a piece of property. Councilor O'Beirne noted that the Charter does not define a mechanism for determining if a piece of property is to be used or reserved for Town purposes.

Councilor Monteiro suggested that the Council review a parcel and determine if it should be kept, and if not, it would be disposed of in the traditional method. The Town Manager noted that Councilor Monteiro's suggestion is more in line with the Town Attorney's recommendation. It was noted that foreclosure for taxes is an infrequent occurrence.

A motion was made by Councilor O'Beirne, Jr., seconded by Councilor Sheets, to recommend a resolution stating that the Council policy is that real estate acquired by the Town through any means, including but not limited to purchase, gifting, trade or acquisition resulting from foreclosure or other procedures, shall be deemed reserved for Town purposes as specified in the Town Charter; and it shall not be disposed of without the approval of the Council, and if required, the RTM; and any proposed disposal shall be referred to the Planning Commission.

The motion failed by the following vote:

Votes: In Favor: 2 - Councilor O'Beirne, Jr. and Councilor Sheets

Opposed: 6 - Mayor Watson, Councilor Brown-Tracy, Councilor Kolnaski, Councilor Monteiro, Councilor Schmidt and Councilor Streeter

Discussed

The Town Manager reiterated that the Town's standard operating procedure as of a year and a half ago is that the Town Council will review any property to determine whether or not to keep it, in accordance with the procedure outlined in the Town Attorney's letter. If the Council would like a resolution outlining the procedure, the Town Manager will prepare it. Mayor Watson asked Councilor Monteiro to draft a resolution and send it to the Town Manager.

2008-0247

Budget Guidelines for FYE 2010

Discussed

The purpose of having this item on the agenda is to consider meeting with Groton Long Point and the City of Groton to discuss the FYE 2010 budget. Councilor O'Beirne asked what guidance will be given to them. Councilor Monteiro would like to meet with the two entities, recognizing that they can not be forced to do anything. Mayor Watson noted that the Council is already meeting with the City Council in January and this item can be added to the agenda.

The Town Manager noted there is a very specific procedure for discussing the Highway Budget with the City. It is more formal than what has been done in the past few years. The Town Manager stated he will provide copies of the procedure to the Council.

2008-0303

Amendment to Department of Environmental Protection Grant and Loan Agreement - Water Pollution Control Facility Upgrade Project

Discussed

Gary Schneider and Carl Almquist were present to address the Council. The original grant for the WPCF was \$20.9 million, with \$3.4 million coming from two local funding sources. Carl Almquist and the project engineer met with DEP on numerous occasions to find additional funding. As a result, a number of CIP projects that were to be funded by the Town were approved by DEP for additional grant funds and 2% loan funds, and the total WPCF project cost increases to \$22.9 million. The bottom line is that the local share of the project decreases by \$1.6 million, which brings the undesignated fund balance in the enterprise fund up.

The Town Manager noted that there is an additional resolution on non-discrimination policies that may or may not be necessary after further discussion with the bond attorney.

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

The motion carried unanimously

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 7:38 p.m. to discuss the condition of the Chipperini property on Library Street, and to invite the Town Attorney, Town Manager, and Director of Planning and Development Services to attend.

The motion carried unanimously

The executive session concluded at 7:58 p.m.

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

Councilor Sheets distributed copies of a communication to the Town Manager asking him to investigate the issue of referendums on school contracts.

2007-0299 Strategy and Negotiations Concerning Collective Bargaining

Recommended for Deletion

7. ADJOURNMENT

A motion was made by Councilor Kolnaski, seconded by Councilor Schmidt, to adjourn the meeting at 8:54 p.m.

The motion carried unanimously.