



Town of Groton, Connecticut

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Town Clerk (860)441-6640
Town Manager
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Meeting Minutes

Town Council

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 18, 2007

7:30 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

I. ROLL CALL

Mayor Harry Watson called the meeting to order at 7:32 p.m.

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, Town Clerk Barbara Tarbox, and Assistant Town Clerk Sally Whitney.

II. SALUTE TO THE FLAG

The Salute to the Flag was led by Emily Merritt, a Groton student.

III. RECOGNITION, AWARDS & MEMORIALS

None.

IV. CITIZENS' PETITIONS, COMMENTS AND CONCERNS

Rocco Pagluico, 235 Lestertown Road, stated that he is opposed to the Town Council granting the tax incentive to Groton Hospitality and other future business developers. He mentioned that businesses will continue to develop in Groton without offering tax incentives. He believes the incentives are unfair to businesses that have been operating in Groton for a long time. He feels that the Council is not representing the voice of the people by granting these tax incentives. He noted that eleven people opposed the tax incentive approved for Lighthouse Square in 2002 and that no one spoke in favor of granting it. He does not believe that these tax incentives help attract businesses to Groton and wants the program abolished.

He mentioned that the Town and Board of Education need to be frugal and, reduce future spending. These steps are necessary in order to achieve a level service budget as requested by the budget guidelines approved by the Council.

John Sutherland, 32 Neptune Drive, provided an example of the school project information that he would like posted on the Town's website. He feels that the data recently posted on the Town's website is incomplete and that some assertions are incorrect. He reviewed his draft outlining the categories of information that he would like provided for each school project. He suggested that the next step would be to report on the State reimbursements received for each school project.

V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS

Councilor Streeter stated that four currently-serving Councilors were not part of the decision to grant a tax incentive to Lighthouse Square.

Councilor Sheets remarked that two of the Councilors serving both then and now had voted to oppose the incentive granted to Schochet Associates.

VI. CONSENT CALENDAR

a. Approval of Minutes

2007-0297 **Approval of Minutes (Town Council)**

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council meeting of December 4, 2007 are hereby accepted and approved.

This Matter was Adopted on the Consent Calendar.

b. Deletions from the Town Council Referral List**2006-0120 Community Wide Police Study**

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

2006-0317 Impact of State Campaign Finance Law on Groton

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

2007-0017 Re-establishment of Tolls on Connecticut Interstate Highways

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

2007-0117 Tax Impact on Non-Residential Property

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

2007-0141 Impact of Revaluation Phase-In

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

2007-0211 Panhandling Ordinance

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

2007-0295 Contract Agreement Between the Groton Board of Education and the Association of Groton School Administrators

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

2007-0289 Chelsea Groton Foundation Grant - Arts Cafe

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

2007-0166 Request for Financial Incentive - Groton Hospitality, LLC

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

2007-0291 Appointment of Other Attorneys

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

2007-0293 Groton Utilities Easement - Catherine Kolnaski School

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

c. Special Trust Fund Contributions**2007-0287 Special Trust Fund Contributions**

RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS

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

A. H. Gildersleeve - \$150.00 - Library Discretionary
Various Donations - \$1,295.00 - Groton Utilities Energy Assistance Program
Groton Utilities Matching Funds - \$661.86 - Groton Utilities Energy Assistance Program
Annie and Benjamin H. Philbrick - \$50.00 - Arts Cafe
Pfizer Foundation Volunteer Program - \$1,000.00 - Library Discretionary
Madeleine Provost (in memory of Annie Haddon) - \$75.00 - Animal Shelter

This Matter was Adopted on the Consent Calendar.

Passed The Consent Calendar

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

The motion carried unanimously

VII. COMMUNICATION REPORTS (Other than Committee Reports)

a. Town Councilors

Councilor Streeter reported that the Temporary Rules Committee met prior to this meeting. A discussion of proposed deletions and additions to the Rules took place. A draft of the changes will be provided in the next Committee of the Whole packet, and a review and discussion is scheduled for the January 8, 2008 Committee of the Whole meeting.

Councilor Kolnaski attended the Chamber of Commerce Annual Meeting on December 6, 2007. She attended the Ledge Light Health District Finance Committee meeting on December 5, 2007 and the regular Ledge Light Health District meeting on December 13, 2007 at which their budget was approved.

Councilor O'Beirne reported receiving four e-mails in opposition to the tax incentive for the Hilton Garden Inn and one call about the water supply and piping issues at Northeast Academy which he forwarded to the Town Manager.

Councilor Sheets received one call concerning tree trimming. The Town Manager clarified that the Public Works budget line item for tree trimming has been affected by recent budget cutbacks. He expects to review that item in this year's budget and possibly propose an increase in that account. He stated that Groton Utilities and CL&P have a tree trimming program in place. He confirmed that the Town refers residents concerns to Groton Utilities and CL&P for trees affecting power lines.

Councilor Schmidt received three e-mails concerning the tax incentive for Groton Hospitality, one e-mail about the water issue at Northeast Academy and one concern that the Board of Education has not responded to a resident inquiry about the possibility of before- and after-school child care at Northeast Academy. She praised the Town's Public Works Department for the superb job of snow plowing during the two recent storms.

Councilor Monteiro received one concern about the sidewalk situation in front of Catherine Kolnaski School which she forwarded to Town staff; six e-mails in reference to the referral made by Councilor Sheets about the website school information and an e-mail regarding the Northeast Academy water supply issue. She received one concern that the tax incentive policy should be reviewed and noted that a referral has been made. She attended the Chamber of Commerce Annual Dinner.

Councilor Brown-Tracy reported receiving all the previously mentioned e-mails.

Mayor Watson reported receiving the same e-mails. He volunteered at the Human Services Christmas Food and Toy Basket distribution on December 14, 2007. On December 11, 2007 he was part of a welcoming committee at Fitch Senior High School for a Chinese educational group visiting Groton and Connecticut. He attended the Mystic Chamber-Mystic Cooperative Task Force meeting on December 10, 2007 and the Electric Boat Annual Breakfast on December 6, 2007. He went on a tour of Northeast Academy on December 5, 2007. He reported that the Town received a holiday gift donation of \$1,000 from the Town Attorney's firm of Suisman Shapiro to the Social Services Energy Assistance program. He noted that the Catherine Kolnaski School dedication ceremony is set for January 26, 2008 and Northeast Academy is scheduled for February 2, 2008. He mentioned that he and Chairman Beverly Washington of the Board of Education have arranged to meet and speak with residents on January 12, 2008 at 10:00am at the Groton Public Library.

b. Representative Town Meeting

No report.

c. Clerk of the Council

No report.

d. Town Manager

The Town Manager informed the Council that Bob Kelly, former Town Recreation Director for many years, passed away and that he will be attending the services tomorrow morning.

He announced that Town Offices will be closed on December 24 and 25, 2007 and January 1, 2008.

He mentioned that if there are no objections or other suggestions from the Council, the old voting machines will be disposed of as scrap metal since no alternative uses have been identified.

e. Town Attorney

No report.

VIII. COMMITTEE REPORTS

a. Community & Cultural Development - Chairman Brown-Tracy

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/Energy - Chairman Sheets

No meeting, no report.

e. Finance - Chairman Schmidt

Councilor Schmidt read the minutes from the meeting held on December 11, which are on file in the Town Clerk's office.

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

Councilor O'Beirne read the minutes of the meeting held on December 11, which are on file in the Town Clerk's office.

g. Public Safety - Chairman Streeter

Councilor Streeter read the minutes of the meeting held on December 11, which are on file in the Town Clerk's office.

h. Public Works/Recreation - Chairman Monteiro

No meeting, no report.

i. Committee of the Whole - Mayor Watson

There was a Committee of the Whole meeting held on December 11 and several items on tonight's agenda are a result of that meeting. The Mayor noted that a special Committee of the Whole meeting was held prior to this meeting which included an executive session to discuss collective bargaining. The Committee also received clarification on a Resolution Authorizing Support of NonDiscrimination Agreements and Warranties. The Council may suspend the rules and vote on this item later in this meeting.

Mr. Oefinger provided clarification concerning the Public Safety Committee report. He remarked that he will provide a copy of the scope of services formulated by Joe Sastre for the request for proposal in regards to the Town-wide Fire Protection Analysis. He also clarified that the Police Chiefs have met but have not been able to draft a scope of services to be provided to an independent analyst for a study on Town-wide police services.

IX. UNFINISHED BUSINESS**X. NEW BUSINESS****2007-0289 Chelsea Groton Foundation Grant - Arts Cafe**

RESOLUTION AUTHORIZING A GRANT FROM THE CHELSEA GROTON FOUNDATION FOR ARTS CAFÉ - MYSTIC

WHEREAS, the Arts Café - Mystic program, which is now in its fourteenth year, is a national award-winning performance series that depends on grants for its operations each year, and

WHEREAS, the program currently needs funding to pay for featured writers, musicians and local voices for the three Spring, 2008, performances, and

WHEREAS, a grant from the Chelsea Groton Foundation would help to fund such performances, now therefore be it

RESOLVED, that the Town Manager may apply for a grant of \$3,500 from the Chelsea Groton Foundation.

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

The motion carried unanimously

2007-0166 Request for Financial Incentive - Groton Hospitality, LLC

RESOLUTION APPROVING A ONE-YEAR TAX ABATEMENT FOR GROTON HOSPITALITY, LLC

WHEREAS, the Town of Groton may offer tax and other financial incentives to encourage quality development when the Town Council deems such action to be in the best interest of the community, and

WHEREAS, an enhanced and upgraded building façade for a new hotel is desirable for its appearance and for the fact that it will add value to the building, thus increasing its long term assessment, and

WHEREAS, the Hilton Garden Inn constructed by Groton Hospitality, LLC on Gold Star Highway provides several appearance enhancements that meet the Town Council's expectations, and

WHEREAS, the Town Council has considered three approaches to calculating an abatement and has chosen the smaller of the alternatives, now therefore be it

RESOLVED, that the Town Council grants to Groton Hospitality, LLC an abatement of \$61,125 in the first tax year of their operation, and be it

FURTHER RESOLVED, that the Town Manager may enter into an agreement with the property owner/developer to assure that all terms and conditions of the granted financial abatement will be met.

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

MOTION TO AMEND

A motion to amend the title of the Resolution by deleting the word "incentive" and replacing it with "abatement" and adding "one year" was made by Councilor Sheets, seconded by Councilor Monteiro.

Councilor O'Beirne commented that the word "incentive" should be replaced with the word "gift". Councilor Schmidt stated that she will be changing her vote and opposing this Resolution as she

feels that it may obligate the Town to provide such tax abatements to future developers and other businesses that upgrade their property.

Mr. Vincent clarified that the word "incentive" in the last resolve should be changed also.

VOTE ON THE MOTION TO AMEND

The motion to amend carried unanimously.

Councilor O'Beirne commented that he opposed this resolution in Committee of the Whole and will do so now. He stated that his concerns are for the Poquonnock Bridge taxpayers as the impact of this tax abatement would affect not only the Town's tax rate but the Poquonnock Bridge Tax District rate. He feels that no explanation was provided on how the abatement is to be accomplished and noted that the assessment must be changed to arrive at the proper tax abatement.

Councilor Monteiro noted that she understands the concerns expressed by Councilors Schmidt and O'Beirne but feels that this developer is part of the community since he is completing his second hotel in town. She feels strongly that there is a problem with the policy and that it needs to be reviewed. She noted that the Council can make changes to the policy to avoid future problems. The Mayor verified with the Town Manager that the referral concerning this has already been made.

Councilor Streeter noted that the Town has not been inundated with requests for tax abatements for projects similar to Lighthouse Square over the last several years.

Councilor Kolnaski stated that the wording of the policy allows for consideration on a case-by-case basis.

VOTE ON THE RESOLUTION AS AMENDED:

The motion carried by the following vote:

Votes: In Favor: 5 - Mayor Watson, Councilor Kolnaski, Councilor Monteiro, Councilor Sheets and Councilor Streeter

Opposed: 3 - Councilor Brown-Tracy, Councilor O'Beirne, Jr. and Councilor Schmidt

2007-0291

Appointment of Other Attorneys

RESOLUTION APPOINTING OTHER ATTORNEYS AS RECOMMENDED BY THE TOWN ATTORNEY

WHEREAS, the Town Charter, at 5.1, provides that the Town Attorney may, with the approval of the Town Council, appoint attorneys to perform specialized services or otherwise to assist the Town Attorney, and

WHEREAS, it has been advantageous for the Town and for the Board of Education to have attorneys appointed for particular issues and assignments and for cases where the Town Attorney and associates cannot for other reasons (e.g., conflicts) represent the Town, and

WHEREAS, the Town Attorney is empowered by the Charter to recommend the terms of employment of such attorneys, therefore be it

RESOLVED, that pursuant to the recommendation of Town Attorney Duggan, the following attorneys may be appointed and continue to serve in the assignments indicated, under terms prescribed by the Town Attorney, until such time as their replacements may be approved by the Town Council:

Board of Education Attorneys (from Berchem, Moses & Devlin, P.C.)

Marsha B. Moses
Michelle C. Laubin
Carolyn Dugas

Floyd J. Dugas
Warren L. Holcomb
Thomas Carroll
Melanie Brooks

Bond Counsel (from Day Pitney, LLP)

Theodore See
Doug Gillette
Sam Caligiuri
Judith Blank
Namita Shah
Peter Wilson

Other Attorneys

Edward O'Connell - Property and Litigation Issues
Tricia Haught Foley - Environmental Issues

A motion was made by Councilor Streeter, seconded by Councilor Schmidt, that this matter be Adopted.

The Mayor clarified that this item approves the list of specialty attorneys as recommended by Eileen Duggan, the Town Attorney.

The motion carried unanimously

2007-0293 Groton Utilities Easement - Catherine Kolnaski School

RESOLUTION APPROVING A UTILITIES EASEMENT IN FAVOR OF GROTON UTILITIES

WHEREAS, a utility easement in favor of Groton Utilities is needed to provide utilities services to the site of the Catherine Kolnaski School, presently under construction, now therefore be it

RESOLVED, that the Town Council grants the requested utility easement and that the Town Manager may execute any required ancillary documents in favor of Groton Utilities, Inc., as are necessary to provide all needed utility services to the site of the Catherine Kolnaski School.

A motion was made by Councilor Kolnaski, seconded by Councilor Brown-Tracy, that this matter be Adopted.

The motion carried unanimously

XI. OTHER BUSINESS

Suspension of the Rules

A motion to Suspend the Rules to consider a Resolution Authorizing Support of Nondiscrimination Agreements and Warranties was made by Councilor Kolnaski, seconded by Councilor Sheets and so voted unanimously.

2007-0292 Policy Supporting Nondiscrimination Agreements and Warranties

RESOLUTION AUTHORIZING SUPPORT OF NONDISCRIMINATION AGREEMENTS AND WARRANTIES

WHEREAS, Public Acts 07-142 and 07-245 support nondiscrimination against persons on account of their race, color, religious creed, age, marital or civil union status, national origin, ancestry, sex, mental retardation, physical disability or sexual orientation, and

WHEREAS, compliance of the Town of Groton, in accordance with all of its documents of governance and management and the laws of Connecticut, is required for any contract between the Town and the State that has not been signed by both parties, and

WHEREAS, the Town of Groton now has and expects to continue to have in the future pending before the State of Connecticut contracts and/or agreements, therefore be it

RESOLVED, that the Town of Groton adopts as its policy to support the Nondiscrimination Agreements and Warranties required under Connecticut General Statutes Section 4a-60(a)(1) and section 4a-60a(a)(1), as amended in State of Connecticut Public Act 07-245, Section 9(a)(1) and 10(a)(1) of Public Act 07-142, as those statutes may be amended from time to time.

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

The motion carried unanimously

XII. ADJOURNMENT

A motion to adjourn at 8:30 p.m. was made by Councilor Kolnaski seconded by Councilor Sheets and so voted unanimously.

Attest:

*Barbara Tarbox, Town Clerk
Clerk of the Council*

Sally Whitney, Assistant Town Clerk